A Nuclear Weapons–Free Zone in the Middle East: A Pie in the Sky?

The notion of a Middle East nuclear weapon free zone, or a weapons of mass destruction free zone, sounds like a utopian dream. Although the issue has been on international as well as regional agendas for 30 years, it has yet even to approach realization. Considerations of realpolitik continue to impede progress, and the dismal state of the Middle East peace process, including the failure of past efforts at arms control, seems to betray the hopelessness of the endeavor.

Today, however, the Middle East is undergoing fundamental changes. Such changes, whether positive or negative, have the potential to act as a catalytic force and open new windows of opportunity for a fresh approach to establish peace and, in this context, for moving toward the elimination of all weapons of mass destruction in the region. Saddam Hussein has been removed from power and has left behind no WMD heritage. Israeli prime minister Ariel Sharon wants to leave the Gaza Strip unilaterally, a move without precedent in the 37-year history of Israeli occupation. Libya and Syria, in very different ways, are seeking to adjust to new circumstances by improving their relationships with the West and with the United States in particular. Libya has decided to come clean about its former WMD programs, but Syria has yet to decide to follow suit. Iran is embroiled in a dangerous nuclear crisis, which could end either with peaceful resolution or a potential disaster. Palestinians have begun openly and critically to debate President Yasser

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Arafat's old-fashioned policies of alternating between peaceful gestures and tolerance or support for terrorism, cronyism, and corruption. Voices throughout the Arab world critical of the old ways of governing and conducting external relations have gained strength; the UN Development Program's Arab Human Development Report series, drafted by Arab scholars, is indicative of this trend. Furthermore, serious debate is underway over how to integrate the three nuclear holdouts—India, Pakistan, and Israel—into non-proliferation regime norms without compromising the regime itself.

In sum, significant political movement is currently underway that could directly or indirectly affect the nuclear issue in the Middle East. The combination of these events alone would be reason enough to revisit the concept of a nuclear weapons-free zone (NWFZ) and review its potential to contribute to a positive Middle Eastern peace process. Yet, one more reason exists, from the perspective of Israeli security. Thus far, Israel has employed a policy of "opacity" that keeps its nuclear capability out of the public eye but, at the same time, uses the subsequent state of uncertainty to project an existential notion of deterrence throughout the region. The rationale for this posture has been that opacity is the best way to motivate restraint on the Arab side while still retaining Israel's deterrent.² The results of this policy, however, have not been convincing. Three of Israel's neighbors—Iraq, Iran, and Libya—have strived or are striving to create a nuclear counterdeterrent. Moreover, Syria and Egypt have acquired counter-deterrents on the cheap with chemical and biological capabilities that, coming from close distances, are quite threatening despite Israel's design of a civil defense program that is arguably the world's best. In other words, opacity has not caused five of Israel's neighbors to exercise restraint or prevented them from developing WMD as a counterweight to Israel's military power. To put it mildly, Israel's nuclear policy has not been an overwhelming success. Indeed, its results thus far encourage reconsideration of Israel's present stance.³

Although only negotiators can propose reviewable drafts for governments to consider, analyzing the basic views of all sides in the conflict and the areas of contention that must be satisfactorily resolved can help identify potential conditions for success, particularly in these new and uncertain circumstances, and suggest certain actions that might be explored to improve the chances for a regional NWFZ.

Early Attempts and Why They Failed

In 1974, Iran under the shah, with Egypt's near immediate support, became the first to propose an NWFZ in the Middle East to the UN General Assembly. Israel abstained from votes on the resolution for several years but then suddenly produced its own draft in 1980, asking for direct negotiations between the countries in the region rather than installing a zone by universal fiat. After negotiations with Egypt, the Israeli draft of the resolution was withdrawn, and for the first time, all of the countries in the region voted unanimously in favor of a slightly revised Egyptian draft. Nevertheless, little political progress ensued. One decade later, a UN expert study explored the complex issues involved in establishing such a zone and in 1991 proposed a series of measures to approach this lofty goal in an incremental way.⁴ At the

same time, motivated by mounting evidence of the existence of chemical and biological weapons in the region and Israel's apparent interpretation of its own nuclear capability as a deterrent against these weapons, Egypt's president, Husni Mubarak, proposed to the international community to enlarge the concept of an NWFZ into a "zone free of weapons of mass destruction." 5

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UN Security Council Resolution 687, which terminated the Persian Gulf War in 1991, adopted the idea of both an NWFZ and a WMDFZ, and the Nuclear Non-Proliferation Treaty (NPT) extension conference in 1995 advocated an NWFZ in its "Resolution on the Middle East." UNSC Resolution 687 renewed the call for an NWFZ and a zone free of all WMD in its preamble and noted in its 14th operational paragraph that Iraq's disarmament represented one step toward such a zone that would also be free of "missiles for their delivery." The Security Council has thus followed the General Assembly in supporting the zone project, even adopting a resolution under Chapter VII, which opens the door for mandating enforcement action. Although the United Nations enforced Iraq's obligations to disarm, the UN Security Council failed to pay attention to the wider regional zone in the following years, much to the chagrin of the Arab countries that worked to get this concept into the resolution at its inception.

Meetings of the Arms Control and Regional Security (ACRS) working group in the context of the post–Gulf War Madrid peace process exposed the deeper reasons behind this lack of progress. The Madrid process brought Israel and all its immediate Arab neighbors, as well as other Arab countries (although not Libya or Iran) to the negotiation table for the first time, under the auspices of the United States and Russia. Palestinian representatives participated in the Jordanian delegation. Lasting from 1992 to 1995, the ACRS talks combined briefings on arms control by representatives with lessons from the East-West experience with direct negotiations. Thirteen Arab states participated in these talks with Israel. Some moderate confi-

dence-building measures received tentative agreement, but overall the talks failed due to the profound differences between the parties, notably Egypt and Israel, on the relationship among nuclear disarmament, general arms control, and peace.

Egypt wanted nuclear disarmament on the agenda early on, at least in

Arabs and Iranians do not see Israel's nuclear weapons as a defensive precaution. some tangible form, while Israel insisted on discussing it only at a much later stage in the process, once the parties had already agreed on a solid basis of arms control measures and had established a lasting, reliable peace. Egypt also urged the participants to endorse a resolution inviting all parties in the region to accede to the NPT in advance of the 1995 NPT extension conference; Israel rejected this proposal. Because Egypt

was not willing to continue without the nuclear subject on the agenda and Israel was not willing to discuss the issue at this early stage, the talks were suspended.⁸

The Gordian Knot of Linkages

Nuclear weapons have different symbolic meanings for the parties involved. For Israel, they are the ultimate guarantor of national survival against hostile Arab and Iranian neighbors that are superior in human and financial resources. Only a lasting and sustainable peace could mitigate and satisfy this concern to a degree that Israel might be willing to put its nuclear capability on the negotiating table. As long as terrorists continue to harm Israeli civilians, however, and Iran and Arab governments continue to condone, if not support, these terrorist attacks, many Israelis will see their neighbors' quest for peace as a rhetorical ruse aimed at disarming Israel while seeking the ultimate goal of its destruction. The memory of the Holocaust, the worst genocide in human history, sustains this fear in indelibly sharp relief and leads many Israelis to believe that nuclear weapons will shield them from a future holocaust. This mindset will persist as long as continued terrorism against Israel affirms their perceptions of the Arab world as adversarial.

On the Arab side, which has grudgingly come to accept Israel's existence as a matter of fact, perceptions are quite different. If Israel has any concerns about national security, its still growing conventional superiority over its neighbors, proven in a series of victorious wars, should provide all the assurance necessary. Thus, the Arab and Iranian worlds view Israel's nuclear weapons not as a last-resort deterrent, but rather as a protective umbrella

under which the illegal and unjust annexation of the occupied territories continues. Arabs and Iranians do not see Israel's nuclear weapons as a defensive precaution under which Israel can explore possibilities for peace. Instead, they see an offensive instrument that impedes Israel's willingness to return to its early 1967 borders, which the Arab side believes is the core part of the only peace possible.⁹

The actions of domestic forces on either side strengthen these respective perceptions. Elements in Arab societies, frequently motivated by fanatic and extremist interpretations of Islam, do indeed want to destroy Israel. Extremist elements in Israeli society, many of them equally motivated by a fundamentalist interpretation of the Bible, would violently oppose a withdrawal from the occupied territories. The existence of these groups has further inflamed hostilities, making an NWFZ, much less broader peace, more remote; strengthening existing images of the enemy; and enhancing distrust.

Broadening the Negotiations to WMD

The suggestion to establish a WMDFZ and the considerable support for it suggest a relationship between the various threats emerging from nuclear, chemical, and biological weapons and attempts to address that linkage, even though these weapons are by no means equal in their destructive potential. Chemical weapons, unlike the others, have been used in wars and internal armed conflicts within the region. Although nuclear weapons are more destructive, chemical and biological weapons have considerable destructive potential against an undefended civilian population. Fortunately, the vulnerability of a population under a well-organized civilian protection regime has yet to be tested and thus remains unknown. Their effectiveness against well-protected troops in the field is very limited, but they can also cause serious casualties among unprotected troops. The Egyptian position, supported by other regional states, suggests this linkage: that these states would only consider accession to the Chemical Weapons Convention (CWC) in response to Israeli accession to the NPT. Likewise, Israeli politicians and analysts have occasionally pointed to suspected chemical and biological weapons in hostile regional countries as justification for an (opaque) nuclear deterrent.

Membership in the various treaties governing WMD show just how difficult achieving a regional WMDFZ would be. Of the prospective members of a Middle East NWFZ, all but Israel are parties to the NPT. Iraq, Lebanon, Libya, Egypt, and Syria are all nonsignatories to the CWC, but Iraq and Libya are in the process of accession. Israel has signed but not ratified the CWC and has not signed the Biological Weapons Convention (BWC). Egypt, Syria, and the United Arab Emirates have signed but not ratified the

BWC. In both academic and political discourse, some of the regional parties have articulated grave doubts about the effectiveness of these conventions. ¹⁰ Because distances in the region are short, means of delivery abound, and thus missiles that would be counted as "tactical" or "short- to intermediate-range" elsewhere can have a strategic impact in the Middle East.

Mubarak's conclusion is justified, however: any free zone in the Middle East region must indeed address all WMD. An NWFZ cannot exist in isolation from these other weapons. Whether the end product is an integrated

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WMDFZ covering all three weapon systems or separate legal instruments governing each weapon system individually will have little impact on its effect on regional security; either solution would be useful. Disentangling the issues and proceeding on each in parallel may be the most effective means. The nuclear issue is complex enough on its own, and the technical issues differ so significantly that specialized expert negotiators will likely be needed to develop appropriate solutions for

each weapons system. For that technical reason, the rest of this discussion will focus on an NWFZ. Eventually, however, the strategic solutions to all three issues must be shaped to develop synergies for verification and transparency, attract the same membership, and not contain stipulations that work against each other.

Addressing the Conventional Balance

Similar considerations apply to conventional weapons. Most analyses of the history of Israel's opaque deterrent have pointed to a continued calculation of a future military balance in which Israel is conventionally inferior and have projected that the regional states will remain hostile. The other states' superiority in population; natural resources; and ensuing income, wealth, and strategic depth suggests a potential balance drastically against Israel. As a consequence, a nuclear deterrent has appeared to be a prudent, long-term insurance policy against a future worst-case scenario. From the perspective of Israel's neighbors, however, repeated demonstrations of Israel's military superiority offer a totally different assessment of the balance. The impression that the gap, notably because of the integration of cutting-edge technology into Israel's armed forces as well as their superior equipment and tactics, has widened even further in Israel's favor reinforces this alternate assessment of Israeli superiority.¹¹

Military motivations for different types of WMD systems thus appear to derive from contradictory assessments of the conventional military balance, with the Arab and Iranian side based on current and near-future estimates and the Israeli perspective based on long-term, especially demographic and financial, potential. Both threat assessments are connected with the core interest of national security and are thus serious factors in security policy and military planning. Therefore, the countries involved will likely not be able successfully to negotiate and realize a zone free of nuclear weapons or WMD without also addressing concerns about ordinary conventional warfare. Because geopolitical, geological, and demographic realities are difficult to change, the only way to move forward would probably be through implementation of confidence-building and arms control measures that would reduce, if not completely eliminate, the prospect of large-scale, surprise-based conventional war.

Transparency, Verification, and Enforcement Hurdles

Mutual trust and confidence are particularly important to create the conditions in which an NWFZ and eventually a WMDFZ are likely to be established. Trust and confidence, in turn, require a certain degree of transparency. The transparency of the military and military-industrial sector at large and of the decision-making processes related to military matters are what ultimately confirm the peaceful intentions of a state to an external observer. Yet, transparency is a double-edged sword. In a conflict-ridden region such as the Middle East, transparency in the military sector may provide important targeting information to potential enemies. In a crisis or war, sharing such information may prove detrimental or even fatal to a country's defense. The narrow distances involved in the Middle East lend acute urgency to this problem. As a consequence, all states in the region, democratic or not, show a considerable degree of opaqueness in military and military-industrial matters.

Establishing an NWFZ would require a much higher degree of transparency, guaranteed by an intrusive and reliable system of verification to detect transgressions of any agreement. Is Israel has indicated repeatedly that such a system must be region-specific, with national inspectorates replacing or at least complementing whatever international agency might be responsible for the verification mission. Arab states, in contrast, have maintained that the International Atomic Energy Agency (IAEA) is the appropriate body to conduct verification. Although confirmation that states are abiding by their obligations is indispensable to maintaining an NWFZ, parties can also abuse it to obtain intelligence information not related to the subject matter of the verified treaty. This risk might be more significant with inspection systems

based on national inspectorates than inspections coordinated by an international agency. Conversely, confidence might be greater in the efficiency of national inspectors than in that of an international inspectorate.

All effective and efficient inspection systems need some type of "anywhere, anytime" inspection scheme to inspire true confidence in them. In the NPT system, two such schemes are available. The first, the special inspection, requires the consent of the inspected state. The other scheme,

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complementary access, contained in the 1997 Additional Protocol to the NPT safeguards agreement, permits the IAEA to take environmental samples wherever it deems necessary, unless the inspected state is in a position to supply the required information by other equally satisfactory means. Environmental sampling, combined with state-of-the art laboratory analytics, can identify very small traces of fissile material and thus re-

veal the existence of prohibited activities.

The CWC offers the model of challenge inspections within a tight time frame that complicates the removal of traces of illegal activities for any would-be offenders. This model offers the inspected state, however, some protection of property rights and legitimate military secrets by way of managed access, that is, strict rules determining what inspectors are permitted to see. The United Nations Special Commission (UNSCOM) and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established to ensure and verify the elimination of Iraq's WMD, had schemes that went even farther with "no rights to refusal" for the inspected state. If Iraq had no right to deny access to the inspectors. Although most parties to any type of free zone in the Middle East would most likely not agree to this extraordinary degree of interference, negotiators should be aware of the rich menu of precedents from which they can draw.

Even if an agreement on verification can be reached, the question of "what if," that is, what to do in cases of noncompliance, still looms. In a conflict-ridden region such as the Middle East, states are unlikely to accept far-reaching arms control and disarmament measures without confidence that a state's national security will not be fatally threatened by another party's breach of obligations. Remedies must be at hand when another regional power, against its obligations, has pursued or is pursuing nuclear or other WMD programs. One option is to maintain the capability to reconstitute one's own weapons program in case another country was to violate an agreement. States would have to maintain a break-out option in order to react quickly to a breach of the rules. Such break-out postures, though, would

certainly undermine the credibility of and mutual confidence in a WMDFZ. Alternatively, if military action to punish the perpetrator is the preferred remedy, then offensive capabilities must be available. The availability of such capabilities in peacetime, however, even if they are only conventional, maybe be perceived as threatening.

If the solution to the problem of enforcement is a collective system, all regional actors must have sufficient confidence in its design. The same reasoning applies if an external actor, be it the UN Security Council or a single state, is responsible for enforcement. Unfortunately, the Security Council has not yet developed a reliable procedure to deal with compliance and enforcement crises. Until it does, its ability to marshal the necessary common threat assessment and the political will to act in a timely and effective fashion will remain uncertain. The Security Council must address this problem, as it is a significant issue with impact beyond the Middle East.

First Things First: Building Incremental Steps

The process of implementing a WMDFZ or even an NWFZ must unfold incrementally;¹⁶ an all-or-nothing approach must be avoided. If the zone is put on the agenda for negotiations at its inception, it is sure to fail due to Israeli determination not to give up its deterrent as long as it remains unsure about the prospects for a lasting peace. Moreover, if the nuclear issue is not on the agenda early on, at least in some form, arms control will never start earnestly in the region. The corridor between these two contradictory and exclusionary principles—negotiating from the beginning or not talking at all—is admittedly narrow.

The crucial question, then, is how to start the process toward regional nuclear and eventually WMD disarmament without compromising the interests of any party. The most sensible way to embark appears to be to convene a regional, governmental expert group to assess and produce a consensus document on the transparency and verification elements of a potential Middle East NWFZ or WMDFZ treaty. Substantively, transparency and verification are difficult but indispensable issues to the creation of a weapons-free zone. Procedurally, an expert group is not yet a negotiation body. It does not have a mandate to draft specific text for acceptance by governmental leaders. The mandate to produce a consensus report, however, gives this work a higher profile, which is important to the Arab side, while still ensuring that the views of all parties will be fully accounted for, which is essential for Israel. Such a report would also directly provide material to use in future negotiations. The expert group would thus carry out a form of "prenegotiation," even if it had no specific mandate to negotiate.

Beginning in this manner, countries could address the difficult and divisive transparency, verification, and enforcement issues at the expert level. Notably, the expert groups could explore the geographical scope of any agreement—which countries should be included in the zone and which ones would have to ratify it before the zone can be enforced—as well as potential enforcement mechanisms. Within a revived ACRS process, work could proceed in parallel on the other types of WMD, as well as conventional arms control. The countries involved could finally put into practice the confidence-building measures they had approved before their earlier talks fell apart in 1995.

In order to strengthen the process, Israel should consider shutting down its Dimona nuclear reactor and the associated facilities that make up the core of Israel's nuclear program. Israel must already possess more than enough nuclear material for a sizable deterrent, and the reactor and its periphery must be close to the end of their useful life. Because of its aging equipment and material, rising safety concerns will increase. This step could be taken as part of a global cutoff treaty that would prohibit the further production of weapons-usable fissile material and might be negotiated at the Conference on Disarmament in Geneva in the foreseeable future. To foster a cooperative environment, however, it may be preferable for Israel to act independently and unilaterally.

To embed the negotiation and exploratory work in a broader process, working groups focused on combating terrorism could be simultaneously formed. Terrorism is, after all, a threat to all governments in the region, regardless of their present policies, forms of government, and regional strategies. In addition, governments should consider the bold possibility of joining forces in managing the peaceful uses of nuclear energy. Assuming the challenge of multilateral fuel-cycle facilities, as presently explored by an expert group mandated by the IAEA director general, might be too much too soon. Joint power stations may offer an alternative of common interest, however, namely a source of electricity where cooperation offers distinct advantages for all willing to partake, given close distances, narrow spaces, and different levels of technological achievement.

The Role of External Actors

External actors can play both a negative and a positive role in the process of establishing an NWFZ or a WMDFZ. On the negative side, Pakistan's transformation into a de facto nuclear-weapon state may have altered the threat perception and strategic calculations of actors within the region. Likewise, the possibility that external sources would be willing to offer know-how,

technology, and hardware to countries in the region could undermine trust in the viability of an NWFZ.

External actors can, however, encourage states to take a positive attitude toward exploring and eventually negotiating the specifics of an NWFZ. They can provide economic and technological incentives for joining and maintaining a zone. They can also help support the verification system by providing information, such as satellite data that might not be accessible to states

in the region. For external actors to function in this role, however, regional states must also have some confidence in their reliability and impartiality.

The strongest and most crucial role for external actors would be as mediators or arbitrators in compliance disputes and ultimately as enforcers of the zone. Regional states might choose to entrust this role to the UN Security Council or to specific guarantor states. Given that external actors

A regional governmental expert group on transparency and verification is the best way to start.

such as the United States and its allies possess military and other capabilities not available to regional actors, enforcement duties performed by an external actor could be justified. This role of enforcer would obviously require even more trust by regional states in the reliability and impartiality of the external actors. Yet, in all likelihood the necessary degree of trust does not currently exist. Making such an arrangement palatable would require major changes in various state relations, such as those between the United States and Iran. It would also demand a considerable effort by the United States to gain back the confidence of Arab populations.

Which Comes First: Peace or a Weapons-Free Zone?

The present nuclear situation in the Middle East is neither stable nor tenable. Israel's deterrent policy has failed in many respects, and the efforts of other states to acquire nuclear weapons or other WMD has further destabilized the region. The escalation of regional violence demonstrates that neither the status quo nor the prevailing alternative strategies are in line with either side's security and welfare interests. Under these circumstances, the proposal for an NWFZ and a WMDFZ, utopian as it may seem, warrants a fresh and serious look.

The fate of the proposals is closely coupled with the peace process at large. To develop them, fundamental shifts in the basic positions of both sides are required. An end to terrorism and occupation are probably the two

key elements necessary to move both the peace process and the negotiation process on prohibiting WMD in the region forward in tandem. Even a good start, however, leaves the parties with many difficult issues with which to grapple, and obvious solutions do not abound. Enforcement is a case in point. In other areas, such as verification, multiple models are on the table, such as adopting the regional verification system as opposed to the one con-

What is important today is to get a head start on technical elements.

tained in the NPT or entrusting enforcement to the parties themselves; an international body; or another, powerful actor. Nevertheless, because of their different qualities, reaching an agreement will not be easy. Even if a fundamental shift in basic political positions, probably resulting from strong outside pressure, were to occur, such a zone would not appear immediately. It will need to follow a long and protracted process of relatively small steps,

involving procedure, substance, and practice, occurring in succession.

Unfortunately, the actors in the Middle East are currently at an impasse. Yet, despite parallel efforts to find an alternative strategy and the deep distrust that the past peace-process failure has added to a long history of bloody encounters and ensuing deep-seated hostilities, these countries will eventually reach a point where they will commit to a new start. When they do so, they should neither expect to exclude the nuclear issue nor to resolve it initially, before all other major issues. All WMD and even some conventional issues should be on the agenda. The parties can do better than last time.

Indeed, given the state of conflict, violence, and mutual distrust in the Middle East, a considerable change in the overall relationship among the states in the region that minimizes the chance of war is a likely prerequisite to establishing an NWFZ or WMDFZ. ¹⁸ Only a profound and lasting change could potentially convince these states to relinquish the degree of security that, in their perception, emerges from the various WMD deterrents in their hands. States and their populations must firmly believe that such changes in the countries' relationships are largely irreversible.

Such a change would require all parties to mutually recognize all other states in the region within agreed-upon borders, including those between Israel and Lebanon, Israel and Syria, and Israel and a possible Palestinian state. As a starting point, all states in the region must accept, explicitly and credibly, the existence of Israel. Israel in turn must agree to withdraw from the occupied territories within a set time frame. This will undoubtedly be challenging for both sides, as sizable domestic constituencies will challenge these policies. Without such bold moves, however, the prospects not just for

an NWFZ but for any successful peace process will remain moot. Stable peace will also require some rules for conventional armed forces and a strict, verifiable, and enforceable prohibition of all types of WMD.¹⁹ States need to engage in mutually beneficial economic and cultural relations. State support for terrorism must cease. Nonstate violence should then subside and, where it still occurs, be the target of intense and effective collaboration between regional states' security agencies.

These demanding requirements also reveal the necessary geographic scope of the zone. ²⁰ It should encompass all actors that could have a negative impact on the state of peace, including Iran, Israel, and members of the Arab League, although some African members, such as Somalia or Mauritania, might be dispensable. Pakistan's inclusion would be impressive, but Pakistani security concerns are primarily focused on South Asia. Thus, although the zone might extend west to the Atlantic Ocean, it should stop at the Iranian border in the east.

In such a changed, nonhostile environment, the process of establishing an NWFZ and a WMDFZ is a potential means to build a lasting peace. It would be particularly helpful to enhance confidence and stability and to create an equal sense of security among states in the region. 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 will develop in parallel with the overall peace process.

What is important today is to get a head start on technical elements, particularly verification and enforcement, so that the foundation will be prepared for and even contribute to the right political environment as it changes through a potential peace process. Although the political prospects for a regional NWFZ or WMDFZ may seem far-fetched today, nothing in the Middle East, particularly given its recent history and its unfolding ramifications, is beyond the realm of possibility.

Notes

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