The ninth review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held in New York on 27 April–22 May 2015 under the presidency of Ambassador Taous Feroukhi of Algeria. Like its predecessors in 1980, 1990 and 2005, it failed to reach a consensus final document.

It bore a number of other superficial similarities to these prior failures, and especially to the 2005 conference, at which Egypt played a major blocking role. In some respects, however, the 2015 outcome was more disappointing. Unlike in 2005, when it was clear from the outset that nothing would be achieved, there was an expectation in the lead-up to 2015 that it might be possible to build on the 2010 consensus final document, which was both forward-looking and substantive. In particular, many believed it would be possible for the 2015 conference to assess the implementation of the 2010 Action Plan (which laid out 64 benchmarks, as well as a set of recommendations dealing with the Middle East), perhaps leading to the prioritisation of next steps. Yet these expectations were not met. The purpose of this article is to explain why, and to evaluate the health of the review process more generally, assessing its adequacy for addressing contemporary proliferation challenges.

The conference’s main outcome – its failure to secure an agreed final document – in itself was neither unusual nor necessarily indicative of a regime
in dire straits. The NPT review process has faltered in the past but recovered, and its smooth functioning should not be equated with the viability of the treaty itself, or the health of the broader set of non-proliferation arrangements and institutions, of which the review process is but one component.

Moreover, the test that determines whether an NPT review conference is deemed a success is not very demanding. Typically, conferences that produce a consensus final document are regarded as successful, while those that do not are judged to be failures. This standard tends to exaggerate the long-term value of what often are lowest-common-denominator agreements that are never implemented, and to discount the possible benefits of conference deliberations that fall short of consensus but contribute to disarmament and non-proliferation outside of the NPT review process. For example, the widely applauded product of the 2000 NPT review conference, the so-called ‘13 practical steps’ for nuclear disarmament, were more honoured in the breach than the observance, while the generally barren 2005 conference gave a big boost to an initiative to minimise the use of highly enriched uranium in the civilian nuclear sector.¹

There is a popular view that review conferences operate in a cyclical fashion, alternating between success and failure every five years. Although this interpretation does not correspond perfectly with the historical record and ascribes more automaticity to the process than is justified, it illuminates how a conference failure may raise the stakes for the next conference, possibly leading to greater flexibility on the part of conference participants. Thus, the abject failure of the 2005 conference to produce any agreed recommendations probably contributed to the readiness of negotiators in 2010 to strike significant deals regarding nuclear disarmament and the Middle East. Success in 2010 may in turn have diminished expectations and pressure for a consensus outcome in 2015. That being said, the specificity of a number of the disarmament items in the 2010 Action Plan, and the identification of a date by which a conference on a potential WMD-free zone in the Middle East was to be convened (a date that was missed), ensured that significant issues would be at stake for many countries at the 2015 conference.

Historically, the major dividing line at NPT review conferences – and indeed at most other international nuclear negotiations – has been between
nuclear-weapons states and non-nuclear-weapons states. The solidarity within these two basic categories of states has varied over time and with respect to specific issues, but typically the interests of Washington and Moscow have coincided on NPT-related matters, a tendency that was evident even during the Cold War. The United Kingdom generally has worked in tandem with the United States, and although the positions of China and France have been more difficult to predict, the two have sided with the other nuclear-weapons states on most issues. For their part, the non-nuclear-weapons states have tended, within the framework of the NPT review process, to divide between those that are members of the Non-Aligned Movement (NAM) – by far the largest formal political grouping of states – and those that are military allies of the United States.

Although one should not exaggerate the like-mindedness of states within the NAM or any of the other numerous regional and political groupings, more often than not, non-nuclear-weapons states have promoted the urgency of nuclear disarmament at NPT review conferences, while nuclear-weapons states have emphasised the need for greater action on non-proliferation. There were few indications in the lead-up to the 2015 conference that these basic divisions had changed in any significant way, although the nuclear-weapons states, at times, found it difficult to harmonise their approaches toward some nuclear-disarmament measures. It also was uncertain how the deterioration in US–Russian relations following the outbreak of the Ukrainian crisis in spring 2014 would affect the long tradition of cooperation between Moscow and Washington in the NPT review process. What soon became evident at the 2015 conference was that a number of traditional groupings and coalitions active in nuclear politics had become fractured, and were showing signs of having lost sight of their raison d’être. This prompted one astute observer to describe them as the new ‘gangs of New York’.  

What went wrong
A common view among analysts – and one that Russia and Egypt in particular would like to reinforce – is that the 2015 conference would have been successful were it not for the obstructionist stance taken by the
United States (with support from the United Kingdom and Canada), which at the last moment blocked approval of the Russian-brokered text on the Middle East. This view is at best misleading and, in some of its guises, disingenuous.

It is misleading for several reasons. Firstly, it suggests far more support for the conference president’s draft text than was ever the case. As will be discussed in more detail below, nothing resembling the draft final document was available to the conference as a whole until the early-morning hours of the last day of the conference. Indeed, as numerous participants in the invitation-only Focus Group negotiations on disarmament have recounted to the author, the language on nuclear disarmament that found its way into the draft final document was not a negotiated, agreed text, as differences among Focus Group members grew rather than diminished over time. Similarly, the language in the draft final document dealing with the non-proliferation and peaceful-use pillars was crafted by the chairs of the relevant Main Committees (2 and 3) in a way that they believed might enjoy consensus. But the text itself was neither discussed nor endorsed by those committees, as major differences remained at the time that the committees ceased to meet.

The language in the draft final document on the Middle East also departed significantly from what had been discussed in the relevant Subsidiary Body (SB 2), and drew heavily on language proposed at the last moment by Russia, presumably with the blessing of Egypt. That language, however, was never agreed to by two of the three 2010-mandated state conveners of the WMD-free zone in the Middle East, and the deliberations on the subject were still ongoing up to the moment when the conference president submitted her text – over the objections of two of the conveners.

As such, at the time delegates assembled for the last plenary on the afternoon of 22 May, the president could accurately have reported that, despite her best efforts, it had proved impossible to reach consensus. That would have been a factual depiction of the state of play at the time. Instead, it fell to the United States (along with the United Kingdom and Canada) to express opposition to the proposed draft final document because of the section dealing with the Middle East, opposition which it had made abundantly
clear in the closed negotiations among a small group of states. The outcome, in other words, should not have been a surprise.\(^5\)

The narrative that the draft final document was derailed due to the opposition of three states, led by the United States, also fails to reflect the pronounced lack of enthusiasm for the proposed final text among key advocates for much stronger language on nuclear disarmament, as well as a pair of nuclear-weapons states, which found it difficult to accept even the modest ‘Action Plan Plus’ text, which went beyond anything to which they had previously agreed. Indeed, several analysts have advanced the hypothesis that, had it proved possible at the last moment to reach a deal on the Middle East, a coalition of non-nuclear-weapons states might have attempted to block what they regarded as unsatisfactory text dealing with disarmament.\(^6\) Although the author is unaware of any solid evidence consistent with that thesis, it is fair to say that no political or regional grouping–be it the NAM, the New Agenda Coalition (NAC), the Non-Proliferation and Disarmament Initiative (NPDI), the five permanent members of the UN Security Council, the Vienna Group or the Arab Group–was enthusiastic about the content of the overall draft text. Several of the most outspoken disarmament advocates at the 2015 conference, including Austria, Cuba, Mexico, New Zealand and South Africa, were visibly disenchanted with their failure to obtain more forceful language related to the Humanitarian Impact of Nuclear Weapons Initiative (on which more below), while others appeared relieved by the conference decision, choosing not to make any closing statements.

To be sure, dissatisfaction with lowest-common-denominator texts is almost inevitable whenever these are negotiated in multilateral forums encompassing a wide range of views and in which consensus is the decision-making norm. Something similar happened in 2010, when many NAM members believed they had ceded too much to the nuclear-weapons states on nuclear disarmament. In 2010, however, a very skilled Egyptian diplomat and deal-maker was able to forge a broad consensus in
support of his text – assisted by the fact that, at the time, Egypt chaired both the NAM and the NAC, and due to the readiness of most non-Middle Eastern NAM members to defer to the priority Egypt placed on obtaining recommendations on a WMD-free zone in the Middle East. Quite different circumstances characterised negotiations in 2015. Not only was there no deal-maker in attendance, but the chair of the NAM, Iran, was itself less than enthusiastic about the text promoted by Egypt on behalf of the Arab League. The unanticipated departure of Indonesia as chair of the NAM Working Group on Disarmament on the eve of the conference (discussed in more detail below) also catapulted Iran into the role of principal mouthpiece for the NAM on disarmament. Although the country appears to have acquitted itself well in the disarmament Focus Group, it received far less complimentary reviews for the manner in which it chaired the NAM during the conference. In particular, representatives from a number of states complained about how a few states were able to ramrod through their preferred positions without meaningful consultations or debate, a process that also characterised the adoption by the Arab League of the Egyptian-inspired conference paper on the WMD-free zone. The result of this largely non-consultative decision-making process within the NAM and the Arab League was the inclusion of language in the draft final document that did not reflect the national positions of many states.

Finally, the prevailing narrative about the 2015 review conference blaming the US for blocking consensus is disingenuous because it was in fact Egypt that worked the hardest to stymie any agreement. It repeatedly objected to almost every paragraph proposed by others on issues related to non-proliferation, safeguards, export controls and even the Comprehensive Test-Ban Treaty, including language that had already been agreed to in the 2010 final document. Moreover, while the US certainly had major reservations about some of the more popular proposals that were broached, it typically displayed more flexibility than the other nuclear-weapons states – especially France and Russia – on the most contentious issues before the Main Committees (MCs) and Subsidiary Bodies (SBs). This flexibility was particularly noteworthy with respect to provisions on disarmament, which were addressed during the conference’s last week, in the small Focus Group.
Disarmament: how much is enough?

Prior to the start of the 2015 conference, most states had modest expectations about what it would achieve. Unlike past conferences, there was no shared sense of urgency deriving from the view that the stability of the non-proliferation regime depended on a ‘successful outcome’. There was, however, a widely shared assessment that the conference would have to find a way to take account of the groundswell of support for the Humanitarian Impact of Nuclear Weapons Initiative, which had arisen during the previous review cycle. This expectation was reflected in the opening statements made by many states during the first week of general debate at the conference, as well as in two joint statements specifically about the initiative, one by Austria on behalf of 159 states, and a second by Australia on behalf of 26 states. The main difference between the two statements was the former group’s emphasis on the non-use of nuclear weapons ‘under any circumstances’, a phrase that is unacceptable to most US military allies, which regard nuclear deterrence to be enhanced by a credible second-strike capability.

By the end of the conference’s third week, it was clear to most delegates that little additional progress on disarmament language, either reviewing past commitments or establishing forward-looking goals, could be accomplished in MC 1 or SB 1. It was not surprising, therefore, that conference president Taous Feroukhi convened what she referred to as a ‘Focus Group’ representing 19 states to meet outside of the regular conference venue for the purpose of trying to find consensus language on nuclear disarmament. Similar approaches involving variously designated ‘friends of the president’ had been used to good effect in 1995 and 2010. Although it remains unclear precisely how the list of 19 states was devised (some participants have suggested that at least one state invited itself), the group consisted of the five permanent members of the UN Security Council (P5) and the entire six-country membership of the NAC, as well as Austria, Australia, Cuba, Indonesia, Iran, Japan, the Netherlands and Sweden. The meetings of the Focus Group, which met at the Algerian mission, were chaired either by President Feroukhi or, in her absence, by Swiss Ambassador Benno Laggner, who also served as the chair of SB 1.
Little information about the work of the Focus Group was provided by the president to delegates at the various plenary meetings during the last week of the conference—her remarks could usually be summarised as ‘The gap is still wide, but efforts are being made to narrow it’, or ‘There is nothing substantive to report’. While some delegations could rely on their political or regional groupings to obtain more details, representatives from many countries that were not part of the Focus Group had only sketchy knowledge of what was taking place. In retrospect, that is not surprising, as little headway was being made in the negotiations among Focus Group members. In fact, the divide between the positions of the nuclear- and non-nuclear-weapons states on the key issues grew rather than diminished. These disagreements largely mirrored those that had arisen earlier in MC 1 and SB 1. Among the most contentious issues were those dealing with the Humanitarian Impact Initiative, transparency and reporting by the nuclear-weapons states on their implementation of disarmament commitments, the meaning of ‘effective measures’ in Article VI of the NPT and the need for some kind of legally binding instrument to fully implement its call for disarmament, and the related issue of a potential mandate for a revived Open-Ended Working Group (OEWG).

This widening gulf led Ambassador Laggner to temporarily suspend negotiations after dinner on the last Tuesday of the conference, and instead to draft new wording for the paragraphs on the Humanitarian Impact Initiative and ‘effective measures’. These elements were the object of heated debate in the Focus Group throughout Wednesday, as was new language in the paragraph on the transparency of nuclear arsenals and reporting on progress towards agreed commitments. Failure to find agreement on any of these issues led President Feroukhi to conclude the work of the Focus Group Wednesday evening, and to announce that she would present a text reflecting her best efforts the following morning. Nobody objected to this approach, and many seemed relieved, as they realised that there was little (if any) chance of achieving a negotiated, agreed outcome.

At the president’s request, Ambassador Laggner prepared, with input from a few other individuals in conference positions, a draft president’s text on disarmament. The president presented this paper to the Focus Group on
Thursday morning in what some participants described as a ‘take it or leave it’ proposition. According to some, she asked to hear from any delegation finding the text ‘totally unacceptable’ by noon on Thursday. With this, the Focus Group was disbanded.

Recollections of what transpired Thursday morning vary considerably among the participants with whom the author has spoken. What is apparent, however, is that the president’s paper was neither attacked nor endorsed at the Thursday meeting, and no action remotely resembling agreement on the paper was ever taken. As one participant in the meeting explained, no country or coalition of states wanted ownership of the paper, and ‘most representatives kept their cards close to their chests’. This characterisation applied to Russia in particular, which had little to say during the Focus Group deliberations: the Russian position on the disarmament provisions, according to a diplomat involved in the group deliberations, was ‘inscrutable’.

Less clear is the nature and extent of the consultations between the president and individual or small groups of representatives from the Focus Group following its dissolution. At least two such meetings appear to have taken place, one involving a delegation whose members reportedly were divided on how to respond to the president’s draft, and a second in which the president was told that she could not count on that country’s support. The author has also learned of a third meeting, which allegedly involved an unsuccessful effort by a nuclear-weapons state to alter the language in the draft text.

Perhaps the most intriguing unanswered question concerns the extent to which dissatisfied Focus Group representatives sought to persuade their capitals to take more forceful action or to engage other potential allies in the short period of time that was available before the Thursday deadline. One can easily imagine that even the most disenchanted critics were hesitant to block consensus on their own, and yet would have been hard-pressed to recruit allies without being in a position to promise that they would dispute the text with or without additional support. What is known is that several
states with deep reservations about the disarmament text were wary of announcing plans to block it without knowing the status of negotiations in the closed group addressing the WMD-free zone in the Middle East. Representatives from these states have told the author that ‘blocking’ was never off the table. However, they did not want their states to be seen as responsible for impeding progress on the WMD-free zone if credible progress in fact were possible. The dilemma was that they only learned of the state of play on the Middle East late on Friday afternoon. News of the failure to gain consensus on the regional issue was received with a sense of relief by some of these states, as they no longer had to worry about what to do with respect to the disarmament text.

The ambiguities surrounding the president’s deliberations during the last stage of the conference make it difficult for an outside observer to assess how much opposition to the draft paper actually existed, or how confident the president should have been regarding the support her paper enjoyed. That being said, the lack of overt criticism of the paper in the Focus Group is intriguing. Among the nuclear-weapons states, even France, which took the lead in denouncing almost every disarmament proposal in SB 1, was reportedly restrained in the group discussions, although some observers have indicated to the author that they were uncomfortable with the president’s draft text and would have issued ‘reservations’ had the text actually been adopted as part of the final document.

The response by the non-nuclear-weapons states, including the NAC, was likewise curiously circumspect, and almost certainly reflected major divisions within the coalition. Brazil, a proponent of far-reaching disarmament action, probably chose to mute its objections because of its success in MC 2 in weakening language on the IAEA Additional Protocol, a high national priority. (Brazil typically has placed greater emphasis on preserving freedom of action with respect to its domestic nuclear programme than advancing disarmament or non-proliferation objectives.) New Zealand, the NAC chair and a past standard-bearer for the Humanitarian Impact Initiative, appeared conflicted about how far to press the issue, a stance most
likely arising from differences between the capital and the delegation in New York. Such a disconnect might also account for New Zealand’s failure to endorse the Humanitarian Pledge – it was the only NAC state to refrain, a decision made all the more conspicuous by the fact that 107 states did join the pledge by the end of the conference. For its part, Ireland was far more vocal in the SB 1 debate on disarmament than in the Focus Group, while Egypt was uncharacteristically restrained in the group deliberations, and appeared to be far more focused on what was taking place in separate negotiations dealing with the WMD-free zone in the Middle East.\textsuperscript{18} While the NAC as a group was reluctant to endorse the paper, Egypt reportedly told other NAM members that the draft text was the best that could be achieved, a stance allegedly echoed by Iran, speaking in its national capacity. Japan’s voice in the Focus Group was also muted, almost certainly due to Tokyo’s preoccupation at the time with a lingering and, at times, very heated conflict with China that had previously arisen in SB 1 over a proposal to promote disarmament and non-proliferation education by encouraging visits to Hiroshima and Nagasaki to hear the accounts of atomic-bomb survivors.

According to many Focus Group members, the most critical voice in the group’s discussions – including with respect to the new wording on the humanitarian paragraph proposed by Ambassador Laggner – was Austria. Having formulated the widely subscribed to Humanitarian Pledge at the Third International Humanitarian Impact Conference in Vienna in December 2014, Austria vigorously promoted the Humanitarian Impact Statement on behalf of 159 states at all sessions of MC 1 and SB 1, and was adamant in the Focus Group that the support for the Humanitarian Impact Initiative demonstrated at the conference must be reflected in any final document. Thus, Austria insisted that the text regarding the catastrophic humanitarian consequences of the use of nuclear weapons be modified to include the phrase ‘under any circumstances’. This language was at the heart of New Zealand’s joint statement to the UN General Assembly on the subject, which had distinguished it from the related but more permissive joint statement promoted by Australia and favoured by most states under the so-called ‘nuclear umbrella’. Nevertheless, in the Focus Group, Austria was unable to gain significant, sustained support for its position, as New Zealand and other NAC
members, along with Cuba and Iran, generally held their fire. Several participants revealed to the author that, while New Zealand, Mexico, Sweden and Ireland did make a number of the same points as did Austria, they did so with less insistence, at least in the presence of other Focus Group members. Among NAM and NAC members, South Africa reportedly was most vocal in its criticism of the text for not including stronger language, although the delegation may have been divided over how far to push the matter.\(^8\)

As noted above, one of the more controversial issues during the last NPT review cycle pertained to the issue of transparency, particularly as reflected in Actions No. 5 and 20 of the 2010 NPT review conference final document, which called upon parties to the treaty to report on the practical steps they had taken leading to nuclear disarmament. This issue, which was promoted vigorously by the NPDI, was the subject of a surprisingly long and detailed paragraph in the president’s draft text. Among other things, it specified that time be set aside at the 2020 review conference (and in two of the three preceding preparatory-committee meetings) for the purpose of reporting by the nuclear-weapons states on

(i) the number, type (strategic or non-strategic), and status (deployed or non-deployed) of nuclear weapons; (ii) the number and the type of delivery vehicles; (iii) the measures taken to reduce the role and significance of nuclear weapons in military and security concepts, doctrines, and policies; (iv) the measures taken to reduce the risk of unintended, unauthorized or accidental use of nuclear weapons; (v) the measures taken to de-alert or reduce the operational readiness of nuclear weapons systems; (vi) the number and type of weapons and delivery systems dismantled and reduced as part of nuclear disarmament efforts; [and] (vii) the amount of fissile material for military purposes.

These requirements went well beyond what several of the nuclear-weapons states have previously accepted, and there is reason to doubt that Russia in particular would have been prepared to accept these obligations had it appeared possible to achieve consensus on language dealing with the Middle East. Russia routinely has objected to language designed to specify
the size of its arsenal of non-strategic nuclear weapons or to limit this category of weapons. It also has disputed the desirability of de-alerting nuclear weapons. China reportedly was willing to accept the paragraph as long as it contained the caveat ‘without prejudice to national security’.

Another rather surprising inclusion in the elements circulated by Ambassador Laggner in the Focus Group was the new language on ‘effective measures’ dealing with the revival of the OEWG as a forum at which such measures might be identified and elaborated. This was surprising for several reasons. Firstly, although Sweden had consulted with several other countries about an OEWG in advance of the review conference, until it surfaced in the Focus Group, little attention had been devoted to that approach to disarmament within the context of the NPT review process. Indeed, except for those diplomats involved in the debates at the UN General Assembly in 2012 to establish the initial OEWG, and participants in three sets of meetings during spring and summer 2013 in Geneva, few government disarmament officials or experts were familiar with the concept, or with the October 2012 mandate to develop proposals to take multilateral disarmament negotiations forward. The OEWG’s mandate allowed its deliberations to take place outside of the stalled Conference on Disarmament and with the participation of representatives from civil society, and did not require consensus-based decision-making.20

Secondly, not only had the P5 collectively boycotted all of the Geneva OEWG meetings, but the sponsors of the 2012 General Assembly resolution (Norway, Mexico and Austria) had by the time of the 2015 review conference become disenchanted with their earlier approach. In a strange role reversal, the United States was one of the most receptive states to the OEWG in its new incarnation.

Although the paragraph proposed by Laggner describing the new OEWG sought to secure the support of the nuclear-weapons states by recommending that the body conduct its work on the basis of consensus, it also noted that the recommendation was made ‘without prejudice to the prerogative of the United Nations General Assembly to determine the methods of work of its subsidiary bodies in accordance with its rules of procedure’. In other words, the UN General Assembly could decide not to require the
OEWG to work on the basis of consensus. As with the issue of reporting, it remains unclear whether several nuclear-weapons states, particularly Russia and France, were actually willing to accept the compromise proposed by Ambassador Laggner. At a minimum, they probably would have disassociated themselves from the recommendation.²¹

Both critics and proponents of the OEWG probably exaggerate its import. For many opponents, resistance is rooted in a belief that the body is a stalking horse for a variety of unwelcome disarmament initiatives. For some, it is seen as a way to circumvent the Conference on Disarmament at a time when traditional disarmament machinery is badly impaired, if not altogether broken. For others – both advocates and detractors of the new forum – it is regarded as a shortcut to launching negotiation of a nuclear-weapons convention or ban treaty. For still others, it is a novel venue in which civil society can engage with state representatives to consider new approaches for disarmament, including but not limited to advancing the Humanitarian Impact Initiative and promoting nuclear risk reduction.

In terms of the controversy surrounding the OEWG’s decision-making procedures, the nuclear-weapons states in particular are nervous that they will be outvoted if General Assembly rules are employed. As such, they insist on consensus-based decision-making. At the UN First Committee in autumn 2015, the issue also became caught up in intra-NAM politics. NAM chair Iran found itself unable to gain support from the group for a resolution on an OEWG that closely resembled the approach found in the NPT review conference’s draft final document. Ironically, the P5 – and especially the US and UK – were far more supportive of the Iranian resolution than an alternative one advanced, inter alia, by Mexico, Austria and Chile, which ultimately was adopted. The latter resolution relies on General Assembly rules of decision-making.

As discussed above, perhaps the least anticipated and most unpleasant controversy over disarmament involved the altercation between China and Japan over language on disarmament and non-proliferation education in the last paragraph of the initial (8 May) SB 1 document on ‘draft substantive elements’. The language in question noted the Japanese proposal ‘for world leaders, disarmament experts and youth to visit Hiroshima and Nagasaki to
witness first-hand the catastrophic humanitarian consequences of the use of nuclear weapons and to hear the testimonies of the survivors (Hibakusha). China objected to this proposal, denouncing Japan for attempting to ‘portray itself as a victim of World War II rather than as the victimizer’. Indicative of the seriousness with which the Japanese treated the issue was the last-minute decision by Tokyo to send its deputy foreign minister to the NPT meeting to deliver a speech on 18 May reiterating the Japanese proposal, a step that also served to escalate the dispute.

Although the revised version of the ‘draft substantive elements’ paper circulated on 12 May omitted the specific reference to Hiroshima and Nagasaki, many countries publicly complained about the deletion, and the issue had not been resolved by the time the Focus Group began to meet. Interviews conducted by the author suggest that, unlike the highly undiplomatic exchanges between Japan and China in SB 1, the two countries worked constructively on the margins of the Focus Group to find language acceptable to both. This compromise, which found its way into the draft final document, involved the deletion of any reference to the Japanese cities, while retaining encouragement for ‘interactions with and directly sharing the experiences of the people and communities affected by nuclear weapons’.

Regrettably, a fixation on the Sino-Japanese issue obscured a larger problem with the language on disarmament and non-proliferation education. Contrary to the overarching premise of the original recommendations of the UN Experts Group on Disarmament and Nonproliferation Education, emphasis in the draft final document was placed on advocacy (that is, on what to think) rather than on the development of critical-thinking skills (how to think). Japan was aware of this reorientation and wished to correct it, but was preoccupied with the more immediate and contentious issue involving the dispute with China.

**Debating the Middle East**

The Middle East has long been the thorniest regional issue in the NPT review process, and often has played a decisive role in review-conference outcomes. The 1995 Middle East Resolution, which called on regional states to take steps toward the establishment of a WMD-free zone, was crucial in gaining
Arab support for the indefinite extension of the NPT. Similarly, negotiation of a consensus final document in 2010 was made possible in large part by the review conference’s endorsement of a set of practical steps dealing with the implementation of the 1995 resolution. In particular, the 2010 conference mandated the UN secretary-general and the three co-sponsors of the 1995 resolution – Russia, the United States and the United Kingdom – to convene a conference in 2012, to be attended by all Middle Eastern states, on the establishment of a Middle East WMD-free zone ‘on the basis of arrangements freely arrived at by the States of the region’. The conference also called upon the UN secretary-general and the three co-sponsors to appoint a facilitator with a mandate to conduct consultations with the states in the region in preparation for the convening of the 2012 conference.

Although a facilitator, Finnish Under-Secretary of State Jaakko Laajava, eventually was appointed in autumn 2011, failure to convene the conference in 2012, or even to agree on a date for the meeting, was a source of tremendous frustration for many states, each of which was quick to blame others for the delay. In April 2013, this frustration was evident in a walkout by the Egyptian delegation during the second week of the preparatory-committee meeting, a move that had not been coordinated with other Arab states and was widely viewed as a miscalculation. After a change of government in Cairo and the appointment of a new foreign minister who had been critical of the walkout, Egypt returned to the 2014 committee meeting. Limited progress was made at a series of five informal consultations held in Glion and Geneva, Switzerland, beginning in autumn 2013 and running through June 2014, during which all of the relevant states were represented at one or more of the meetings. Notably, Israel, which had denounced the 2010 mandate, attended all of the sessions, and was represented by a senior ambassador. In the months prior to the 2015 review conference, the conveners also appeared to act in greater unison, which was especially noteworthy given the nosedive in overall US–Russian relations following the crisis in Ukraine. At the same time, differences in positions concerning how to address impasses over the WMD-free zone were noticeable among the members of the Arab League and within the Egyptian foreign ministry, which for the third time in three years had a new foreign minister. These differences reflected divergent
tactical considerations, bureaucratic political manoeuvres, and alternative assessments of the importance of a WMD-free-zone conference.

Against this backdrop, it was difficult to anticipate how Egypt and the Arab League would approach the issue of the zone at the 2015 review conference. Any doubts on the matter were dispelled, however, at the outset of the conference, with the circulation of the Arab Group Working Paper on ‘Implementation of the 1995 resolution and 2010 outcome on the Middle East’. Although the paper was submitted by Bahrain on behalf of the Arab states, representatives of several Arab delegations made it clear that the paper was first and foremost the work of Egypt, and its views, while shared by many Arab states, were not the result of a deliberative process. According to one Arab-state representative with whom the author spoke on the first day of the review conference, his foreign minister had received a call from the Egyptian foreign minister, during which the latter made clear Cairo’s expectations. Egypt was successful in having the NAM issue a paper that was nearly identical to that of the Arab states, although Iran was not enthusiastic, and several other NAM members had reservations. These reservations were expressed to the author during the first few days of the conference.

The paper staked out what most non-Arab diplomats, and even some Arab League states, considered to be an untenable negotiating position by dismissing the continued relevance of the 2010 mandate, discounting any further role for a facilitator and the consultative process, and calling on the UN secretary-general (without reference to the three other conveners) to convene a conference within 180 days from the adoption of the 2015 review conference final document aimed at launching a process to establish a WMD-free zone. (The position was seen as untenable because most states read the combination of demands as signalling a lack of interest in negotiating an agreed text.) In addition, the paper instructed the secretary-general to secure the required funds for the conference and to invite all Middle Eastern states to attend. The convening of the conference was, however, delinked from the principle that it should be supported by all the states in the region, with the paper specifying that ‘the conference should not be postponed’. The paper also identified the focus of the two working groups to be established by the conference, essentially dictating what the conference outcome
should be, rather than leaving that matter to be determined through further consultations among the states concerned.

Russia’s shrewd game

The initial private reaction to the Arab paper by the United States, Russia and the United Kingdom was very negative, especially with respect to its disregard for the continued relevance of the 2010 mandate and the role of the facilitator. The author’s discussions with members of these delegations also pointed to a shared concern regarding the difficulty the paper posed for finding common ground at the review conference on a renewed mandate on the Middle East. The United States, in particular, saw the paper as a non-starter, while Russia worried that the modest headway that had been made during the consultations in Switzerland would be lost, and that time was running out for a deal. These concerns also were evident in the statements made by the conveners in SB 2 during the second week of the conference. Particularly noteworthy were the comments by the Russian representative, who praised the Finnish facilitator for his efforts, noted the constructive role played by Israel in the consultations, and gently chided Iran for only attending the first of these meetings in Glion. The Russian comments could just as easily have been made by the United States, and by the end of the second week of the conference, it appeared that the positions of the United States, Russia and the United Kingdom were in basic alignment regarding not just the negative aspects of the Arab paper but also the continued need for all states in the region to be comfortable with the conference agenda.24

Given the apparent convergence in perspectives on the Middle East WMD-free zone among the co-conveners during the first half of the review conference, what explains the subsequent divergence of views among these parties? In particular, what accounts for the major shift in the stance adopted by Russia during the second half of the conference, when it became a champion for the core positions espoused by Egypt and most other Arab states, and the NAM? Was this change in Russia’s overt behaviour part of a strategic plan adopted by Moscow before the conference even began, or was it the product of changing circumstances and a desire to avoid, at all costs, being associated with a minority position advanced by the United States?
The rift among the co-conveners, along with Russia’s new approach, became evident during the third week of the review conference. Although the precise sequence of events is unclear, it appears that, by this time, Russia had determined that, rightly or wrongly, the US was not going to budge from its position of insisting on giving the existing mechanism of consultations more of a chance, or at least conditioning the WMD-free-zone conference on the participation of all the relevant parties (that is, including Israel). It is likely that Russia had been severely criticised by Egypt for its initial stance, and may have reconsidered the risks of being too closely associated with the views championed mainly by the United States and its allies. This interpretation is consistent with the statement made by Deputy Foreign Minister Sergey Ryabkov on 1 June 2015 at a special Russian Duma and Federation Council Roundtable devoted to nuclear non-proliferation issues. In that statement, Ryabkov claimed that the recently concluded review conference demonstrated that Russia, unlike the United States, was not isolated.

A similar view was expressed at the same meeting by Konstantin Kosachev, chairman of the Federation Council’s International Relations Committee, who emphasised that the Russian initiative on the Middle East WMD-free zone at the review conference was a success for Russia, even though the conference had been unable to produce a consensus final document. What was important, according to Kosachev, was that the US and a few of its allies remained isolated, while Russia was on the side of the majority.25

Regardless of what explains the change in its position, it is clear that Russia played its cards very shrewdly, if opportunistically, especially during the last few days of negotiations. At the next-to-last plenary on 21 May, Russia indicated that, ‘if necessary’, it would provide another revised paper in place of the one circulated by the chair of SB 2, Spanish diplomat Juan Ignacio Morro Villacián. The Russian team never specified the conditions under which the new text would be circulated, and in fact very few delegations received new draft language. When the president’s draft final document was circulated, however, the section on the Middle East WMD-free zone reportedly reflected the proposed Russian text.
During the last days of the review conference, representatives from a small group of states met in private to discuss what, if anything, could be agreed on the Middle East WMD-free zone. These meetings, which were held at the president’s office in the UN, overlapped with those being conducted on nuclear disarmament, and usually were attended by senior members of the US, Russian and Egyptian delegations (including at least one high-ranking US State Department official), along with the president of the review conference and, at times, the UN high representative for disarmament. The substance of these discussions remains largely unknown except to participants, and the author is unable to shed much light on their dynamics. It appears, however, that during the conference’s final days, Egypt showed little interest in working toward compromise on the key issues, including the role of the co-conveners. Reportedly, Russia broke ranks with the United States late on the final Thursday over the latter’s insistence that a conference only proceed once the regional states had achieved consensus on the terms. This action made it possible for Egypt to apply pressure on the president to issue a version of the draft final document on Friday morning which did not reflect the US position, and which effectively foreclosed the option of negotiating changes to the text.

One of the most curious aspects of the two sets of small-group negotiations that took place in parallel with the review conference during its last week was the generally disengaged and muted stance assumed by Russia in the Focus Group on disarmament, and the much more active position it assumed on the Middle East. A possible explanation for this behaviour could be a belief among Russian officials that they could largely control the outcome of the conference by taking these positions within the two small groups. According to this interpretation, which is plausible but speculative, Russia adopted a passive stance on disarmament, including with respect to proposals that were more progressive than those previously supported by Moscow, with the knowledge that it could always object to the disarmament language at the last moment if the negotiations on the Middle East looked like they might actually yield a consensus text. When negotiations concluded early Friday morning, there was virtually no chance of that happening. Certainly, remarks made by Russian officials at the 1 June Duma/
Federation Council event, as well as in private communications, strongly suggest that Moscow very much preferred that, if the conference were to fail, it fail over the Middle East, on which Russian views were in the majority, rather than over nuclear disarmament, on which Russia was largely isolated, alongside France.

Assessing the process
Notwithstanding the failure of the review conference to produce a consensus final document, there were still a number of positive developments during those four weeks in New York, some of which may augur well for the next NPT review cycle. Positive features included the ability of all involved to avoid a meltdown over the crisis in Ukraine (albeit at the expense of much discussion of Russian transgressions with respect to the Budapest Memorandum, which provided security assurances relating to Ukraine’s accession to the NPT in 1994); the related ability of the United States and Russia to pursue a modicum of cooperation, especially with respect to the Middle East; the fact that greater attention was paid than in 2010 to the role of the Comprehensive Test-Ban Treaty in promoting disarmament and non-proliferation; the readiness of the nuclear-weapons states (including France and Russia) to acknowledge, if begrudgingly, the groundswell of international support internationally for the Humanitarian Impact Initiative; similar acquiescence by the nuclear-weapons states to demands by most non-nuclear-weapons states for stronger language on nuclear disarmament, particularly regarding transparency measures and reporting requirements; an apparent readiness to endorse a new mandate for the OEWG, albeit with an important caveat regarding the principle of consensus-based decision-making; and the decision by two nuclear-weapons states (the United States and the United Kingdom) to associate themselves, for the first time in the history of the NPT, with a joint statement on disarmament and non-proliferation education endorsed by 71 other states. In addition, an argument can be made that the return of Israel to the NPT forum as an observer, along with the seating of Palestine as a full-fledged party to the treaty, should be regarded as noteworthy, positive developments.
Nevertheless, the conference suffered from so many shortcomings that only a few of them can be discussed here. Two of the more significant of these were the absence of effective ‘bridge-building’ coalitions, and a largely dysfunctional review process.

An unfortunate feature of the 2015 review conference was the absence of any political coalitions or groups capable of building bridges between the nuclear- and non-nuclear-weapons states. While certain individual states and diplomats (including Swiss Ambassador Benno Laggner) were helpful in this regard, the NAC appeared not to seek, let alone to perform, such a function. A newer coalition, the NPDI, appeared more eager to fill this role, but was not well positioned to do so due to the composition of its membership, which is top-heavy with US allies. The absence of a bridge-building coalition in 2015 was accentuated by the corresponding absence of any individual deal-maker similar to Ambassador Maged Abdelaziz in 2010, who had a clear vision of what needed to be achieved and was in a position to induce relatively flexible positions from such key groups of states as the NAC, the NAM and the Arab League, as well as from his own country, Egypt. This influence derived both from his personality and negotiating perspective and from the fortuitous coincidence that Egypt was chair of both the NAM and the NAC at that time.

While personalities count for a great deal in diplomacy, so too do institutions (and the resources at their disposal), and the procedures that govern negotiations. Among the problems often referred to as the NPT’s ‘institutional deficit’ – which was greatly in evidence in 2015 – are the absence of a permanent and adequately funded secretariat, and an antiquated process for the nomination of preparatory-committee chairs and review-conference presidents inherited from the Cold War, when leadership posts were distributed among the different blocs. This process often results in uncontested yet tardy selections for the most senior leadership posts, and almost guarantees that some important slots will be filled at the last moment. In 2015, for example, the chair of SB 3 was selected right before the start of the conference. He was fortunate to reside in New York; the chair for SB 2 was only tapped for his post after the conference had begun, obliging him to fly back to his capital to obtain a wardrobe adequate for the month-long
negotiation. In these instances, the SB chairs in question were both well dressed and well versed in the subject matter at hand, but the fact that key personnel must be recruited at the last moment, without adequate time to conduct consultations or otherwise prepare for their important positions, is clearly problematic.

The secretariat itself is an often overworked and underappreciated body, and its personnel performed admirably in 2015, as in the past. However, erratic employment by the UN of modern communications technology, combined with outdated rules regarding the dissemination of conference room papers, means that diplomats must rely during Main Committee and Subsidiary Body debates on often hard-to-access electronic documents – the so-called ‘PaperSmart’ solution. They also must wait for hours in the UN basement for the most important documents, which tend only to be distributed in hard copy, at a single location, for a short time, and usually at an inconvenient hour. The draft final document, for example, was only handed out to an exhausted crowd of diplomats well after midnight on the last day of the conference.26

One of the most glaring difficulties at the 2015 NPT review conference was the disconnect between the actual conference and its preparatory process, euphemistically known as the ‘strengthened review process’. Such discontinuities are neither new nor insurmountable, and past presidents on occasion have been able to forge consensus final documents thanks to their own strategic vision and knowledge of when (and when not) to delegate authority; help from flexible delegations and bridge-building coalitions; and a large dose of luck. Still, too much typically is left to chance. In 1995, the review and extension conference sought to enhance the review process by adopting a decision on ‘Strengthening the Review Process for the Treaty’. A major effect of this decision was to increase the role of the preparatory committees in the review process and to assign them specific responsibilities for making substantive, as well as procedural, recommendations to the review conference. In 2000, the conference returned to the issue and offered further guidance, mandating that the last preparatory committee of every review cycle, ‘taking into account the deliberations and results of its previous
sessions, should make every effort to produce a consensus report containing recommendations to the review conference’, in addition to finalising all procedural arrangements for the next conference.

While these decisions undoubtedly were well intentioned, no preparatory committee to date has been able to meet the latest mandate, and there has been little inclination on the part of committee chairs, or most states, to expend energy and political capital in pursuit of a consensus report with substantive recommendations. Indeed, even when the task of finalising procedural arrangements is completed early, there has been a reluctance to diminish the positive atmosphere at committee meetings by making more than a token effort to produce recommendations that might enjoy consensus. This tendency was apparent in both 2009 and 2014, leading some sceptics to suggest that those meetings might just as well have ended after the first few days, as nothing more of consequence was subsequently achieved. There is little reason to think much will change in the future, raising doubts about the utility of spending six weeks out of every five-year review cycle holding meetings whose outcome has little bearing on the subsequent review conference.

Perhaps no episode better demonstrates the vagaries of NPT diplomacy and decision-making than the way the issue of the third international conference on nuclear-weapon-free zones (NWFZs) became a point of heated debate prior to and during the 2015 NPT review conference. The full story is too complex and sensitive to reveal at this time. Here, it is sufficient to note that the gathering of predominantly like-minded NWFZ states was convened on 24 April 2015 at the UN. The conference was chaired by Indonesia, which had succeeded in negotiating a substantial draft report in advance of the meeting. Although most participants, including the author, expected the conference to proceed smoothly and to generate recommendations that would be welcomed at the review conference, the meeting was delayed by six hours due to squabbling among a small number of Middle Eastern and African states – most notably Algeria, Morocco and Nigeria – over the status of Western Sahara, also known as the Sahrawi Arab Democratic Republic. The meeting was unable to settle the dispute, and could only re-convene after an agreement was reached not to adopt any
conference statement or recommendations. The eruption of this intra-NAM dispute at the NWFZ conference surprised the overwhelming majority of states present, which regarded it as both unwelcome and unfortunate given the disarray it reflected within the NAM. It also understandably infuriated Indonesia, which felt so betrayed by its NAM brethren that, following the meeting, it indicated that it would no longer continue as chair of the NAM working group on disarmament, a role it had performed at many preceding NPT review conferences and preparatory-committee meetings. As a consequence, the overall chair of the NAM, Iran, was forced to assume that role as well. What was particularly bewildering to many delegations was the strident blocking position taken by Algeria, given that the president of the review conference also was Algerian. The country’s behaviour generated a lot of ill will that carried over to the review conference, setting a bad tone for the month-long negotiations, and accurately foreshadowing the conference’s failure to reach a consensus outcome. The behaviour, which struck most observers as irrational, also was a sobering reminder of how national and regional issues of little import to most countries can obstruct the will of the majority, even with respect to issues of global peace, security and survival.

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Notes
1. Similarly, the failure of the 2015 conference to adopt any language on nuclear disarmament, including a new mandate for an Open-Ended Working Group, directly contributed to the issue being revisited at the fall 2015 session of the UN General Assembly First Committee, and the adoption of a resolution on the subject.
3. This statement reflects comments made by the majority of the diplomats.
with whom the author spoke, though it should be noted that not all the participants in the Focus Group meetings take this view.

4 Committee chairs did continue with consultations on their texts during the last week of the conference. The ‘friends of the president’ approach employed at the 2015 review conference was not unlike that used at prior conferences. However, past presidents typically did not present text as a draft final document when they knew there was a good chance it would be objected to on the plenary floor by key delegations. It is hard to imagine that the 2015 conference president was unaware of what would transpire when she took the floor for the last plenary, by which time even parties not directly involved in the closed Middle East deliberations (for example, Iran) had been informed that the talks had ended without agreement.

5 The specific basis for the US objection was explained by Under-Secretary Rose Gottemoeller in her statement at the last plenary. The United States has maintained that it could have lived with the rest of the document. See, for example, Berger, ‘Gangs of New York’.

6 This assessment is based on interviews conducted by the author with many of the participants, which took place in Geneva on 1–2 October 2015 and in New York on 22 October 2015. Similar accusations about Iran’s heavy-handed chairmanship of the NAM were raised during the autumn 2015 meeting of the UN General Assembly’s First Committee, at which Iran promoted its own resolution on nuclear disarmament despite failing to receive the endorsement of the NAM.

7 Iran reportedly did not devote much attention to coordinating NAM positions. Unlike in 2010, very few NAM meetings were held to discuss draft Main Committee or Subsidiary Body documents, or to develop NAM comments and counterproposals. At least with respect to disarmament issues, Iran tended to draw upon language from NAM working papers for use as comments on MC 1 and SB 1 drafts and to circulate those comments the night before the next MC/SB session.

8 New Zealand had coordinated the Joint Statement of the 159 at the UN General Assembly in autumn 2014, but Austria assumed the coordinating role for the group following the Vienna Conference in December 2014. Austria and the members of the NAC, along with Sweden and Switzerland, emerged as the conference’s most ardent advocates for strong language on the initiative.

9 As noted earlier, the debates in the Focus Group largely revisited the disagreements that had surfaced in MC 1 and SB 1. Not surprisingly, the major fault lines were between the nuclear-weapons states and the non-nuclear-weapons states. In addition, some countries were upset with the process through which a few states were able to block the adoption of near-consensus language.

10 Interview with Focus Group participant, Geneva, 3 July 2015.

11 A representative from one Focus Group state told the author that, following her Thursday morning ultimatum, the president invited a
number of states which she believed might have problems with her text to meet with her, though at least one state that did have problems was not initially invited.

Several participants indicated that Austria and South Africa represented the biggest wild-cards for the president in terms of possible blocking action, at least among the non-nuclear-weapons states. Reportedly, the president was particularly annoyed that South Africa had not played the bridging role she had envisaged (author’s interviews in Geneva in September 2015, and in New York in October 2015). Other participants suggest that the president may have been too sanguine about the degree to which Mexico had lined up behind her proposed text (author’s interviews in New York in October 2015).

The author was told by a representative of one of these states that, had the Middle East text been agreed upon and a consensus document adopted by the review conference, it had a statement ready to deliver that would have disassociated that state from the disarmament section of the document.

Interviews with Focus Group participants (Geneva, July 2015 and New York, October 2015). It is not clear what form those reservations would have taken, but it is possible that France would have made a statement at the end of the conference disassociating itself from the decision had the Middle East obstacle been overcome.

Although Egypt typically was disengaged in the Focus Group, on one occasion a shouting match did break out between the conference president and the Egyptian representative.

South Africa also was highly critical of the process by which negotiations were conducted in the Focus Group, and reportedly sought to rally the African Group to join it in opposing the text.

The OEWG was able to agree on a consensus document drafted by the Costa Rican ambassador, although it could have resorted to a vote.

This interpretation is consistent with the opposition by Russia, in particular, to two resolutions dealing with an OEWG at the autumn 2015 meeting of the First Committee, including one that would have insisted on decision-making by consensus.


Indicative of the importance attached to this cooperation was the US decision not to respond publicly to a provocative comment made by the head of the Russian delegation regarding Ukraine. The author was told that the United States had been informed in advance by Russia of the statement, and chose not to jeopardise cooperation on the Middle East by seeking a right of reply.

For one of the very few published reports on the 1 June meeting, see ‘V Sovete Federacii podveli itogi obzornoy konferencei po dogovoru...’
This shortcoming was not in any way the fault of the conference secretariat: documentation rules specify that Conference Room Papers are to be manually distributed. Yet this practice seems outdated, especially given how quickly NGOs can distribute texts electronically following their release.

In autumn 2015 Indonesia agreed to resume its role as the NAM working-group chair.

The issue resurfaced on several occasions during the last two weeks of the conference, when Algeria and Nigeria opposed efforts to take note of the NWFZ conference (and even simply the date on which the conference was held), a dispute that was not settled until the last day of the review conference.