



Fourth Cooperative Idea

A Building Block for a Middle East without WMD: An All-inclusive Nuclear-Test-Free Zone

Marc Finaud

Since Egypt, Iran, and Israel have signed but not ratified the Comprehensive Test Ban Treaty (CTBT), they agree to the goal of prohibiting the testing of nuclear weapons. As a building block towards the establishment of a weapons-of-mass-destruction-free zone (WMDFZ) in the Middle East, they could jointly or concurrently ratify the CTBT, thus creating a de facto nuclear-test-free zone in the region that Saudi Arabia, Syria, and Yemen could join. This could act as a confidence-building measure and facilitate the participation of these states in the activities of the CTBT Organization (CTBTO), which verifies compliance with the test ban.

Background and Context: Challenge and Opportunity of Reviving this Cooperative Idea

Among the eight states whose ratification is still needed for the CTBT to enter into force, three are in the Middle East (Egypt, Iran, and Israel). In addition, among the other states that have not signed or ratified the treaty but whose ratification is not required for its entry into force, are Syria and Saudi Arabia (which did not sign the treaty) and Yemen (which did not ratify it).

A new situation has been created by the adoption of the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear programme on 14 July 2015. Among its criticisms of this agreement, Israel regretted that an opportunity was lost to include an Iranian commitment to ratify the CTBT in the JCPOA (Shalev, 2016). It is true that the United States (US) administration did not make any effort to include such an obligation in the agreement – because it could hardly demand from Iran something that it had not done itself. As a gesture towards Israel, but in order to salvage the JCPOA, the US has taken on itself the responsibility of vetoing the conference on the WMDFZ proposed in the Final Document of the Non-Proliferation Treaty (NPT) Review Conference in May 2015. Indeed, agreeing to this conference would have offered a pretext to opponents of the Iran deal for torpedoing it (Meir, 2016).

Now that the JCPOA is being implemented and Iran is strictly bound by its commitments not to develop nuclear weapons, it would seem to be easier to pressure Tehran to ratify the CTBT. At the same time, this would have the potential of convincing Israel and Egypt to follow suit. As Lassina Zerbo, the executive secretary of the CTBTO, put it: “By signing the Treaty, Egypt, Israel and Iran have said no to testing. Let's turn that no into a never” (Jaura, 2016). He added at a symposium on the occasion of the 20th anniversary of the CTBT in Vienna on 25 January 2016 that such a joint or coordinated initiative could pave the way for further discussions on a WMDFZ in the Middle East: “You can't jump and get a weapon-free zone in the Middle East if the CTBT is not ratified” (Lederer, 2016).

This idea of a Middle East regional nuclear-test-free zone (NTFZ) is not new. Among others, it was mentioned in 2010 by Pierre Goldschmidt, the former Deputy Director General of the International Atomic Energy Agency (IAEA) (Goldschmidt and Gerami, 2010), and was further developed in 2012 (Goldschmidt, 2012). It is based on the assumption that Israel is still not ready to accede to the NPT as a non-nuclear-weapon state, and therefore that this precondition put forward by some Arab countries for joining other WMD treaties cannot be fulfilled. An NTFZ would be much easier to achieve than a full-fledged WMDFZ, and could facilitate this much more demanding zone.

Advantages of and Obstacles to a Regional NTFZ

The *advantages* of such an NTFZ in the Middle East are as follows:

1. Egypt, Israel, and Iran have all signed the CTBT, affirming their commitment not to test nuclear weapons. Under Article 18 of the 1969 Vienna Convention on the Law of Treaties, they are “obliged to refrain from acts which would defeat the object and purpose of” the CTBT by preparing for or conducting nuclear tests. Contrary to the NPT, the CTBT does not distinguish between states with and without nuclear weapons.
2. For Israel, agreeing not to test a nuclear weapon is consistent with its policy of ambiguity regarding its nuclear capability as implemented since the 1969 secret understanding with the US (“keep the bomb in the basement”) (Karpin, 2007). This explains why the Israeli permanent representative to the IAEA supported the idea of a regional NTFZ at the January 2016 symposium in Vienna. Ambassador Merav Zafary-Odiz proposed, however, that the process towards such a zone begin with a series of unilateral moratoria; in her view, this could enhance security, and potentially lead to a future ratification of the CTBT (Shalev, 2016).
3. The ratification of the CTBT by all the regional states would also have

concrete consequences: they would all contribute to and benefit from the verification system put in place by the Preparatory Commission of the CTBTO. Israel already operates two seismic stations and one radionuclide laboratory (Landau, 2016); and while Iran's stations have been inactive since 2006 (presumably because sanctions have prevented Tehran's access to some equipment), Iranians do cooperate with the CTBTO (Mostinskaya, 2016). However, Egypt refuses to establish stations on its territory (Landau, 2016). But all three countries took part in the 2014 month-long on-site inspection exercise organised by the CTBTO in Jordan (IFE14) (Fitzpatrick, 2014).

However, when assessing a regional NTFZ's chances of success, one should be aware of the *obstacles* to achieving such an objective:

1. The linkages put forward by countries such as Egypt, Syria, and Saudi Arabia for not signing or ratifying the CTBT, which are related to Israel's non-NPT status, remain strong. The Arab NPT parties stress that they have foregone the nuclear-weapon option while Israel has not, hence their reluctance to take yet another step towards non-proliferation. This conundrum explains the failure of a Middle East WMDFZ to date: the step-by-step approach beginning with an NTFZ is unable to convince those who believe that a test ban would not change any aspect of Israel's nuclear capability. At a minimum, replacing an NTFZ in a process clearly identifying the goal of a WMDFZ would be necessary.
2. The intermediate step of a regional moratorium as suggested by Israel can only further complicate and weaken adherence to an NTFZ by reluctant states in the region that consider any precondition of confidence-building measures as a ploy to delay commitment to the elimination of all WMD from the Middle East. There too, efforts will be needed to convince the Arab countries and Iran that building confidence can be addressed in parallel and not necessarily sequential tracks. Moreover, it would be inconsistent for Israel to be content with

unilateral, unverifiable declarations of testing moratoria while it would gain more guarantees of compliance with legal commitments by a fully fledged ratification of the CTBT by all Middle East countries.

3. There is now a clear competition between Iran and Egypt over regional leadership, especially on WMD-related issues. The JCPOA conferred on Iran a new status of respectability and responsibility (although Tehran remains under close scrutiny by the other parties and the IAEA). But anti-Israel rhetoric is still commonplace in Iran and the Arab world. Israel may fear that the JCPOA will serve to put more pressure on its own nuclear capability (Meir, 2016). It will be difficult for Israel to continue to advocate a step-by-step approach without offering denuclearisation assurances in the future.
4. Finally, the entry into force of the CTBT itself remains unlikely in the near future, with dim prospects of US Senate ratification and even more distant possibilities of the treaty being signed by India, Pakistan, and North Korea. Making a regional NTFZ work and fulfil its confidence-building function would require a specific arrangement within the CTBTO framework to be negotiated among the states of the Middle East.

Conclusions: The NTFZ as a Plausible Next Step

Weighing the challenges and chances for seriously opting for this *Cooperative Idea*, the arguments in favour of discussing and implementing the nuclear-test-free zone are compelling. As a building block the NTFZ should be given the chance to prove that it can meet the political and security-related concerns of the major actors, while showing that it increases the security of all players involved. ■

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