



Towards Zero: nuclear disarmament and non-proliferation - UNA-UK Briefing Report No.2

Towards a more secure and WMD-free Middle East

Report written for the United Nations Association of the UK

Mark Fitzpatrick

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For more information, visit www.una.org.uk/towardszero or contact James Kearney, UNA-UK Peace and Security Programme Coordinator, at kearney@una.org.uk

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'Map of eastern hemisphere highlighting middle east,' 2007

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“We support efforts to realize the goal of a weapons of mass destruction-free zone in the Middle East, in accordance with the 1995 Middle East Resolution. The Middle East may present the greatest threat of nuclear proliferation in the world today. Adherence to the NPT is not universal, and a few countries that are parties to the NPT have violated their treaty obligations. But in spite of these difficulties, we want to reaffirm our commitment to the objective of a Middle East free of these weapons of mass destruction, and we are prepared to support practical measures that will move us toward achieving that objective.”

US Secretary of State Hillary Clinton

Remarks at the 2010 Review Conference of the States Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

3 May 2010, United Nations Headquarters, New York

Introduction

Although it is still a distant dream, the rationale for creating a Middle East zone free of nuclear weapons and all other weapons of mass destruction (hereafter, MEWMDFZ or simply 'Zone') has never been stronger. If established and faithfully implemented – certainly two big 'ifs' – a Zone banning all nuclear, chemical and biological weapons and ballistic missiles would be an answer to the Iranian nuclear crisis that threatens to spark regional proliferation and engulf the Middle East in another war. It would remove the sense of double standards over Israel's nuclear programme; the threat posed by chemical weapons programmes in Syria and elsewhere;¹ and one of the dangers associated with introducing nuclear energy in the region. It could help to create the conditions for regional cooperation on future challenges, such as reduced oil supplies, rising temperatures and the needs of growing populations. And it could address popular demands regarding nuclear policies that could find new expression in the people-power wave that has swept the Arab world. Furthermore, a MEWMDFZ would represent the next stage in an expanding network of nuclear-weapon-free zones that now encompasses all land areas in the Southern Hemisphere.

The non-proliferation benefits of a MEWMDFZ would resonate beyond the Middle East. It would serve to strengthen the Non-Proliferation Treaty (NPT) by fulfilling a key bargain that enabled indefinite extension of the treaty in 1995. Removing nuclear weapons from the Middle East would also be an important milestone in establishing a world free of nuclear weapons. While disarmament discussions typically focus on the US and Russia – which have by far the largest arsenals – and, to a lesser extent, China, France and the UK, the other nuclear-weapon states recognised under the NPT, achieving the ideal of a nuclear-free world also depends on the equally challenging task of eliminating the arsenals of non-declared nuclear-armed states.² The recent re-kindling of international demands for nuclear disarmament lends added weight to the push for a Zone.

In many ways, however, the goal of abolishing nuclear weapons in the Middle East seems as distant now as it did when the Zone idea was first tabled over 35 years ago. It is certainly no easier now, for example, to convince Israel to give up its nuclear insurance policy. It continues to be viewed with hostility by many of its neighbours and, over the past two decades, no less than four countries in the region have pursued nuclear-weapons programmes in violation of their NPT obligations.

Every zone involving the need for verification, compliance and transparency requires complicated issues to be addressed, on the scope of the weapons to be banned, geographical limits of the ban and entry-into-force provisions. In the Middle East, three factors multiply the complexity of these challenges: the history of conflict and tension in the region, the asymmetry of nuclear capabilities, and the absence of inclusive regional institutions.

These obstacles notwithstanding, the international community has undertaken a renewed effort to promote a zone in the Middle East free of nuclear weapons and other weapons of mass destruction. A key outcome of the 2010 NPT Review Conference was an agreement to hold a conference on the Zone in 2012. This report explores how that conference, to be hosted by Finland, can make progress towards a nuclear-free Middle East.

¹ Chemical weapons have been used by at least two Middle Eastern states, most infamously by Iraq in the 1980s against Iran and against its own Kurdish population, and by Egypt during the Yemen War of 1963-1967.

² James Acton and George Perkovich, *Abolishing Nuclear Weapons*, Adelphi Paper 396 (IISS: London, 2008)

History of the Zone concept

The Zone concept has long been focussed on Israel's nuclear monopoly. In 1974, Iran and Egypt tabled a resolution in the UN General Assembly (UNGA) proposing the creation of a nuclear-weapon-free zone in the Middle East, which passed 128 votes to zero, with two abstentions (Israel and Burma). Egypt had only recently given up its own quest for nuclear weapons, pursued inchoately in the 1960s by President Gamal Nasser. A diplomatic initiative to rid Israel of its nuclear arsenal was seen as a less costly way of balancing power. Iran presumably also had power balance considerations in mind. Given the Shah's own interest in nuclear weapons around that time, his promotion of a zone was not founded on altruistic anti-nuclearism. Little came of the idea, other than a series of UNGA resolutions in support of the principle that peace and security in the region would be enhanced if all countries agreed not to produce, test or store nuclear weapons on their territory. Such resolutions did, however, serve to establish language agreed by consensus on the concept and goal of achieving a MEWMDZF.³

In 1990, Egypt expanded the annual UNGA resolution to include all weapons of mass destruction as well as ballistic missiles. The idea was that Israel would find it easier to give up nuclear weapons if its neighbours agreed to forgo chemical and biological weapons. Separately, under the terms of the 1991 Madrid Peace Conference, Egypt and Israel entered into Arms Control and Regional Security (ACRS) talks, based on the notion that Israel would not denuclearise if it felt under threat of conventional attack. After six formal sessions, the ACRS talks broke down in 1995 over the sequencing of disarmament steps in relation to the wider peace process. Egypt insisted that nuclear disarmament be on the agenda and Israel refused to discuss the issue until later.

The same year, however, the concept of a MEWMDZF was significantly boosted when agreement to promote a Zone became the critical condition that secured Arab support for indefinite extension of the NPT. The resolution, sponsored by the three NPT Depositary States – Russia, the UK and the US – called on all states in the Middle East to “take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective”. All NPT parties, and particularly the five recognised nuclear-weapon states (NWS), were called upon to “extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties” of a Zone.

Despite the importance of the 1995 resolution, no progress was made toward a MEWMDZF for many years. There is no doubting that failure to move forward undermined the credibility of the NPT in the Middle East.⁴ Agreement at the 2010 NPT Review Conference on the topic was therefore highly welcomed by most parties. The Final Document, reached by consensus at the final hour, called on the UN Secretary-General and the three co-sponsors of the 1995 resolution, in consultation with regional states, to convene a conference in 2012, to be attended by all states in the Middle East, “on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region, and with the full support and engagement of the nuclear-weapon states”. It also called on these parties to appoint a facilitator to conduct consultations and prepare for the 2012 Conference.

³ For an excellent overview of the historical development of the Zone idea, see Benjamin Hautecouverture and Raphaëlle Mathiot, 'A Zone free of WMD and means of delivery in the Middle East: an assessment of the multilateral diplomatic process, 1974–2010', background paper for the EU Seminar to promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East, 6-7 July 2011, www.nonproliferation.eu/documents/backgroundpapers/hautecouverture.pdf

⁴ Sameh About-Enein and Hassan ElBahtimy, 'Towards a verified nuclear weapon free zone in the Middle East', VERTIC Brief No. 11, April 2010, <http://trustandverify.wordpress.com/2010/04/30/vertic-brief-no-11-towards-a-verified-nuclear-weapon-free-zone-in-the-middle-east>

In October 2011, UN Secretary-General Ban Ki-moon, Russia, the UK and US appointed Finnish Under Secretary of State, Jaakko Laajava, as the Conference facilitator. Finland subsequently announced that it would host the Conference, which, while not yet public, is reportedly planned for December 2012.

Positive momentum

In 2010-11, delays in naming a facilitator and unrest in the wider Middle East resulted in pessimism as to whether the 2012 Conference could succeed or, indeed, whether it would even be held that year, given the preparations needed and the domestic political priorities that will consume the White House in the lead-up to the elections on 6 November. Laajava's appointment, however, and the consultations he immediately undertook began to create momentum, building on positive developments underway since the summer. On 6-7 July 2011, the EU successfully hosted a seminar designed to support the 2012 Conference. It covered a range of issues, from the MEWMDFZ concept to regional security and peaceful uses of nuclear energy. The large number of Arab states in attendance and the fact that Egypt, Iran and Israel all sent sizeable delegations of both governmental and non-governmental experts augur well for the 2012 Conference. In September 2011, Arab states also refrained from promoting a divisive resolution at the General Conference of the International Atomic Energy Agency (IAEA) on Israeli nuclear capabilities in order to create an atmosphere conducive for the coming conference.

Another positive signal came in late November 2011 when the IAEA held a forum on nuclear-weapon-free-zone experience elsewhere. Held up for 11 years by disagreements over the agenda, the forum finally went ahead after Arab states set aside their objections. With the exception of Syria and Lebanon, these states also adopted a moderate tone at the event. Ominously, Tehran backed out of the forum at the last minute, to convey its anger over an accusatory IAEA report on Iran's nuclear programme. Yet the forum was still judged a success and participants adhered to IAEA Director General Yukiya Amano's advice to focus on 'fresh thinking'.⁵ Above all, the forum gave rise for optimism that the Middle East could join the five existing nuclear-weapon-free zones that encompass 113 nations.⁶

Renewed urgency

Tensions over Iran's growing nuclear capabilities have added a sense of renewed urgency to the quest for a MEWMDFZ. This is not to suggest that a treaty establishing a Zone would solve the Iranian nuclear crisis. After all, Iran already is party to a treaty under which it agreed to forgo nuclear weapons: the NPT. Given Iran's record of violating its NPT safeguards agreement,⁷ and its apparent history of working on a wide range of weaponisation technologies,⁸ there is reason to wonder whether Tehran would give any greater degree of fidelity to a MEWMDFZ. It is sometimes suggested that if Israel were to relinquish its nuclear weapons under a Zone, Iran would have no reason to pursue nuclear weapons. This argument, however, ignores the reasons behind Iran's nuclear programme. The Islamic Republic's proliferation drivers have little to do with Israel. Iran's nuclear weapons ambitions began under the Shah, when relations with Israel were normal. After a revolutionary interregnum, nuclear weapons ambitions were rekindled in earnest when Iran became the victim of Iraqi chemical weapons attacks. The idea was to have a WMD equaliser. Today, Iran feels under threat from the US, whose forces it sees nearly everywhere on the horizon. To the extent that Iran is also under threat by Israel, it is a self-fulfilling perception; Israel would have no reason to posit an attack on Iran were it not for the nuclear weapons capabilities being developed by a regime that has repeatedly called for the end of the 'Zionist state'.

While Iran's nuclear rise concentrates minds on the dangers of nuclear weapons in the Middle East, Tehran, mindful of the retaliation that would surely follow, would be unlikely to use such weapons. They would be kept for deterrence or, seen from the other side, as a blackmail threat to give cover for regional adventurism. Yet weapons can be detonated by mistake or launched as a result of miscalculation or misperception – a risk ever-present during the Cold War. Nuclear weapons could also find their way into terrorist hands, through state sponsorship or

⁵ George Jahn, 'Syria blasts Israel; most other Arabs moderate', *Guardian*, 21 November 2011.

⁶ The five zones are: Latin American and the Caribbean Nuclear Weapons Free Zone (Treaty of Tlatelolco), signed in 1967, entered into force in 1968; the South Pacific Nuclear Free Zone (Treaty of Rarotonga), signed in 1985, entered into force 1986; the Southeast Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), signed in 1995, entered into force in 1997; the African Nuclear Weapon Free Zone (Pelindaba Treaty), signed in 1996, entered into force 2009; and the Central Asian Nuclear-Weapon-Free Zone, signed in 2006, entered into force in 2009 (Treaty of Semipalatinsk). Antarctica was also declared a nuclear-weapon-free zone under the 1959 Antarctic Treaty. Mongolia declared a one-nation nuclear-weapon-free zone in 2000.

⁷ As documented by the IAEA in November 2003, Iran violated its safeguards obligation in 14 ways over the course of 18 years. Iran continues today to violate its safeguards obligation to report new nuclear facilities at the time they are planned and to answer faithfully IAEA questions about questionable nuclear activities. See 'Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran', IAEA, GOV/2003/73, 10 November 2003.

⁸ As detailed by the IAEA in November 2011. See Implementation of the NPT Safeguards Agreement and the relevant provisions of Security Council resolutions in the Islamic Republic of Iran, Report by the Director General, International Atomic Energy Agency, November 8, 2011: http://isis-online.org/uploads/isis-reports/documents/IAEA_Iran_8Nov2011.pdf

“In some respects, the Arab uprising could itself be a delaying factor, in that officials representing governments in transition will not have higher-level political cover to make the compromises that will be necessary if the 2012 Conference is to have a lasting impact”

otherwise. Just as Pakistani A.Q. Khan sold his country’s nuclear weapons technology to any buyer, an Iranian Revolutionary Guard Corps commander might, for example, be tempted to provide nuclear weapons to a Levant-based proxy group or to Al Qaeda. Less cataclysmic, but more likely, nuclear weapons production by Iran could spur others in the region to seek nuclear capabilities of their own (as Saudi officials have explicitly warned) or at least keep their options open by pursuing dual-use nuclear technologies.

The promise of preventing such a proliferation cascade is an attractive selling point for the Zone. Another compelling argument, in theory at least, is that if Iran is not dissuaded or stopped by other means, its nuclear advances will one day give it a threshold capability that challenges Israel’s nuclear monopoly in the region. Like Israel’s policy of nuclear ambiguity, Iran will not have to test or announce nuclear weapons to be widely accorded a nuclear-armed status. Stripped to the essential equation, having no nuclear-armed states in the region is surely better for Israeli security than having two, or, in the likely case of a proliferation cascade, even more. Israel, of course, is determined to keep the number at one. It is not at all certain, however, that this can be maintained over time. If ‘zero’ could be reached in a way that is verifiable, enforceable and stable, Israeli thinking could change.

The wave of demands for reform and representative rule in Arab lands also reinforces the rationale for a Zone. Populist sentiment in Egypt is intolerant of Israel’s nuclear monopoly and susceptible to demagogic calls for Egypt to seek nuclear weapons of its own, especially if Iran persists in that path. For Egypt’s beleaguered bureaucrats, progress toward a Zone is the only palatable way to meet democratic demands in the security field. It is too early to tell how the new political landscape in the Arab world will affect non-proliferation and disarmament issues. In some respects, the Arab uprising could itself be a delaying factor, in that officials representing governments in transition will not have higher-level political cover to make the compromises that will be necessary if the 2012 Conference is to have a lasting impact. There is reason to hope, however, that the popular demands for transparency and accountability could reinforce non-proliferation policies. On the other hand, if progress on a Zone is not forthcoming, people power could give rise to demands for the most powerful weapons.

Lessons learned

Lessons from zones elsewhere

Each of the existing nuclear-weapon-free zones (NWFZs) is different, based on unique regional conditions and needs, but usually building on elements of the previous zones. Commonalities now generally include prohibitions on attacking nuclear installations and dumping radioactive waste, as well as provisions for NWS negative security assurances.⁹ Presentations by representatives from the five NWFZs at the November 2011 IAEA forum noted the need for confidence building, flexibility in negotiations, transparency, political will and an incremental approach. They pointed to the importance of active assistance by the UN, and the need to involve NWS from the very beginning of the negotiation process, to ensure their timely adherence to the treaty protocols. They also emphasised that NWFZs should be based on arrangements freely arrived at by the states of the regions concerned. Perhaps the most important lesson from the forum was that it is possible to establish NWFZs despite serious obstacles, such as geopolitical complexities, lack of trust, and often lengthy processes of entry into force.¹⁰

The experience of the Treaty of Tlatelolco may be particularly relevant for the Middle East: it was negotiated at a time when the region was ridden with conflict, albeit at a much lower level than the Middle East has experienced, and when archrivals Argentina and Brazil both had nuclear weapons programmes.¹¹ Neither became NPT members until well after the Treaty was concluded. Similarly, NPT membership was not needed to begin talks about establishing NWFZs in Africa. In both contexts, however, what might be called regime change was necessary before the key states involved gave up their nuclear weapons aspirations. Argentina and Brazil replaced military dictatorships with democracy and South Africa lifted the yoke of apartheid rule.

It is sometimes suggested that a MEWMDZFZ would be enhanced through the establishment of a regional verification mechanism. To be useful, such a mechanism would reinforce the NPT and IAEA structures, which have repeatedly proven ineffective in preventing secret nuclear weapons programmes in the Middle East. This suggestion goes beyond the experience of the existing nuclear-weapon-free zones, none of which has a provision for true intra-regional verification. The partial exception is South America, where Argentina and Brazil established a bilateral verification body in 1991, the Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), and concluded a verification agreement involving the two countries, ABACC and the IAEA. All other nuclear-weapon-free zones rely on the IAEA for verification. The Bangkok Treaty includes provisions for fact-finding among member states to improve confidence and compliance, but these provisions have not been used, even to pose questions to Myanmar about suspicious rumours of nuclear activities and dealings with North Korea. The only true regional verification body, Euratom,¹² is in a region that has no regional treaty banning nuclear weapons and no grassroots push for such a treaty.

The experience of ABACC offers an important lesson: it originated at a time of lack of trust which was gradually replaced by a climate of mutual confidence through reciprocal inspections.¹³ According to officials on both sides,¹⁴ what might be called the ‘social safeguards’ provided by such interactions, which enable each side to know the counterpart nuclear personnel and to keep tabs on their whereabouts, can provide more confidence about the absence of

9 A ‘negative security assurance’ is the promise of a NWS to refrain from using nuclear weapons against non-nuclear-weapon states parties to the NPT

10 ‘IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East Vienna, 21-22 November 2011, Summary’, www.iaea.org/newscenter/statements/misc/2011/petersen221111.pdf

11 Patricia Lewis and William C Potter, ‘The Long Journey Toward a WMD-Free Middle East’, *Arms Control Today*, September 2011. This article has useful insights on lessons from existing zones.

12 Euratom (short for European Atomic Energy Community) was created in 1958 primarily to coordinate nuclear research and development programmes among participating European states but also to ensure against non-diversion of nuclear materials to non-peaceful purposes.

13 IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, Vienna.

14 Author interviews with current and retired ABACC officials in Rio de Janeiro and Buenos Aires, November 2010.

undeclared nuclear activities than the IAEA Additional Protocol.¹⁵ Given the current realities of the Middle East, however, it is difficult to imagine that the antagonist states would agree to regional verification arrangements that go beyond the obligations imposed by the IAEA and that involve inspections of sensitive sites by exclusively regional experts. It would be more realistic to reinforce the IAEA obligations globally, by mandating adoption of the safeguards Additional Protocol.

Lessons from other multilateral processes

Other useful lessons might be drawn from the experience of multilateral processes aimed at promoting regional peace and security. The Conference on Interaction and Confidence Building Measures in Asia (CICA), conceived by Kazakhstan in 1992 and now chaired by Turkey, is one such regional forum. At their first meeting in 1999, ministers from 15 states, including Egypt, Iran and Israel, agreed to a set of principles guiding relations between CICA member states, including respect for each other's sovereign equality and territorial integrity, refraining from the threat or use of force, and a commitment to the "goal of achieving general and complete disarmament under effective control".¹⁶ Although CICA has not garnered much global attention, it established some useful precedents in terms of principles and language. For example, if the term 'confidence building measures' has acquired too many negative connotations in the Middle East because of its association with the failed ACRS process, the 2012 Conference might seek instead to employ the term 'interaction and confidence building measures'.

15 The Additional Protocol is a legal document granting the IAEA complementary inspection authority to that provided in underlying safeguards agreements. A principal aim is to enable the IAEA inspectorate to provide assurance about both declared and possible undeclared activities. Under the Protocol, the IAEA is granted expanded rights of access to information and sites.

16 'Declaration on the Principles Guiding Relations between the CICA Member States', Signed on the meeting of CICA ministers for foreign affairs on 14 September 1999 in Almaty, available at www.s-cica.org/page.php?page_id=7&lang=1

Unique challenges of the Middle East

Although lessons from nuclear-weapon-free zones elsewhere can help, the Middle East encompasses unique challenges, starting with the region's history of conflict and ongoing mistrust. Major wars have visited Israel seven times: in 1948 against a coalition of Arab states, immediately after its founding; the 1956 Suez Crisis with Egypt; the 1967 Six-Day War against Arab states; the 1967-70 War of Attrition against Arab states; the 1973 Yom Kippur war against Arab states; and the Lebanon Wars of 1982 and 2006 against Hezbollah and other forces. Other armed conflicts involving Israel included the 'Retribution Operations' of the 1950s and 1960s against Arab militants, the incursion into south Lebanon in 1978, the Palestinian Intifadas of 1987-93 and 2000-05, and the Gaza War of December 2008-January 2009 against Hamas.

The Middle East has also been convulsed by wars that did not involve Israel. Iran fought a bloody defensive war against Iraq (1980-88). Iraq invaded Kuwait in 1990 and was subsequently defeated by a US-led coalition involving seven Arab states. A US-led invasion of Iraq in 2003 toppled Saddam Hussein. Civil war has broken out in Yemen several times, in Libya in 2011, and, depending on one's definition, in Syria in 2011/12. The Arab uprising has also seen unrest in other countries, notably Tunisia and Bahrain.

Peace, and the security that it entails, is therefore paramount. A MEWMDFZ will not come about until Israel feels secure enough to give up its nuclear deterrence, and Iran and others feel secure enough to forgo WMD options and accept the intrusive verification measures that would be needed to provide mutual confidence that the Zone will be honoured.

In addition to its history of conflict, the Middle East faces the unique challenge of asymmetry of forces. Israel has been vastly outnumbered in terms of population by its Arab protagonists, but possesses a nuclear monopoly. A similar nuclear asymmetry previously characterised Africa, but regime change brought dismantlement of South Africa's nuclear weapons and contributed to the signing of the Treaty of Pelindaba. In this situation, the manner in which South Africa permitted the IAEA to verify its declared inventory of nuclear materials is particularly instructive, as is its decision to allow NWS experts to work under IAEA direction to determine the status of all its nuclear materials.¹⁷

The Middle East is also unique in being bereft of inclusive regional institutions and forums in which to explore a Zone, such as the African Union, Organization of American States or the Association of Southeast Asian Nations. The only government-level regional organisations are the League of Arab States, which, as indicated by its name, includes only Arab states, and the much narrower Gulf Co-operation Council. Regional groupings for the Middle East in UN bodies, the IAEA and Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) exclude Israel. At the UN, Israel is included in the 'Western European and Others Group'. Indeed, 11 Arab states and Iran do not even recognise Israel as a state. An Arab peace initiative of 2002 envisioned full recognition of Israel in return for Israeli withdrawal from lands captured in the 1967 Middle East War. Iran countenances no such normalisation. Rather than negotiate a Zone directly with Israel, therefore, some states in the region wish to create a Zone under the UN system.¹⁸

¹⁷ Andrew Semmel, 'Nuclear Verification in a Middle East Nuclear Weapons Free Zone', draft discussion paper for Malta Workshop, 8-9 September 2011.

¹⁸ Nabil Fahmy, 'Salvaging the 2012 Conference', *Arms Control Today*, September 2011.

Treaty issues

Negotiating a MEWMDFZ will be tremendously complex, requiring agreement on a large number of contentious issues. Some of these are typical to all treaty negotiations, others have unique relevance to the Middle East. Seven of the most important issues are outlined below.

Geographic scope

In every other nuclear-weapon-free zone, the geographic scope is clear: an entire continent or a readily identified region. The 'Middle East' has no clearly defined borders. At its core, the region should include Israel, Iran and most Arab states. Some of the first efforts to define the geographic delimitations did not think it necessary to include all Arab states, west to the Magreb and south to Djibouti, Somalia and Comoros. More recently, it has been assumed that at least some of these states should be included. It has also been variously suggested that a Zone should include Turkey and Pakistan, though doing so would increase the complexity of treaty negotiations which would have to deal with nuclear weapons in both countries and, in Turkey's case, its NATO security obligations.

In the end, the geographic scope must be decided by agreement among the states concerned. The question is: who determines which are the states concerned? A logical starting point for the discussion could be a 1989 report by the IAEA, in which the Middle East region was taken to include "the area extending from the Libyan Arab Jamahiriya in the West, to the Islamic Republic of Iran in the East, and from Syria in the North to ... Yemen in the South".¹⁹ A similar definition is included in a 1975 UN study.²⁰ Both studies were referred to in a 1991 UN report, which suggested that "a zone can be developed in stages, beginning with the core countries and later extended to include additional states".²¹ Turkey and the southernmost and westernmost states of the Arab League could be among the states targeted for addition at a later stage. The more distant Arab League states pose little problem because they are already covered by the African Nuclear Weapon Free Zone. The case of Turkey is much more complicated. It may be sensible to include it, as well as Pakistan, India and the five declared NWS, among the outside powers that will be asked to sign a protocol to the Zone treaty providing assurances of no use, testing, transit or introduction of nuclear weapons in the region.

A 2005 proposal by the Gulf Co-operation Council for a smaller nuclear-weapon-free zone comprising the states surrounding the Gulf could be a useful first step toward a full MEWMDFZ, but Iran has no interest if such a zone does not also include Israel.

Scope of prohibition

All existing zones ban nuclear weapons, and this was the original focus of discussions about the MEWMDFZ. As noted above, however, in 1990 Egypt expanded the concept to include all weapons of mass destruction as well as ballistic missiles, and this expanded focus has been the target set ever since. While including chemical and biological weapons theoretically makes it easier for Israel to enter into Zone negotiations, which would not exclusively focus on its nuclear arsenal, the expansion of disciplines adds a new dimension of complexity. At least chemical and

¹⁹ Technical Study on Different Modalities of Application of Safeguards in the Middle East. IAEA-GC (XXXIII) f887, 29 August 1989

²⁰ Comprehensive Study on the Question of Nuclear-Weapon-Free Zones in all its Aspects (United Nations publication, Sales No. E.75.I.7), para 72

²¹ United Nations Department of Disarmament Affairs, 'Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-Weapon-Free Zone in the Middle East: Report of the Secretary-General', Study Series, No. 22, 1991, para 66 www.un.org/disarmament/HomePage/ODAPublications/DisarmamentStudySeries/PDF/SS-22.pdf

biological weapons are defined, and outlawed by treaty. The MEMWDFZ would surely require, at a minimum, adherence to the NPT, the Chemical Weapons Convention (CWC), the Biological Weapons Convention (BWC), and the Comprehensive Test-Ban Treaty (CTBT). Discussion of what activities should be banned by the Zone should start with the well-established definitions and procedures outlined by these existing international instruments. In the case of the NPT, the vaguely defined activities prohibited under 'no manufacturing of nuclear weapons' in Article II could be improved upon. Negotiators of the Zone could also decide to close the NPT loophole and ban uranium enrichment in addition to plutonium reprocessing-related activities, except under multinational arrangements. Such a prohibition would address the concerns posed by Iran's dual-use nuclear activities.

Ballistic missiles present their own complications because they are not banned by any treaty. However, negotiations on the definition and scope of which missiles would be banned by a MEWMDZFZ would not have to start from scratch. They could incorporate some of the conditions specified by the Hague Code of Conduct against Ballistic Missile Proliferation and, possibly, the Missile Technology Control Regime. An alternative starting place might be to ban test launches of missiles capable of delivering a nominal payload to roughly 3,000km or more. This would not require dismantlement of any missiles currently in the inventory of any Middle Eastern state other than Israel's Jericho-III and Saudi Arabia's DF-3 missiles, neither of which are needed to counter threats emanating from within the region.²²

Verification and compliance

For the Zone to be viable, participating states need to have confidence that their neighbours are not developing the forbidden weapons systems. Verification requirements will be particularly demanding given the existing levels of mistrust in the region and the history of non-compliance with previous non-proliferation accords. Four states in the region have violated their NPT-required safeguards agreements with the IAEA: Iraq, Libya, Iran and Syria, all of whom were the subject of formal IAEA findings of noncompliance, in 1991, 2004, 2005 and 2006 respectively. Additionally, concerns have been raised about nuclear activities in Algeria and Egypt, the latter because of reporting failures. Iraq was also found to have conducted biological weapons activities in contravention of its BWC obligations up until the 1990s. In 2001, the US levelled unconfirmed accusations that several other states in the region have had active biological weapons programmes.²³ The US has also accused Iran of having a chemical weapons programme in violation of the CWC, although this accusation too has not been proven. Last year, a secret cache of mustard gas was found in Libya, which had ratified the CWC in 2004.

Verification is a technical task. To the extent that the verification challenges revolve around technical problems, there are technical solutions. The IAEA has ample experience of verifying nuclear declarations, and the South African case presents lessons on dismantlement. Zone negotiators could also draw upon the dismantlement verification experience of US-Russia arms control accords and the UK-Norway Initiative on Nuclear Warhead Dismantlement Verification. In the chemical weapons sphere, the Organisation for the Prohibition of Chemical Weapons (OPCW) has ample experience of verifying state CWC declarations, although it has never carried out a challenge inspection due to member state timidity in calling for one. The absence of verification arrangements under the BWC, however, poses a lacuna for Zone verification.

The most difficult verification problems, however, are political. The IAEA's Additional Protocol, which is the current gold standard for safeguards, has not been accepted by all states. And even the Additional Protocol may not provide sufficient confidence of WMD abolition, given the weapons programmes that have been in place in Israel and probably Iran. Confidence in treaty compliance requires confidence that violations will be detected and that detections will be punished. The IAEA and the OPCW have no enforcement power; that role is left to the UN Security Council or to individual states, acting alone or in partnership. Like the existing nuclear-weapon-free zones, it is possible that the MEWMDZFZ would not incorporate any enforcement powers.

“For the Zone to be viable, participating states need to have confidence that their neighbours are not developing the forbidden weapons systems. Verification requirements will be particularly demanding given the existing levels of mistrust in the region and the history of non-compliance with previous non-proliferation accords”

²² For an exposition of this proposal, see Michael Elleman, 'Enhancing US-Russian Cooperation: A Regional Missile-Test Ban', *Survival*, Volume 54, Number 1, February-March 2012, pp. 119-126

²³ John R. Bolton, Under Secretary of State for Arms Control and International Security, 'Remarks to the 5th Biological Weapons Convention RevCon Meeting', Geneva, 19 November 2001

“Disarmament cannot take place in a security void. As Russia, the UK and the US said in a joint statement to the November 2011 IAEA forum, nuclear-weapon-free zones do not exist in isolation from other security factors”

Transparency

The MEWMDFZ will face the additional challenge of devising verification measures to confirm dismantlement of Israel's presumed arsenal. Establishing the Zone will require a fundamental shift in Israel's policy of nuclear opacity to one of complete transparency. Although much can be done in the initial stages without reversing this opacity policy, Israel has refused even modest nuclear transparency measures to date, using the 'slippery slope' argument. Initial negotiations of a Zone would likely require a declaration of intent to declare past programmes. Such declarations of intent may even be made in the pre-negotiation stage.

Disarmament/security sequencing

Disarmament cannot take place in a security void. As Russia, the UK and the US said in a joint statement to the November 2011 IAEA forum, nuclear-weapon-free zones “do not exist in isolation from other security factors”. The three NPT Depositary States were stating the obvious. If Israel is to find attending the 2012 Conference worthwhile, other security factors must be on the agenda. There is no consensus however, on the proper sequencing of disarmament and security issues. Must security arrangements be in place under a peace treaty between Israel and all of its antagonists before it can contemplate giving up its nuclear deterrence and joining a Zone? That is Israel's position. Egypt and other Arab states take a different approach: that a Zone, with verification and compliance measures, can itself provide a satisfactory level of confidence that can contribute to peace and security.

Political issues will also have to be addressed. Arab populations are unlikely to make compromises to address Israeli security concerns unless there is resolution of the Palestine question. The diplomatic challenge will be to negotiate all these sets of measures together or in parallel – no easy task, as demonstrated by the failure of the ACRS process.

Entry into force

Before taking effect, most treaties require ratification by most, but not all affected states. If the number is too large, entry-into-force can be inordinately delayed, as has been the case with the CTBT, which requires ratification by all 44 states that employed nuclear reactors (and hence had a plutonium production capability) at the time of treaty negotiation. Without participation by the most important states, however, the main purpose of the treaty can go unfulfilled. In the Middle East, a key question is whether one hold-out – e.g. Israel, but also possibly Iran – should block entry-into-force or even treaty negotiation itself. In this respect, the Tlatelolco Treaty may offer a useful model, in that it was able to enter into force for most of the Latin American and Caribbean countries long before Argentina and Brazil came aboard.²⁴

Withdrawal provision

Nearly every treaty has a withdrawal clause, giving adherents the right to pull out under certain conditions. In the case of the NPT under Article X, this is allowable with three months' notice if “extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country”. North Korea was widely seen to have abused this provision when it withdrew from the NPT in 2003, having violated the treaty's safeguards provisions. Many experts believe that withdrawal under such circumstances should not be acceptable without penalty, but it has proven impossible to date to tighten the NPT withdrawal conditions. Negotiations of a Zone Treaty may benefit from this experience in drafting tighter conditions from the start.

²⁴ Lewis and Potter, 'The Long Journey Toward a WMD-Free Middle East'

Possible interim steps

Although a 'full' Zone will remain elusive until a greater sense of trust has been established among key parties, various smaller steps could be taken in the interim to create confidence and contribute to a process of establishing the MEWMDFZ. Following is a non-exclusive list of some of the steps that have been proposed.

Mutual recognition of sovereignty

States that do not recognise one another will find it difficult to enter into negotiations. Initially, recognition would not require establishing diplomatic relations, but would entail both Iran and Arab states recognising Israel's right to exist, and Israel recognising the right to statehood for the Palestinian people.²⁵

Information sharing

As an initial move toward the transparency that would be required by the Zone, states in the region might consider exchanging information that they already provide to international organisations. This need not be information that is in any way confidential; it could be reports in the public realm. An example would be the reports that each state is obliged to provide to the UN Security Council Resolution 1540 Committee on national measures to enact and implement laws to prohibit non-state actor proliferation. The purpose of the exercise would be to establish a pattern of information sharing. Going beyond this rudimentary step, experts from each country could meet for informal discussions on how to improve existing measures outlined in these reports and best practices.²⁶ Going further, states might also consider preparing and discussing White Papers on threat perceptions, perhaps in the context of Track II discussions.²⁷

Cooperation on nuclear and radiological security

Given that all states have a national interest in preventing nuclear terrorism, states in the region might find it easier to discuss common strategies and efforts to protect fissile and radiological material. States in the region should be encouraged to adopt key nuclear security instruments such as the Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 amendment.²⁸ States might also consider a regional ban on radiological weapons.

Cooperation in peaceful uses of nuclear energy

Joint ventures to build nuclear power plants and to share the electrical output through interconnected grids may make economic sense for several of the smaller states in the Middle East, including Jordan and Israel. A shared nuclear power project would present many political hurdles but, for the same reasons, it could provide huge benefits in terms of confidence building. On a lesser scale, nuclear technology for other peaceful uses might also be shared. One such project has already been adopted under the auspices of the IAEA and the UN Educational,

25 George Perkovich, Jessica T. Mathews, et al, *Universal Compliance: A Strategy for Nuclear Security* (Washington: Carnegie Endowment for International Peace, 2007), p. 182

26 Harald Müller and Claudia Baumgart-Ochse, 'A weapons of mass destruction-free zone in the Middle East: an incremental approach', background paper for the EU Seminar to promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East, 6-7 July 2011, www.nonproliferation.eu/documents/backgroundpapers/muller.pdf

27 Pugwash, 'Toward a Conference on a Nuclear Weapon or WMD Free Zone in the Middle East: Some points for consideration', 26 September 2011, www.pugwash.org/reports/nw/MEWMDFZ_26Sept_FIN.htm

28 The amended Convention makes it legally binding for states parties to protect nuclear facilities and material in peaceful domestic use, storage and transport. It also provides for expanded cooperation between states regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences. The amendments will take effect once they have been ratified by two-thirds of the states parties.

Scientific and Cultural Organization (UNESCO): the Synchrotron-Light for Experimental Science and Applications for the Middle East (SESAME) initiative, hosted by Jordan and involving Israel, the Palestinian National Authority, Bahrain, Egypt and Turkey.

Banning attacks on nuclear facilities

Nuclear-weapon-free zones elsewhere have included provisions banning attacks on nuclear facilities. Such a ban could be discussed and even adopted before a Zone itself were in place. Indeed, in August 2009, Iran proposed a UN resolution banning such attacks globally. While such a ban might seem to be uncontroversial at first glance, Iran's promotion of this measure points to one of the inherent problems: dual-use nuclear facilities such as Iran's enrichment plants at Natanz and Fordow are seen by many observers to be part of a nuclear-weapons programme or at least of a hedging strategy and not strictly for peaceful purposes.

Sub-regional zones

The Gulf Co-operation Council in 2005 proposed a sub-regional nuclear-weapon-free zone comprising nations bordering the Gulf. If Iran's objections to this proposal were ever overcome, it would not be the first sub-regional zone in the region. Such a zone already exists in North Africa by virtue of the Pelindaba Treaty declaring all of Africa nuclear-weapons free.

Selective treaty adoption or pre-adoption implementation

States that do not yet adhere to one or more of the key non-proliferation instruments – the NPT, CTBT, BWC, CWC, IAEA Additional Protocol, etc. – could declare a willingness to behave as if they were a treaty party and reinforce this by implementing relevant national legislation.²⁹ In particular, signing and ratifying the CWC has been suggested as an easier step for Arab countries because chemical weapons are not strategic and are seen by most militaries around the world as unusable.³⁰

Moratorium on enrichment or reprocessing

It is often suggested that progress might be possible on stopping fissile material production in the region, either in conjunction with a global Fissile Material Cut-off Treaty or separately. In a variation of this proposal in 2006, the WMD Commission headed by Dr Hans Blix recommended that all states in the region commit for a prolonged period to not having any uranium enrichment, plutonium reprocessing or other sensitive fuel-cycle activities on their territories. This would require all fuel-cycle services for future nuclear power plants in the Middle East to be provided by facilities outside the region.³¹ At present, the measure would affect only Israel, by stopping its plutonium reprocessing, and Iran, by stopping its uranium enrichment, but all Middle East states would voluntarily forgo the right for a period of time.

Nuclear-Test-Free Zone in the Middle East

One of the most important steps that states in the region could take towards a Zone would be for all parties to sign and ratify the CTBT. This would also be a huge boon to global disarmament efforts, since three of the eight states whose ratification is needed for the CTBT to enter into force are in the Middle East: Egypt, Iran, and Israel. There is no strategic reason for Israel not to sign, since it has been able to maintain an arsenal without known nuclear testing. Since all the other states in the region have committed to forgo nuclear weapons by virtue of their adoption of the NPT, they too should have no need for nuclear testing. A mutual agreement, including by Syria and Saudi Arabia, to sign and ratify the treaty within a specified period of time, need not depend on any other prior step.³²

29 Pugwash, 'Toward a Conference on a Nuclear Weapon or WMD Free Zone in the Middle East; Some points for consideration'

30 Paul Ingram, 'Agenda issues before the 2012 conference on a WMD-free zone', moderator's report of a workshop in Malta, British American Security Information Council (BASIC), 8-9 September 2011, www.basicint.org/sites/default/files/keyfindingsfrommalta.pdf

31 Weapons of Mass Destruction Commission, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, Stockholm, Weapons of Mass Destruction Commission, June 2006, p. 72

32 Pierre Goldschmidt, 'An Agenda for NATO-Russia Cooperation on Nonproliferation', Carnegie Endowment for International Peace, Proliferation Analysis, 14 December 2011

Step-by-step comprehensive approach

While most – maybe all – of the above steps have intrinsic merit of their own, and some seem to be ripe for early harvest, key states have resisted making concessions on any measures unless coupled with steps of particular value to themselves. That is why otherwise unobjectionable measures remain aspirational. Iran at times has even rejected the notion of interim steps altogether, arguing that Israeli adherence to the NPT and destruction of its nuclear weapons capabilities is the only step that matters.³³ In unofficial discussions, however, even Iranian participants appear to recognise that an immediate maximalist approach is counterproductive, just as an approach that plucks low-hanging fruit without a commitment to a process of additional steps toward a zone is politically untenable. Better is an in-between approach, such as one discussed at a September 2011 workshop organised by the British American Security Information Council. That meeting explored the possibilities of baskets of asymmetrical negotiated steps with incentives built in for all parties to maintain interest in progressing the whole course to a Zone.³⁴

Key players

Egypt

As the de facto leader of the Arab states and the chief sponsor of the Zone proposal in its formulation since 1990, Egypt will play a vital role in any diplomatic deliberations on the matter. The unsettled political situation in Cairo has not reduced the fervour or skill with which Egyptian diplomats advocate a Zone, although the lacuna of political leadership reduces their manoeuvrability to make compromises. Egypt remains willing to discuss security issues and confidence-building measures, but only as part of a process leading to establishment of the Zone. Egypt insists that the 2012 Conference should not be an isolated event but must be tied to an ongoing process.

Moderate Arab states

Most other Arab states fall in behind Egypt's lead. They are animated by Arab solidarity and a genuine concern about the plight of Palestinians that lends moral weight to criticism of Israel's nuclear exceptionalism. Yet the Magreb and Gulf Arabs have little reason themselves to fear Israel; the latter find Iran a greater point of concern and are more willing to focus on future possibilities for a Zone rather than past disappointments. Able diplomats from states such as Algeria and Saudi Arabia often contribute constructively at international forums and can play a useful role in negotiations.

Hardline Arab states

As demonstrated at the November 2011 IAEA forum, Syria typically holds to a vociferously anti-Israeli posture, joining Iran in this camp and joined by Lebanon. The overthrow of the Gaddafi regime in Libya reduced the number of hardliners. Violence in Syria and its expulsion from the Arab League have further reduced the clout of the hardline camp. While Syria has to be part of any Zone outcome, the Assad regime may not be in place by the time negotiations ensue, so its absence may not be missed by many if it failed to attend the 2012 Conference.

³³ 'Iran's Nuclear Program: An Interview with Iranian Ambassador to the IAEA, Ali Asghar Soltanieh, *Arms Control Today*, October 2011

³⁴ Paul Ingram, 'Agenda issues before the 2012 conference on a WMD-free zone', moderator's report of a workshop in Malta, British American Security Information Council (BASIC), 8-9 September 2011, <http://www.basicint.org/sites/default/files/keyfindingsfrommalta.pdf>

“For Israelis to accept a process that goes beyond a one-time meeting, they would have to see security benefits in it for them”

Israel

Aggrieved by the 2010 NPT Review Conference Final Document, which singled out Israel (however mildly) without mentioning Iran, Israeli officials have not indicated whether or not they will attend the 2012 Conference. Not having participated in the Review Conference negotiations, Israel will not attend a conference if it is solely tied to the NPT process without a broader agenda, such as in the July 2011 EU seminar. Even with a broader agenda, there is no guarantee of Israeli attendance, especially if the decision is up to hardline Foreign Minister Avigdor Lieberman. If Israel does attend, it will be very cautious about entering into any open-ended process aimed at its nuclear disarmament. For Israelis to accept a process that goes beyond a one-time meeting, they would have to see security benefits in it for them. This could be achieved, for example, if the Conference were to address Israel's growing concerns about the insecurities and uncertainties unleashed by the Arab uprising, including the lawlessness that has overtaken much of the Sinai Peninsula and the increased quantity, range and sophistication of rockets directed against Israel by non-state actors to their north and south.³⁵

Iran

For Tehran, the singular intent of the Zone is to strip Israel of its nuclear arsenal. The noble goals of the Zone are consistent with Iran's stated stance against WMD and the religious fatwa issued in August 2005 by the Supreme Leader, Ayatollah Ali Khamenei,³⁶ that buttresses this policy. These proclamations have not prevented Iran from violating IAEA safeguards and UN mandates and from developing a robust nuclear weapons capability (albeit with no apparent decision to take the final step of manufacturing a bomb). Mindful of the unlikelihood of Israeli unilateral disarmament, Iran's tactical purpose in promoting a Zone is to pressure and ostracise what it calls the 'Zionist regime'. In this effort, Iran is able to collar support from many developing countries. As head of the Non-Aligned Movement in 2012, Iran's ability to play a spoiler role in the 2012 Conference may be strengthened. Whether or not Iran will even attend the Conference may be uncertain until the final hour. Iran was extremely active at the July 2011 EU seminar, but it chose not to attend the November 2011 IAEA forum as a protest against the damning Agency report earlier that month that presented further details of alleged nuclear activities that appeared to be related to nuclear weapons development. New details in upcoming IAEA reports, which come out before each quarterly Board meeting, or a tightening of international sanctions could again give Iran an excuse to stay home. If it does attend, Iran is unlikely to accept any compromises unless it obtains some security benefits of its own.

UK and other Nuclear-Weapon States

Along with Russia and the US, the UK has a key role to play in Zone negotiations as an NPT Depository State and sponsor of the 1995 Middle East resolution. All three states will be looked to for ongoing support.

In terms of the US, Washington will not want to be seen to be pressuring Israeli Prime Minister Benjamin Netanyahu prior to the American presidential elections in November 2012, given that the Republican Party has repeatedly accused President Obama of not adequately supporting Israel. This is why the MEWMDZF Conference is set for after the US election, although if Obama loses, the US will have less leverage over Israel.

Therefore, if a Zone is to develop traction this year, the UK and others will need to support confidence-building measures with technical expertise and political encouragement. Protocols to the Zone Treaty will need to include NWS assurances that they will not bring nuclear weapons into the region or threaten Zone countries with nuclear attack. Positive security assurances will probably also be needed if countries are to forgo nuclear weapons, though this need not be in the form of a nuclear umbrella. A useful role can also be played by NWS in offering assistance on dismantlement and verification, drawing on their own experience, such as the UK-Norway Initiative on verified warhead dismantlement.

Civil society

In many countries, non-governmental experts and organisations play an indispensable role in promoting disarmament and non-proliferation, developing and testing new ideas, and facilitating public education. Civil society can also build bridges with other countries through Track II processes, scientific exchanges and the internet-assisted globalisation of writings

³⁵ The author is indebted to Nomi Bar-Yaacov, who elaborated on this theme in a presentation at a Track II meeting on the MEWMDZF hosted by the Landau Network-Centro Volta with the support of the Italian ministry of Foreign Affairs in Como on 10 November 2011.

³⁶ See Statement by H.E. Dr. M. Javad Zarif, Permanent Representative of the Islamic Republic of Iran before the Security Council, 23 December 2006.

and ideas. Unfortunately, the Middle East has a scarcity of civil society groups that have the expertise and freedom to operate independently or to hold governments to account. In international fora, private sector experts from Middle East states other than Israel rarely voice opinions that challenge their own government's policy unless the proceedings are strictly off-the-record. The power of grassroots activism has been newly demonstrated, however, in Egypt, Tunisia and elsewhere. The Arab uprising may provide scope to bring a civil society voices to non-proliferation and disarmament discussions, and to sustain transparency in national policies,³⁷ such as those concerning nuclear power.

³⁷ Ingram, 'Agenda issues before the 2012 conference on a WMD-free zone'.

Prospects for the 2012 Conference

To raise ambitious expectations for the 2012 Conference would be to set it up for failure. Given the limited time that the facilitator will have had for preparation, the Conference will not be able to cut through the Gordian Knots of Middle East tensions that have impeded progress towards the Zone for so many years. Even the holding of the Conference itself, with participation by key states concerned, is not certain.³⁸ As discussed, to attract these states, the Conference must address issues they deem important – regional security in Israel’s case. It is more difficult to gauge Iranian participation. Some states might even hope that Iran does not show up, because Tehran could then be blamed if the Conference fails. Discussions would certainly be less contentious without Iran, as was the case with the November 2011 IAEA Forum, which was deemed successful even without Iranian participation because Iran was not central to the purpose of the exercise. Iran is central, however, to discussions of the MEWMDFZ. So while an Iranian no-show at the 2012 Conference could lead to a more harmonious atmosphere, the country should not be excluded on purpose, given its importance in the region and centrality to any enduring solution.

Holding the Conference with full participation in a constructive atmosphere might be labelled a success. Yet most countries will be looking for more. Without at least some substantive outcomes, it would be judged a failure.

A declaration

The 2012 Conference should aim to produce a declaration of principles. A simple but clear reaffirmation of support for the creation of a WMD-Free Zone in the Middle East should be doable, drawing on language from past UN General Assembly consensus resolutions. Various states will have their own ideas on what else could be added to a declaration of principles. It might be possible, for example, to include a declaration that all states in the region will adhere to commitments they have already made in signing and ratifying existing non-proliferation-related instruments. It may also be possible for all states to acknowledge that disarmament and non-proliferation goals are linked and that negotiations toward a Zone cannot take place in isolation from the broader political and security context. The more new language that is proposed, of course, the more difficult the exercise will become. But including a security emphasis is probably the only way to attract Israeli support.

A process

There should be no expectation that the Conference will produce the beginnings of a negotiation for a Zone Treaty. There is, however, a clear expectation that the Conference will be part of a process and not simply a one-off exercise. The Final Document of the 2010 NPT Review Conference said so explicitly: “The Conference emphasizes the importance of a process leading to full implementation of the 1995 Resolution on the Middle East” (Section IV, para 7). The process might include the establishment of a working group to discuss some of the treaty issues outlined earlier in this report, such as the geographic limits of the Zone, the scope and definitions of the weapons systems and technologies to be banned, and the transparency and

³⁸ Among other wild cards, the calamitous possibility of feverish talk of military action to stop Iran’s uranium enrichment programme would surely scuttle the conference altogether and severely set back hopes for a negotiated MEWMDFZ.

verification requirements. The working group could be charged with outlining the parameters and narrowing differences on the options. UN organisations and even non-governmental experts might be included in such a working group. It could also be comprised exclusively of experts who do not officially represent their governments. Such a working group should require regional participants to move beyond political rhetoric to the hard reality of what it takes to make a Zone work in a region that is steeped in mutual suspicion and has such a poor record of compliance with non-proliferation obligations. The results of a working group like this could form a very constructive contribution to the global non-proliferation regime.³⁹

Interim measures

Agreement on follow-on steps will not be easy, because most of the steps that are sought by one party posit asymmetric obligations for one or more other states. Reflecting Egypt's desire that the Conference begin the stage of pre-negotiations, Nabil Fahmy – an Egyptian disarmament expert – advocates agreement on interim measures such as prohibiting the production of weapons-grade material and a timeline for the destruction of existing stockpiles of such material.⁴⁰ Such far-reaching steps that apply solely to Israel clearly are not possible for the 2012 Conference. The trick will be to find measures for initial agreement that are acceptable to all regional states. One feasible idea is Fahmy's suggestion for unilateral adherence by the regional states to international conventions on nuclear safety.⁴¹

A Conference statement committing in principle to adhere to international instruments relating to nuclear security, such as the CPPNM and its 2005 amendment, may also be achievable. All states have a national security interest in preventing nuclear and radiological terrorism. By picking up on language previously agreed through CICA, it may also be possible to find agreement on initial 'interaction and confidence building measures'.

Transparency steps

In support of the principle of transparency that will be central to success of the Zone, Conference participants should be willing to take at least some steps in the direction of information sharing. As discussed above, this could start with information already in the public realm, such as reports to the UN 1540 Committee. The very process of exchanging information, which would require establishing or designating a set of procedures and an organisation to manage the exchange, would itself constitute forward motion.

39 Kenneth Brill, 'Using the 2012 Conference on a MEWMDFZ to Bolster Regional Economies, Promote Regional Peace and Strengthen Global Security', address at a conference hosted by the George Washington University Elliott School of International Affairs on 'Moving Toward a Region Free of Weapons of Mass Destruction in the Middle East: Challenges for 2012, 14 June 2011.

40 Nabil Fahmy, 'Salvaging the 2012 Conference', *Arms Control Today*, September 2011.

41 *Ibid.*

Conclusion

In conclusion, for the 2012 Conference to be successful, it will need to convene the key players and to send them home believing that progress has been made toward their objectives. While buy-in will be necessary from all Middle East states eventually, universality of attendance is not necessary for this event. Participation by Syria, for example, under the Assad regime, would not be constructive. The essential participants are Egypt and Israel. It will not be possible in 2012 to satisfy both, any more than it has been in the past decades. But to meet their minimum objectives, a trade-off does suggest itself.

The Israelis need help with their security concerns in light of the growing instability on their borders. The Egyptians need to demonstrate that it made sense to accept an indefinite extension of the NPT in exchange for a commitment by major powers to a MEWMDFZ. For concrete progress toward this goal, a re-declaration of principles should be supplemented by the establishment of a continued process. The Conference must be forward-looking, with a focus on security and nuclear disarmament. If the 2012 Conference and its attendant process point the way forward to the implementation of a Zone and of a new set of security arrangements in the Middle East, it would be attractive to both of the essential players. Other nations, within and outside the region, would also be well served.

On 21 October 2011, UNA-UK held a high-level 'Towards Zero' roundtable, part of which was devoted to generating short and long-term recommendations on a Middle East zone free of nuclear weapons and other weapons of mass destruction, ahead of a proposed conference on that issue, scheduled for 2012. Participants including former head of the International Atomic Energy Agency Hans Blix, and experts from the UN, Arab League, China, Russia, the US and the UK formulated proposals that were later forwarded to Ambassador Jaakko Laajava, the facilitator of the proposed conference.



Panellists, 'Towards Zero' round-table, 21 October 2011.

From left to right: Dr. Jianqun Teng, Director, The Centre for Arms Control and International Security Studies, Beijing; Dr. Jamie Shea, Deputy Assistant Secretary General for Emerging Security Challenges, NATO; Rt. Hon Margaret Beckett MP, Top Level Group of UK Parliamentarians for Multilateral Nuclear Disarmament and Non-Proliferation; Sir Jeremy Greenstock, Chairman, UNA-UK; Dr Hans Blix, Former Director General, IAEA; Ambassador Wael Al Assad, Director of Multinational Relations, League of Arab States.

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Although it is still a distant dream, the rationale for creating a Middle East zone free of nuclear weapons and all other weapons of mass destruction has never been stronger. If established and faithfully implemented – two big ‘ifs’ indeed – a Zone banning all nuclear, chemical and biological weapons and ballistic missiles would be an answer to the Iranian nuclear crisis; remove the sense of double standards over Israel’s nuclear programme; address the threat posed by chemical weapons programmes in Syria and elsewhere; and mitigate one of the dangers associated with introducing nuclear energy in the region. It would also represent the next stage in an expanding network of nuclear-weapon-free zones that now encompasses all land areas in the Southern Hemisphere.

In many ways, however, the goal of abolishing nuclear weapons in the Middle East seems as distant now as it did 35 years ago, when the Zone was first proposed. While every such Zone requires complicated issues to be addressed, three factors multiply the complexity of these challenges in the Middle East: the history of conflict and tension in the region, the asymmetry of nuclear capabilities, and the absence of inclusive regional institutions.

These obstacles notwithstanding, the international community has undertaken a renewed effort to promote the Zone. A key outcome of the 2010 NPT Review Conference was an agreement to hold a conference on this issue in 2012. This report explores how that conference can make progress towards a nuclear-free Middle East.

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