A Nuclear-Weapon-Free Middle East: Looking for Solutions

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THE FAST MOVING controversial developments in the Middle East and North Africa seem to be sidelining the search for responses to some fundamental security challenges in the region. This refers, for example, to the discussion of steps for the preparation and successful conduct of next year's conference on the establishment of a nuclear-weapon-free zone (NWFZ) in the Middle East. Furthermore, some people think dial there is not a favorable environment for such a conference now or in the foreseeable future.

It should be recalled that the decision to hold a conference on the creation of a Middle East NWFZ was made through consensus at the NPT Review Conference 2010. Without that decision it would have been impossible to adopt the final document of that conference - the result of a fragile but viable compromise that helped preserve and even strengthen somewhat the architecture of the international nuclear nonproliferation regime at a difficult time. It is equally important that the aim of establishing a zone free of nuclear and other weapons of mass destruction (WMD) in the Middle East was recorded in the NPT Conference decision in 1995 when the treaty's future, including its extension, was discussed. There should be no illusions: Without the obligation to move toward freeing the Middle East of nuclear weapons there would not have been an indefinite extension of the treaty that, four decades after it entered into force, remains a cornerstone of global stability.

However, the main obstacle in the path of a NWFZ conference in 2012 is even not so much impediments from the opponents of a nuclear-free Middle East as skepticism and distrust that any progress in this field is possible in the first place. Such conclusions are not entirely baseless -they arise from the assessment of what has been achieved on a Middle East NWFZ since 1974 when it was first declared: Indeed, it has for the most part been marking time ever since. As a result, both experts and diplomats sometimes wish to brush aside the question of creating an NWFZ in the Middle East ;is hopeless and unviable. This approach leads to the risk of zero expectations from the 2012 conference and, as a result, complete inaction.

Without going into another extreme and painting the situation in rosy colors which would be entirely inappropriate with regard to the Middle East - we should still introduce a constructive element in the discussion on how the 2012 conference should be prepared, what issues it should consider and how the extent of its success or failure should be measured.

Thirty-Seven Years of Preparations

IN 1958, THE SOVIET UNION came forward with the initiative that the Middle and Near East should become a zone of peace free from nuclear and missile weapons, a zone of good neighborliness and friendly cooperation between states.

Discussions on how to make the Middle East a nuclear-weapon-free zone started in 1974

when Iran came up with a corresponding initiative. At the same time the UN General Assembly adopted its first resolution on a nuclear-weapon-free zone in the Middle East. After that such resolutions were adopted on a yearly basis with active support from the Soviet Union.

The idea of expanding the types of WMD that should be prohibited in the Middle East, including chemical and biological weapons, was first proposed in 1990 by Egypt. It was also proposed that limitations on certain types of missiles be subsequently discussed. This concept of a zone makes it unique: None of the previously established regional zones went beyond nuclear weapons.

In 1993 Israel and Jordan adopted a joint declaration on the normalization of bilateral relations. It is a noteworthy document. In it, the two states reaffirmed their readiness to start working on the establishment of a WMD-free zone in the Middle East in the context of a comprehensive and stable peace in the region, characterized by the non-use of force, peaceful resolution of disputes and transparency. Reflecting Israel's concern, the document also mentioned the need for the further expansion of the interpretation of "weapons of mass destruction," including both **WMD** and several types of conventional weapons into the subject of a future zone.

Security matters in the Middle East were repeatedly discussed in the first half of the 1990s with a varying degree of success in the framework of the Arms Control and Regional Security Working Group that was created as part of a multilateral track of peace negations that were launched in Madrid in 1991 at a conference initiated by the United States and the Soviet Union. Although the group's activity was not crowned with success, today, as we review its materials, we can see a serious array of constructive proposals and ideas which were not carried out only due to the unfavorable political conditions in the region at the time. Surprisingly, many of them are still relevant today. So in preparing the 2012 conference there is no need to reinvent the wheel: A constructive foundation has been laid.

The most significant event of the past two decades was the aforementioned 1995 conference on NPT extension in the course of which a Middle East resolution was adopted as part of a big consensus package. The resolution, first, recognized the importance of creating a WMD free zone in the Middle East and, second, called on all the regional stales without exception to accede to the NPT, assume a legally binding international obligation not to use nuclear weapons, and accept comprehensive IAEA nuclear safeguards.

I remember the difficult birth of that resolution, which even now should be read each lime we are about to discuss matters related to the establishment of a nuclear weapons free zone in the Middle East. Any attempt to include a reference to Israel was met with fierce resistance from the U.S. delegation, including the banging of doors. Nevertheless, its final language is quite coherent. It is another matter that no progress has been made during these 15 years.

Let's call a spade a spade: The 1995 Middle East resolution has failed. The states that initiated this document have a right to demand an explanation.

Let's call a spade a spade again: During these one and a half decades the only state in the region that has nuclear weapons (although it is not ready yet to acknowledge this well-known fact officially) - Israel - has made no progress, not only toward a nuclear-free status and NPT membership but even toward some very modest measures on the limitation

and verification of its military nuclear activity. Israel today remains a key destabilizing factor insofar as concerns the establishment of a WMD free zone.

On the other hand, during this time and for different reasons, at least three states in the region (Iran, Syria and Libya) have been known to engage in dubious, questionable nuclear activity. As for Iran, the UN Security Council adopted a number of resolutions and introduced sanctions. The I N Security Council resolutions directly link "a solution to the Iranian nuclear issue... to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery."

In 2009, during preparations for the upcoming NPT Review Conference, Russia came up with an initiative designed to break the deadlock over the 1995 Middle East resolution and generally around the prospect of a WMD-free Middle East. In particular, a meeting of states concerned with the situation was proposed so that they could appoint a special UN coordinator on the issue to collect proposals from slates in the region and present his conclusions. Then Russia called on all states in the region to place their nuclear facilities under IAEA safeguards - that call echoes the existing international requirements and is addressed mainly to Israel, which has ignored it. Furthermore, Russia urged all states in the region to accede to the Comprehensive Test ban Treaty (CTBT). As of now three stales in the region - Israel, Egypt and Iran - have signed but not ratified the treaty. Finally, **Russia** called on the Middle East states to abandon the creation and development of sensitive elements of the nuclear fuel cycle (NFC) - perhaps the only disputable issue in the initiative as a whole, quite appropriate for "ideal conditions" and for future generations, when multilateral approaches to the nuclear fuel cycle will be based more on economic rather than political calculations, but hardly applicable today to the ambitions of fast developing states technological and not only technological ambitions.

The Russian initiative was highly relevant. If filled the vacuum that had emerged around the issue of a WMD free Middle East and re invigorated the discussion.

As a result, the NPT Review Conference 2010 accepted the Russian ideas as a basis for further progress on the WMD free zone. It is another mailer that in the course of the four weeks of the conference's work that issue was the focus of a fierce under-the-rug struggle where (he key roles were played by the United States, Egypt, and Iran. One of its tangible results was the conference's final document on the Middle East.

This document specifically refers to Israel, stressing the importance of its accession to the treaty as a non-nuclear state and the need for it to place all of its facilities under comprehensive IAEA safeguards. It also speaks about the need for all states in the region that are party to the NPT to strictly comply with it, but in this case none of the slates is mentioned specifically; as for Iran, it is never mentioned *in* the conference's final document.

Finally, the document announces that the next NPT Review Conference will be convened in 2012, to be attended by all states in the region, with full support and engagement of the nuclear-weapon states; its terms of reference will be based on the 1995 resolution.

Thus, a significant step forward was made. The states of the region should move from years long conversations to a well-defined format. Let's make it clear: It will not be a conference on the establishment of a WMD-free zone in the Middle East. Not as yet. But the conference should lay the groundwork and remove possible impediments to the drafting of a treaty on a WMD-free zone in the future. In other words, it will become a

landmark on the way to a WMD-free Middle East, If only the key participants in the process have enough political will - on the one hand, states in the region, and on the other, nuclear powers, mainly the three coauthors of the 1995 resolution: the United States, Britain and Russia.

Rickety Bridges

A YEAR HAS PASSED since the Review Conference adopted the Final Document Preparations for the conference have not begun yet.

Furthermore, sonic extra-regional players say that it is not even worth starting preparations for the 2012 conference on the practical level until significant changes for the better have occurred in the Palestinian-Israeli peace process.

Some experts also suggest that it would be expedient to postpone the conference to a later date. Different arguments are put forward. Some say that the current events in the region will for a long time distract many Middle East states from the issue of nuclear weapons, weapons of mass destruction and a WMD free zone. Others believe that the year 2012 is extremely inappropriate as it is a year of presidential elections in the United States and during the election campaign the incumbent president will be constrained in his moves with regard to Israel Still others think that Iran's chairmanship in the Nonaligned Movement, which will start at the height of next year, could be an impediment: Iran, they say, will be rocking the boat of multilateral diplomacy especially vehemently. There may be a grain of truth is each of these approaches but all of them are the result of the implicit admission of the lack of readiness for an important conversation and therefore the wish to postpone its start under any pretext.

However, as a representative of the UN Secretariat responsible for last year's review conference commented, there is a resolution by the signatories to the NPT. It mentions the year 2012 in no uncertain terms. It would be against the law to postpone the start of the conference to a later date.

So it is necessary to roll up our sleeves and start making preparations.

The first step in this direction has already been made. On October 14, 2011, UN Secretary-General Ban Ki-Moon announced in New York that Finland's Undersecretary of State Jaakko Laajava will facilitate preparations for the 2012 conference on a zone free of weapons of mass destruction in the Middle East.

Finland will host the conference, the convening of which is mandated by the Action Plan adopted at the 2010 NPT Review Conference. The exact date of the conference, its agenda and participants are yet to be agreed.

Question 1: Who? That is to say, who will be invited to the table? This brings up the issue of definition. Indeed, what is the Middle East as a region? We will not go deep into comparisons or remember that the U.S. definition of the Middle East includes, for example, Georgia, Armenia and Azerbaijan. For purposes of the discussion of a WMD free zone we propose that, based on the IAEA procedure of 20 years ago, "key slates" in the region are identified and then "peripheral" states are added. Since there is not a generally accepted definition of key stales, ¹" they could be designated geographically as follows: from Libya (or Algeria) in the west to Iran in the east and from Syria in the north to Yemen in the south. In any case, there is no doubt that the 2012 conference will be an

exercise in futility unless Israel and Iran - the only two non-Arab states in the region, each of which has questions to answer, without which it is impossible to move toward the creation of a WMD free zone - are invited and accept the invitation.

As of now, it is not entirely clear whether Israel and Iran will participate in the conference. Both are waiting, believing that it is too early to make their final decision known.

Iranian diplomats accompany their comments on the 2012 conference with traditional rhetoric with regard to the "Zionist regime.*" but on the whole they are not negative toward the idea of a conference: After all, Iran also participated in drafting the final document of last year's review conference. Iran will most likely seek to predicate its participation in the future conference on the lifting of the Security Council sanctions against it and possibly the adoption of a legally binding document stipulating that the nuclear facilities in the region will not be subject to attack.

As for Israel, despite the general opinion to the contrary, it is not entirely negative either. At an international meeting of experts on the WMD-free zone in February, which I attended, a high-ranking Israeli diplomat (silting at the same table with the Iranian ambassador) spoke, although not quite explicitly but rather positively about the possibility of Israel's participation in the 2012 conference with all the known reservations (to the effect that regional problems arise not from the fact that Israel has nuclear weapons but from a surplus number of conventional weapons that in fact kill people). His position could be reduced to the following: We are not enthusiastic about this conference but we will not necessarily ignore it; we are currently weighing up the options. Many experts agree that a great deal here will depend on the consistency of the U.S. administration which back in 2009 - through U.S. Assistant Secretary of State Rose Gottemoeller, at a session of the Review Conference Preparatory Committee directly urged Israel to move toward accession to the NPT.

Evidently, the extent to which Israel becomes involved in the process of the liquidation of WMD in the Middle East is a key issue. Will Israel be ready to move, at least by a few steps, away from its policy of ambiguity and lack of transparency with regard to its nuclear capability? The first, reactive answer is: no, that is not in its interests. However, some experts, for example, Ambassador R. M. Timerbayev, in his work Blizhnii Vostok i atomnaya problema [The Middle East and the Nuclear Problem], suggests that the Middle East "clearly differs on many parameters and criteria from other parts of the world where a nuclear deterrence may indeed play a certain role, for instance. South Asia." According to Timerbayev, "the role of nuclear weapons in this region is rather illusory, maybe even imaginary," - while "a nuclear deterrence" in (his region plays rather a psychological role, which Israel's leadership and military-political elite need mainly to promote confidence in the Israeli public mood, creating the impression that the country has a reliable defense in the event of a threat to its existence. Israel's nuclear capability, Timerbayev observes, "constantly provokes other countries in the region into building their own weapons of mass destruction, which in its turn is bound to get many other states involved in the conflict." 3

However, if the Israeli leadership finally realizes that its nuclear weapons, on the one hand, is a provoking factor and on the other, is hardly more than "virtual," can we expect it to make a rational review of its position? I remember how in May 1995, as soon as the NPT was extended indefinitely, we were discussing prospects for a WMD free Middle East with a member of the Russian delegation, Lt. Gen. G. M. Evstafiev of the Foreign

Intelligence Service (SVR). "Is the example of South Africa not impressive enough?" he said. "How many years it had been in isolation? It is important to understand that even in the twilight of apartheid the abandonment of nuclear weapons was a very difficult decision for it to make. No one could even imagine that South African would be the focus of attention at the NPT conference, and not as a target of criticism, but as an example to emulate; that it would become the author of one of the key documents and would take an active part in working out other documents. Having stepped over its ambitions, South Africa smoothly integrated into the international community, deserving general respect. As for Israel [...] it continues to live (true, as the Arabs) with the besieged fortress mentality. It still looks at the world through the gun slots. The presence of nuclear weapons is one manifestation of this mentality."

Going back to the participants in the future conference, it needs to be said that the definition of "peripheral states" can also become a stumbling block. This list is partly clear: All member states of the Arab League, from Mauritania to the Comoros Islands that are not included among the "key" ones. But what about Turkey playing an increasingly noteworthy -and constructive - role in the Middle East? Or Afghanistan? Or especially Pakistan, which strictly speaking, is not part of the Middle East, but which, in the opinion of many experts, is closely linked to the region's nuclear issues. Nevertheless, Pakistan's invitation would probably "complicate' the agenda and the drama of a future conference to the point of unviability. As for Turkey, I believe that its participation would be logical.

Question 2: What about? It is of course a key question.

First of all, the conferees should agree to limit the subject of consideration. Many diplomats and experts are concerned that the subject of discussion will be not only nuclear weapons but also other types of WMD, as well as their means of delivery. Indeed, there is no experience in such a broad approach to zones on the global level. There is a high risk of "drowning."

However, I believe that the complexity and scale of the task is exaggerated. There is a good proposal from Egyptian expert Nabil Fahmi, who at one time prepared the 1990 Egyptian initiative on a WMD-free zone. He proposes that the conference focus on nuclear weapons and direct the states in the region toward drafting a treaty on a nuclear-weapon-free zone. Later, at a certain stage when the treaty on a nuclear-weapon-free zone ceases being purely hypothetical, the states that have not joined the Chemical Weapons Convention (CWC), which contains an effective verification mechanism, should do so. The same should be done with regard to the Biological Weapons Convention (BWC) but in that case a regional verification agency will need to be created.

All participants in discussions on the prospects for the implementation of the 1995 resolution stumble over a point related to the Middle East free of delivery vehicles. I suspect that the 2012 conference will be out of its depth on this issue. However, it will not be possible to ignore it in the future. In this context I recall the Russian initiative concerning a multilateral character for the bilateral Russian-US intermediate-range and shorter-range missiles treaty - an initiative that, incidentally, was backed by the United States, but "froze" among other correct but insufficiently promoted Russian initiatives. It is essential to resume the efforts to implement this initiative; this could also become a "zero" missile solution for the Middle East but only in the long term and in the event that other efforts toward a peace settlement are crowned with success.

Even if it is well prepared and has a full-fledged makeup of participants, the 2012

conference cannot be expected to become a panacea for the region. No, the best it can be is the long awaited first step toward the practical implementation of the 1995 resolution. Nevertheless, the conference should make several decisions showing the way forward. These decisions would become a combination of regional confidence-building measures and a rough draft treaty on a WMD or nuclear-weapon-free zone.

The first such decision could be a joint statement by all conferees to refrain from attacks on all of the nuclear installations they have declared as well as from the threat of such attacks. The recent course of events around Iran's nuclear program, which was attacked with information weapons (the Stuxnet virus), both confirms the relevance of this issue and raises the question of defining the scope of such attacks.

Next could be a decision to establish a permanent regional confidence-building mechanism in the nuclear sphere, as well as chemical and biological weapons and some types of delivery vehicles. In this context, it is useful to revisit proposals made within the framework of the Arms Control and Regional Security Working Group of the Madrid process in the early 1990s although the scope of participants should be broader than now.

Another decision could be a "roadmap" pointing the way to gradually placing all installations of the nuclear infrastructure in the region under IAEA safeguards. Of course such a decision will be impossible without Israel's consent to place the Dimona facility under IAEA safeguards. At the same lime, it would not be reasonable to insist that Israel necessarily declare its entire nuclear arsenal. Conference decisions may include a recommendation for all states in the region to ratify Additional Protocols to the IAEA Safeguards Agreements as a matter of urgency. An example might be set by Iran, which could, in the spirit of goodwill, finally ratify Additional Protocols before the conference.

The next decision could be unilateral parallel statements by Israel, Egypt and Iran about their readiness to ratify the Comprehensive Test Ban Treaty (CTBT) in the very near future.

Finally, the conference could make a decision to establish an interstate commission on drafting the text of a treaty on the nuclear-weapon-free Middle East with the understanding that in the course of that all states in the region will join the Chemical and Biological Weapons

Conventions.

These would be good achievements to approach the 2015 NPT Review Conference that should "gauge" the effectiveness of the efforts over the preceding five-year period.

The Creative Atom

THE NUCLEAR RENAISSANCE that has evolved in recent years could be impeded by the debate about the safety of nuclear energy after Fukushima. However, it cannot reverse this trend, which has emerged in the new century. Both economic factors and prospects of a technological breakthrough are prodding states in different parts of the world - from Latin America to Eastern Asia - toward choosing in favor of nuclear energy as a substantial component of their energy strategy.

The Middle East and North Africa are not an exception here. Nuclear infrastructure installations already exist in Israel, Iran, Algeria, Egypt, Libya, Morocco, and Syria, as well as in neighboring Turkey and Pakistan. According to the PTR Center, all the other

states of the Middle East and North Africa except Lebanon and Mauritius have declared their nuclear energy development plans. ⁵ Although not all states that have declared their intentions will eventually create their own nuclear infrastructure facilities, such a massive choice in favor of nuclear energy in the region is unprecedented. Everywhere (except Iran) it will not be a renaissance but development of nuclear energy programs from scratch, from a blank sheet of paper.

One cannot but agree with Ambassador N. N. Spassky, deputy general director of the Rosatom State Nuclear Corporation, when he says that the ongoing intensive development of nuclear energy, including in such volatile regions as the Middle East, objectively creates conditions for the erosion of the nuclear nonproliferation regime in its present form. ⁶ Nevertheless, it seems that this process can offer an effective solution to many regional problems and phobias. However, such a positive turn is possible with a number of conditions.

First, states in the region should made serious efforts to promote confidence-building measures in the Middle East to reduce the potential for conflict.

Second – instead of "compartmentalizing the peaceful atom" with the use of standard mechanisms from the past century, countries in the region should look ahead and consider the possibilities that are provided by multilateral approaches toward the development of die nuclear fuel cycle. This point is well made by Ambassador Mohamed I. Shaker, a founding father of the NPT, Egyptian diplomat and thinker: "The internationalization of the nuclear fuel cycle is not a myth. Internationalization in different forms can take place if political will exists, under conditions of non-proliferation and smooth cooperation." 7 Ambassador Shaker is right when he says that it can only be a gradual process in terms of both participants and the different stages of the nuclear fuel cycle, especially with regard to the so-called sensitive stages of the cycle: enrichment, reprocessing, and the disposal and storage of spent fuel. In his opinion, this process can lead to the establishment of regional nuclear fuel cycles. I believe that this should be the strategic aim of states in the region embarking on their own nuclear energy programs. Naturally, they will have to deal with quite a few phobias on this way, including the phobia of the internationalization of the nuclear fuel cycle, which, unfortunately, still prevails over many of M. Shaker's colleagues in Egypt, as well as in other parts of the world.

Third, it is important to promote institutional cooperation in the nuclear sphere in the region. Few experts have even heard about the Arab Atomic Energy Agency (AAEA) (a kind of a "regional IAEA") headquartered in Tunisia. This is hardly surprising: Cooperation between the stales is only at an embryonic stage. The AAEA should be reformatted so that it could be joined by non-Arab states in the region. This mainly refers to Γ ran, which has the most ambitious nuclear plans in the region. They are an increasing source of concern for the Arab neighbors of Iran which should do the corresponding "homework" to restore its neighbors" trust. After that, joint projects in high-tech sectors such as nuclear power can cement this trust.

Finally, those states in the region that are on the threshold of a numerical breakthrough in nuclear infrastructure facilities simply must have effective early warning mechanisms in case of a nuclear incident. That is all I he more relevant for a region where suspiciousness and rumors have been cultivated for a long time. A regional organization for nuclear energy cooperation could play such a role. It also could, without superseding the IAEA, help implement a number of measures on the way toward the establishment of a WMD-free zone in the region. It should be recalled that early warning mechanisms in the event of a

nuclear incident arc provided for in the Southeast Asian Nuclear-Weapon-Free Zone Treaty (SEANWFZ) or the Bangkok Treaty. The experience of other nuclear weapon-free zones, as well as of other regional structures - from the European Atomic Energy Community (Euratom) to ABACC (Brazilian-Argentina Agency for Accounting and Control of Nuclear Materials) -can be applied in formulating the tasks of a "Middle Eastern IAEA."

Russia could play a constructive, high profile role in this process. And not only as cosponsor of the 1995 resolution on the Middle East, although this alone mandates Russia to become involved. With the completion of the Bushehr nuclear power plant in Iran, Russia becomes a regional nuclear energy player. Rosatom has new contracts or letters of intent with countries from Algeria to Egypt to Jordan to Qatar.

Russia is the only state in the world that not only in word but in deed has realized the idea of multilateral approaches to the nuclear fuel cycle by establishing an international uranium enrichment center in the city of Angarsk and IAEA controlled low enriched uranium reserves to be supplied to states that may fall victim to political pressure and blackmail. Russia could open the doors for Middle East states in Angarsk and share experience should states in the region consider building their own centers of that kind in the future.

Russia should as a matter of priority become actively involved in preparations for the 2012 conference. State structures can receive support from NGOs that deal with nonproliferation issues. The final document of the NPT Review Conference 2010 explicitly calls for such cooperation on a WMD-free Middle East. 8

However, no efforts, either by Russia or by other co-sponsors, will be crowned with success unless the states in the region themselves show enough will for cooperation in the development of the nuclear energy sector and the promotion of peace in the region free from conflict and weapons of mass destruction.

I am confident that, each of the proposals enumerated earlier (some of which may seem Utopian to some people) is in fact realistic. It is equally obvious that the moment you start outlining even the rough contours of each of these decisions, you stumble over the harsh regional realities.

Only perseverance pays off. Each Middle East state should, as a minimum, have the wish to start moving, not just talk about difficulties and preconditions while nurturing some hidden plans that can shake or even shatter the fragile bridges.

NOTES

¹UN SC Res. 1803 (2008) // www.iaea.org/newscenter/focus/iaeairan/unsc_res1803-2008.pdf 2 Timerbaev K.M. "Blizhmi Vostok i alomnaia problema," Yadernyi kantrol. 2004. 3 (69), Vol. 9, p. 30.
³ Op. cit., p. 32.

⁴ Evstafiev G.M, "Diskussia o budushchem yademogo oruzhia tol'ko razvomchivaeteia," *Yadernyi* kontrol June 1995, pp. 18-19.

⁴ See: http://www.pircenter.org/kosdata/page_doc/p2172_1.pdf (March 28, 2011)

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Key words: NPT Review Conference 2010, WMD-free Middle East, NPT, Chemical Weapons Convention, Biological Weapons Convention, spent nuclear fuel

http://www.pircenter.org/kosdata/page_doc/p2533_1.pdf