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**TOWARDS A VERIFIED MIDDLE EAST WEAPONS OF MASS DESTRUCTION FREE ZONE:
CHALLENGES AND NEXT STEPS**

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Abstract

The outcome of the Nuclear Non-Proliferation Treaty (NPT) 2010 Review Conference was a significant contribution to the nonproliferation health of the NPT because 172 states parties to the NPT agreed on an action plan for the next five years. The Conference also marked fifteen years since the 1995 decision to extend the NPT indefinitely. As part of that indefinite extension decision, states parties adopted a resolution on a Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East (the 1995 Middle East Resolution) but implementation of the goals seems unattainable. Since 1995; however, there have been no forward-looking and realistic program of action to promote the goals of the 1995 Middle East Resolution. Remarkably, regional powers are yet to contemplate on concrete steps toward implementing the resolution due to complex security dynamics and daunting geopolitics that have stymied previous efforts for decades. On the security front is the existence and proliferation of sensitive WMD technologies and their delivery systems, which is one of the most politically sensitive and diplomatically intractable problems in the region. Israel is believed to have somewhere between 60 and 180 nuclear weapons and it is the only NPT outlier in the region and operates unsafeguarded nuclear facilities. Iran is suspected of a clandestine nuclear weapons ambition under the cover of a peaceful nuclear program that includes the ability to enrich nuclear fuel. Other states including Syria and Egypt are believed to have biological and chemical weapons capabilities. It is important to note that if there is continuous failure on efforts to cap WMD arsenals or to reverse the current arming trajectory in the Middle East, more states could acquire unconventional weapons and this could result in a WMD breakout. The quinquennial 2010 NPT Review Conference action plan, adopted by consensus, addressed nuclear disarmament, nonproliferation and the peaceful uses of nuclear energy. As part of the action plan, the Conference agreed to hold a conference in 2012 that with the view that all States of the Middle East would attend. Discussions in the conference shall focus on the establishment of a MEWMDFZ, based on arrangements freely arrived at by the states of the region, and with the full support and engagement of the nuclear-weapon states. Despite regional challenges to implement the 1995 Middle East Resolution, some evolved geostrategic realities offer opportunities for making progress on the peace front and WMD disarmament. In 1991, following the Gulf war, Iraq rolled back its WMD programs and dismantled existing warheads and delivery systems under international supervision. In 2003, another regional state Libya decided to renounce its WMD arsenals and pursue unilateral disarmament. These events are significant steps toward ridding the region of weapons, both conventional and unconventional. A combination of regional challenges and opportunities to implement the 1995 Middle East Resolution provide reasons to revisit the concept of the zone and suggest next steps that could lead to progress. The paper concludes that peace and security are both sides of the same coin and suggests practical mechanisms; inter alia, the establishment of parallel processes between efforts to establish a WMDFZ and peaceful relations in the Middle East.

Introduction

The issue of nuclear, biological, and chemical weapons and their means of delivery² -- broadly referred to as weapons of mass destruction -- is one of the most politically sensitive and diplomatically intractable

¹ Supervised by Dr. Patricia Lewis and I had interviews with Dr. Randy Rydell and Amb. Shaker I Mohammed

² Definition for the purpose of this study only: Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons that are specially designed for such use.

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problems in the Middle East³. For some countries, the unique destructive power of nuclear weapons and the belief that Israel is the lone de facto possessor in the region warrants the creation of a Nuclear-Weapon-Free Zone (NWFZ) in the Middle East. For others, the threat to regional peace and stability posed by a high level of military nuclear, chemical and biological capabilities as well as missile systems in the region requires the establishment of a Weapons of Mass Destruction Free Zone (WMDFFZ). The WMD-free zone concept, as a logical consequence, aims to rid the entire region of WMDs. Therefore, a well-designed WMDFFZ would have to include measures aimed to contribute toward the achievement of a comprehensive and sustainable peace agreement, promote regional stability and national security without countries' dependence on WMDs. The analysis throughout this study conflates the concept of NWFZ⁴ and WMDFFZ as one arms control mechanism.

Indeed, there is a general view among diplomats and experts (including those from civil society), that WMD and missile proliferation, both vertical and horizontal, is a pervasive challenge in the Middle East because each regional country surrounds its WMD capabilities and doctrines with secrecy and opacity. It is worth noting that because the dual nature of biological and chemical weapon programs defies intelligence assessment, the lack of credible information about an enemy's capabilities and intentions possibly contributes to the current arming trajectory in the region. So long as these weapons exist, the possibility that a country believed to have WMDs would use them as an offensive weapon under certain circumstances remains an existential threat. In 1999, Lawrence Scheinman's chapter on nuclear, chemical and biological weapons and missile proliferation issues toward a study on ME security issues, included an appendix on WMD capabilities and programs of major powers in the region.⁵ The appendix indicates that Egypt used mustard gas in Yemeni civil war (1963–67)⁶, Iraq repeatedly used chemical weapons against Iraqi Kurds in 1988⁷ and Iran used chemical weapons against Iraq during the Iran-Iraq war (1983-1988), initially captured Iraqi chemical munitions.⁸ From the foregoing examples, it is fair to state that the WMD status quo in the Middle East presents a high potential that these weapons can be employed in conflicts through a deliberate decision, mistake or miscalculated adventurism. In addition, the risk that these weapons may spread to terrorists or non-state actors that could use them against any country is high. Nonproliferation and disarmament would therefore be a beneficial arms control measure in the Middle East, a region where WMD proliferation represents a serious threat to peace and stability and has a history of WMD usage in past conflicts.⁹ Concrete steps and real progress toward the creation of a MEWMDFFZ will significantly diminish the purported role of WMD in defense and security policies

³ The definition of the Middle East for purposes of arms control is a complex issue. For a detailed discussion on the geographical scope of the Middle East in the context of arms control applications see Jan Prawitz and James F. Leonard, *A Zone Free of Weapons of Mass Destruction in the Middle East*, New York and Geneva: United Nations Institute for Disarmament Research, 1996, especially pp. 63—65. According to IAEA GC (XXXIII)/ 887 of August 29, 1989, the Middle East is the region extending from Libya on the west to Iran in the east and from Syria in the north to Yemen in the south.

⁴ General Assembly resolution 3472 B (1975) defines a Nuclear-Weapon-Free Zone as “any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby:

(a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;

(b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.

⁵ Scheinman, Lawrence. "NBC and Missile Proliferation Issues in the Middle East." In *Middle East Security Issues: In the Shadow of Weapons of Mass Destruction Proliferation*, by BARRY R. SCHNEIDER, 1-26. Alabama: Air University Press, 1999.

⁶ Scheinman, supra note 4

⁷ Scheinman, supra note 4.

⁸ Scheinman, supra note 4.

⁹ Eriksen, Sara Kristine and Holøien, Linda Mari(2010) 'FROM PROLIFERATION TO PEACE', *The Nonproliferation Review*, 17: 2, 281 — 299

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of countries in the region and shrinks the areas of the world for which governments perceive deterrent option as an important element in their national, regional, and international security policies.

The international community has adopted several resolutions and recommendations on the WMD-free zone in the ME at the highest diplomatic levels including the 1995 Nuclear Non-Proliferation Treaty (NPT) Review and Extension Conference,¹⁰ United Nations General Assembly (UNGA) sessions, United Nations Security Council (UNSC) sessions, and International Atomic Energy Agency (IAEA) General Conferences.¹¹ Despite the absence of a final declaration at the 1995 NPT Review and Extension Conference (REC), the Conference approved, without a vote, three important decisions and a Resolution on the Middle East.¹² The resolution called 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 WMD-free zone in the Middle East. It also called upon the international community and regional countries party to the Treaty, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of the zone.¹³ The resolution came about at the insistence of a number of Arab states and several members of the Non-Aligned Movement (NAM), under the leadership of Egypt. In April 2005, Dr. Randy Rydell's paper: "LOOKING BACK: The 1995 Nuclear Nonproliferation Treaty Review and Extension Conference" emphasizes that the resolution played an important role toward achieving consensus on the indefinite extension decision. Indeed, Rydell stated that "the NPT's indefinite extension without a vote would not have been possible without addressing this issue—a long-standing goal of the Arab states and many other parties."¹⁴ The awareness of the fact that Arab states insisted to have the resolution as part of a "package deal" to the indefinite extension decision means that efforts to create a MEWMD-free zone depends, largely, on the political determination of regional powers to address long-standing challenges. Regional challenges are, broadly, security and political issues.

Since the adoption of the resolution in 1995 and its reaffirmation at the 2000 Review Conference, debates aimed at achieving concrete steps toward the establishment of the zone reached an impasse due to some difficult questions, linked fundamentally to regional WMD disarmament conditions and peace process.¹⁵ The fifteen-year lack of progress on disarmament front is due, largely, to disagreement between Israel and Arab States on the priorities and approaches to the complex regional security dynamic and daunting geopolitics. First, Israel is the only State in the Middle East that has never signed the NPT and yet to accede to the treaty., It is widely believed that Israel have between 60 and 180 nuclear weapons, including its mobile Jericho-1 and Jericho-2 missiles, and currently operates unsafeguarded nuclear facilities. The purported peaceful nuclear intentions of Iran remain a major concern to Israel and the US. In several occasions, Iran has failed to report, declare, and provide design information for many nuclear facilities and activities;¹⁶ and has refused to comply with a significant number of UNSC resolutions since 1987. In

¹⁰ Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.1995/L.6, May 9, 1995; Principles and Objectives for Nuclear Non-Proliferation and Disarmament, NPT/CONF.1995/L.5, May 9, 1995; and Strengthening the Review Process for the Treaty, NPT/CONF.1995/L.4, May 10, 1995.

¹¹ Egypt's NPT working paper, see http://www.un.org/disarmament/WMD/Nuclear/pdf/Egypt_Reply.pdf

¹² Tariq, Rauf, and Johnson Rebecca. "Nonproliferation Review/Fall." *Center for NonProliferation Studies*. Fall F1995. <http://cns.miis.edu/npr/pdfs/raufjo31.pdf> (accessed June 17, 2010).

¹³ On 11 May 1995, in accordance with article X, paragraph 2, the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons decided that the Treaty should continue in force indefinitely.

¹⁴ Randy, Rydell. *Arms Control Today*. April 2005. http://www.armscontrol.org/act/2005_04/LookingBack (accessed June 24, 2010).

¹⁵ Bahgat, Gawdat(2005) 'Nuclear Proliferation in the Middle East: Iran and Israel', *Contemporary Security Policy*, 26: 1, 25 — 43

¹⁶ Since September 2002, the International Atomic Energy Agency (IAEA) has been working to clarify the nature of Iran's nuclear program. In 2004, a detailed report on Iran's activities by the Agency's Director General Mohamed

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2006, James Martin Center for Nonproliferation Studies project on WMD capabilities and programs in the Middle East showed that major regional powers including Egypt, Iran, Israel, and Syria are suspected of having chemical or biological stockpiles, weapons programs, or research and development projects underway.¹⁷ Because most WMD programs remain secret and such programs cannot be verified without states' cooperation, precise assessment of a country's capabilities is difficult. Therefore, the adoption of ambiguous WMD policies by countries in the Middle East poses a serious problem to discussing openly nuclear capabilities and disarmament in the region. Examples of such policies include the long-standing Israel's nuclear doctrine of "secrecy and opacity" that is believed to be a reason for Arab countries to support the existence of Pakistan's nuclear arsenal. Iraqi's policies of "denial and deception" between 1998 and 2003 is believed to have led to the second Gulf war.¹⁸ In the same light, it is challenging to guess how Israel and the US would finally resolve the Iran's nuclear issue if countries in the region fail to provide the political support needed to achieve the goals of the 1995 ME resolution. Concrete steps and realistic actions towards establishing the zone will require, inter alia, universality of the NPT and promotion of disarmament and nonproliferation agreements in the region.

Many experts have described the Middle East as the most conflict-ridden region in the world, both an incentive and impediment to achieving a WMD-free zone. The Arab-Israel conflicts and Iran-Israel hostility suggest that WMD disarmament is an important measure to prevent the possible use of such weapons during conflicts. On the other hand, the conflict can be viewed as an impediment because the precarious security situation has resulted in a high level of weaponization, which complicates any disarmament discussions. Importantly, because of the geostrategic, economic and religious importance of the region, the conflicts in this region have the capacity to result into a global world especially if unconventional weapons are ever used. The possibility that WMDs can be used during a conflict in the region is a scenario that cannot be completely ignored, especially recalling that major regional powers are believed to have WMD capabilities and missiles. Historically, Israel has fought many wars with neighboring Arab States, Iran and Iraq have fought an eight-year long war – Israel is believed to have a modern WMD capability, Iraq developed a nuclear weapons programs that was dismantled in 1991, and Iran is believed to be seeking a nuclear capability. Despite the complex security challenge and daunting politics that have stymied disarmament efforts, regional states lend support to the general concept of a WMD-free zone. A number of initiative have been proposed aimed to contribute toward making concrete disarmament steps, although none has produced a favorable result or reaction. In March 2007, a Ministerial meeting of the Arab League adopted resolutions 6623 and 6685, which were decisions to convene an extra ordinary ministerial level meeting of the Arab League council preceded by a meeting of a committee of senior Arab officials to evaluate, recommend on relevant policy and propose a practical mechanism to rid the Middle East of WMD. The proposed mechanism would then be presented to the international community, but there has been no positive result or reaction.¹⁹

ElBaradei to the Board of Governors, indicated that Iran failed to report, declare, and provide design (or updated design) information on many issues.

The report also indicated a frequent failure to cooperate to facilitate the implementation of safeguards as evidenced by the extensive concealment activities. See "Bureau of Near Eastern Affairs: Iran." *US Department of State*. July 23, 2010. <http://www.state.gov/r/pa/ei/bgn/5314.htm> (accessed July 23, 2010).

¹⁷ "James Martin Center for Nonproliferation Studies (CNS)." *Weapons of Mass Destruction in the Middle East*. April 2006. <http://cns.miis.edu/wmdme/index.htm> (accessed August 6, 2010).

¹⁸ On Iraq's deception and denial policies, see: Khidhir Hamza with Jeff Stein, *Saddam's Bombmaker* (New York: Scribner, 2000). David Albright, "Masters of Deception," *Bulletin of the Atomic Scientists* 54:3 (May/June 1998). Barton Gellman, "A Futile Game of Hide and Seek," *Washington Post*, 10/11/98. Barton Gellman, "Arms Inspectors 'Shake the Tree,'" *Washington Post*, 10/12/98.

¹⁹ Patricia, Lewis. "Arms Control Initiatives in the Middle East." *CNS Interim Paper 3: A table of initiatives and their outcome*. Monterey: James Martin Center for Nonproliferation Studies, April 2010.

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After fifteen years of stalemate on the WMD issue in the Middle East, the 2010 NPT Review Conference produced, as main product, a Final Document with 64 action items that covered, inter alia, an implementation plan for the 1995 Middle East Resolution. The objective of this paper is to review regional challenges, identify areas in which, and the mechanisms through which, major actors can promote practical discussions among all states in the Middle East aimed at making progress towards universality of the NPT, WMD disarmament, and the establishment of the WMDFZ. Empirical analyses on regional negotiations show that if the international community hopes to have a forward-looking and realistic program of action out of the 2012 conference, all Middle East States including Israel and Iran will have to participate from the start and in all negotiations, make compromises on tough security and peace questions. The first outlines a historical development of the concept of WMDFZ in the Middle East; the second reviews regional challenges, security dilemma and daunting geopolitics, which have impeded discussions for the past fifteen years and likely to do so in the future. The section on security dilemma examines the motivations for major regional powers to seek or acquire WMDs for their military capabilities. The study maintains that States seek to acquire WMDs for deterrence purposes, demonstrate both military and technological power, and to symbolize modernity and independence. The problem of geopolitics across regional geography refers to extant conflicts and its relation to security dilemma, a combination that stymies discussions on the zone. In this study, peace and security are treated as mutually re-enforcing themes with the understanding that one cannot be addressed exclusively without consideration of the other. Section three reviews some progress on regional WMD disarmament and peace efforts that lends support to the WMD concept. Section four suggests some policy ideas aimed at making progress toward the zone. Finally, the conclusion summarizes key findings and offers recommendations.

Development of the WMD-free zone concept

The rationale behind NWFZs is that there is a direct correlation between denuclearization and peace; therefore, the strength of the NWFZ initiative lies in its commitment to cooperation and trust. The mechanics of NWFZ treaties recognize that confidence-building measures are important ingredient for the future of nuclear safety. In other words, nuclear-free regions provide credible evidence that participating States are fulfilling their obligations under Article VI of the NPT, which requires non-nuclear States to remain as such, and nuclear States to negotiate “in good faith” to relinquish their nuclear programs. The intrusive inspection measures established in the NWFZ provide valuable supplements to the verification structure of the NPT and inhibit States from opting for nuclear weapons in response to future security needs. In fact, the NWFZs represent a fundamental affirmation of solidarity at the regional level against nuclear weapons. It is often argued that most States seek nuclear weapons for their deterrent qualities, often pursuing them because they fear that their neighbors are developing such weapons. Nuclear-weapon-free zones are intended to fix this security dilemma because they prohibit nuclear weapons within a specific area. The credible absence of nuclear material in a region devalues the role of nuclear weapons in national security policy and no neighboring country should feel insecure enough to seek or develop such weapons. At its foundation, NWFZs are confidence-building measures aimed at improving trust and transparency among neighboring countries. In addition to reinforcing trust between the nuclear-weapon States and the NWFZ States, the treaties increase transparency among the NWFZ States. NWFZs permit the United Nations nuclear-monitoring branch, the International Atomic Energy Agency (IAEA), to conduct regular ad hoc and special inspections of the region’s nuclear activity.

The concept of NWFZ first developed in the 1960s as a regional approach to preventing nuclear proliferation and promoting global nuclear disarmament. It is enshrined in Article VII of the 1968 NPT treaty, which provides for the establishment of regional Nuclear-Weapon-Free Zones.²⁰ International and

²⁰ 1995 NPT Review and Extension Conference. Final Document Part I, New York: UN, 1995. 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. May 2-27, 2005. <http://www.un.org/en/conf/npt/2005/npttreaty.html> (accessed June 26, 2010).

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regional experiences in the negotiations and processes that have resulted in the establishment of the existing five regional zones – the Treaty of Tlatelolco, Treaty of Rarotonga, Treaty of Bangkok, Treaty of Pelindaba, and Treaty of Semipalatinsk - have proved to be powerful tools for international diplomacy and disarmament, which have contributed to regional peace, security, and stability. Indeed, regional NW – free zones are increasingly perceived as supplementary elements of the non-proliferation regime and, politically, reinforce the NPT, accommodate regional sensitivities and can be adapted incrementally.²¹ From the perspective of the International Atomic Energy Agency (IAEA), NWFZs provide additional verification and assurance to the international community that States are complying with their non-proliferation obligations.²² According to UNGA General Assembly resolution 3472 B (1975) on the definition of a NWFZ, the successful creation of a regional zone can be a reflection of shared interests in, and agreements about, the prevention of emergence of new nuclear-capable states in that region.²³

There is consensus among Middle East Arab countries, including the nine Northern African countries that are also Middle East states, that the successful establishment of a WMD-free zone in the region will also facilitate conflict reduction efforts. The MEWMD-free zone could contribute to conflict reduction initiatives if it can create an environment that will be conducive for states to contemplate for a cooperative security framework as well as cooperation in economic areas and partner in space and nuclear energy technologies from commercial perspectives. With an increased global political momentum for a nuclear free world, countries in the Middle East might seize the opportunity to deal with the precarious security situation and daunting geopolitics by making concrete steps and having realistic programs toward a verifiable Middle East WMD- free zone. By capping existing arsenals and reverse the current arming trajectory in the conflict-ridden and most volatile region in the world, this might reduce miscalculation and misinterpretation of intentions in favor of peace negotiations. Recent statements either calling or supporting the establishment of a MEWMD-free zone enhances the view that processes toward the zone will also contribute or reinforce efforts toward achieving comprehensive and sustained peaceful relations in Middle East. In September 2009, the America Press Inc. quoted a statement from the Vatican's foreign affairs minister Archbishop Dominique Mamberti, which states "Nuclear-weapons-free zones are the best example of trust, confidence and affirmation that peace and security are possible without nuclear weapons."²⁴ On May 11 2010, during the one-month long NPT 2010 NPT Review Conference in New York, the President Dmitry Medvedev of Russia, with the support of President Bashar al-Asad of Syria, stated his support for the idea of creating a Mideast zone free from nuclear weapons. In addition, President Medvedev noted that a different conflict scenario in the region could result in a regional or maybe even a global catastrophe.²⁵ These statements, inter alia, continue to echo the need for Mideast actors to move beyond political rhetoric and make concrete steps toward achieving the goals in the 1995 Middle East Resolution. Some studies on the situations Middles East suggest that there efforts to establish the zone are inherently linked to the peace process and security issue.

²¹ Mark G. McDonough, "Strengthening the Non-Proliferation Regime: Selected Analyses, Findings, and Recommendations," A summary report of the March 1992 Carnegie Endowment Non-Proliferation Conference (Washington, DC: Carnegie Endowment for International Peace, June 1992), p. 8.

Some proponents of NWFZs view them, as an alternative to the NPT regime because of the latter's apparent weakness in exposing covert proliferants such as Iraq.

²² Jan Priest, "The Role of the IAEA in Nuclear-Weapon-Free Zones and Its Relationship with the Brazilian-Argentine Agency for the Accounting and Control of Nuclear Materials," Proceedings from the February 1996 Carnegie Endowment Non-Proliferation Conference (Washington, DC: Carnegie Endowment for International Peace, op. cit., p. 3. June 1996), p. 1.

²³ United nations. *NUCLEAR-WEAPON-FREE ZONES*. July 2010.

<http://www.un.org/disarmament/WMD/Nuclear/NWFZ.shtml> (accessed August 14, 2010).

²⁴ 2009. "Vatican Urges Nuclear-Free Zone." *America* 201, no. 10: 8. *Education Research Complete*, EBSCOhost (accessed June 14, 2010).

²⁵ Interfax. 2010. "Russia, Syria favor zone free from nuclear arms in Middle East - Medvedev." *Military News Agency*, May 11. 1. *Regional Business News*, EBSCOhost (accessed June 14, 2010).

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In a 1999 study, “Middle East Security issues: In the Shadow of Weapons of Mass Destruction proliferation,” Dr. Lawrence Scheinman contributed a chapter titled, “NBC and missile proliferation issues in the Middle East,” in which he described the Middle East as the most tension-ridden, conflict-prone and heavily armed region of the world.²⁶ Arguably, this description is still valid today compared to North East Asia and South Asia that share the same characteristic but of lower intensity and capacity.. If states possess or seek and acquire nuclear weapons in the Middle East, the threat of use of this category of WMD weapons cannot be ignored especially recalling that some states have used chemical agents in past wars. The significant existence of chemical and biological weapons and their delivery systems in the region makes a nuclear threat real. Studies on the Iraq-Iran war (1980-1988) and the first Gulf War in 1991 show that these wars revealed a considerable proliferation level of biological and chemical weapons-and rockets and missiles. It is worth noting that the rockets can be used to launch both conventional and unconventional weapons and the missiles are capable of carrying and delivering nuclear as well as chemical and biological warheads.²⁷ Weapon launch systems and warhead delivery vehicles are important elements for nuclear weapons program and many Mideast countries including Egypt, Iran, Israel, UAE, Egypt, and Syria have these launch and delivery capabilities. In addition, the lone non-NPT status of Israel in the region, Israeli nuclear doctrine of “secrecy and opacity” and Iran’s ambiguous nuclear intentions are worrisome issues in the framework of the NPT regime. A combination of these factors constitutes sticky issues that have resulted in regional instability and lack of political will to support WMD disarmament efforts.

MEWMDFZ Initiatives

For over half a century, regional states, international and civil society organizations have proposed initiatives toward the denuclearization of the Middle East, yet no effort has produced concrete results. However, some of the associated studies and events of those initiatives have contributed significantly to the understanding and expectations for the zone. In April 1962, a committee of Israeli scientists and intellectuals for the denuclearization of the Arab-Israel conflict proposed that the only way to prevent the nuclearization of the region was through a political agreement among the parties to create a Middle East free of nuclear weapons. The proposal did not receive any serious attention either inside Israel or from its neighbors.²⁸ In 1974, the United Nations General Assembly adopted Resolution 3262 (1974) by vote on the establishment of a NWFZ in the Middle East, which was proposed by Iran and supported by Egypt. Importantly, all Arab states voted in favor except one regional member Israel that abstained until 1980.²⁹ The resolution commended the idea of a NWFZ in the Middle East, called on all states to declare their commitment to refrain from actions or in any way to possessing nuclear weapons, accede to the NPT and requested the U.N. Secretary General to collect states’ opinion about the implementation of the resolution. In 1975, the Secretary-General produced a report (UNSG S/11778) of collected views of countries on the implementation of the 1974 resolution and for the first time, the Arab states and Israel expressed officially their attitude toward establishing a NWFZ and its relation to the NPT.³⁰ In 1989, IAEA DG initiated a customized technical study on the requirements and application of safeguards in the Middle East.³¹ The study analyzed the status of nuclear activities and safeguards in the Middle East, described the IAEA’s experience in applying safeguards under different types of safeguards agreements, and identified a number of modalities that could be used to enhance the application of safeguards in the Middle East. The findings of the study could still be useful today although IAEA would have to update it in order to reflect

²⁶ BARRY, SCHNEIDER. *Supra* note, 4

²⁷ Mohamed, Said. *Pugwash Conference on Science and World Affairs*. November 15-17, 2002. <http://www.pugwash.org/reports/nw/kadrysaid.htm> (accessed July 23, 2010).

²⁸ Patricia, Lewis. *Supra* note 18

²⁹ Patricia, Lewis. *Supra* note 18

³⁰ Patricia, Lewis. *Supra* note 18

³¹ Patricia, Lewis. *Supra* note 18

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the current realities including latest developments in safeguards techniques and technologies. When discussing the geographical aspect, the report defined the region from “the Libyan Arab Jamahiriya in the west, to the Islamic Republic of Iran in the east, and from Syria in the north to the People’s Democratic Republic of Yemen in the south.” The DG concluded that there was general agreement among the states of the region on the desirability of applying IAEA safeguards to all nuclear facilities in the Middle East. Opinions differed, however, as to whether this should precede or follow the establishment of a NWFZ and whether this could precede or follow a comprehensive peace in the region.

The concept of a nuclear-weapons-free zone in the Middle East began to broaden to the concept of a weapons of mass destruction in the wake of the first Gulf war, largely, due to Egypt’s awareness of the of an accelerated rate of the proliferation of both conventional and unconventional warheads as well as their delivery systems. In April 1990, President Hosni Mubarak of Egypt submitted letter A/45/219 (S/21252) to the UNGA, which proposed to the broadening of the concept of a NWFZ into a WMDFZ.³² President Mubarak’s initiative was motivated by mounting evidence of the existence of chemical agents, biological weapons, accelerated rate of missiles proliferation in the region,³³ and Israel’s apparent interpretation of its own nuclear doctrine of “opacity and secrecy” as a deterrent against these weapons.³⁴ Some studies have argued that the proposal, which was accepted politically, was not intended to replace the earlier idea of a NWFZ, but rather to be pursued in parallel with the earlier proposal. Although the proposal was met with caution in the Arab world, officially, it was endorsed in May 1990 during the Arab Emergency Summit Conference; it was officially endorsed by Israel in October 1994.³⁵ The verifiable WMD-free zone will prohibit all nuclear, chemical and biological weapons without exception, including their delivery systems.³⁶ In the same year, a U.N. expert study on effective and verifiable measures, which would facilitate the establishment of a Nuclear-Weapon-Free Zone in the Middle East. It identified shared views between the states in the Middle East and suggested a catalogue of unilateral and regional measures in order to serve as confidence building and security measures, steps to prepare for a NWFZ. When examining the geographical boundaries of the proposed zone, the study divided the region to core countries and peripheral countries. The 1990 UN study also mentioned the sea areas, such as the Red Sea and the Persian Gulf as well as international waters, such as the Suez Canal. The report was adopted by consensus but different countries in the Middle East have cited different paragraphs from the report that support their positions. However, an Arab League government expert committee produced a draft treaty for the establishment of the MEWMDZ in 1994, which has not been published publicly.³⁷ Publicly available information on the scope of the zone indicates that the WMDFZ should incorporate Israel, Iran, and all 22 members of the Arab League. It also referred to ways of including Turkey. Arguably, the already hard-line Egyptian opposition to an Israeli nuclear status suggests that an Iranian nuclear-weapon option will be perceived as an existential threat. The continued lack of progress in nonproliferation and disarmament in the region could result in a scenario analogous snowball effect with negative effects on international peace and security. For instance, the same threat could induce Saudi Arabia to attempt obtaining bombs for commercial reasons. Importantly, if Egypt approaches a nuclear option, Arab rivals such a Syria or Algeria might also be inspired for security reasons and a nuclearizing Middle East can induce Turkey to reconsider its non-nuclear stance.³⁸

³² Prawitz, J. & Leonard, J. F. (1999). A zone free of weapons of mass destruction in the Middle East: A political project. , *11*(3), 257-271. doi:10.1080/14781159908412885

³³ Aaron Karp, “The Spread of Ballistic Missiles and the Transformation of Global Security,” *Nonproliferation Review*, 7, 3 (Fall-Winter 2000).

³⁴ Claudia Baumgart, and Müller Harald. "A Nuclear Weapons-Free." *The Washington Quarterly*, Winter 04, 05 2004: 45-58.

³⁵ Patricia, Lewis. Supra note 18

³⁶ (2006, November 7). Retrieved August 24, 2010, from VERTIC: <http://www.vertic.org/assets/MC%20-%20SOAS%20BrPugwash%20conference%20Middle%20East%20WMDFZ%207%20Nov%202006.pdf>

³⁷ Patricia, Lewis. Supra note 18

³⁸ HARALD, MÜLLER. 2006. <http://www.wmdcommission.org/files/No31.pdf> (accessed August 12, 2010).

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The Mubarak initiative gradually gained support at the highest diplomatic institutions and for a. For example, in the wake of the first Gulf war, the UN Security Council adopted resolution 687 (1991) on Iraq under Chapter VII of the UN Charter and the resolution framed Iraq's disarmament in the context of establishing a WMDFZ in the Middle East. In the same light, Iraq ratified the BTWC on 4/18/91, as required by the Gulf War cease-fire agreement.³⁹ Another initiative was the formation of an Arms Control and Regional Security (ACRS) working group in 1992 as an outcome of the 1991 Madrid peace conference, which was the effort of regional states and co-sponsored by the US and Russia.⁴⁰ The goal of the group was to complement the bilateral negotiations between Israel and its immediate neighbors, improve cooperation and identify common interests among states in the region, and reduce tensions to establish the foundation for a lasting peace. The ACRS group held six plenary sessions between 1992 and 1995 and issues discussed were the geographical delineation of the Middle East and actions or measures needed to begin negotiations on arms control. By mid 1995, the ACRS process reached a point of complete impasses due to high interconnectivity between peace, security and arms control and no formal meeting has been held since September 1995.⁴¹ The breakdown in the negotiations revealed that that Arabs and Israelis had opposite interests, approaches and priorities regarding the arms control agenda and nuclear issues.

Review Conferences

The five-year NPT cycle, Review Conference, is an important opportunity for the global community to restore faith in the treaty's operation and to make recommendations for its continued implementation; yet, there have been no forward-looking and realistic program of action to promote WMD disarmament in the Middle East. At the 1995 NPT Review Conference, state parties decided to extend the NPT indefinitely.⁴² As part of that indefinite extension decision, states parties adopted a resolution on a Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East (the 1995 Middle East Resolution), which endorsed the aims and objectives of the peace process and recognized that political reconciliation improves the prospects for a Middle East free of nuclear weapons. The ultimate goal of the resolution is WMD disarmament in all Middle Eastern countries. The resolution, which was co-sponsored by the depositary States (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 on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.⁴³ From then on, there have been no forward-looking and realistic programs of action to promote the goals of the Resolution. In the last three Conferences, failure or success has come real due to two issues largely defining the outcome – progress on nuclear disarmament, and, even more importantly,

³⁹ BARRY, SCHNEIDER. *Supra* note 4

⁴⁰ For a detailed discussion of the multilateral arms-control talks and more specifically of ACRS working-group talks see Feldman, *Nuclear Weapons and Arms Control*, pp. 7-15; Gerald M. Steinberg, "*Middle East Arms Control and Regional Security*," *Survival*, vol. 36, no. 1, Spring 1994, pp. 125-141; Bruce Jentleson, *The Middle East Arms Control and Regional Security (ACRS) Talks: Progress, Problems, and Prospects*, University of California, IGCC Policy Paper No. 26, September 1996; Jones, "New Directions in Middle East Deterrence;" Peter Jones, "Arms Control in the Middle East: Some Reflections on ACRS," *Security Dialogue*, vol. 28, no. 1, 1997, pp. 57-70; and Sayed, "*The Future of the Israeli Nuclear Force and the Middle East Peace Process*," *Security Dialogue*, vol. 28, no. 1, 1997, pp. 31-4

⁴¹ "Inventory of International Nonproliferation Organizations and Regimes." *Center for Nonproliferation Studies*. April 1, 2003. <http://cns.mii.edu/inventory/pdfs/acrs.pdf> (accessed July 22, 2010).

⁴² "Inventory of International Nonproliferation Organizations and Regimes." *Supra* note 43

⁴³ On 11 May 1995, in accordance with article X, paragraph 2, the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons decided that the Treaty should continue in force indefinitely. See <http://www.un.org/Depts/dda/WMD/treaty/>

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implementation of the 1995 Resolution on the Middle East.⁴⁴ The resolution also called on non-NPT signatories to accede to the NPT and accept full-scope IAEA safeguards, and urged nuclear and non-nuclear weapon states to cooperate fully in regional efforts to create a Middle East free of nuclear weapons as well as other WMD and their delivery systems.

During the sixth Review Conference in 2000, the first to meet following the Treaty's indefinite extension at the 1995 Conference, the State parties adopted a final declaration by consensus.⁴⁵ Regarding recommendations on regional issues, particularly implementation of the 1995 Resolution on the Middle East, the Conference reaffirmed the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognized that the resolution remains valid until the goals and objectives are achieved.⁴⁶ The final declaration explicitly called on Israel to join the NPT as a non-nuclear weapon state. At the seventh Review Conference in 2005, States Parties failed to adopt a final document due to sharp differences on a number of irksome issues including nuclear weapon issue in the Middle East.⁴⁷ The UNGA adopted a resolution in 2007, which emphasized the urgency and importance to cap WMD armament, reverse proliferation, promote disarmament and universality of the NPT in the region, and the placement of all nuclear facilities and programs under IAEA safeguards. Fifteen years after indefinite extension, regional support to implement the resolution seems unattainable. The failure of the 2005 Review Conference to have had compromise on a number of key issues toward consensus on a final declaration indicated that nonproliferation and disarmament events had placed the NPT and the regime supporting it under unprecedented stress, exposing some of its inherent limitations, and pointing to areas that need to be adjusted. In a related statement on the first day of the Conference, the IAEA Director General Dr. Mohamed ElBaradei said that the global nonproliferation system clearly needed reinforcement and proposed seven fixes that would not require amending the Treaty.⁴⁸ One of the proposals was the need to acknowledge the fact that the volatility of longstanding tensions - in regions like the Middle East and the Korean Peninsula - give rise to proliferation and, therefore, to the international community and regional countries have to take concrete actions to resolve existing security deficits and, where needed, provide security assurances.

The 2010 NPT Review Conference was successful in achieving consensus support on the forward looking-action section, "Conclusions and Recommendations," which came after a decade of decline in multilateralism and on the heels of achievements in arms control and nuclear security initiatives.⁴⁹ A series of past negative events including the failure of the 2005 NPT Review Conference, Iran's hidden nuclear activities, North Korea's two nuclear test, U.S. withdrawal from the ABM Treaty, and the Bush administration's nuclear deal with non NPT-member India had all fostered the perception that the NPT regime was in danger of falling apart and dramatic action was needed. When U.S. President Barack Obama took office in 2009, he sought to halt this downward slide, most notably by reasserting the U.S

⁴⁴ William Potter, Patricia Lewis, Gaukhar Mukhatzhanova, and Miles Pomper. *James Martin Center for Nonproliferation Studies*. June 17, 2010. http://cns.miis.edu/stories/pdfs/100617_npt_2010_summary.pdf (accessed August 12, 2010).

⁴⁵ "2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons," Final Document, Volume I Part I Review of the operation of the Treaty, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, Improving the effectiveness of the strengthened review process for the Treaty, p14, <http://www.un.org/disarmament/WMD/Nuclear/2000-NPT/pdf/FDPartIand2.pdf>

⁴⁶ Aboul-Enein, Sameh, and Hassan Elbahtimy. "BRIEF." *VERTIC*. April 11, 2010. <http://www.vertic.org/assets/Publications/VB11.pdf> (accessed June 14, 2010).

⁴⁷ <http://www.pogar.org/publications/garesolutions/general/ares61-103-07e.pdf>

⁴⁸ (2005, May 2). Retrieved August 25, 2010, from International Atomic Energy Agency: http://www.iaea.org/NewsCenter/News/2005/npt_2005.html

⁴⁹ William Potter et al, *Supra* note 46

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commitment to nuclear disarmament in his April 2009 Prague speech setting the goal of a “world free of nuclear weapons.”⁵⁰ The achievements represented signs of good-faith deposit on the United States President Obama’s Prague promises.⁵¹ The role of Presidential leadership was echoed at the 2009 Preparatory Committee meeting when NPT States parties made clear that, at least emotionally if not substantive, President Obama’s appeal and related policy pledges had served to restore some of the international community’s confidence in the NPT review process. These pledges include the signing of the New START agreement between the US and Russia in April 2010, a diminished role for nuclear weapons in the new U.S. Nuclear Posture Review released in March 2010,⁵² and a forward-looking communiqué from the U.S. hosted Nuclear Security Summit.⁵³ These initiatives and their successful outcomes had raised the political stakes for the United States to ensure that the Conference was perceived as a success.⁵⁴ On May 28 2010, 172 States parties to the NPT adopted a consensual final declaration, which included an action plan on the Middle East Resolution. In a June 2010 CNS special report on the “2010 NPT Review Conference: Deconstructing Consensus,” it is argued that the recommendation on the Middle East WMD-free zone for the next five years was perhaps the most substantive accomplishment.⁵⁵ The Final Document states that the UN Secretary-General and the three co-sponsors of the 1995 Middle East Resolution (the United States, the United Kingdom, and the Russian Federation) in consultation with regional states will convene a conference in 2012, which will be attended by all States of the Middle East. As stated in the document, an important and urgent step is for the UN Secretary-General along with the three co-sponsors, in consultation with the states of the region, should appoint a Facilitator to begin consultations and undertaking preparations for the convening of the 2012 conference. Early consultations will aid to identify differences that may impede the participation of regional countries and allow enough time to address relevant issues. Importantly, it will aide in the designation of a host government for the conference, which will encourage all states in the Middle East to attend.

Regional Challenges

The numerous initiatives toward making progress on the Middle East WMD-free zone effort have not produced the expected results or prompted favorable reactions from states in the region, perhaps, due to irreconcilable attitudes and interests, including political structures, religion, and culture. Some studies argue that the overall difference in political governance among countries of the region has stymied progress in the peace process for decades,⁵⁶ for example, most Arab countries are far removed from multi-party democracy. Many expert studies show that the precarious security situations and daunting geopolitics in the region impede progress in WMD disarmament efforts. It can be argued that the dangerously unstable state of affairs is one of the factors that have characterized the dynamic of WMD and missile proliferation, while the disheartening influences of geography on politics contribute significantly to the Iran-Israel hostilities and Arab-Israel conflicts. In 1999, Prawitz study on a MEWMD-free zone linked regional volatility and conflict-ridden nature to proliferation and that the acquisition of WMD capabilities by one state in the region begets proliferation by another regional state.⁵⁷ This argument can be used to explain the dynamic of WMD proliferation for countries such as Egypt, Iran, Iraq, Israel, and Syria. The concept of a WMDFZ in the Middle East is both a unique and complex task. Whenever the zone will become a reality, it will be the first zone that will ban nuclear, chemical and

⁵⁰ “Remarks By President Barack Obama,” The White House Office of the Press Secretary, April 5, 2009, <http://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered>

⁵¹ “Remarks by President Barrack Obama,” [Supra](#) note 52

⁵² “Nuclear Posture Review,” U.S. Department of Defense, <http://www.defense.gov/npr/>.

⁵³ The Nuclear Security Summit Communiqué available at <http://www.whitehouse.gov/the-press-office/communiquashington-nuclear-security-summit>, and the work-plan at <http://www.whitehouse.gov/the-press-office/work-planwashington-nuclear-security-summit>

⁵⁴ William Potter et al, *Supra* note 46

⁵⁶ William Potter et al, *Supra* note 46

office/work-planwashington-nuclear-security-summit

⁵⁷ Prawitz Jan et al. *Supra* note 34

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biological weapons and their delivery systems in the context of the NPT. The process is complicated because the region has a high level of weaponization and many long-standing conflicts arising from national security concerns, geopolitical issues, and socio-cultural differences. This section examines two regional challenges, precarious security situation and daunting geopolitics and their roles in efforts to establish the zone.

Complex security situations

The feeling of safety is a major concern to many countries in the Middle East, which has contributed to the accelerated rate of WMD proliferation.⁵⁸ Put simply, the security for one state reduces the security of the others, and in the tension-ridden and conflict-prone Middle East regional, regional powers demonstrates little or no real actions to support disarmament efforts. The security component is made of many interrelated parts including the lack credible information about the Israeli nuclear program and concerns about Iran's nuclear intentions. Israel is believed to have somewhere between 60 and 180 warheads, remains the only non-NPT state in the Middle East, and operates unsafeguarded nuclear facilities. Lack of transparency, trust and confidence in the Israeli nuclear activities appears to be a constant stimulus to other states in the region to seek and acquire them. The non-Arab country Israel is believed to have started contemplating the need to have an independent nuclear deterrent option immediately after independence in 1949.⁵⁹ From the position of Israel, visible progress on the peace front and other areas of arms control both conventional and unconventional, are preconditions to begin thinking seriously about joining the NPT or considering practical steps towards negotiation for the zone.⁶⁰ Although Israel maintains a policy of "secrecy and opacity" about its nuclear program, some experts' studies have reported on Israel's nuclear policy. In one such study, Said's chapter in a 2004 UNIDR study on *Building a Weapons of Mass Destruction Free Zone in the Middle East*, reports that Israel incentive to acquire the nuclear bomb was driven by security imperatives, which Israel insist it remains a credible insurance for her survival amidst a hostile Arab world and their quantitative military edge.⁶¹ In the same chapter, Said found several other reasons for defense and armament trends in the Middle East including deterrence, arms races with neighbors, ability to attack outside advanced power projection options or to compensate for conventional weaknesses and costs of conventional weapons acquisition, particularly those with high technological value.

The Jewish Middle East State is widely believed to have a complete nuclear military program, conducts biological warfare activities at the Biological Research Institute in Ness Ziona and its mobile Jericho-1 and Jericho- 2 ballistic missiles that are thought to be "nuclear capable."⁶² Many scholars report that Israeli's lack of political will to support regional disarmament is linked to the purported existential threats from her adversaries, that is, the closest Arab neighbors and geographically peripheral non-Arab state Iran. Similar, the Zionist State has neither joined the NPT no placed its nuclear facilities subject to international inspection and control. The Israeli nuclear policy of secrecy can be said to affect nonproliferation and disarmament efforts in the region negatively. Although most Arab States in the Middle East have joined WMD regimes, others have refused to do support WMD regimes and have linked their position to non-NPT status of Israel. For example, Egypt ratified the NPT in 1981 but has

⁵⁸ Bahgat, Proliferation of Nuclear Weapons, p. 28.

⁵⁹ Avner Cohen and William Burr, Israel Crosses the Threshold, *Bulletin of the Atomic Scientists*, May/June 2006

⁶⁰ 2010. "The risk of nuclear proliferation in the Middle East." *Palestine - Israel Journal of Politics, Economics & Culture* 16, no. 3/4: 183-185. *Academic Search Elite*, EBSCOhost (accessed July 14, 2010).

⁶¹ Said, M. K. Published in V. Cserveny et al., *Building a Weapons of Mass Destruction Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences*, United Nations Institute for Disarmament Research (UNIDIR), 2004. Retrieved June 23, 2010, from: berg, December 16, 2009

⁶² Steven, Aftergood, and Kristensen Hans. "Nuclear Weapons." *Federation of American Scientist*. January`7 2007. <http://www.fas.org/nuke/guide/israel/nuke/> (accessed July 24, 2010).

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refused accede to the Chemical Weapons Convention and to ratify the Treaty of Pelindaba unless Israel joins the NPT.

For over three decades, the United Nations Security Council, United States and European Union had taken punitive measures against Iran due to ambiguity in the intentions of Iran's nuclear program. In 2009, a study by David Albright on Iran's Natanz enrichment plant reported that Iran is suspected of trying to convert nuclear fuels to bomb-making ability.⁶³ Lack of transparency in Iran's nuclear program raises concerns for Israel and the West about the possible existence in Iran of existing undisclosed activities related to the development of a nuclear payload for a missile. Publicly available reports reveal that Iran possesses chemical-weapons capabilities, has developed biologic weapons, has a space program, and has developed a variety of delivery vehicles.⁶⁴ In 2009, the Persian Gulf country successfully test fired several missiles, including the two-stage, solid-fuel upgraded Sejil-2 surface-to-surface missile and the liquid-fuel Shahab-3, which can travel 2,000 kilometers (1,200 miles), putting Israel within reach. It also tested a medium-range, upgraded Sejil-2 surface-to-surface missile.⁶⁵ These missiles, though designed to deliver conventional warheads, they can also be used to deliver biological, chemical and nuclear warheads. It is believed that the only challenging element to Iran in order to have a complete nuclear weapons systems in ability to enrich uranium to weapon grade level. Because Iran displays regional power ambitions that make many of its neighbors insecure, and it is one of the most hostile states toward Israel, Israel and the United States has placed priority in addressing the Iranian nuclear issue before talks on disarmament can begin.⁶⁶

In 2009, US National Intelligence Estimates predicted that Iran could have a nuclear weapon by sometime between 2010 and 2015 period.⁶⁷ Although Iran uses the inalienable right provision of NPT Article IV as the undercover to enrich uranium domestically, it can be argued that if Iran continues to enrich uranium to produce nuclear fuel for energy production, this will result in an advanced civilian nuclear program thus making it relative easy to cross the line into nuclear weapons. Some experts suggest that Iran's policy of ambiguity is buying strategy to buy proliferation time to its favor, time needed to improve and test its domestic technical and scientific capability in the design, weaponization, and testing of a warhead with little or no foreign assistance.⁶⁸ Robert E. Ebel, author of *Geopolitics of the Iranian Nuclear Energy Program* in early 2010, quoted the speech of the United States to the IAEA board of governors in September 2009 through its envoy that Iran's nuclear work is nearing a "dangerous and destabilizing" point at which the country could build a bomb.⁶⁹ In 2007, US Secretary of State Condoleezza Rice in a testimony before the House Foreign Affairs Committee stated that the nuclear policies of Iran constitute

⁶³ David Albright et al., "Natanz Enrichment Plant: How to Measure Progress," ISIS Report (Washington, D.C.: Institute for Science and International Security, September 1, 2009).

⁶⁴ Michael Hastings, "Dispute over Oil Well Worsens Fears about Iran's Sway in Iraq," *Washington Post*, January 9, 2010. (accessed July 13, <http://www.washingtonpost.com/wp-dyn/content/article/2010/01/08/AR2010010803654.html?nav=E8>)

⁶⁵ Thomas Penny and Ali Sheikholeslami, "Iran Missile Test May Increase Sanctions, Brown Says," *Bloomberg*, December 16, 2009.

⁶⁶ Bahgat. Supra note 60⁶⁶ "Chapter 3: State Sponsors of Terrorism," U.S. Department of S Bahgat, *Proliferation of Nuclear Weapons*, p. 28.

⁶⁷ William J. Broad, "The Thin Line between Civilian and Military Nuclear Programs," *New York Times*, December 5, 2007.

⁶⁸ Dennis C. Blair, "Annual Threat Assessment of the Intelligence Community for the Senate Select Committee on Intelligence," February 12, 2009.

⁶⁹ Robert, Ebel. "Iranian Nuclear Web." *CENTER FOR STRATEGIC & INTERNATIONAL STUDIES*. March 2010. http://csis.org/files/publication/100312_Ebel_IranNuclear_web.pdf (accessed July 24, 2010).

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perhaps the single greatest challenge for American security interests in the Middle East, and possibly around the world.⁷⁰ It is likely that Israel, and the US, places urgency and priority in addressing the Iranian nuclear issue over serious discussion on the creation of a regional zone.

While many studies have suggested that Israel is determined to prevent any Middle Eastern country, especially Iran, from acquiring a nuclear bomb, the stakes are high either way. Should Iran succeed to produce fissile material enough to fuel a nuclear warhead, this means that Iran will be a nuclear armed state and this could prompt other regional powers like Egypt and Saudi Arabia to follow suit. It is reasonable to believe that Arab states such as Syria and important non-state actors such as Hezbollah and Hamas that have aligned with Iran might acquire similar technologies from Iran. This could result in a more complex proliferation scenario, which will be a serious handicap for talks on the zone. As a justification for the worst-case scenario should, Iran become a nuclear-armed state, President Asad of Syria, believed to have WMD weapons, has expressed the willingness to inflict unacceptable damage on Israel using WMD weapons and this constitute a security threat that can be real under extreme circumstances.⁷¹ It is partly for this reason that Israel insists on long lasting and comprehensive peace agreement as a sine qua non to begin any concrete discussion on arms control.⁷² Some studies have linked WMD proliferation in the Middle East to the suspected Israeli nuclear arsenal. For example, Syria and Egypt are believed to have acquired chemical and biological weapons as a deterrence option and defensive capability against the enemy Israel, suspected of possessing a superior nuclear capability. This might seem plausible if one views the financial, scientific and legal constraints associated with military nuclear programs. However, launch vehicles like rockets and delivery systems like missiles for conventional warheads can also be used to deliver biologic and chemical warheads. This means that major regional actors - Algeria, Egypt, Israel, Libya, Sudan, Syria, Iraq, and Iran – will find it relatively easy to go nuclear. It is worth noting that only Iraq had an active nuclear program that the UN inspection and sanction regimes in the aftermath of the Gulf war effectively terminated. In 2009, a Stockholm-based independent, high-level body observed that nuclear proliferation and new nuclear-weapon programs could have a domino effect, producing fear, alarm and possibly countermeasures involving WMD in neighboring states.⁷³ In the Middle East, even suspicions of such a program can trigger severe actions, as illustrated by the invasion of Iraq and by the pressures exerted on Iran to refrain from enrichment-related activities.

Daunting Geopolitics

Arguably, whenever there are challenges, there are opportunities. Despite the unbridgeable differences between states and the underlying tensions that impede peace efforts, outwardly good intentions often demonstrated in political rhetoric. One of the main issues giving rise to the region's conflicts is based on religious differentiation. For example, Israel can be differentiated religiously from its Arab neighbors (where Sunni Islam is the major religion), and Iran can be set apart based on ethnic and sectarian differences (representing Persians and Shia Muslims). However, the idea of the "Arab world" continues to resonate in a cultural sense, especially as an expression of solidarity in Arab versus non-Arab disputes.

⁷⁰ "Chapter 3: State Sponsors of Terrorism," U.S. Department of State, Office of the Coordinator for Counterterrorism, April 30, 2009, <http://www.state.gov/s/ct/rls/crt/2008/122436.htm>.

⁷¹ "Sorting through More Official Statements on Iran's Nuclear Capability," ISIS Issue Brief (Washington, D.C.: Institute for Science and International Security, March 12, 2009).

⁷² Eriksen, Sara Kristine and Holøien, Linda Mari (2010) 'FROM PROLIFERATION TO PEACE', *The Nonproliferation Review*, 17: 2, 281 — 299

⁷³ *THE SECURITY COUNCIL'S ROLE IN DISARMAMENT AND ARMS CONTROL: NUCLEAR WEAPONS, NON-PROLIFERATION AND OTHER WEAPONS OF MASS DESTRUCTION*. September 1, 2009.

<http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Disarmament%20September%202009.pdf> (accessed June 24, 2010).

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Between 1948 and 1973, the Arab nations initiated four wars against Israel: 1948 War of Independence, 1956 Sinai War, 1967 Six Day War, 1973 Yom Kippur War. In all the four Arab-Israeli wars, the Egyptians led the Arab side both in the military-political field and in the intangible emotional impetus.⁷⁴ Importantly, chemical and biological agents have been used during conflicts in the region. For example, chemical weapons were used by Egypt against opposing factions in Yemen in the 1960s, by Iraq during the Iran-Iraq war (1980-1988), and again by Iraq against the Kurds in 1988.⁷⁵ A more worrisome development arose when Iran stated that the holocaust claimed by Israel to justify the possession of its nuclear arsenals was a lie and further declared that Israel should be wiped off the map of the Earth, positions unacceptable to Israel.⁷⁶ The Iranian nuclear program is an existential security threats to Israel, leaving Israel with a devil's alternative - bomb Iran or live with Iran having a nuclear weapon.⁷⁷

The process of establishing a WMDFZ in the Middle East has a fundamental linkage to regional conflicts in that these conflicts involve major actors and potential members of the WMD-free zone. The Palestinian question has been, and is still, at the heart of conflicts in the Middle East, an important factor in both the Arab-Israel tensions and inter-Arab rivalries that have traditionally been at the core of the region's high militarization. This might be a reason when in 1994; Arab League conference stated that a WMD-free zone should include all 22 Arab states plus Iran and Israel.⁷⁸ Importantly, based on the probable existence of WMD programs and the position of individual states in security dynamics, regional powers that must be included in any disarmament process include Egypt, Iran, Israel, and Syria.⁷⁹ This will be important because success with WMD disarmament in these four states would contribute significantly to the peace and disarmament processes in both the Levant and the Gulf regions. Analyzing statements from Israeli leaders, it appears that major limitations on Israel's nuclear capability and WMD disarmament will come at the end of the peace process, after all the states in the region have explicitly accepted the legitimacy of the Jewish state and formal peace agreements have been signed. However, Arab countries argue that the Israeli position emphasizes confidence-and security-building measures, "which has been a one-sided issue specifically used to reassure the Israeli people, without any consideration of Arab concerns." In short, the ACRS talks reached an impasse, because "Egypt's representatives stressed that priority should be given to nuclear arms control, while the Israeli delegates emphasized the need for political accommodation and for the evolutionary application of a confidence-building approach". The stalemate is essentially over what should come first, an arms-control agreement leading to final peace or a final peace that culminates in an arms-control agreement.

Next Steps

This section offers suggestions of how to proceed in order to create a WMDFZ in the Middle East. A thorough assessment and understanding of regional challenges show that security dynamic, peace process and WMD disarmament are highly intertwined. Some WMD disarmament opportunities in the region offer hope for the possibility of achieving improved peaceful relations, lower level of conflicts in the region, and hence WMD disarmament. These are important steps toward establishing a verified zone free of WMD in the region. Important regional processes that will contribute toward the implementation of the

⁷⁴ "Israel Science and Technology Homepage." 2010. <http://www.science.co.il/arab-israeli-conflict.asp#Economics> (accessed July 23, 2010).

⁷⁵ Elena, G., Vladimir, O., Dmitry, P., & Ivan, T. (2010, May). NPT-2010: Strengthening the Regime. *Regional Challenges: Middle East*. Moscow, Russia: PIR Center.

⁷⁶ MARSHA, COHEN. *PBS*. October 29, 2009. <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/weapons-of-mass-distraction.html> (accessed August 24, 2010).

⁷⁷ Elliott Abrams, "Why Israel Is Nervous," *Wall Street Journal*, August 1-2, 2009.

⁷⁸ Said. *Supra* note, 62

⁷⁹ Eriksen, "Weapons of Mass Destruction Free Zone in the Middle East."

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1995 Middle East resolution include confidence- and security-building measures and parallel processes of peaceful relations and a WMDFZ.

Confidence- and Security-Building Measures

Confidence-building measures contribute to reducing political threats posed by States as well as the likelihood of unintended escalation of hostile acts. Although these measures do not necessarily directly affect the strength of a state's armed forces, they reduce the likelihood of using force to settle disputes and are important steps in facilitating disarmament. Confidence-building measures also provide credibility to states' affirmations of their peaceful intentions. This involves measures such as mutual actions to reassure others that their intentions are nonaggressive; examples include increasing the transparency of their military affairs and establishing a verification system. Intrinsic to these types of efforts is that communication, both formal and informal, has a positive effect on regional security dynamics. The rationale is that greater linkage and cooperation between the states provide increased opportunities for communication, thus offering new means for conflict prevention, while also reducing mutual suspicions. One way of reducing the suspicion between Middle Eastern states is to create a framework for cooperation and sharing of knowledge and technology. This can be done by learning from how the European Atomic Energy Community (EURATOM) provided incentives for European states to place their nuclear development under its authority. By sharing civilian nuclear technology within a regional organization, states may be induced to realize the common benefit of further cooperation.

Security building measures may include no-first use principle in the region and encourage regional States to promote the universality of WMD nonproliferation, disarmament and arms control agreements. For instance, the universality of the NPT, CWC, BTWC, and CTBT in the region will prevent deterioration of the region's proliferation conditions. If there is progress in the signing, ratification or accession to those treaties, states of the region may be more willing to commit themselves to the creation of WMDFZ as one of the fundamental outcomes of the process, by entering into serious talks on how a WMDFZ can be established and what its components might be. Analysis of the conditions under which the states of the region might be prepared to give up their WMD options will require interim steps on the road to the creation of a WMDFZ. One such step might be the need for all countries in the region to establish a "no first use" declaration. The effectiveness of such a declaration will further depend on other security measures. The willingness of States to pledge "no-first use" and the effectiveness of the pledge will require States to take additional measures such as non-offensive redeployment of conventional forces near the border areas or by taking voluntarily unilateral initiatives in selected security areas. The issue of fissile material production, uranium enrichment and plutonium reprocessing, can also be included in the package of confidence measures. U.S. President Bush proposal for arms control in the Middle East in May 1991 addressed the prohibition of the production of fissile material as a necessary step towards the establishment of a Middle East NWFZ.⁸⁰ The advantage of this proposal is that it can be future-oriented and it makes no specific reference to nuclear weapons, only banning fissile materials for weapons. Applying this proposal could lead to the capping of the Israel's unsafeguarded nuclear facilities and impose quantitative constraints on Israel's nuclear capabilities. This may be a positive and practical step from the perspective of the Iranians.

One informal confidence-building measure would be to increase the contact between scholars, nongovernmental organizations, and politicians in appropriate regional forums. Examples of such forums will include "Track II diplomacy" workshops, seminars, and courses, which may play an important role to give regional participants an opportunity to engage directly in discussion. Even though these types of interactions do not have the official goal of reaching formal agreements and should not be seen as an alternative to official negotiations, it enables the participation of states that have either chosen to stay out of the negotiations or have not been invited. This type of contact may therefore constitute a foundation for

⁸⁰ Said. *Supra* note, 62

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either starting or resuming official talks that can produce binding results such as the ACRS meetings and the peace talks. Promoting communication and interaction between the key state actors to increase the possibility of future regional negotiations is therefore a central task. In the first half of 2008, peace negotiations between Israel and Syria resumed, but the talks were suspended after the 2008 Gaza War and have yet to be restarted. This longstanding deadlock requires political determination to restart the talks. A peace agreement between Israel and Syria will be an important step toward completing Israel's peace agreements with surrounding states. This may reduce regional tensions and inspire states toward WMD disarmament.

The Parallel Processes of Peaceful Relations and a WMDFZ

Peaceful relations among states in the Middle East are necessary but not sufficient to establish a WMDFZ, which many scholars have examined in the question whether the establishment of a zone builds regional confidence and security, or the zone follows from the establishment of peaceful relations, confidence, and security. Consistent with the views of many diplomats and experts, empirical analysis suggest that the process to achieve peace in the Middle East is complex and there is no single solution to it. As a justification, Israel's two most recent prime ministers have each endorsed a very different concept as to how the Middle East might one day attain peace. One holds that economic paradigm is the predominant force in the promotion of peace while another considers political paradigm. For example, in a 1998 Middle East Quarterly journal on peace, Martin Sherman quotes Israeli Shimon Peres as the champion of an approach that stresses economics: "a higher standard of living," he writes, "is a precondition for mitigating the tensions among Middle Eastern countries."⁸¹ In the same article, the writer also quotes Binyamin Netanyahu, in contrast, who emphasizes politics: "the main problem of achieving peace in the Middle East [is that] except for Israel, *there are no democracies.*" The difference between these two approaches is not one of mere theoretical significance because each paradigm has far-reaching practical implications. It can be argued that if wealth reduces the fundamental motivation for violence, then economic and social development should provide the solution to Arab-Israeli peace. If political pluralism and democratic government are the crucial elements, then liberal and democratic reform of regimes is the answer. Either of these might be a real and practical approach in the context of the Middle East because countries have unbridgeable differences in political structures and religious ideologies. It is therefore reasonable that Israel and Arab countries 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, which should be pursued in parallel with other concepts of peace.

In 2004 study, Claudia Baumgart and Harald Muller of the Peace Research Institute Frankfurt found that there is an interaction between a WMDFZ and peaceful relations.⁸² They argued that processes to "negotiating such a zone's elements, meeting the requirements for its entry into force, and implementing the necessary conditions so that it can be fully realized will be a long, protracted process that have to be developed in parallel with the overall peace process." In the context of the Middle East WMD-free zone, Martin's study on "What Brings Peace, Wealth or Democracy?" in 1998 offered two views on the concept of peace and how it applies to the Middle East.⁸³ The study provides two contextual meanings of peace, first, a condition of mutual harmony between states, maintained by the inherent preference of all parties to preserve a nonviolent status quo. In another sense, peace denotes an absence of war maintained by deterrence. It is unclear whether the comprehensive and sustained peace agreement that Israel argues to be a sine qua non for disarmament talks and hence the creation of a zone is mutual harmony of deterrent

⁸¹ Martin, S. (1998, September). *Middle East Quarterly*. Retrieved July 22, 2010, from Middle East Forum: <http://www.meforum.org/403/what-brings-peace-wealth-or-democracy>

⁸² Claudia, Baumgart, and Müller Harald. "A Nuclear Weapons-Free Zone in the Middle East: A Pie in the Sky?" *THE WASHINGTON QUARTERLY*, Winter 2004-5: 45-58.

⁸³ Martin, S. (1998, September). *Middle East Quarterly*. Retrieved July 22, 2010, from Middle East Forum: <http://www.meforum.org/403/what-brings-peace-wealth-or-democracy>

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peace. However, the Arab-Israel confrontations and Iran-Israel hostility suggest that the absence of war is maintained by deterrence. Each State restricts or forbids the free movement of people, goods, ideas, and capital across its frontier. Israel and its Arab neighbors expend effort to deter hostile actions by another and this effort play a negative role to engage regional actors in the discussion of the zone.

In many studies, the state of peace has been linked to the development of a security community, in which states share collective identities and trusting relations and expect peaceful interaction from one another. In this regard, the development of a common set of norms and symbols may engage states in peaceful interactions and zonal cooperation. States must therefore commit to a common set of norms in which WMD are rejected as symbols of power, ability, and prestige. The strategy for establishing a WMDFZ can indirectly affect the possibility of establishing peaceful relations, because a zone reduces states' destructive capabilities, signals trust, promotes cooperation, and diminishes hostility. By expanding interstate communication, states may even be drawn into cooperative relations. Over time, this may have a synergistic effect so that states may develop consensus on what constitutes regional security.

Mutual trust and confidence are important underlying factors that must be present in order to create a peaceful atmosphere and conditions for establishing a WMDFZ, and this involves the development of a cooperative security environment. The objective and goals for regional security cooperation is for states to find a way to enhance their own security without reducing the security of the others. The promotion of confidence-building measures, mutual understanding, and formal and informal cooperation and dialogue between states to develop and implement regional security policies are useful steps toward achieving cooperative security. The regional challenges earlier outlined in this paper reveal the extent of mistrust that exists between the major regional actors. It is a common understanding that when states doubt the motivations of others based on political rhetoric and hostility, it is likely to fuel the upward spiral of the proliferation trend. At the same time, however, there is a desire and a sense of urgency on the part of the majority of Arab and Israeli intellectuals for Middle Eastern security architecture that eventually will halt and reverse the WMD proliferation trend. Establishing cooperative security arrangements requires the political determination of all parties to resolve their differences and commit to a WMDFZ. It will be difficult to achieve cooperation unless efforts to establish a WMDFZ are accompanied by deeper changes in how actors conceive the motives of their policies. The lack of political will to support WMD disarmament in the region suggest that several states might view disarmament and transparency measures as potentially damaging to their national security. In order to establish a WMDFZ, changes in the public perception of national security must be promoted such as a cooperative security framework.

Conclusions and Recommendations

The situation in the Middle East requires a realistic perspective and new formulas to address its nuclear and other WMD dimension. The peace process must be brought back on track on all fronts, as parallel processes to the WMDFZ effort, and Confidence- and Security-Building Measures (CSBMs) should be encouraged as part of a recommended systematic incremental approach in the MEWMDFZ effort. Lessons from past talks and how they came to an impasse indicate that if successes are expected in any peace or security talks, all regional actors including Iran, Iraq, Israel, Egypt, Libya, and Syria, must be involved in such talks from the very beginning. To incorporate the nuclear issue within a regional architecture of peace and arms control, as well as within the wider context of global nuclear disarmament, the way out from the nuclear dilemma in the Middle East should go through linking arms control measures with a political timetable for the overall peace settlement process. It is assumed that decisions that will determine the interactions among major powers in the Middle East will also determine the stability and peace and consequently the political support to establish a WMDFZ in the region. In terms of the political and technical baggage required to develop the zone, international negotiations and implementation of many WMD arms control agreements, inter alia, NWFZs, NPT, BWC, CTBT, and CWC offer useful templates to chart the way forward. The region with the support of the international

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community can use lessons from countries that once operated advanced military nuclear programs and why they gave up and how their political and security situations have evolved vis-à-vis regional peace and stability. It is understood that confidence and security-building measures and arms-control measures are directly linked to the peace process such that WMDFZ and peaceful relations are basic premises for achieving stable peace in the Middle East.

Commitment to nonproliferation and a WMDFZ depend on the leadership and the internal political dynamics of individual states. The case of South Africa demonstrated that President de Klerk played a significant role when nuclear weapons were reinterpreted as a political and economic burden rather than as a strategic necessity. One obstacle, however, is that support for a zone in the Middle East is mainly rhetorical and has not translated into a political priority for regional governments. Governments and elites should therefore be encouraged to promote coalitions, internally and regionally, to support nonproliferation and disarmament regimes. However, disarmament often is accompanied by greater budgetary and bureaucratic transparency and control over military-industrial complexes; these accompanying factors can be perceived as a threat to certain interests within a state. Reformists may have to work against state agencies or centers of power controlled by opponents who have stakes in preserving WMD programs. One possible approach may be to limit military involvement in nuclear activities and promote civilian oversight. As discussed in the case of South Africa, regime dynamics played an important role in determining its WMD strategies. In the Middle East, foreign policy issues are often used to divert the public's attention away from domestic problems; for example, many states use their animosity toward Israel for domestic legitimacy. States may have a domestic reason for not pursuing cooperation with Israel: the absence of an external threat to national security could increase internal pressure for political reform. Conversely, domestic opinion has made it difficult for Israel to negotiate with neighboring states, such as Syria. Some studies have argued that a democratic political system is essential for achieving regional cooperation and disarmament. However, it is the regime's intention rather than the regime type that determines a state's commitment. Achieving comprehensive and lasting peace in the Middle East will depend on several processes. In this regard, 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 should be pursued in parallel with peace processes with the view that success on one front will strengthen the other or both may converge in due course.