

**International Expert Panel
at the Third Non-Proliferation Treaty (NPT) Review Conference Preparatory Committee**

TOWARDS A WMD-FREE ZONE IN THE MIDDLE EAST: INTRODUCING NOVEL INITIATIVES

(UN Headquarters, 8 May 2019)

Abstract

The organizers of this event have been active in recent years in promoting dialogue among stakeholders to overcome the current stalemate on the project of a zone free of weapons of mass destruction and their delivery vehicles (WMD/DVs) in the Middle East and avoid a new breakdown of the NPT Review Conference in 2020. This international panel, composed of experts on the region and arms control, discussed new initiatives to this end in the wake of the fundamental gap between “Disarmament First!” and Regional Security First!” In one way or another, the novel approaches explore the central and constructive role of the Egyptian President to take the lead for a more comprehensive agenda. On a continuous basis, it would include regional security and missile-related issues as two additional elements. The approaches discussed below take of course the Arab initiative for a Conference within the UN General Assembly into consideration; it is slated for 18-20 November 2019. Also, the experts addressed the need for a constructive role of Russia and the United States as the two major co-sponsors of the 1995 Middle East Resolution. Finally, the question is raised whether the quest for a WMD/DVs-free Zone can benefit from other disarmament experiences in which high-level actors were involved.

Moderators: Bernd W. Kubbig (APOME) & Marc Finaud (GCSP)

Speakers:

- **Volker Lehman** (Friedrich-Ebert-Stiftung, New York Office): *Introductory remarks*
- **Bernd W. Kubbig & Marc Finaud**: *Setting the stage for an initiative by the Egyptian President*
- **Nataliya Artemenkova** (PIR Center): *The Russian proposal as a starting point for making regional security concerns a legitimate part of the Zone agenda*
- **Kelsey Davenport** (Arms Control Association): *The Role of the US, Russia, and the UK in Advancing the Middle East WMD/DVs-free Zone*
- **Tytti Erästö** (SIPRI): *WMD/DVs-Free Zone in the Middle East: Can the UN Conference Make a Difference?*
- **Edward M. Ifft** (Hoover Institution): *Towards a WMD-Free Zone in the Middle East: The Prospects of a World without Nuclear Weapons*
- **Mark Fitzpatrick** (IISS): *The missile issue as a novel element of the Zone talks*
- **Marc Finaud & Bernd W. Kubbig**: *Concluding remarks on the prospects of an Egyptian President’s initiative*

Synthesis of the Remarks and Discussion

I. Optimising the November 2019 Conference on a WMD/DVs-free Zone with a More Comprehensive Agenda

1. The November 2019 UN Conference is seen as the new point of reference for the Egypt-led process. In 2018 the Arab group brought the WMD/DVs-free zone initiative outside of the NPT, tabling a UN General Assembly resolution calling for the UN Secretary-General to convene the Conference in 2019. The resolution (73/546) was adopted by the General Assembly in December 2018, and the Conference is due in November 2019 in New York. Israeli attendance at the planned UN Conference is unlikely, which is why some view the Conference as pointless.
2. However, a case can be made that **the first steps towards a WMD-free zone in the region can and might have to be taken without initially having Israel on board** (just as the Latin America nuclear-weapon-free zone was established initially without Brazil and Argentina). If a group of interested regional states is prepared to show normative leadership by strengthening their own WMD arms control commitments without making this conditional on reciprocal steps by Israel – or at least by spelling out incremental steps that they would expect Israel to take in return – this could have

profound implications for regional security. The key would be to demonstrate the collective security benefits of disarmament and arms control in the region.

3. Even if Israel does not attend the UN Conference in 2019, it is still possible for Israel to get involved at a later stage, since the event is expected to be held annually. If Israel does not participate in the November 2019 Conference, it is not advisable to force the drafting of a treaty at this stage. On the contrary, to engage Israel, it is important that the Arab States maintain the principles of inclusiveness and consensus for the duration of all sessions of the Conference, and include some regional security issues in the agenda. Besides, it might be agreed that the next (2020) Conference be held in the region, for example in Turkey.
4. Having long played a leading role in promoting regional disarmament, **Egypt bears particular responsibility for setting the tone of the discussion.** Until now, its efforts have focused on pushing for the Conference at multilateral forums. That strategy has relied on shaming the region's only nuclear-armed state, and highlighting the double standards in the implementation of arms control norms in the region. While this has been relatively successful in creating the necessary political pressure for moving forward, the task of ensuring constructive regional dialogue at the planned meeting requires a different approach.
5. Indeed, **much depends on Egypt's ability to identify common-ground issues beyond a negative focus on Israel.** Egypt would arguably also need to show some flexibility regarding the issue of sequencing between disarmament and regional security issues. Russia's 2017 proposal to dedicate one session of the WMD-free zone conference to regional security provides a logical way to start breaking the decades-old deadlock over this issue. Instead of being a concession to Israel's traditional position favouring regional security over disarmament, Egypt and other regional countries should view this as **an opportunity to raise points relevant to their own national security, and to defuse regional tensions amongst themselves.** Moreover, the WMD/DVs-free zone issue – which has until now been confined to the rather limited arms control community – might gain more visibility internationally if it were more closely linked with other pressing regional security issues.
6. The most divisive issues should probably be avoided especially at such an early stage of the WMD-free zone process. However, the 2015 Iran Nuclear Deal would arguably require attention, as its collapse would clearly complicate any efforts at the establishment of a WMD-free zone in the Middle East. While the deal has been criticised by some regional countries, they could explore **potential confidence-building measures to complement the agreement** – possibly as part of a session dedicated to broader regional security issues.
7. Ensuring success of the November 2019 UN Conference will require determined efforts. There should be **unofficial consultations between the Middle Eastern states** during the preparation for the Conference to see where they stand and what issues on regional security are acceptable for all. Regional actors with experience in non-proliferation such as the European Union, the Secretary-General of OPANAL or the Chair of the African Commission on Nuclear Energy could assist in steering the discussions. Consultations could include the ideas of a **collective security system** in the region or strengthening transparency measures in the Gulf and building trust between Arab countries and Iran promoted by Russia.
8. As the **co-sponsors of the 1995 resolution** on establishing a WMD-free Zone in the Middle East (MEW MDFZ) and the states charged with convening a conference to advance the Zone in the 2010 NPT Review Conference Final Document, the United States, the United Kingdom and Russia bear a unique responsibility for supporting and advancing the process. The current political climate, however, calls into question both the feasibility and desirability of actions by these three states to break the current impasse between the Arab Group and Israel on both the substantive and procedural differences over the MEW MDFZ.
9. In the short term, to **prevent the stalemate on the MEW MDFZ from breaking consensus** on the 2020 NPT Final Document as it did in 2015, the co-sponsors should encourage the President of the 2020 Review Conference to begin **consultations on the language regarding the Zone** early in the process. That could create the time and space necessary to reach compromise language that supports and advances the Zone without imposing unacceptable conditions and deadlines. They should also **reach out to the Non-Aligned Movement (NAM)** to encourage greater involvement in Zone decision making during the 2020 Review Conference. If NAM members support a compromise approach to the Zone question in 2020 and press Egypt and the Arab Group to take those interests into account, it could help facilitate language acceptable to all sides.
10. The co-sponsors can officially claim that they still support progress on the MEW MDFZ but both Israel and the Arab Group should be aware that all three states lack the political will to prioritize this issue based on current policies towards WMD-related issues in the Middle East and the growing confrontation over Iran and the JCPOA. Given the current credibility deficit and lack of initiative

amongst the three co-sponsors, an **initiative coming from the region** may stand more chance of facilitating progress on a path forward.

11. The US and Russia could also consider bolstering efforts in the Middle East not directly related to the Zone, but complementary to the process that also build relationships and capacity. That could include:
 - i. Greater emphasis on **nuclear safety and security** through joint training, revising legislative frameworks, establishing regional centres;
 - ii. Ensuring that **civil nuclear cooperation** meets the standards for non-proliferation that would be desirable in the Zone (Additional Protocol, etc.);
 - iii. Conducting further regional training designed to enhance **regional detection and forensics** capabilities;
 - iv. Supporting **cooperative technology projects**, perhaps based on Project SESAME, facilitate contact between experts.

II. The Case for a Central Role of the Egyptian President – a More Comprehensive and More Forthcoming Agenda

1. Although Jordan will chair the November 2019 Conference, as appointed by the UN, it may be advisable to have a **central figure to spearhead the process**. Considering Egypt's remarkable historical role in advancing the WMD/FZ concept, Egyptian president **al-Sisi** could play that role. This would mean ensuring unity among the views of the Arab states, and communicating with other leaders of the relevant parties. When the leaders start discussing these issues, it gives new dynamics, bureaucratic policies can be avoided, progress can be achieved more quickly, as it happened during the negotiations on the JCPOA.
2. The warming up of Cairo's relations with both Washington and Moscow and the increasingly outward-looking Cairo government and its greater regional role could justify such leadership: Egypt hosted an international forum on Mediterranean gas including European and Arab countries plus Israel in January 2019; it welcomed the first-ever European-Arab summit on terrorism and migration in February 2019; President al-Sisi was elected as head of the Arab Union for a year-long term in February 2019; Egypt continued to act as a traditional honest broker between Israel and Hamas.
3. Moreover, the reportedly continuous and cooperative efforts of the military and intelligence of both Egypt and Israel especially on anti-terrorist activities in the Sinai Peninsula could provide a spill-over to reduce non-cooperative, confrontational stance in the nuclear area.
4. A more coordinated approach in the hands of the Egyptian President could lead to closer involvement of other heads of state or government at the regional level including the Israeli Prime Minister.
5. A stronger role for the Egyptian President could usefully **fill the gap resulting from the likely reduced role of the co-sponsors** of the 1995 Middle East Resolution due to the tensions between them.
6. The *politically novel approach* promoted by the Egyptian President would consist in **broadening the agenda of regional discussions**: regional security and missile-related issues as two additional elements hold the potential of narrowing (if not overcoming) the fundamental gap between "Disarmament First!" and "Regional Security First!" – so far the biggest stumbling-block of any forward-looking talks on a WMD/DVs-free Zone. Like Mubarak before him in 1990, al-Sisi could turn the page and open a new era of a constructive process. This regional dimension of security, of interest to all states of the region, could include three measures:
 - i. A **nuclear-weapons testing freeze zone** in the Middle East: no state in the region is ever known to have tested nuclear weapons and none has any strategic or political need to keep open an option to do so. A collective decision by states in the region to forego nuclear testing would be a boon to peace and security. It would also be a huge boost to the Comprehensive Test Ban Treaty (CTBT), by bringing on board three of the eight states whose ratification is required for entry into force: Egypt, Iran and Israel (all three signatories of the CTBT);
 - ii. Extension to all regional states of some of the **key provisions of the 2015 Joint Comprehensive Plan of Action (JCPOA)**: with the accord in serious jeopardy due to the US withdrawal and campaign of pressure on Iran, multilateralizing its provisions could be the most effective way of ensuring that its non-proliferation benefits are both sustained and multiplied. Aspects of the JCPOA that would be reasonable to extend to all states include the prohibition of uranium enrichment beyond 3.67%, the foregoing of plutonium reprocessing and the ban on certain activities that are applicable to nuclear weapons development, such as computer models to simulate nuclear explosive devices and design of multi-point explosive detonation systems, as spelled out in Section T of the JCPOA. Verification measure of the accord that could be usefully applied region-wide include: implementation of the Additional

Protocol; the 24-day timeline for adjudication of access disputes; monitoring of centrifuge production and storage, the procurement chain, and all uranium ore concentrate; and the use by the IAEA of modern safeguards techniques;

- iii. **A regional approach to delivery vehicles:** as the preferred means of delivering a nuclear payload, ballistic missiles are often considered to be an integral part of the weapon system. But not all ballistic missiles are capable of delivering nuclear weapons, particularly not the heavy warheads common to new nuclear aspirants. Therefore, not all missiles need be restricted and in any case, a complete ban is wholly unrealistic. Regional missile control limits might apply to missile systems that exceed a certain distance (e.g. 2,000 km) or that were clearly designed to carry nuclear-weapons (e.g., systems imported from countries such as North Korea that developed them for this purpose). The Missile Technology Control Regime (MTCR) threshold of any missile of a range over 300km with a 500kg-warhead is not the only relevant criterion. Space-launched vehicles that clearly are for civilian use, for example, may be exempted from ban based on range limits. Transparency measures should accompany such limits, as well as a ban on transfers from external players or transfers of missiles within the region. The latter is of immediate importance given the threat to civilian aviation by missiles fired by non-state actors in Yemen. Concern about ballistic missile proliferation in the Middle East is often focused exclusively on Iran's ongoing development of an arsenal that now includes 13 different systems, with others potentially to follow. Yet seven states in the Middle East possess ballistic missiles with a range of at least 300km, while Hezbollah reportedly has 100,000 or more rockets of various ranges up to 250km or possibly more. It is highly improbable that Iran would accept any limits on its missile programme unless in a regional context that also applied to its neighbours.
7. A central role of the Egyptian President would dispense **Western countries from demanding again that the Arab countries take the initiative** – thus overcoming the unfruitful ping-pong game of mutual expectations and a precondition for greater and constructive Western involvement. A top-level involvement of an active Egyptian decision-maker would have better chances of success than earlier attempts in the East-West context, i.e. the US “Four Horsemen” (Henry Kissinger, George Shultz, William Perry, and Sam Nunn) as formerly active politicians, and would thus underscore regional ownership. The Four Horsemen, however, did stress the importance of engaging the highest levels of governments in achieving breakthroughs. Following their advice, one could imagine private discussions between President al-Sisi and Prime Minister Netanyahu at an early stage. If they could reach some common ground, this could then be expanded to include five or six of the key top leaders in the region.
8. A head-of-state level initiative spearheaded by Egyptian President al-Sisi may inject much-needed political capital and momentum into the process, but its success may be dependent on the approach and how it addresses the **relationship between substance and process**.
9. A high-level statement without a strategy for **private negotiations** risks further politicizing the Zone question and entrenching positions if it is not paired with a strategy for private, in-depth diplomatic negotiations between Israel and the Arab group to bridge gaps on both the substantive and procedural differences. The US, UK, and Russia could play a role in encouraging Israel and Egypt to agree to such a dialogue, and ideally begin it, prior to any public statement by al-Sisi.
10. If such a dialogue produces tangible results that bridge the gap on substance, the proposed procedure for advancing the Zone based on an **expanded version of the Russian 2017 NPT PrepCom Working Paper** offers a practical path forward that the US, UK, and Russia should support.
11. **Egyptian President Abdel Fattah al-Sisi** is well-placed to promote such an initiative. The traditional leader of Arab states, Egypt is one of the few states in region that maintains diplomatic relations with every other state. In addition, al-Sisi personally is on good terms with all the major outside powers, including US President Donald Trump, whose Middle East foreign policy is in dire need of a success story. A US-backed al-Sisi initiative could be it.
12. It is timely that President al-Sisi in 2019 has taken up the mantle of president of the African Union. This is relevant because 2019 is the ten-year anniversary of the **African Nuclear-Weapon-Free Zone Treaty** coming into effect. Known as the Pelindaba Treaty, it prohibits the development, manufacture, acquisition and testing of nuclear explosive devices in the territory of treaty parties. Egypt signed the treaty but is one of a handful of African countries not yet to have ratified it. An initiative by President al-Sisi to promote the above steps toward a WMD-free zone in the Middle East would also be a step toward firming up the Pelindaba Treaty and Africa's nuclear-weapons free-zone status.

13. In short, our quest for the involvement of a visionary leader and a quantum leap does not exclude bottom-up, incremental, and transparent policies but supplements and optimises the traditional approach thus consolidating Egypt's foreign/non-proliferation leadership. It goes without mentioning that stretching out his hand especially towards the Israeli Prime Minister, al-Sisi should expect a constructive Israeli position which consists of a serious (thus limited) list of regional security concerns as a common starting point.

III. The Next Steps: Who Should Do What, When?

– June-November 2019:

- The EU High Representative for Foreign Affairs and Security Policy, in liaison with the UN Secretary-General, the Secretary-General of the OPANAL, and the Chair of the African Commission on Nuclear Energy, should consult the governments of the Middle East, including Israel and Iran, on the prospects of the November 2019 UN Conference, and in particular on the idea of parallel tracks to discuss regional security and disarmament along the lines of the 2017 Russian proposal.
- The United States, United Kingdom and Russia, as co-sponsors of the 1995 Middle East Resolution, should discuss among themselves and with their respective allies (including Egypt, Israel, Iran, and Saudi Arabia) chances of success of an initiative by the Egyptian President to bridge gaps about the Zone issue, in particular by adding a regional security dimension to the agenda.
- Diplomats, academics and security experts should hold regional Track 1.5 meetings to prepare the contents and procedural aspects of an initiative by the Egyptian President.

- **November 2019:** At the UN Conference, the Egyptian President would launch his initiative and call for a new approach including both the disarmament and the regional security paths, that could include ideas such as a nuclear-weapon-test freeze, regional non-proliferation measures based on the JCPOA, and regional negotiations on ballistic missiles.

- **December 2019-April 2020:** the President-designate of the 2020 NPT Review Conference should consult with governments from the Middle East and the Non-Aligned Movement as well as the three co-sponsors to assess the chances of agreeing on consensus language on the Zone issue so as to mitigate risk of failure of the 2020 Conference.

- **Post-NPT 2020 Review Conference:** preparations for the 2020 Middle East WMD-free Zone Conference could explore holding the meeting in the region (e.g. in Turkey or in Egypt) so as to facilitate Israeli participation.