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B R I E F

# **Towards a verified nuclear weapon free zone in the Middle East**

Sameh Aboul-Enein and Hassan ElBahtimy

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In May this year, representatives from member states will converge in New York to review the implementation of the 1968 Nuclear Non-Proliferation Treaty (NPT). The treaty provides the legal and normative basis for the non-proliferation regime and, the review conference, which comes every fifth year, is considered an important indicator of its health. The last review cycle ended in a regrettable failure to adopt a final document in 2005 reflecting sharp differences between state parties on a number of issues. The next review conference is faced with the challenging yet vital task of reasserting the central importance of the treaty for international security and affirming its continued relevance as the cornerstone of the global nuclear order.

One of the issues on the conference’s agenda is reviewing progress made in achieving a nuclear weapons free zone (NWFZ) in the Middle East. The special status of the region was recognized by a Resolution on the Middle East adopted in 1995 by the NPT Review and Extension Conference. The 1995 conference is famous for its decision to extend the NPT indefinitely. However, that outcome was only possible following the adoption of a package of decisions that reaffirmed beyond doubt the principles and objectives of the treaty and strengthened its review process.

In that package a specific resolution sponsored by the treaty’s three depositories was passed that addresses the nuclear situation in the Middle East. The 1995 Resolution on the Middle East focused on achieving the following objectives: the establishment of a nuclear-weapon free zone in the Middle East, the accession to the NPT by states in the region that have not yet done so and the placement of all nuclear facilities in the Middle East under full-scope IAEA safeguards.

In the 2000 review conference, the conference reaffirmed the importance of the 1995 Middle East Resolution to the indefinite extension of the NPT and encouraged the states of the region to pursue vigorously a zone free of weapons of mass destruction in their region. The conference also called on Israel to promptly join

the treaty as a non-nuclear weapon state. This action indicated the growing recognition of the importance of the universality of the non-proliferation treaty.

However, in the 15 years that have passed since the resolution’s adoption no real progress has been made towards achieving that aim. Lack of any progress towards meeting objectives laid out by previous conferences has consistently undermined the credibility of the NPT in the Middle East. It is vital for the coming review conference to satisfactorily address the nuclear situation in the region and in particular previous commitments towards establishing it as a zone free of nuclear weapons. The recent NPT preparatory meeting showed willingness on the part of many members to strengthen the treaty and achieve its universality.

Key successes of the past has included South Africa’s historic decision to dismantle its nuclear weapons and join the treaty; decisions by Brazil and Argentina to roll back their nuclear programmes and create a bilateral verification agency; and the decisions by Belarus, Kazakhstan and Ukraine to transfer nuclear weapons back to Russia after they seceded from the Soviet Union. The actions by these states to give up nuclear programmes and weapons deserve greater recognition, for they lead the way for other states with weapons and military nuclear programmes to follow.

## **Moving the Middle East away from the nuclear brink**

Failure of implementing the Middle East resolution has regional as well as universal implications. The lack of universal membership to the NPT in the region has significantly contributed to an enduring security deficit that locks the region on a proliferation trajectory. While all major states in the region are parties to the treaty, Israel shows no intent of joining the regime while allegedly possessing significant nuclear capabilities that are not under any international or regional verification regime.

The Stockholm International Peace Re-

search Institute (SIPRI) estimates in its 2009 Yearbook that Israel is in possession of 80 nuclear warheads while the International Institute for Strategic Studies (IISS) in its appraisal of global military balance for the same year assesses that Israel is in possession up to a total of 200 warheads. Some analysts suggest that if regional frustration about lack of progress towards a nuclear weapons free zone in the Middle East continues to mount, it is not unreasonable to expect states to re-evaluate the utility of membership in a regime that does not address their legitimate security concerns. Recent events point towards increased frustration from lack of progress towards the establishment of nuclear weapons free zone in the region.

The Arab Summit this year acknowledged with concern the lack of any progress towards the establishment of the zone in the region. The summit called for the adoption of practical steps at the review conference towards that aim including establishment of institutional follow up mechanisms. Leaders at the summit gave a clear message highlighting the importance of achieving progress in implementing the 1995 resolution to the overall success of the coming review conference.

The nuclear imbalance in the Middle East stimulates counter-balancing nuclear ambitions in the region as proven by the cases of Libya, Iraq and most recently Iran's ambiguous nuclear programme. Limited and selective approaches to address nuclear proliferation in the region might have managed, so far, to roll back certain nuclear developments but their ability to do so in the future is in doubt. In addition, such selective approaches have evidently failed to reverse the ongoing proliferation trend in the region.

A comprehensive region-wide framework in line with the establishment of a nuclear weapons free zone in the Middle East, that would include all Arab states in addition to Israel and Iran, is required to put the region on a solid nonnuclear course. The lack of progress in implementing the 1995 resolution is also of clear relevance to efforts aimed at strengthening the

NPT. Frustrated treaty parties from the region have declared their determination not to undertake additional obligations, frequently proposed to strengthen the treaty, while the treaty's fundamental obligations are not universally in force in the region.

If the NPT is to continue to develop as a far-reaching and genuinely global pact, addressing outstanding issues including the Middle East and fulfilment of disarmament obligations will prove fundamental in any forward looking attempts to strengthen the treaty. The universality of the NPT is critical to regional and global security because states remaining outside the treaty fundamentally undermine the benefits of membership for their neighbours by maintaining nuclear programs that constitute a continuing nuclear danger to their neighbours and the rest of the world. For 2010 and beyond, the Review Conference should seriously consider establishing an NPT Universality Support Unit to address directly the mechanisms that will bring states outside the treaty into the NPT as non-nuclear weapon states.

### Verifying the zone

The 1995 resolution also calls for any zone free of weapons of mass destruction in the region to be 'effectively verifiable'. This requirement enjoys broad support from states in the region. In April 1990, for instance, President Hosni Mubarak of Egypt proposed that the zone should contain 'verification measures and modalities ... to ascertain full compliance by all states of the region with the full scope of the prohibitions without exception'. Discussions on how the zone should be verified in practice, however, have been largely deferred due to the lack of progress on establishing the basic principles on which the zone should be based (see below).

It is widely assumed that the Middle Eastern zone will follow the same pattern as other functional weapons free zones of the world. The International Atomic Energy Agency would bear most of the burden to verify that no nuclear mate-

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rials are diverted into illegal weapons programmes. It is also likely to play some role in verifying the dismantlement of any regional weapons stockpiles, as it has done in the past. The latest study on safeguards requirements for the zone was conducted in 1989. This study could usefully be updated to reflect the latest developments in safeguards techniques and technologies.

It is sometimes also proposed that regional co-operative monitoring should form part of the agreement. Care should be taken not to overlap the work of the IAEA or, for that matter, to take action that might undermine its primary responsibility for the NPT safeguards system. However, now might be the time to propose and initiate technical studies on the topic involving regional governments. This may not be as difficult as it sounds as the region has had valuable experience of cooperative monitoring and verification systems (notably under the Sinai disengagement agreements I and II in 1974 and in 1975 as well as the Egypt-Israeli Peace Treaty in 1979).

### The way forward

The goal of a Nuclear Weapons Free Zone (NWFZ) or, more generally, a Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East has been repeatedly endorsed by all states in the region, as well as the international community at the highest diplomatic levels. Many resolutions are annually adopted to that effect from the General Assembly of the United Nations and the General Conference of the International Atomic Energy Agency in addition to other fora. Despite the wide support to the goal of establishing such a zone in the Middle East, no practical steps towards its fulfilment have been followed.

Previous Nuclear weapons free zones in Latin America and the Caribbean (Tlatelolco), South Pacific (Rarotonga), South East Asia (Bangkok) and Africa (Pelindaba) have all progressed through similar stages to bring their respective zones into force. If the five previous nuclear weapons free zones are taken as an indicator, establishment of nuclear weapon free zones go through the following stages.

1. pre-negotiation phase; (outlines principles, preferences towards that and the wide parameters that zone would take)
2. negotiation of a treaty text; (targeted negotiations based on formulating a legally binding text)
3. entry-into-force; (signing and ratifying)
4. institution building and additional accessions;
5. step-by-step implementation of all treaty commitments, maturity of the treaty and regime;

It is clear that the Middle East Nuclear Weapons Free Zone is stuck at the very early stages and has not progressed through any of the substantive stages conducive to establishment of the zone. In the coming review conference, state parties will face mounting frustration from the failure to implement the 1995 resolution or the 2000 recommendations. To start an overdue process towards implementing these commitments, the conference can consider setting up a standing committee with the aim of following up on progress in implementing the resolution and other commitments as well as facilitating and supporting negotiations between prospective zonal states on a legally binding text that codifies the establishment of a Nuclear Weapons Free Zone in the Middle East.

Under this role, the standing committee can also commission a study to explore states' views on a variety of issues pertaining to the establishment of nuclear weapons free zone. Such issues include the geographical limitations of the zone, the scope of zonal obligations and prohibitions, verification modalities as well as the complaints and compliance mechanisms for the future zone.

Despite differences on details, similarities in positions regarding the fundamentals of these issues are striking. The mandate given to the committee should also allow contacts with nuclear weapons states to explore the provision of negative security assurances and to examine how such zone would impact shipping and transit rights in the region. Also the IAEA's role will

be vital for devising a verification regime suitable for obligations under the zone. An undertaking of that scope is pertinent given that the last comprehensive examination of various regional positions was released twenty years ago by UN expert group in 1990. Once targeted negotiations on the zone starts, states in the region can consider adopting a variety of measures to demonstrate good faith and positively contribute to negotiations on the zone. Such measures can include non-attack pledges, by regional states that can be further endorsed by the Security Council.

Importantly, all regional facilities producing weapons grade fissile material in the region will have to be shut down and decommissioned or converted to civilian uses under standard international safeguards. Regional states can concurrently agree to join international non-proliferation instruments like the Comprehensive Test Ban and Fissile Material ban Treaties. If these international regimes are currently stalled, regional pledges, prohibiting nuclear testing and production of fissile materials and affirming the underlying objectives of these regimes, may be considered on a regional scale as a first step.

State parties meeting in May are facing a challenging task ahead. Fifteen years after the Middle East 1995 resolution, rhetorical support to the zone will only add to the mounting frustration in the region and severely undermines the authority of the treaty and the non-proliferation regime in the region. The conference needs to affirm the goal of a nuclear weapons free zone in the region and adopt an overdue solid plan for its implementation that includes tangible and practical steps.

Ahead of the conference, all state parties as well as all regional states would benefit from considering all proposals presented to advance the goal of a NWFZ in the Middle East. Such efforts need to be part of a truly comprehensive review of the treaty that would affirm its credibility and its central position at the heart of the non-proliferation regime.

1974	Egypt and Iran sponsored UN resolution calling for establishment of a NWFZ in ME. The resolution has been adopted annually since.
1978	UN first special session on disarmament produced a final document endorsing the goal of establishing NWFZ in ME.
1980	Annual UN resolution on NWFZ in Middle East was adopted by consensus after Israel voted in favour of the resolution.
1989	IAEA releases a technical study on different modalities of the application of safeguards in the ME.
1990	Egypt proposal to establish a Weapons of Mass Destruction Free Zone (WMDFFZ) in the Middle East.
1990	UN expert study on 'A Zone Free of Weapons of Mass Destruction in the Middle East' was released.
1991	UN Security Council resolution on Iraq, adopted under Chapter VII of the UN Charter, frames Iraq's disarmament in the context of establishing in the Middle East of Weapons of Mass Destruction Free zone.
1992-1995	Six plenary sessions of the Arms Control and Regional Security in the Middle East working group under the 1992 Madrid's peace process.
1995	Adoption of Middle East Resolution on establishment of a NWFZ in the Middle East.
2000	Final document of Review Conference reaffirms the 1995 Middle East resolution and explicitly calls on Israel to join the NPT.

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#### Editor

Andreas Persbo

#### Sub-editor

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Richard Jones

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## About this paper

This paper outlines the need for a nuclear weapon free zone in the Middle East, and discusses its relevance for the 2010 NPT review conference.

Sameh Aboul-Enein is an Egyptian scholar and diplomat. He holds an MSc and a PhD in International Relations and the Middle East and has published a number of articles on disarmament issues. He is currently a visiting lecturer on disarmament (University of Westminster) and a member of a multilateral study group on Missiles (Peace Research Institute Frankfurt). He is an alumnus of the School of Oriental and African Studies and this article forms part of his post-doctoral research. He contributed these views solely in his academic and personal capacity.

Hassan Elbahtimy is a researcher at VERTIC. He is also a PhD candidate and a research associate at the Centre for Science and Security Studies at the War Studies Department, Kings College, London

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VERTIC  
Development House  
56-64 Leonard Street  
London EC2A 4LT  
United Kingdom

Tel +44 (0)20 7065 0880  
Fax +44 (0)20 7065 0890  
E-mail [info@vertic.org](mailto:info@vertic.org)  
Website [www.vertic.org](http://www.vertic.org)