



## A Zone Free of Nuclear Weapons and other WMD in the Middle East: Addressing Challenges to Disarmament and Non-Proliferation

by *Dr Sameh Aboul-Enein*

### Key Points

- The establishment of a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the Middle East remains crucial despite the failure to convene a conference on this initiative as mandated within the Non-proliferation Treaty (NPT) Review Cycle.
- This project has taken a new dimension after the Arab Spring because, as a result, civil society and parliaments are likely to play an increasing role in foreign and security policy issues and may press their governments for more progress in this field.
- The experience of other regions in establishing nuclear-weapon-free zones will be useful to set up a similar zone in the Middle East, including in its technical dimensions and verification mechanisms.
- In order to make progress towards a such zone in the Middle East, the convenors of the planned conference should engage Israel, Iran and the Arab League in substantive and procedural preparations to launch a negotiating zonal conference cycle.
- Progress towards this goal would be reported to the NPT Review Cycle conferences, and would require the contribution of international organisations such as the International Atomic Energy Agency (IAEA), the Comprehensive Test Ban Treaty Organization (CTBTO) or the Organization for the Prohibition of Chemical Weapons (OPCW).

### Introduction

At this critical stage it is important not to underestimate the level of frustration that has built up around the Middle East for the subject of a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the region. The convening of a conference on the establishment of zone in the Middle East requires states to respect the principle of equal commitment to regional and global security, as well as the creation of a non-discriminatory regime. The convening of the conference, as soon as possible, is integral to confidence building in, and future stability of, the region. It is also critical for the success of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Cycle, and in particular its 1995 Resolution and 2010 Action Plan. The subject of the zone and conference should not be likened to a problematic Gordian knot. Rather, the establishment of other regional zones free of nuclear weapons (NWFZs), such as the Tlatelolco, Rarotonga, Pelindaba and Bangkok treaties<sup>1</sup> provide experience upon which the

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conference on the establishment of a Middle East zone can draw.

### The Centrality of the NPT

The 1995 Treaty on the Non-Proliferation of Nuclear Weapons Review and Extension Conference adopted a resolution on the Middle East that called for the establishment of a WMD-Free Zone in the region. The resolution was an integral, inextricable part of the fundamental deal around the indefinite extension of the Treaty, which is a concrete reality. For many states, it also constitutes the “fourth pillar” of the NPT regime, along with non-proliferation, disarmament, and peaceful uses of nuclear energy, which is one reason why many states parties feel aggrieved with the lack of progress towards this goal. The NPT is central to non-proliferation in the Middle East for its regional parties. Its principal sponsors, however, appear willing to let it die. It is unsustainable to expect NPT states parties to exercise indefinite restraint, and take on ever-increasing burdens to prove their peaceful use of nuclear energy

<sup>1</sup> United Nations, “Nuclear-Weapon-Free Zones”, UN News

Centre, accessed 14 July 2013 (<http://www.un.org/disarmament/WMD/nuclear/NWFZ.shtml>).

when regional neighbours not party to the NPT possess nuclear weapons and at the same time continue to benefit from civil nuclear cooperation.<sup>2</sup> The status quo is no longer an option. It undermines the credibility of the NPT regime and the legitimacy of actions intended to enforce its provisions.<sup>3</sup> Unfortunately, states parties have yet to take the required practical steps beyond the appointment of a Facilitator with a limited mandate to implement the 1995 and 2010 decisions, starting with the convening of a conference to be held in Helsinki.<sup>4</sup>

### The Arab Spring

The "Arab Spring" undoubtedly changed fundamental dynamics in the Middle East, with significant implications for the political and security settings of the region. In the longer run it could be a positive game-changer. Public opinion increasingly plays a prominent role in Arab societies and, in this respect, will have a fundamental contribution to make to the formulation of national and regional disarmament and security policies. Arab governments are becoming more accountable to their people, and foreign policy is falling more in line with domestic aspirations and a reflection of popular demands. Given the democratic changes, parliaments, particularly through their committees on foreign affairs, Arab affairs and national security, are expected to play a more proactive role in foreign policy issues. Presumably, nuclear issues will receive considerable attention. In this context, public opinion in many Arab capitals is dismayed at the lack of progress on holding the conference on the Middle East to this date.

### Building Blocks for a Middle East Zone

Establishing a zone free of nuclear weapons and other WMD in the Middle East may seem more complex considering the history of regional conflicts and persisting tensions. However, in order to facilitate this process, it would be useful to consider the success of previous nuclear-weapon-free zones and learn some lessons that could be applicable to the Middle East.

### Successful Regional NWFZs

In an attempt to provide a framework for a Middle East zone, it is indeed beneficial to reflect on the treaties of similar regional nuclear-weapon-free-zones such as the Tlatelolco, Rarotonga, Pelindaba, and Bangkok treaties (see Table 1). Despite the contextual differences between these zones and the Middle East,<sup>5</sup> these treaties nevertheless provide guidance for formulating the technical, institutional, and scientific dimensions of a nuclear weapon-free zone.<sup>6</sup> In particular, they offer solutions regard-

ing verification and compliance with treaty obligations that could be adapted to the Middle East. The Pelindaba Treaty,<sup>7</sup> for example, contains the following provisions:

The Treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control, or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties;

The Treaty also prohibits any attacks against nuclear installations in the zone by Treaty parties and requires them to maintain the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes;

To allow for the verification of its nuclear non-proliferation undertaking, the Treaty requires parties to conclude comprehensive safeguards agreements with the International Atomic Energy Agency (IAEA) equivalent to the agreements required in connection with NPT;

The Treaty provides for verification and compliance mechanisms, including the African Commission on Nuclear Energy (AFCONE), which serves as a compliance mechanism and encourages regional and sub-regional programs for cooperation on the peaceful uses of nuclear science and technology;

The establishment of AFCONE encourages African states to take responsibility for natural resources and, in particular, nuclear material, and protects against the dumping of toxic waste.

### UN Guidelines for NWFZs

The 1999 United Nations Disarmament Commission (UNDC) Guidelines and Principles for the Establishment of Nuclear-Weapon-Free-Zones<sup>8</sup> is an important reference for future zones that should be thoroughly utilised. Its provisions include references to the following:<sup>9</sup>

A NWFZ should not prevent the use of nuclear science and technology for peaceful purposes and may promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone in support of socio-economic, scientific, and technological development of the states parties;

The nuclear-weapon-states (NWS) are to be consulted during the negotiations of each treaty, including the negotiation of relevant protocol(s) establishing a NWFZ, in order to facilitate the signature and ratification of the treaty;

A NWFZ will help strengthen the security of states parties to such zones and will serve as an important disarmament tool that contributes to the primary objective of

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<sup>2</sup> Israel, India and Pakistan are the only states that did not sign or accede to the NPT.

<sup>3</sup> Specter, Leonard, "Nuclear Proliferation," in Jeffrey Larsen (ed.), *Arms Control: Cooperative Security in a Changing Environment*. Lynne Rienner, 2002: 119-141.

<sup>4</sup> Fahmy, Nabil, "Mindful of the Middle East," *The Nonproliferation Review*, Vol. 18:1, 2011: 165-181.

<sup>5</sup> Khalil, Ayman. "Ridding the Middle East of Weapons of Mass Destruction, Untapped Options." In *The Conference for a Middle East Weapons of Mass Destruction Free Zone*, (Ayman Khalil and Marc Finaud, eds.) 27-42. Geneva: Geneva Centre for Security Policy, 2012: 32.

<sup>6</sup> Fahmy, Nabil, "Prospects for Arms Control and Proliferation in the Middle East," *The Nonproliferation Review*, Vol. 18:1, 2011.

<sup>7</sup> IAEA, "Pelindaba Text of the African Nuclear-Weapon-Free Zone Treaty." Accessed 14 July 2013. <http://www.iaea.org/About/Policy/GC/GC40/Documents/pelindab.html>.

<sup>8</sup> United Nations, "Report of the Disarmament Commission." 30 April 1999. Accessed 14 July 2013. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/54/42\(SUPP\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/54/42(SUPP)).

<sup>9</sup> Lewis P. and Thakur R., "Arms Control, Disarmament and the United Nations", *Disarmament Forum No. 1*, 2004: 17-28.

strengthening regional peace and security and, by extension, international peace and security;

It can also be considered an important regional confidence-building measure that reaffirms the commitment of the states that belong to the zone to honour their legal obligations to other international non-proliferation and disarmament instruments to which they are parties;

The obligations of all the states parties to a zone treaty should be clearly defined and legally binding, and the states parties should fully abide by such agreements.<sup>10</sup>

**Table 1: Nuclear-Weapon-Free Zones in the World**

Treaty	Region	States Covered	Date in force
Antarctic Treaty	Antarctica	-	23 June 1961
Outer Space Treaty	Outer Space	-	10 Oct. 1967
Tlatelolco Treaty	Latin America - Caribbean	33	25 Apr. 1969
Seabed Treaty	Seabed		15 May 1972
Rarotonga Treaty	South Pacific	13	11 Dec. 1986
Bangkok Treaty	ASEAN	10	28 Mar. 1997
MNWFS	Mongolia	1	28 Feb. 2000
Semipalatinsk Treaty	Central Asia	5	21 Mar. 2009
Pelindaba Treaty	Africa	53	15 July 2009

(Source: United Nations Office for Disarmament Affairs)

### Regional Verification and Cooperation Institutions

In the search for an effective framework adapted to the Middle East, it would also be wise to determine how the experience of other organisations could be helpful to the region, in particular in the critical area of verification and compliance as well as governance and cooperation.

### Euratom: The European Institutional Experience

It would first appear useful to explore the applicability of the Euratom experience, particularly its technical dimension, to the Middle East. Euratom was initially created to coordinate research programmes for the peaceful uses of nuclear energy and to pool knowledge, infrastructure and funding. It ensures the security of atomic energy supply within the framework of a centralised monitoring system and acts in several areas connected with atomic energy, including research, safety standards, and the peaceful uses of nuclear energy. This experience is worth investigating to see how it might be applied to the Middle East.

### ABACC: The Argentine-Brazil Institutional Experience

The Brazilian-Argentine Agency for Accounting and Control of Nuclear Weapons (ABACC) is a regional organisation that also has relevance to the establishment of a Middle East zone. The Middle East requires a similar bold vision to rid the region of nuclear weapons and other WMD and reposition it on a non-nuclear course. The relationship attained by Brazil and Argentina through ABACC, in addition to the signature in July 1991 of the Agreement for the Exclusively Peaceful Use of Nuclear Energy is significant. While recognising the

<sup>10</sup> Wheeler, Michael O., "A History of Arms Control", in Jeffrey Larsen (ed.), *Arms Control: Cooperative Security in a Changing Environment*, Lynne Rienner: 2002: 20-39.

sovereign right of each nation to access nuclear technology for scientific, technological, economic and social development, both Brazil and Argentina created a Common System for Accounting and Control of Nuclear Materials (SCCC). Moreover, the Agreement implied a clear and definite compromise for the use of all peaceful-use materials and nuclear facilities submitted to Brazil and Argentina's jurisdiction and control. It was within this context that ABACC was created to manage and apply the SCCC, and allowed both countries to join the Tlatelolco Treaty and the NPT.

### The 2011 IAEA Forum

The IAEA forum on "Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free-Zone in the Middle East," held in Vienna in November 2011,<sup>11</sup> is also useful for discussions on the subject of a Middle East zone. Forum attendees presented several constructive proposals that should be taken into consideration, including suggestions to:

Take stock of the importance of declaratory policy and, in particular, declarations of good intent, and identify specific and practical confidence-building measures;

Consider the lessons and context of other regions prior to the establishment of a NWFZs;

Review existing, multilateral principles for establishing such zones, and review the relevant theory and practice of establishing the five existing NWFZs;

Discuss the experience of the representatives from the five NWFZs in setting up and implementing such zones and discuss the region of the Middle East in this context.<sup>12</sup>

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### The NPT Regime and Other International Treaties

As stressed above, it is important to address the centrality of the NPT regime when negotiating a treaty-based Middle East zone. Negotiators should consider IAEA safeguards, as well as verification and inspection mechanisms. These tools are to be implemented in a manner designed to comply with Article IV of the NPT on the peaceful uses of nuclear energy and to avoid the hampering of the economic or technological development of the states parties or international cooperation in the field of peaceful nuclear activities. The role of the Comprehensive Test-Ban Treaty (CTBT) in any future zone is also important. The commitment by states not to carry out any nuclear-weapon-test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction, is one of the critical building blocks of any future zone. Those vested in the establishment of a Middle East zone should give a greater degree of attention to the CTBT, in addition to other international treaties such as the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC) (see Table 2).

<sup>11</sup> Aboul-Enein, Sameh, "NPT 2010: The Beginning of a New Constructive Cycle," *Arms Control Today*, November 2010.

<sup>12</sup> IAEA, "Summary; 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; <http://www.iaea.org/newscenter/statements/misc/2011/petersen221111.pdf>

### Unilateral Action: The South African Precedent

The example of South Africa – the first country to voluntarily abandon a fully developed nuclear weapons programme<sup>13</sup> – should serve as a standard model for disarmament and dismantlement strategies also relevant for the Middle East: indeed it beckons Israel because it shows that renouncing nuclear weapons does not undermine national security but only strengthens it. It took South Africa five years to build the country’s first nuclear device and a total of sixteen years to construct its six-weapon arsenal. South Africa terminated and fully dismantled its programme and all related facilities in less than twenty-four months, wherein it:

Dismantled the six completed gun-type devices at Armaments Corporation of South Africa Ltd. (ARMSCOR) under nationally controlled and secure conditions;

Melted and recast the highly enriched uranium (HEU) from the six devices, including a partially complete seventh device, and returned it to the Atomic Energy Corporation (AEC) for safe-keeping;

Fully decontaminated ARMSCOR facilities and returned severely contaminated equipment to the AEC, including a melting furnace;

Converted the ARMSCOR facilities to conventional weapon and non-weapon commercial activities and de-

### Technical Dimensions to the Middle East Zone

In addition to the aforementioned building blocks, there also exist technical provisions that must be considered in order to achieve nuclear disarmament and non-proliferation in the Middle East. States should take note of the following technical dimensions:

Dismantling and destroying existing or remaining nuclear weapons capabilities, facilities, and devices under international verification mechanisms;

Renouncing nuclear weapons through refraining from conducting indigenous development and activities related to nuclear weapons;

Prohibiting the transit or stationing of any nuclear explosive devices in the zone;

Prohibiting nuclear explosive testing in the zone and the role of the CTBT Organization (CTBTO);

Using nuclear materials and facilities for peaceful purposes only;

Placing all nuclear facilities under comprehensive IAEA safeguards;

Establishing the necessary relevant institutions and mechanisms or entities to uphold a zone, free of nuclear weapons and other WMD;

**Table 2: Status of WMD-related Treaties in the Middle East and North Africa Region**

States	Non-Proliferation Treaty (NPT)	Comprehensive Test Ban Treaty	1925 Geneva Protocol	Biological Weapons Convention (BTWC)	Chemical Weapons Convention (CWC)
Algeria	Party	Signed & Ratified	Party (w/R)	Party	Party
Bahrain	Party	Signed & Ratified	Party (w/R)	Party	Party
Egypt	Party	Not ratified	Party	Not ratified	Not Signed
Iran	Party	Not ratified	Party	Party	Party
Iraq	Party	Not ratified	Party (w/R)	Party	Party
Israel	Not Signed	Not ratified	Party (w/R)	Not Signed	Not ratified
Jordan	Party	Signed & Ratified	Party (w/R)	Party	Party
Kuwait	Party	Signed & Ratified	Party (w/R)	Party	Party
Lebanon	Party	Signed & Ratified	Party	Party	Party
Libya	Party	Signed & Ratified	Party (w/R)	Party	Party
Mauritania	Party	Signed & Ratified	Not Signed	Not Signed	Party
Morocco	Party	Signed & Ratified	Party	Party	Party
Oman	Party	Signed & Ratified	Not Signed	Party	Party
Qatar	Party	Signed & Ratified	Party	Party	Party
S. Arabia	Party	Not Signed	Party	Party	Party
Syria	Party	Not Signed	Party (w/R)	Not ratified	Not Signed
Tunisia	Party	Signed & Ratified	Party	Party	Party
UAE	Party	Signed & Ratified	Not Signed	Party	Party
Yemen	Party	Not ratified	Party (w/R)	Party	Party

(Source: United Nations) (w/R = with reservations)

stroyed all hardware components of the devices, technical design, and manufacturing information;

Eventually acceded to the NPT, signed the Comprehensive Safeguards Agreement with the IAEA, and submitted a full and complete national initial inventory of nuclear material and facilities as required by the Safeguards Agreement. The first IAEA team arrived in South Africa in November 1991. South Africa became party to the Pelindaba Treaty in 1998.

Addressing the issue of verification, including identifying the role of the IAEA and other relevant organisations such as the Organization for the Prohibition of Chemical Weapons (OPCW) and the CTBTO.<sup>14</sup>

### Conclusions and Recommendations

In advance of the conference on the establishment of a Middle East zone, there is a broad consensus among the relevant states on such issues as the geographic scope of the zone, and the inclusion of substantive agenda items such as verification and compliance. A range of

13 Federation of American Scientists. "Birth and Death of the South African Nuclear Weapons Programme." Accessed 14 July 2013. <http://www.fas.org/nuke/guide/rsa/nuke/stumpf.htm>.

14 Aboul-Enein, Sameh, "A Real Opportunity for a Nuclear-Weapon-Free Zone in the Middle East," American University in Cairo, 2010.

additional crucial issues are still pending for discussion by the region's states. Key questions remain, including:

Which institutions will be entrusted with the responsibility of the zone?

What would be the implications of non-compliance?

How can security guarantees be given to reinforce the process of the zone's establishment?

What role will the peaceful uses of nuclear energy, as well as nuclear safety and security play in future zone discussions?

Conference coordinators should engage Israel and Iran and the League of Arab States in a conference cycle that launches a negotiating process leading to the creation of the zone. The conference should then launch a sustained and serious process involving concrete steps with specified time-frames. Each NPT Preparatory Committee and Review Conference should subsequently evaluate the process and reference it in outcome documents.<sup>15</sup> In conclusion, the following four points are critical for future progress on the establishment of a Middle East zone:

A more constructive approach towards engaging with all countries in the region of the Middle East is required in order to guarantee full participation in the conference on the subject of a Middle East zone. The conference and the process that would follow should allow for a more genuine, candid, and necessary interaction on the critical issues of nuclear disarmament, dismantlement, nuclear roll-back, transparency, accountability, and verification. The region has not witnessed such interaction for many years and all opportunities should be utilised to bring such interaction to fruition. All states, including Israel and Iran, should be convinced that their long-term security interests call for a WMD-free zone.

Participation in the Middle East Conference should be inclusive. It should include Israel, Iran, and the members of the League of Arab States. Moreover, the conference should include the nuclear-weapon-states and other relevant international organisations such as the IAEA, OPCW, Implementation Support Unit of the BTWC, CTBTO, UN Office for Disarmament Affairs, and the NPT Chair. Although the official process has been slow, there has been no shortage of academic and other non-governmental interest in this topic. In addition to the many officials with vast experience, a wealth of experts and resources is available that can be positively harnessed to ameliorate the political stalemate on the matter.

The establishment of a Middle East zone will aid in achieving international objectives to reach global nuclear disarmament. It will contribute to the international initiative of reaching "global zero" in order to eliminate all nuclear weapons. The Middle East cannot be an exception to the global zero goal. As such, regional adherence to a Treaty in the Middle East, and the placement of all nuclear facilities in the region under IAEA comprehensive safeguards, is of crucial importance.

The establishment of a Middle East zone can positively contribute to regional and international non-proliferation and disarmament efforts. It can also improve the overall security environment in the Middle East. The convening of the conference on the establishment of a zone free of nuclear weapons and other WMD in the Middle East as soon as possible is integral to the future stability of the region. The Middle East Conference should launch a sustained and serious process, involving concrete steps and measures within a specified time-frame and linked to the successive sessions of the Preparatory Committee of the 2015 Review Process of the NPT. Such a conference should convene by the end of 2013.<sup>16</sup>

<sup>15</sup> Aboul-Enein, Sameh and Hassan El Bahtimy, "Towards a Verified Nuclear Weapon Free Zone in the Middle East," VERTIC Brief, April 2010.

<sup>16</sup> Aboul-Enein, Sameh, "The 2010 NPT Review and the Middle East: Challenges and Opportunities," Palestine-Israel Journal, Vol. 16 No. 34, 2010.

NB: This paper is solely the opinion of the author and does not necessarily reflect the official view of the GCSP.

### About the author

Dr Sameh Aboul-Enein, an Egyptian national, is an Adjunct Professor of International Security and Disarmament in the School of Global Affairs at the American University in Cairo. Dr Aboul-Enein has a vast experience in negotiations and research in disarmament and arms control. His recent publications include: "Arab requirements on the Way to a Middle East Free Zone", American University in Cairo (28 June 2013), and "Cluster I Specific Issue: Nuclear Disarmament and Security Assurance", American University in Cairo (12 May 2013).

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