

Delivery systems: A key component of a Middle East zone free of WMD

Published in Arms Control and Regional Security for the Middle East

<http://www.middleeast-armscontrol.com/2012/06/14/delivery-systems-a-key-component-of-a-middle-east-zone-free-of-wmd/>

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The 1995 NPT Review and Extension Conference resolution on the Middle East and the 2010 Review Conference declaration on the Middle East call for the establishment of a WMD- free zone. The two documents also include a provision for the elimination of the “delivery systems” for such weapons. There is no precedent for such a wide and comprehensive regional arms control effort. All previous similar regional initiatives were confined to nuclear weapons.



The 2010 mandate also requires maintaining a “parallel progress, in substance and timing, in the process leading to achieving the total elimination of WMDs in the region.” Negotiations on nuclear, chemical and biological weapons should therefore evolve in parallel: progress only on one or two of those three chapters is not possible. This provision does not specifically refer to delivery systems, which could, in principle, evolve independently.

The most significant precedents of international regulation on WMD delivery systems, which serve as reference, are the following:

A- The Missile Technology Control Regime (MTCR) established in 1987 which seeks to limit the risks of proliferation by controlling exports of goods and technologies that could make a contribution to WMD delivery systems (other than manned aircraft). The regime places particular focus on missiles and unmanned aerial vehicles (UAV) capable of delivering a payload of at least 500 kg to a range of at least 300 km. The MTCR parameters might provide a useful reference for the Middle East negotiators. MTCR however is a technology transfer control regime and not a regional weapons prohibition instrument. It is not legally binding and has no verification provisions. The MTCR exclusion of manned aircraft would not apply to the WMDFZ in the Middle East.

B- The Hague Code of Conduct (HCOG), an offshoot of the MTCR, is basically a transparency mechanism, adopted in 2002. Its main features are information exchanges by states on their policies regarding ballistic missiles and space launch vehicles and pre-notification of their

launches. The Code refers exclusively to ballistic missiles and space launch vehicles (UAVs, manned aircraft and cruise missiles are excluded).

The Arms Control and Regional Security (ACRS) in the Middle East discussions were the most significant attempt to deal with arms control in the Middle Eastern region. They kicked off in 1991 but collapsed four years later primarily because of a (continuing) dispute between Egypt and Israel over the latter's nuclear arsenal. Delivery systems were not discussed in any detail or length during the ACRS talks.

The INF treaty of 1987 between the United States and the Soviet Union that eliminated their intermediate and shorter-range nuclear missiles (defined as having a range between 500 and 5.500 km) appears as the most suitable bilateral term of reference for a total prohibition of missiles capable of delivering WMDs. Its sophisticated dismantlement techniques and verification measures, including the use of "National Technical Means," are indicative of the high requirements and costs of effective elimination and verification mechanisms. A total prohibition would make verification easier: it would probably require an *ad hoc* multilateral effort.

UNSC resolutions 687 and 1284 dealt with Saddam's Iraq and provided for the drastic elimination of missiles and intrusive verification. Resolution 687 of 1991 provided, inter alia, for the "destruction, removal, or rendering harmless, under international supervision... of all ballistic missiles with a range greater than 150 kilometers and related major parts and repair and production facilities." With Resolution 1284 of 1999, UNSCOM was replaced by UNMOVIC which acted on the same missile parameters with a reinforced inspection system.

UNSC resolution 1929 of 2010 indicates that Iran shall not undertake any activity related to missiles capable of delivering nuclear weapons. States shall not supply Iran with combat aircraft, missiles or missile systems. The mechanisms established for Iraq and Iran are of a sanctionary nature and would not be suitable for a voluntary and consensual process such as the one foreseen under the NPT auspices. Syrian missile activities are not restrained by any UNSC resolution. All states of the region are legally bound by UNSC resolution 1540 of 2004 which affirms that proliferation of WMD "as well as their means of delivery" constitutes a threat to international peace and security." This resolution aims at establishing national measures to prevent the proliferation of WMDs and their delivery means. For the purposes of this resolution the definition of "means of delivery" is: "missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use." More specific definitions, to be built on the UNSCR 1540 definition, would probably be necessary for a regional prohibition in the Middle East.

While a legally binding and internationally verifiable prohibition of delivery system and their elimination would be the ultimate goal, a first step in a negotiating process should consist in confidence building measures. Because the HCOG already exists, the simplest way would be for the interested parties to join the Code of The Hague, a measure of soft security which would enhance confidence in the region. Moreover regional transparency measures are specifically foreseen by the Code and countries like Jordan, Iraq, Turkey, Morocco, Libya, and Sudan are

already among its 134 subscribing states. MTCR, in view of its link with HCOC, could focus its attention on the Middle East in the coming years in a mutually supportive effort.

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