

A Zone free of WMD and means of delivery in the Middle East: an assessment of the multilateral diplomatic process, 1974–2010

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Background paper

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Abbreviations

ACRS	Multilateral Working Group on Arms Control and Regional Security
CBM	Confidence-building measure
EU	European Union
EEAS	European External Action Service
IAEA	International Atomic Energy Agency
NPT	Non-Proliferation Treaty
NPTRC	NPT Review Conference
NPTREC	NPT Review and Extension Conference
NWFZ	Nuclear-weapon-free zone
UAE	United Arab Emirates
UfM	Union for the Mediterranean
WMDFZ	Weapons of mass destruction-free zone
WMD	Weapons of mass destruction

I. Introduction

The notion of a 'nuclear weapon-free zone' (NWFZ) is by no means new. As a legal reality it predates the final formulation of the NPT in 1968.¹ In the case of the Middle East, it emerged during the 1960s and took shape in 1974 following the Iranian initiative with Egyptian support.² The notion of a 'weapons of mass destruction-free zone' (WMDFZ) is more recent. It was diplomatically mooted by Egypt in 1990 in the form of the 'Mubarak proposal', concerning the Middle East, which, in the framework of such an initiative, comprises a relatively poorly defined geographical zone.³ The two notions have subsequently formally coexisted and taken shape, if not as a political project at least as a diplomatic reality in a series of different frameworks; regional (the Madrid Process and the Barcelona Process), United Nations (notably in the General Assembly), International Atomic Energy Agency (IAEA), and the Non-Proliferation Treaty (NPT) Review Process. The goal of the paper is to present a chronological table outlining the multilateral diplomatic process in this regard since 1974, in order to highlight the principal axes, the aspects of continuity and breakdown, and to put the current revival of the process into perspective, notably in the context of the regional conference called for by the 8th NPT Review Conference (NPTRC) in May 2010. The year 1990 appears to be a propitious focal point when dividing the chronology of the progress towards the creation of a WMDFZ in the Middle East into two parts: UN genesis and development outside the UN arena.

II. From the nuclear free zone project to the WMD free zone project: UN genesis, 1974–91

The Treaty of Tlatelolco (Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean), which it came into force in 1969, established the first ever NWFZ in an inhabited area and both inspired and encouraged other parts of the world, including the Middle East, to follow its example. However, the NWFZ model applied to the Middle East, which was launched in 1974, four years after the NPT came into force and less than a year after the end of the 1973 Arab–Israeli war, differs considerably from the Mexican initiative in the 1960s, which was finalised in 1967 after only four years of negotiations. The Middle East project immediately took on the appearance of a diplomatic conflict played out in the UN General Assembly.

The recognition of the creation of a NWFZ in the Middle East by Resolution 3263

While the Middle East was emerging from the fourth Arab–Israeli war, Iran, backed by Egypt, proposed the creation of a NWFZ in 1974. The joint Iranian/Egyptian initiative contained the following elements:

¹ The Antarctic Treaty was signed in 1959 and came into force in 1961, and the Treaty of Tlatelolco was signed in 1967 and came into force in 1969.

² According to Dr. Mohammed Kadry Said, 'it was at the 17th session of the United Nations General Assembly in 1963, that Egypt first suggested nine conditions for establishing a nuclear weapon-free zone (NWFZ) in the Middle East. These conditions reflected Egyptian fears of foreign domination, interference in its internal affairs and high sensitivity over the issue of "sovereignty" in any arms control measures.' Mohammed Kadry Said, 'Middle East Weapons of Mass Destruction Free Zone: Regional Security and Non-Proliferation Issues', *Building a Weapons of Mass Destruction Free Zone in the Middle East Global Non-Proliferation Regimes and Regional Experiences*, UNIDIR, 2004, p. 127.

³ The Mubarak proposal merely specifies the states in the region.

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‘The ME countries should not produce or seek to obtain nuclear weapons.

- Nuclear weapon states should not use weapons of mass destruction (WMD) against other countries in the region.
- The immediate establishing of safeguards for nuclear and non-nuclear weapons.
- Egypt warned that should Israel obtain nuclear weapons, it would not fail to take action in the face of this serious threat to Egypt’s national security.’⁴

The proposed creation of a NWFZ in the Middle East was approved for the first time on the 9 December 1974 by General Assembly Resolution 3263, adopted with 128 votes in favour, no votes against, and 2 abstentions: Israel and Myanmar.

Resolution	Year	Decisions
General Assembly 3263	1974	<p>The General Assembly:</p> <ol style="list-style-type: none">1. <i>Commends</i> the idea of the establishment of a nuclear-weapon-free zone in the region of the Middle East;2. <i>Considers</i> that, in order to advance the idea of a nuclear-weapon-free zone in the region of the Middle East, it is indispensable that all parties concerned in the area proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, testing, obtaining, acquiring or in any other way possessing nuclear weapons;3. <i>Calls upon</i> the parties concerned in the area to accede to the Treaty on the Non-Proliferation of Nuclear Weapons;4. <i>Expresses the hope</i> that all States, in particular the nuclear-weapon States, will lend their full co-operation for the effective realization of the aims of the present resolution;5. <i>Requests</i> the Secretary-General to ascertain the views of the parties concerned with respect to the implementation of the present resolution, in particular with regard to its paragraphs 2 and 3, and to report to the Security Council at an early date and, subsequently, to the General Assembly at its thirtieth session;6. <i>Decides</i> to include in the provisional agenda of its thirtieth session the item entitled « Establishment of a nuclear-weapon-free zone in the region of the Middle East ».

Henceforth, resolutions concerning the creation of a NWFZ in the Middle East have been adopted each year by the General Assembly and modified according to the political and security climate in the region.

In order to determine the views of the parties concerned, as stipulated by the General Assembly in paragraph 5 of Resolution 3263, the Secretary General sent a note verbale in March 1975 to the following states in the region: Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates (UAE) and Yemen, requesting that they communicate their respective stances on the resolution. The list of countries can be assumed to represent the UN’s idea, at that time, of the geographical delimitation for a potential NWFZ in the Middle East. Each State expressed its points of view

⁴ *Egypt and weapons of mass destruction in the Middle East*, Egypt State Information Service, <http://www.sis.gov.eg/en/LastPage.aspx?Category_ID=65>.

and conditions regarding the creation of a NWFZ in the region, which can be summarised thus⁵:

- Bahrain, Egypt, Jordan, Kuwait, Lebanon, and Oman stressed their support for paragraph 2 of the resolution provided that all of the countries in the region did likewise. Egypt, Jordan, Iran, Iraq, and Syria viewed the appeal for adherence to the NPT by all States in the region (which comprises paragraph 3) as an essential condition. Kuwait explained that its reservations about ratifying the NPT arose from the fact that Israel was not a signatory, and maintained that it would be prepared to ratify on the condition of Israeli adherence. For its part, Jordan considered that the objective of the creation of a NWFZ in the region ‘will remain unattained’ as long as Israel is not a member of the NPT.
- In support of the idea of a NWFZ in the Middle East, Israel affirmed that it would represent ‘a desirable further step towards a just and durable peace in the region’ particularly in light of the new climate created by the Sinai Interim Agreement between Israel and Egypt.⁶ Israel declared, ‘such negotiations, leading ultimately to the conclusion of a formal agreement between all the States of the region, are the only means by which a nuclear weapon-free zone can be established’. It also claimed to be willing to participate in a conference involving all the countries in the region but expressed its regret that the Arab States had thus far shown a firm reluctance to take part in such a conference. This was the first time that the idea of a regional conference on a NWFZ was mooted. Finally, Israel expressed its support for paragraph 2 of the resolution but considered that this proclamation should be undertaken ‘jointly and on a reciprocal basis by all the States of the region, but considers that the proclamation could only be meaningfully made after the successful outcome of negotiations for the establishment of a nuclear weapon-free zone in the region’. As for paragraph 3’s appeal for all states in the region to adhere to the NPT, Israel argued that it ‘cannot disregard the fact that Governments of Arab countries bordering on Israel and beyond, unstintingly evoke the threat of force and attempt actively and increasingly to ostracise Israel from the international community’.

These official states’ reactions in 1975 underlined the difficulties that confronted the countries in the region with regard to the establishment of a NWFZ. They also formulate a certain number of diplomatic stances that have barely evolved since. As far as the details are concerned, a certain heterogeneity of positions vis-à-vis Israel is apparent, particularly on the part of Egypt and Iran, which prevented the establishment of a coherent block, even though states were officially in agreement concerning the adoption of General Assembly Resolution 3474 in 1975.

An on-going diplomatic process

Resolution 3263 was subsequently modified according to the political and security climate in the region. The concerned states continued to express their points of view, which were presented annually in a report by the Secretary General. Following the adoption of the 1975 resolution, transcribed below, the official positions of the Arab States fell into line with one

⁵ Cf. UN Secretary General’s report to the UN Security Council, 28th July 1975, S/11778 et Add.

⁶ Agreement of 4th September 1975.

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another, and clearly maintained that Israel should accede to the NPT in order to successfully facilitate the creation of a NWFZ in the region.

Resolutions	Year	Successive additions to the resolution 3263
General Assembly 3474	1975	<p>The General Assembly:</p> <ul style="list-style-type: none"> - <i>Recognizing</i> that the establishment of a nuclear-weapon-free zone in the Middle East enjoys wide support in the region; - <i>Mindful</i> of the prevailing political situation in the region and of the potential danger emanating therefrom, which would be further aggravated by the introduction of nuclear weapons in the area, - <i>Conscious</i>, therefore, of the need to keep the countries of the region from becoming involved in a ruinous nuclear arms race, - <i>Expresses the opinion</i> that the Member states which the Secretary-General has consulted through the notes verbals of 19 March 1975 and 13 June 1975 pursuant to General Assembly resolution 3263 should exert efforts towards the realization of the objective of establishing a nuclear-weapon-free zone in the region of the Middle East ; - <i>Recommends</i> that the Member states, referred in paragraph above, pending the establishment of the nuclear-weapon-free zone under an effective system of safeguards, should: <ul style="list-style-type: none"> (a) Proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, acquiring or in any other way possessing nuclear weapons and nuclear explosive devices, and from permitting the stationing of nuclear weapons, in their territory or the territory under their control, by any third party; (b) Refrain, on a reciprocal basis, from any other action that would facilitate the acquisition, testing or use of such weapons, or would be in any other way detrimental to the objective of the establishment of a nuclear-weapon-free zone in the region under an effective system of safeguards; - <i>Recommends</i> that the nuclear-weapon States to refrain from any action contrary to the purpose of the present resolution and the objective of establishing, in the region of the Middle East, a nuclear-weapon-free zone under an effective system of safeguards and to extend their cooperation to the States of the region in their efforts to promote this objective.
General Assembly 3171	1976	<p>The General Assembly:</p> <ul style="list-style-type: none"> - <i>Concerned</i> that the lack of any appreciable progress in the direction of the establishment of a nuclear-weapon-free zone, in the present atmosphere in the region, will further complicate the situation; - <i>Convinced</i> that progress towards the establishment of a nuclear-weapon-free zone in the Middle East will greatly enhance the cause of peace both in the region and in the world, - <i>Conscious</i> of the particular nature of the problems involved and the complexities inherent in the situation in the Middle East, and the urgency of keeping the region free from involvement in a ruinous nuclear-arms race, - <i>Expresses</i> the need for further action to generate momentum towards realization of the establishment of a nuclear-weapon-free zone in the Middle East; - The Member State, pending the establishment of the nuclear-weapon-free zone under an effective system of safeguards, should agree to place all their nuclear activities under the International Atomic Energy Agency safeguards;

Resolutions	Year	Successive additions to the resolution 3263
General Assembly 3282	1977	<p>- <i>Invites</i> the Secretary-General to explore the possibilities of making progress towards the establishment of a nuclear-weapon-free zone in the area of the Middle East.</p> <p>The General Assembly:</p> <p>- <i>Mindful</i> of the growing international desire for establishing a just and lasting peace in the region of the Middle East,</p> <p>- <i>Fully convinced</i> that the possible development of nuclear capability would further complicate the situation and immensely damage the efforts to create an atmosphere of confidence in the Middle East;</p> <p>- <i>Recognizing</i>, as a consequence, the need to create momentum towards the goal of establishing a nuclear-weapon-free zone in the Middle East,</p>
General Assembly 3364	1978	<p>The General Assembly:</p> <p>- <i>Recognizing</i> that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security,</p> <p>- <i>Urges</i> all parties directly concerned seriously to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the Middle East in accordance with the relevant resolutions of the General Assembly and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;</p> <p>- <i>Further invites</i> these countries, pending the establishment of a nuclear-weapon-free zone in the Middle East and during the process of its establishment, to declare, consistent with paragraph 63 of the Final Document of the Tenth Special Session, their support for establishing such a zone in the region and to deposit these declarations with the Security Council.</p>
General Assembly 3477	1979	No changes
General Assembly 35147	1980	No changes

The years 1981–88

As of the 1980s, General Assembly resolutions pertaining to the creation of a NWFZ in the Middle East have been adopted without a vote (Israel ceased its policy of abstention at the 1980 session). The UN General Assembly closely scrutinized operation ‘Opera’, carried out by the Israeli army against the Iraqi Osirak reactor in 1981, in a resolution regarding the project of a NWFZ in the Middle East. Israel justified the attack as an ‘act of legitimate self-defence and pre-emptive strike against a potential long-term threat as much for Israel as for the other Middle Eastern States’. However, the attack was widely condemned by the international community, chiefly in the General Assembly and in IAEA general conferences.

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Resolutions	Year	Successive additions to the resolution 3263
General Assembly 3687	1981	<p>The General Assembly:</p> <ul style="list-style-type: none"> - <i>Realizing</i> that adherence to the Treaty on the Non-Proliferation of Nuclear Weapons by all parties of the region will be conducive to a speedy establishment of a nuclear-weapon-free zone; - <i>Deeply concerned</i> that the future of the Treaty on the Non-Proliferation of Nuclear Weapons in the region has been gravely endangered by the attack carried out by Israel, which is not party to the Treaty, on the nuclear installations of Iraq, which is a party to that Treaty; - <i>Considers</i> that the Israeli military attack on the Iraqi nuclear installations adversely affects the prospects of the establishment of a nuclear-weapon-free zone in the region of the Middle East; - <i>Declares</i> that it is imperative, in this respect, that Israel places forthwith all its nuclear facilities under International Atomic Energy Agency safeguards.

General Assembly Resolution 3687 is the only resolution relating to the creation of a NWFZ in the region in which a state is formally taken to task for its actions. The following year, the General Assembly inserted a definitive paragraph pertaining to military strikes on nuclear facilities.

Resolution	Year	Successive additions to the resolution 3263
General Assembly 3375	1982	<p>The General Assembly:</p> <ul style="list-style-type: none"> - <i>Reaffirming</i> the inalienable right of all States to acquire and develop nuclear energy for peaceful purposes, - <i>Desirous</i> to build on that consensus so that substantial progress can be made towards establishing a nuclear-weapon-free zone in the region of the Middle East, - <i>Emphasizing further</i> the need for appropriate measures on the question of the prohibition of military attacks on nuclear facilities;

Little further progress was made on the establishment of a NWFZ in the Middle East until the end of the Iran–Iraq war in 1988.

Resolutions	Date	Successive additions to the resolution 3263
General Assembly 3864	1983	No changes
General Assembly 3954	1984	<p>The General Assembly:</p> <ul style="list-style-type: none"> - <i>Emphasizing</i> the essential role of the United Nations in the establishment of a nuclear-weapon-free zone in the region of the Middle East;
General Assembly 4082	1985	No changes
General Assembly 4148	1986	No changes
General Assembly 4228	1987	No changes

From the end of the Iran–Iraq War to the extension of the NFWZ project to a WMDFZ project (1988–1991)

In 1988, in order to inject some impetus into the project, the General Assembly requested that the Secretary General undertake, for the first time, an in-depth study of the establishment of a NFWZ in the Middle East.

Resolutions	Date	Successive additions to the resolution 3263
General Assembly 4365	1988	The General Assembly: - <i>Requests</i> the Secretary-General to undertake a study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East, taking into account the circumstances and characteristics of the Middle East, as well as the views and the suggestions of the parties of the region, and to submit this study to the General Assembly at its forty-fifth session.
General Assembly 44108	1989	No changes
General Assembly 4552	1990	The General Assembly: - <i>Welcomes</i> the completion of the study undertaken by the Secretary-General, in accordance with paragraph 8 of resolution 43/65 and contained in his report, on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East; - <i>Requests</i> all parties of the region and other parties concerned, in particular nuclear-weapon States, to submit to the Secretary-General their views and suggestions with respect to the above-mentioned study, as well as on follow-up measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East.

Following the use of chemical weapons in the Iran–Iraq War from 1980 to 1988, an act which was condemned by the Security Council in Resolution 612 of 9 May 1988, and the suspicions surrounding the development of an Iraqi nuclear programme, Egyptian President Hosni Mubarak declared in April 1990 that Egypt was in favour of installing a WMDFZ in the Middle East: ‘All weapons of mass destruction in the Middle East should be prohibited. All states of the region should make equal and reciprocal commitments in this regard.’

On 10 October 1990 the UN Secretary General published his ‘Study on Effective and Verifiable Measures which Would Facilitate the Establishment of a Nuclear Weapons Free Zone in the Middle East’, requested by the General Assembly. This report also deals with the question of the geographical delimitation of a NWFZ in the Middle East. The Secretary General notes that ‘it is the States that determine, in the exercise of their sovereignty, whether they are prepared to place all or part of their territory under the constraints the regime of the zone will involve’. He adds that the examination of the geographical delimitation of such a zone is imperative ‘in order to develop a generally accepted list of those States whose participation in a nuclear-weapon-free zone in the Middle East will be necessary to make it meaningful in military and political terms’. This analysis should take into account the geography, existing tensions, and certain states’ potential to develop nuclear weapons.

Several propositions have been put forward. In 1989, a study of the different conditions of application of IAEA safeguards in the Middle East noted the absence of a geographical definition of the ‘Middle East’ and suggested, in its analysis, defining the region from Libya

in the west to Iran in the east, and from Syria in the north to Yemen in the south.⁷ The question of the inclusion of Turkey, Pakistan and Afghanistan, or North Africa, Sudan, Somalia, and Djibouti has often been highlighted. In the IAEA's eyes such questions should be examined by the central states.⁸

In 1991, the First Gulf War led to the discovery of a secret Iraqi WMD programme. The Security Council adopted a resolution condemning Iraq and recognising the necessity of establishing a WMDFZ in the region.

Security Council 687	1991	<p>The Security Council:</p> <ul style="list-style-type: none"> - <i>Conscious</i> of the statement by Iraq threatening to use weapons in violation of its obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of its prior use of chemical weapons, and affirming that grave consequences would follow any further use by Iraq of such weapons, - <i>Recalling</i> that Iraq has subscribed to the Final Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons, - <i>Recalling also</i> that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on Their Destruction, of 10 April 1972, - <i>Noting</i> the importance of Iraq ratifying the Convention, - <i>Noting also</i> the importance of all States adhering to the Convention and encouraging its forthcoming review conference to reinforce the authority, efficiency and universal scope of the Convention, - <i>Stressing</i> the importance of an early conclusion by the Conference on Disarmament of its work on a convention on the universal prohibition of chemical weapons and of universal adherence thereto, - <i>Aware</i> of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq, - <i>Concerned</i> by the report in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, - <i>Recalling</i> the objective of the establishment of a nuclear-weapon-free zone in the region of the Middle East, - <i>Conscious</i> of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons, - <i>Decides</i> that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of: <ul style="list-style-type: none"> (a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto, (b) All ballistic missiles with a range greater than one hundred and fifty kilometres, and related major parts and repair and production facilities, - <i>Decides further</i> that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraph above, and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with the
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⁷ IAEA Director General note, 'Modalities of application of agency safeguards in the Middle East', IAEA General Conference, 29 Aug. 1989, GC (XXXIII)/887, p. 7.

⁸ IAEA (note 7), p. 21.

present paragraph, to be submitted to the Council for approval within one hundred and twenty days of the passage of the present resolution,

- *Invites* Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968,
- *Notes* that the actions to be taken by Iraq in paragraphs above represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons.

In Resolution 687, cited above, the Security Council notes ‘that the actions to be taken by Iraq in paragraphs above represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons’, thereby corroborating Mubarak’s appeal. The inclusion of biological and chemical weapons along with their vectors makes the Middle East WMDFZ project unique.

This extension was included two years after the end of the Iran–Iraq War, following the USSR’s withdrawal from the region and its fragmentation. A letter from the Egyptian Minister of Foreign Affairs, Amr Moussa, addressed to the UN Secretary General in July 1991, explains that President Mubarak’s proposal for a WMDFZ ‘was designed to reaffirm Egypt’s role in evaluating the situation in the region and in contributing to the suggestion of practical and constructive solutions to counter any danger to which the region may be subjected’.⁹ Following Security Council Resolution 687 the General Assembly ratified the proposed extension by including it in Resolution 4630.

Resolutions	Date	Successive additions to the resolution 3263
General Assembly 4630	1991	<p>The General Assembly:</p> <ul style="list-style-type: none"> - <i>Welcoming</i> all initiatives leading to general and complete disarmament, including in the region of the Middle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons, - <i>Invites</i> all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East,

Initial assessment

Via the evolution of the UN MENWFZ (Middle East nuclear free zone) project in the General Assembly, one can note that the continuity of the diplomatic process, marked by continual yearly political support, closely follows the evolution of the regional strategic, political, and security climate. Changes to this climate nourish and guide the NWFZ project. For instance, the Israeli preventative strike on the Iraqi Osirak reactor revived the process in the General Assembly; the Iran–Iraq War incited Egypt to resurrect and modify the process, by extending the zone’s intended field of application; and the 1991 Gulf War forced the United Nations to recognise, both at General Assembly and Security Council level, the need to create a WMDFZ in the region.

Despite the events that perturbed or intensified the process, the official positions of states in the region have remained unchanged; the Arab States will only entertain the idea of a

⁹ ‘Letter from the Minister of Foreign Affairs of Egypt to the Secretary General of the UN’, official UN documents, 21 July 1991 A/46/329, S/22855.

WMDFZ on the condition that Israel adheres to the NPT as a non-nuclear weapons state. For its part, Israel maintains that the creation of a WMDFZ should take into account the WMD capabilities of all states in the region and can only represent the culmination of a peace process. All told, this phase of UN genesis might seem sterile in so far as the successive Iranian and Egyptian projects appear to be more declaratory and/or instrumental than operational.

The turning point in the 1980s nonetheless witnessed the shift from the idea of a NWFZ to that of a WMDFZ and its assimilation into a broader political and strategic context than merely that of the Arab–Israeli conflict.

Moreover, through its expansion in the UN framework, the initial 1974 proposal leads specifically, in the form of the UN study published in 1990, to the idea that a process designed to lead to the creation of a WMDFZ in the Middle East ‘should be preceded by confidence-building measures’.¹⁰ This idea was taken up the following year in the context of the Madrid process.

III. 1990–2010: progress and regression of the diplomatic initiative

Since its diplomatic formulation by General Assembly Resolution 4630 in 1991, the goal of a WMDFZ in the Middle East naturally continues to be addressed during the annual sessions of the UN General Assembly, yet it is outside the UN arena, as such, that it is resurfacing in a regional framework on the one hand, and in the NPT Review Process on the other. This double dynamic did not produce any quantifiable progress. Chronologically speaking, 1995 appears to be a pivotal year, witnessing the end of the Madrid Process, the initiation of the Barcelona Process, and the emergence of the question within the confines of the NPT.

The regional framework: the Madrid Process

The Madrid Process was launched under the auspices of the US and Russia in the post-Gulf-War context. Of the five multilateral groups put in place by the Madrid Process, it was in the Multilateral Working Group on Arms Control and Regional Security (ACRS) that the idea of a NWFZ and a WMDFZ in the Middle East truly started to take form in a regional context between May 1992 and December 1994, during which time the multilateral group convened on six occasions. Few direct results emerged from these meetings in terms of a weapon-free zone, but the overarching result of the ACRS group is by no means negligible. As Peter Jones affirms, ‘ACRS was a considerable success in many ways. It accomplished a great deal, particularly in the elaboration of several far-reaching CBMs.’¹¹

Altogether, the expectations generated by the Madrid Process were largely disappointed. Mohamed I. Shaker was still of the opinion in 1994 that ‘the Multilateral Working Group on Arms Control and Regional Security of the Madrid Conference offers the best opportunity to proceed with the establishment of the two zones’, even if he recognized the fact that no significant progress should be expected in the absence of a political settlement to the Arab–

¹⁰ Goldblat, J. *Arms Control. The New Guide to Negotiations and Agreements*, PRIO/SIPRI, 2002, p. 215.

¹¹ Jones, P. *The Arms Control and Regional Security Working Group: Still Relevant to the Middle East?*, Background paper, 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, Brussels, 6–7 July 2011, p. 2.

Israeli conflict.¹² Claudia Baumgart and Harald Müller highlight that one of the most incapacitating differences of opinion is that which opposes Egypt and Israel regarding the agenda of measures to put in place: 'Egypt wanted nuclear disarmament on the agenda early on, at least in some tangible form, while Israel insisted on discussing it only at a much later stage in the process, once the parties had already agreed on a solid basis of arms control measures and had established a lasting, reliable peace. Egypt also urged the participants to endorse a resolution inviting all parties in the region to accede to the NPT in advance of the 1995 NPT extension conference; Israel rejected this proposal. Because Egypt was not willing to continue without the nuclear subject on the agenda and Israel was not willing to discuss the issue at this early stage, the talks were suspended.'¹³ All in all, the foreseeable happened: a conflict of agenda priorities and the linkage issue could not be surmounted. Nonetheless, these differences of opinion needed to come to light in the context of a forum for negotiation.

It is, however, advisable to note that, for the first time, Israel, its main neighbours, as well as other countries in the region sat down at the negotiating table to address questions of arms control. Furthermore, the theme of confidence building measures (CBMs) has subsequently become one of the principal means of exerting pressure of a process that was gradually perceived throughout the 1990s as being practical and incremental.

The regional framework: the Barcelona Process

The progress made by the Barcelona Process is even more scant, even if it does warrant being cited, simply by dint of the fact that it confirms the European Union (EU) as a wholly separate actor in the multilateral process.

The Barcelona declaration adopted at the Euro-Mediterranean Conference of 27–28 November 1995, in a certain sense, seems to have taken up where the Madrid conference left off, particularly given the fact that the Madrid process was sidelined around that time. The 1995 founding document affirms that the Barcelona Conference participants will endeavour to 'promote regional security by acting, inter alia, in favour of nuclear, chemical and biological non-proliferation through adherence to and compliance with a combination of international and regional non-proliferation regimes, and arms control and disarmament agreements such as NPT, CWC, BWC, CTBT and regional arrangements such as weapons free zones including their verification regimes, as well as by fulfilling in good faith their commitments under arms control, disarmament and non-proliferation conventions. The parties shall pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Furthermore, the parties will consider practical steps to prevent the proliferation of nuclear, chemical and biological weapons as well as excessive accumulation of conventional arms.'¹⁴ The key regional actors, namely Israel, the Palestinian Authority, Egypt, Syria, Lebanon, and Jordan, but also Morocco, Algeria, and Tunisia endorsed this declaration.

The European External Action service (EEAS) presents the Barcelona Process as the 'basis of the Euro-Mediterranean Partnership which has expanded and evolved into the Union for the Mediterranean. It was an innovative alliance based on the principles of joint ownership,

¹² Shaker, M. 'Prospects for establishing a Zone Free of Weapons of Mass Destruction in the Middle East', *Director's Series on Proliferation*, no. 6 Oct. 1994, Lawrence Livermore National Laboratory (UCRL-LR-114070-6), p. 30.

¹³ Baumgart, C. and Müller, H. 'A nuclear Weapons-Free Zone in the Middle East: A Pie in the Sky?', *Washington Quarterly*, vol. 28, no. 1, Winter 2004 – 05, p. 48.

¹⁴ <http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf>

dialogue and co-operation, seeking to create a Mediterranean region of peace, security and shared prosperity.’

Indeed, on 13 July 2008, ‘the Barcelona process: a Union for the Mediterranean’ (UfM) was officially launched at the Paris Summit for the Mediterranean. Paragraph 5 of the Joint Declaration adopted by the 43 participating States at the Summit affirms that the UfM includes a section on the prevention of WMD proliferation: ‘The parties shall pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Furthermore, the parties will consider practical steps to prevent the proliferation of nuclear, chemical and biological weapons as well as excessive accumulation of conventional arms; refrain from developing military capacity beyond their legitimate defence requirements, at the same time reaffirming their resolve to achieve the same degree of security and mutual confidence with the lowest possible levels of troops and weaponry and adherence to CCW.’ Be that as it may, non-proliferation was not listed among the ‘initial’ six ‘key initiatives’ of the Paris Summit. Moreover, the institutional implementation of the UfM has been very slow indeed.¹⁵

Clearly, it is far too early to pass judgment on the UfM, and its activity in terms of WMD counter-proliferation is more or less non-existent. Leaving aside the debate about the conditions of the UfM’s launch in 2008 (following a French presidential initiative) and the other, somewhat premature, debate as to whether or not it can prove to be a catalyst for regional integration, it should be noted that the UfM is now at least blessed with a formal framework.¹⁶

The NPT framework: the 1995 resolution

‘A Middle East zone free of nuclear weapons as well as other weapons of mass destruction’ first appeared on the agenda of NPT Review Conferences with the NPT Review and Extension Conference (NPTREC) in May 1995, although the objective of a NWFZ in the Middle East is welcomed in the final declaration of the 1985 Review Conference.¹⁷ This has led to an ever-increasing emphasis on regional questions in the Review Process, particularly pertaining to the Middle East.

Without getting into the diplomatic ins and outs of the preparation and then adoption of the resolution concerning the Middle East in May 1995, it is important to highlight the following

¹⁵ Today, the UfM numbers 46 member states plus the Arab League.

¹⁶ Without downplaying the obstacles arising from the UfM’s geographical make-up, the decision to opt for an intergovernmental structure and a very light-handed system of governance (a North/South presidency supported by the Barcelona Secretariat) enables the funding of projects between interested States. As such, the UfM should be able to be put at the disposal of the EU Strategy against WMD Proliferation, in a concrete approach that promotes the effective multilateralism that drives the Strategy.

¹⁷ ‘The Conference welcomes the consensus reached by the United Nations General Assembly at its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security, and urges all Parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East.

12. The Conference also invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to the letter and spirit of United Nations General Assembly resolution 39/54.

13. The Conference considers that acceding to the Non-Proliferation Treaty and acceptance of IAEA safeguards by all States in the region of the Middle East will greatly facilitate the creation of a nuclear-weapon-free zone in the region and will enhance the credibility of the Treaty.’, *Final Declaration 1985 NPT Review Conference*, <<http://www.reachingcriticalwill.org/legal/npt/RevCon85/FinalDoc.pdf>>.

four points.¹⁸ First, it was the culmination of an extremely dense diplomatic process, in which Israel was involved from at least 1994 onwards via various bilateral channels, and which was largely a result of Israeli–Egyptian relations. Secondly, the adopted document is a balanced text that addresses, without explicitly citing, the Israeli nuclear question, as well as the question of linkage between the peace process and arms-control efforts, and between nuclear weapons and other weapons of mass destruction. As such, the first paragraph of the resolution endorses the aims and objectives of the Middle East peace progress and efforts to remove obstacles to that end, and recognizes that these efforts are conducive to progress towards, inter alia, a Middle East zone free of nuclear weapons and other weapons of mass destruction.’ The fifth paragraph ‘calls upon 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, both nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective.’ Thirdly, whatever the reasons behind its formulation, the 1995 resolution marks a date, implies certain engagements, chiefly on the part of nuclear-weapons states, and facilitates monitoring. Indeed, the sixth paragraph ‘calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear-Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems’. From this point of view, this represents an objective gain for the diplomatic process itself, at least provided that the perception of this commitment to monitoring is not perceived too rigidly. Fourthly, it is important to underline the fact that the inclusion of the MEWMDFZ in the NPT Review Process since the NPTREC represents a paradoxical gain that cannot bear fruit if it is perceived as a trap by any of the concerned parties. The form of the revitalization of the 1995 resolution during the 2010 Review Conference is interesting in this respect.

The NPT framework: issues and perspectives for the 8th NPT Review Conference

Even if the 2000 NPT Review Conference reaffirmed the 1995 resolution, it was not until the 8th Review Conference, in May 2010, that the question was seriously broached.

The goal of a WMDFZ in the Middle East was the dominant issue in the debates about regional matters during the Conference. The result was the organization of a Conference, scheduled for 2012, bringing together all the Middle East States to address the question of a zone free of nuclear weapons as well as other weapons of mass destruction in the region, with the support of the sponsors of the 1995 resolution, the United States, Russia, and the United Kingdom. Indeed, the 8th Conference reinitiated the process started fifteen years beforehand, a fact that represents a clear gain for the vitality of the NPT Review Process. On the same front, the 2010 Conference was incontestably a success compared to the one in 2005, even if it should be recognized that the 2012 initiative will, at best, represent one step in a process that will be necessarily extremely long. Besides, a facilitator should be appointed, an issue that has yet to be addressed at the end of June 2011.

The reinitiating of the WMDFZ project within the confines of the NPT constitutes a success for Egyptian diplomacy, something that doesn’t by extension imply a failure on the part of other delegations. This success also belongs in no small measure to the European

¹⁸ Steinberg, G. ‘Middle East Peace and the NPT Extension Decision’, *The Nonproliferation Review*, fall 1996, pp. 17 – 29; Appendix no. 3.

Union. The EU has long supported the goal of a WMDFZ in the Middle East, has already organized an international seminar in Paris on the matter, which took place in June 2008, and adopted, on the 13 December 2010, a decision ‘in support of a process of confidence-building leading to the establishment of a zone free of weapons of mass destruction and their means of delivery in the Middle East (...)’. This decision provides for the organisation of a second international seminar on non-proliferation and the regional security climate in the Middle East.¹⁹ The Conference welcomes the initiative and mentions it in its final document.²⁰

Furthermore, if the proposition was put forward by Egypt, it was endorsed by the USA.²¹ The argument consisting of bringing Israel to the table was employed by the American delegation to the IAEA three months after the New York meeting to prevent the adoption of a new resolution by the IAEA General Conference regarding Israeli nuclear capabilities in September 2010, as was the case in September 2009 during the plenary session of the Conference.

In terms of the NPT, the proposition of a conference on a WMDFZ in 2012 is a double edged one, both for the Treaty Review Process and for the NPT’s authority; the initiative could help to reinforce both but equally to weaken both should it fail.

In terms of the diplomatic process linked to the MEWMDFZ project, the confirmation that the NPT framework is legitimate is generally viewed with ambivalence; Emily Landau correctly highlights that the imprecise nature of the formulation retained in the 2010 final document gives Israel a means of shaping (the concept, format, and content) the 2012 conference project. The fact remains that Egypt’s interest lies in reinforcing the link between the event and the NPT Review Process. On the contrary, Israel will only take part in the initiative if the two are clearly dissociated from one another, and on the condition that all WMD should be dealt with, not just nuclear weapons.²² According to Israel, attention should be focused on states’ interests, security concerns, and on the nature and quality of inter-State relations, and regional stability. The deterioration of regional relations and the growing concern over Syria and Iran seem to make this approach even more pertinent on the eve of the organization of a conference in 2012. The issue of a mandate will thus be paramount for the initiative’s success.

IV. Conclusions

What, then, are the principal elements of continuity, breakdown, and evolution of the multilateral diplomatic process linked to the MEWMDFZ project, on-going for almost forty

¹⁹ Council of the EU, ‘Council Decision 2010/799/CFSP of 13 December 2010 in support of a process of confidence-building leading to the establishment of a zone free of weapons of mass destruction and their means of delivery in the Middle East in support of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction’, *Official Journal of the European Union*, L341/27, 23 Dec. 2010.

²⁰ (note 16) Chapter IV, paragraph 6, first line, p. 30.

²¹ The authors of the CRS report in May 2010 on the 8th NPT Review Conference underlined the support offered by the current US administration: ‘The Obama Administration has stated its support for the nuclear-weapon-free zone. Ambassador Susan Burk told a Washington audience March 31, 2010, that the United States supports the 1995 resolution and is “working very hard with partners in the region and elsewhere to try to see if we can come up with some concrete measures that would begin to implement this resolution or at least move it forward in some direction.” In Kerr, P. and Nikitin, M.B., Woolf, A. et al ‘2010 Non-Proliferation treaty (NPT) Review Conference: Key issues and Implications’, *CRS Report for Congress*, May 3, 2010, p. 17.

²² Landau, E. ‘Israel and the Proposed 2012 WMDFZ Conference: Framing a Regional Process’, *INSS Insight*, no. 221, nov. 3, 2010

years (1974–2010)? The first element of continuity is the process' longevity itself, and in this sense, the slowness of its evolution.

Another tangible element of continuity, at least in a schematic sense, is the pronounced permanence of the principal States' positions. An examination of the respective positions of States in the region in the framework of IAEA General Conferences is extremely telling in this regard, as illustrated by the Israeli position during the General Conference in September 2005.²³ Moreover, these positions can be perceived in the principal debates carried out within civil society (conferences, seminars, workshops), a case in point being the fact that the 2011 international conference of the Carnegie Endowment for International Peace did not break with the rule by confirming the perception of relative deadlock outside the diplomatic sphere.²⁴

The third element of continuity is the repeated use of the NWFZ/WMDfZ project as a diplomatic tool by the respective protagonists to serve their contrasting agendas (for instance, displays of good faith accompanying a desire to pursue a civil nuclear programme, and the use of support for a weapon-free zone as a bargaining chip in the NPT Review Process).

Numerous points of breakdown can be discerned throughout the process. They have a negative impact on the process when they interrupt it (such as the deterioration of Israeli–Palestinian relations), yet a positive impact when they enrich it (for example, the lessons learned from the Iran–Iraq War or from the revelation of the clandestine Iraqi WMD programme as a result of the First Gulf War).

Of the elements of evolution, the most important is the broadening of the process at the end of the 1980s beyond the dynamic of the Arab–Israeli conflict. The Iran–Iraq War, the First

²³ '40. Mr. FRANK (Israel) said that his delegation had joined the consensus on the resolution in the belief that an NWFZ would complement efforts to increase peace and security in the Middle East. However, he wished to dissociate himself from the language used in the resolution and the modalities suggested for achieving that goal.

41. Experience from other regions had shown that the impetus for the creation of an NWFZ must come from within the region concerned and could not be imposed from outside.

42. Israel's aim was increased peace and security throughout the Middle East region, rather than arms control as an end in itself. It was essential to address the threats perceived by each State and maintain each one's margin of security. All States in the region, without exception, must participate in any security measures adopted.

43. A practical, step-by-step approach was required, beginning with confidence-building measures such as Israel's recent disengagement from Gaza. He hoped that all parties would make use of the opportunity accorded by Israel's actions to improve reconciliation, peace and security in the Middle East." (Nous soulignons.)

IAEA General Conference, 49th (2005) Regular Session, GC(49)/OR.10, November 2005 "40. Mr. FRANK (Israel) said that his delegation had joined the consensus on the resolution in the belief that an NWFZ would complement efforts to increase peace and security in the Middle East. However, he wished to dissociate himself from the language used in the resolution and the modalities suggested for achieving that goal.

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²⁴ A fact that indirectly reflects the difficulty faced throughout the last year (June 2010 – June 2011) in choosing a facilitator and a host country for the regional conference scheduled for 2012: 'the preparation of the 2012 Conference on a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, "the most concrete initiative" of the Final Document (see *NPM No. 50*), was the main focus of a session boldly entitled: "Preparing for Success." The likelihood of such a development taking place remains however slim: the arguments put forward by the three panelists, who were from key states involved in the project (General Shlomo Brom, Ambassadors Seyed Hossein Mousavian and Khaled Shamaa, respectively from Israel, Iran, and Egypt), have made clear that there are difficulties to find common ground on the first concrete procedural steps, i.e. the appointment of the facilitator and the host state.', Drobysz, S. 'Carnegie's 2011 International Nuclear Policy Conference', *The Non-Proliferation Monthly*, CESIM, no. 59, April 2011.

Gulf War, and the crises of nuclear proliferation in the region have directly and markedly affected the content of the weapon-free zone project.

Another element of evolution concerns the diplomatic investment of a growing number of actors from outside the region itself, however it is delineated. The case of the EU is one of the most revealing, with the organization figuring henceforth in both the regional and NPT frameworks.

What lessons can be learned from this process? First, the various instances of progress and regression are directly linked to the developments in the regional strategic and diplomatic climate. From this point of view, the argument that states that a weapon-free zone is not a prerequisite for the improvement of the regional security situation but rather the culmination of such an improvement seems to be suitably borne out by the twists and turns of the multilateral diplomatic process since the 1970s. It is equally important to note that the unwavering nature of States' positions doesn't necessarily suggest that the process has reached the point of deadlock. Indeed, the process has evolved and expanded in spite of the different actors' intransigent redlines. The apparent inflexibility of such positions is a reality of multilateral diplomacy that by no means precludes political dialogue between the respective parties. Moreover, despite the multiple failed attempts to establish a MEWMDFZ to date, the inception of an ultimately unsuccessful initiative will not necessarily prove entirely counter-productive in the long run. From this point of view, the argument that states that the proposition of a regional conference on a WMDFZ in the Middle East in 2012 is in danger of proving counter-productive if it turns out to be a failure is undoubtedly misguided, even should this failure be of such a nature as to weaken the current five-yearly phase of the NPT Review Process (2010–2015).

Finally, the goal of a WMDFZ fits into the schema of a protracted process, which, as a result, furthers itself not only via the evolution of the strategic context but also through its longevity and its expansion over time (in terms of the multiplication of the actors involved, the broadening of the project's field of application and the increasing precision of its terms). A generational aspect undoubtedly needs to be taken into account in this respect with regard to the personalities involved. In any case, the resultant increasing complexity promises, without a doubt, to engender more gains than losses in terms of reinforcing the norm of non-proliferation: the very content of the WMDFZ diplomatic project gradually subsumes the complexities of the regional strategic reality, which will render it pronouncedly more political (in the operative sense of the conduct of a public policy) than diplomatic (in the instrumental sense of a declaratory tool in the framework of a negotiation arena).

Appendix A. Resolution 3263 (XXIX): Establishment of a nuclear-weapon-free zone in the region of the Middle East

The General Assembly,

Having considered the question of the establishment of a nuclear-weapon-free zone in the region of the Middle East,

Desiring to contribute to the maintenance of international peace and security by bolstering and expending the existing regional and global structures for the prohibition and/or prevention for the further spread of nuclear weapons,

Realizing that the establishment of nuclear-weapon-free zones with an adequate system of safeguards could accelerate the process towards nuclear disarmament on the ultimate goal of general and complete disarmament under effective international control,

Recalling the resolution adopted by the Council of the League of Arab States at its sixty-second session, held in Cairo from 1 to 4 September 1974, on this subject,

Recalling the message sent by His Imperial Majesty the Shahanshah of Iran on 16 September 1974 on the establishment of a nuclear-weapon-free zone in the region of the Middle East²⁵,

Considering that the establishment of nuclear-weapon-free zones, on the initiative of the States situated within each zone concerned, is one of measures which can contribute most effectively to halting the proliferation of those instruments of mass destruction and to promoting progress towards nuclear disarmament, with the goal of total destruction of all nuclear weapons and their means of delivery,

Mindful of the political conditions particular to the region of the Middle East and of the potential danger emanating therefrom, which would be further aggravated by the introduction of nuclear weapons in the area,

Conscious, therefore, of the need to keep the countries of the region from becoming involved in a ruinous nuclear arms race,

Recalling the Declaration on the Denuclearization of Africa issued by the Assembly of Heads of State and Government of the Organization of African Unity in July 1964²⁶,

Noting that the establishment of a nuclear-weapon-free zone in the region of the Middle East would contribute effectively to the realization of aims enunciated in the Declaration on the Denuclearization of Africa,

Recalling the notable achievement of the countries of Latin America in establishing a nuclear-free zone,

Also recalling resolution B of the Conference of Non-Nuclear-Weapon State, held at Geneva from 29 August to 28 September 1968, in which the Conference recommended that non-nuclear-weapon States not comprised in the Latin American nuclear-free zone should study the possibility and desirability of establishing military denuclearization of their respective zones²⁷,

Recalling the aims pursued by the Treaty on the Non-Proliferation of Nuclear Weapons, in particular the goal of preventing the further spread of nuclear weapons,

²⁵ Official Records of the General Assembly, Twenty-ninth Session, Annexes, agenda item 101, document A/9693/Add.3.

²⁶ (note 25) Twentieth Session, Annexes, agenda item 105, document A/5975.

²⁷ (note 25) Twenty-third Session, agenda item 96, document A/7277 and Corr.1 and 2, para. 17.

Recalling its resolution 2373 (XXII) of 12 June 1968, in which it expressed the hope for the widest possible adherence to the Treaty on the Non-Proliferation of Nuclear Weapons by both nuclear-weapon and non-nuclear-weapon States,

1. *Commends* the idea of the establishment of a nuclear-weapon-free zone in the region of the Middle East ;

2. *Considers* that, in order to advance the idea of a nuclear-weapon-free zone in the region of the Middle East, it is indispensable that all parties concerned in the area proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, testing, obtaining, acquiring or in any other way possessing nuclear weapons ;

3. *Calls upon* the parties concerned in the area to accede to the Treaty on the Non-Proliferation of Nuclear Weapons ;

4. *Expresses the hope* that all States, in particular the nuclear-weapon States, will lend their full co-operation for the effective realization of the aims of the present resolution ;

5. *Requests* the Secretary-General to ascertain the views of the parties concerned with respect to the implementation of the present resolution, in particular with regard to its paragraphs 2 and 3, and to report to the Security Council at an early date and, subsequently, to the General Assembly at its thirtieth session ;

6. *Decides* to include in the provisional agenda of its thirtieth session the item entitled « Establishment of a nuclear-weapon-free zone in the region of the Middle East ».

Appendix B. President Hosni Mubarak's proposal on the establishment of a nuclear-weapon-free zone in the Middle East in April 1990²⁸

President Mubarak emphasized the following:

1. All weapons of mass destruction, without exception, should be prohibited in the Middle East, namely nuclear, chemical, biological, etc.
2. All States of the region, without exception, should make equal and reciprocal commitments in this regard.
3. Verification measures and modalities should be established to ascertain full compliance by all States of the region with the full scope of the prohibitions without exception.

Appendix C. 1995 Review and Extensions Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: draft resolution on the establishment of a nuclear-weapon-free zone in the Middle East

The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reaffirming the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

Recognizing that, pursuant to article VII of the Treaty on the Non-Proliferation of Nuclear Weapons, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

²⁸ Letter dated 16 April 1990 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General, document A/45219 or S/21252, 18 April 1990.

Recalling that the Security Council, in its statement of 31 January 1992¹, affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

Recalling also General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

Recalling further the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC (XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

Bearing in mind Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

Noting Security Council resolution 984 (1995) and paragraph 8 of the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the Conference on 11 May 1995,

Bearing in mind the other decisions adopted by the Conference on 11 May 1995,

1. *Endorses* the aims and objectives of the Middle East peace progress and efforts to remove obstacles to that end, and recognizes that these efforts are conducive to progress towards, inter alia, a Middle East zone free of nuclear weapons and other weapons of mass destruction;

2. *Notes with satisfaction* that in its report Main Committee III of the Conference recommended that the Conference call on those remaining States not parties to the Treaty to accede it, thereby accepting an international legally binding commitment not to acquire nuclear weapons of nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities;

3. *Notes with concern* the continued existence in the Middle East of unsafeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in paragraph VI/3 of the report of Main Committee III urging those non-parties to the Treaty which operate unsafeguarded nuclear facilities to accept full scope International Atomic Energy Agency safeguards;

4. *Reaffirms* the importance of the early realization of universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full scope International Atomic Energy Agency safeguards;

5. *Calls upon* 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, both nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear-Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

Appendix D. 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: the Middle East, particularly implementation of the 1995 Resolution on the Middle East

1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalls the affirmation of its goals and objectives by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference stresses that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States of the Treaty on the Non-Proliferation of Nuclear Weapons (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995. States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation.

2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process, and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

3. The Conference takes note of the reaffirmation at the 2010 Review Conference by the five nuclear-weapon States of their commitment to a full implementation of the 1995 Resolution on the Middle East.

4. The Conference regrets that little progress has been achieved towards the implementation of the 1995 Resolution on the Middle East.

5. The Conference recalls the reaffirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The Conference reaffirms the urgency and importance of achieving universality of the Treaty. The Conference calls on all States in the Middle East that have not yet done so to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date.

6. The Conference stresses the necessity of strict adherence by all States parties to their obligations and commitments under the Treaty. The Conference urges all States in the region to take relevant steps and confidence-building measures to contribute to the realization of the objectives of the 1995 Resolution on the Middle East and calls upon all States to refrain from undertaking any measures that preclude the achievement of this objective.

7. The Conference emphasizes the importance of a process leading to full implementation of the 1995 Resolution on the Middle East. To that end, the Conference endorses the following practical steps:

(a) The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of 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. The 2012 Conference shall take as its terms of reference the 1995 Resolution;

(b) Appointment by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a facilitator, with a mandate

to support implementation of the 1995 Resolution by conducting consultations with the States of the region in that regard and undertaking preparations for the convening of the 2012 Conference. The facilitator will also assist in implementation of follow-on steps agreed by the participating regional States at the 2012 Conference. The facilitator will report to the 2015 Review Conference and its Preparatory Committee meetings;

(c) Designation by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a host Government for the 2012 Conference;

(d) Additional steps aimed at supporting the implementation of the 1995 Resolution, including that IAEA, the Organisation for the Prohibition of Chemical Weapons and other relevant international organizations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained;

(e) Consideration of all offers aimed at supporting the implementation of the 1995 Resolution, including the offer of the European Union to host a follow-on seminar to that organized in June 2008.

8. The Conference emphasizes the requirement of maintaining parallel progress, in substance and timing, in the process leading to achieving total and complete elimination of all weapons of mass destruction in the region, nuclear, chemical and biological.

9. The Conference reaffirms that all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, should continue to report on steps taken to implement the 1995 Resolution, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference.

10. The Conference further recognizes the important role played by civil society in contributing to the implementation of the 1995 Resolution and encourages all efforts in this regard.