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# The Conference for a Middle East Weapons of Mass Destruction Free Zone

A Synopsis of Engagement of International and  
Regional Organisations, and Civil Society

المعهد العربي  
لدراسات الأمن

Arab Institute for Security Studies

Compiled and edited by Ayman Khalil and Marc Finaud

October 2012



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## Table of Acronyms and Abbreviations

AAB	(NATO Defence College) Academic Advisory Board
ABACC	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials
ACRS	Arms Control and Regional Security (Working Group of the Madrid Conference)
ACSIS	Arab Institute for Security Studies
APOME	Academic Peace Orchestra Middle East
AU	African Union
BASIC	British American Security Information Council
BTWC	Biological and Toxin Weapons Convention
BWC	Biological Weapons Convention
CBM	Confidence-Building Measure
CCW	Convention on Certain Conventional Weapons
CD	Conference on Disarmament
CESIM	Centre for International Security Studies and Arms Control
CFSP	Common (European Union) Foreign and Security Policy
CTBT	Comprehensive Test Ban Treaty
CTBTO	Comprehensive Test Ban Treaty Organisation
CWC	Chemical Weapons Convention
DG	Director General
DPRK	Democratic People's Republic of Korea
EEAS	European External Action Service
EU	European Union
EUISS	European Union Institute for Security Studies
FMCT	Fissile Material Cut-off Treaty
FMWG	Fissile Material Working Group
FRS	Foundation for Strategic Research
GCC	Gulf Cooperation Council
HCME	Helsinki Conference on the Middle East
HCOC	The Hague Code of Conduct against Ballistic Missile Proliferation
IAEA	International Atomic Energy Agency
ICNND	International Commission on Nuclear Non-Proliferation and Disarmament
IISS	International Institute for Security Studies
ISU	Implementation Support Unit
LAS	League of Arab States
ME	Middle East
MENWFZ	Middle East Nuclear Weapon Free Zone
MEWMDFZ	Middle East Weapons of Mass Destruction Free Zone
MTCR	Missile Technology Transfer Regime
NAC	Non-Aligned Countries
NAM	Non-Aligned Movement

NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NNWS	Non-Nuclear-Weapon State
NPT	Nuclear Non-Proliferation Treaty
NRCC	NATO Regional Cooperation Course
NSG	Nuclear Suppliers Group
NTI	Nuclear Threat Initiative
NWFZ	Nuclear-Weapon Free Zone
NWFZ-ME	Nuclear-Weapon Free Zone in the Middle East
NWS	Nuclear-Weapon State
OAU	Organization of African Unity
OIC	Organization for Islamic Cooperation
OPCW	Organisation for the Prohibition of Chemical Weapons
OSCE	Organization for Security and Cooperation in Europe
P5	Five Permanent Members of the United Nations Security Council
P5+1	Five Permanent Members of the United Nations Security Council plus Germany
PNND	Parliamentarians for Nuclear Non-proliferation and Disarmament
PrepCom	Preparatory Committee
PRIF	Peace Research Institute Frankfurt
RevCon	Review Conference
SIPRI	Stockholm International Peace Research Institute
UAE	United Arab Emirates
UK	United Kingdom
UN	United Nations
UNDC	United Nations Disarmament Commission
UNIDIR	United Nations Institute for Disarmament Research
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
US	United States
WMD	Weapons of Mass Destruction
WMDFZ	Weapons of Mass Destruction Free Zone



## Disclaimer

The views or historical recounts published in this paper only represent the personal views of the authors and do not necessarily reflect the official views or opinions of any organisation or government.

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# Chapter One

## A Weapons of Mass Destruction (WMD) Free Zone in the Middle East – Everything to Gain and Nothing to Lose

Prince Turki Al-Faisal

### 1.1 The International Commission on Nuclear Non-Proliferation and Disarmament – An Inspiring Model

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In 2008, I was privileged to be a member of the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND) that was established by Australia and Japan:

- out of the recognition that there is no more pressing international threat than the proliferation of nuclear weapons and their possible use;
- out of the belief of the seriousness of the threat that if not matched by the concerted determination of the international community to eliminate it, international peace would be a far-reaching goal;
- and to stimulate debate and build momentum for nuclear non-proliferation and disarmament in the lead-up to the 2010 Non-Proliferation Treaty (NPT) Review Conference. This recognised the fundamental role of the NPT in preventing the spread of nuclear weapons and forging a commitment to get rid of them.

My distinguished colleagues and I worked over one year-time tackling all aspects of this issue and consulted experts from North and South America,

North, South, and East Asia, Europe, Australia and the Middle East. We worked with representatives of governments, the global nuclear power industry and non-governmental organisations devoted to the cause of disarmament and those responsible for advancing and monitoring nuclear non-proliferation.

We concluded our mission in Tokyo in December 2009 by launching our report titled: "Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers". The report's twenty-point action statement, "A New International Consensus on Action for Disarmament", was circulated to the Review Conference as a working paper from the Commission.<sup>1</sup>

The report made the case loud and clear that: *"Nuclear weapons are the only weapons ever invented that have the capacity to wholly destroy life on this planet, and the arsenals we now possess are able to do so many times over. The problem with nuclear weapons is at least equal to that of climate change in terms of gravity - and much more immediate in its potential impact. So long as any state has nuclear weapons, others will want them. So long as such weapons remain, it defies credibility that they will not one day be used by accident, miscalculation or design. And any such use would be catastrophic."*

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This statement by itself de-legitimises nuclear weapons and is a case for their abolition. The advisory opinion of the International Court of Justice in 1996 ruled that *"the threat or use of nuclear weapons would generally be contrary to the rules of International Law applicable in armed conflict, and in particular the principles and rules of humanitarian law."*

My focus here is not to detail the report, but its findings and recommendations are enduring to achieve the goal of ridding the world of nuclear weapons and to create an international consensus for the need to progress in this issue.

In reference to the Middle East, the ICCNND Report gave strong support to the establishment and development of a zone free of weapons of mass destruction (WMD), in accordance with the agreement on a resolution at the 1995 NPT Review Conference, calling for practical steps to be taken towards the establishment of such a Zone. This resembles the other six Zones which

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<sup>1</sup> International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), "Eliminating Nuclear Threats: A Practical Agenda for Policy Makers", Report, November 2009 (<http://icnnd.org/Reference/reports/ent/index.html>).

are now in force around the world - in Latin America and the Caribbean, the South Pacific, South East Asia, Central Asia, Africa and Antarctica. These zones generally prohibit the testing, stationing, development and use of nuclear weapons within a designated territory, and include protocols by which nuclear-weapon states can renounce the use and threat of use of nuclear weapons, against states included in the Zones.

The Commission strongly encouraged all NPT nuclear-weapon states parties to sign and ratify the protocols for all the Zones and, similarly, all the other nuclear-armed states (so long as they remain outside the NPT) to issue stand-alone negative security assurances for each of them. The Commission stated that the Zones have made, and continue to make, a very important contribution to nuclear non-proliferation and disarmament, and not the least of their roles is helping to build and consolidate the normative constraints against nuclear weapons. States that have joined these Zones reinforce their commitments under the NPT, and this second layer of commitments, made explicitly to neighbours, raises confidence that non-proliferation obligations will be upheld. It increases the probability and severity of backlash against a state that does not comply. The Report called for the convening by the Secretary-General of the UN of a conference of all states concerned to address creative and fresh ways and means to do so, including the identification of confidence-building measures that all key states in the region can embrace.

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## 1.2 The Middle East Challenge

Arab States, including my country, Saudi Arabia, have embraced such a Zone. Establishing the zone became the official nuclear non-proliferation and disarmament policy of all Arab States. We have not seen any public commitment by Israel in support of the Zone. Iran, while paying lip service to the Zone, is more committed to pursuing enrichment of uranium and other suspicious activities that raise doubts about their commitment to the Zone. This will compel other countries in the area to pursue policies that could lead to untold and possibly dramatic consequences. Indeed, the best way towards peace in our region is for all nations – but most importantly Iran and Israel –

to support the establishment of a zone free of weapons of mass destruction. Ironically, this is actually a concept that the Iranian government itself had approved of before. Quite often from the early 1970s through the 1980s, Iran joined with Egypt and other nations to work through the United Nations to attempt and gain support for what was called a Nuclear Weapon-Free Zone. This led then-Egyptian President Hosni Mubarak to propose a resolution calling upon all states in the Middle East to take practical steps towards “the establishment of an effectively verifiable Middle East Zone Free of Weapons of Mass Destruction, Nuclear, Chemical and Biological.”

Yet, despite all these efforts, our region can hardly be called free of weapons of mass destruction. Indeed, the Middle East is the most militarised region in the world today, largely due to the many conflicts that have raged and still rage in the area. While soldiers, tanks and planes have been growing in number in the area, the Iraq-Iran war from 1980 to 1988 and the second Gulf war of 1991 increased the danger of proliferation of weapons of mass destruction in the region, as well as ballistic missiles capable of carrying them.

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States seek WMD for various reasons, including deterrence, arms races with neighbours, the ability to attack or project the ability to attack, or to spare the high cost of conventional weapons. The first nation in the region to acquire nuclear capability was Israel. One can follow this tragic arc right up to the November 2011 International Atomic Energy Agency (IAEA) report announcing that it had found incontrovertible evidence of Iran working to develop nuclear weapons.

Saudi Arabia firmly believes that it is in every nation’s interest, including Israel’s and Iran’s, that they do not possess nuclear weapons. This is why, through various initiatives, we are sending messages to Iran that it is their right, as it is any nation’s right, and as we ourselves are doing, to develop a civilian nuclear programme. Trying to parlay that programme into nuclear weapons is a dead end, and that wiser choices will result in wider riches. A zone free of weapons of mass destruction is the best means to get Iran and Israel to give up nuclear weapons. Such a Zone must be accompanied by a rewards regime that provides economic and technical support for countries

that join; plus a nuclear security umbrella guaranteed by the permanent members of the Security Council. It should include a sanctions regime that puts economic and political sanctions on countries that do not join, plus military sanctions against those countries that try to develop weapons of mass destruction, also guaranteed by the permanent members of the Security Council.

Apart from the current Iranian regime's support for a zone free of weapons of mass destruction, the IAEA report on Iranian nuclear capabilities is disturbing. But I agree with those in the international community who possess the blessed wisdom and know that military strikes would be entirely counter-productive. Indeed, it is important to remember that there are other non-military policy alternatives, as yet unexplored, that could have the desired result without the unwanted consequences.

The same thing can be said about Israeli nuclear weapons, despite the Israel denial policy and its excuses of not having the regional peace that responds to its own interests and ambitions in the Arab-Israeli conflict.

As we have recently seen, Israel's unwillingness to cease its unlawful colonisation and continual refusal to grant the Palestinians their own homeland is the core reason that this conflict continues. There is no lack of proposals for peace, many of them completely rational and fair. Indeed, the only viable one today, remains the Arab Peace Initiative, originally outlined by King Abdullah bin Abdulaziz in 2002. It calls on Israel to withdraw to its 1967 borders and for the establishment of a viable and contiguous Palestine, with its capital in East Jerusalem, and bordering Israel, Jordan, and Egypt. The issue of refugees will be settled through mutual agreement. We urge Israel to take the necessary steps towards peace and justice. With peace, Israel will no longer have the excuse to own and deploy all weapons of mass destruction, including their nuclear arsenal.

Our region is beset by a number of great challenges. But in the end, these challenges can be met by the very principle that recognised the reality of Israel's nuclear weapons and guided the International Atomic Energy Agency to investigate and then announce the truth behind Iran's nuclear programme.

That is the principle of openness. I would say, with a slight stretch of my



poetic faculties, that openness is indeed at the heart of many of the issues facing the region. Is it not openness that Iran fears, lest its true nuclear ambitions be discovered? Is it not openness that Israel fears, lest its true possession of nuclear weapons be known?

Let us therefore embrace openness and join together for the good of all, especially in the establishment of a Zone Free of Weapons of Mass Destruction in the Middle East. The time is now. The threat is clear. We have everything to gain and nothing to lose. Let us drop our differences and find mutual benefit in waging peace, for ourselves, for our nations and for our children.

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## Chapter Two

# A Middle East Zone Free of Weapons of Mass Destruction and Missiles for their Delivery in View of the Planned 2012 Helsinki Meeting

Ambassador Hans Blix

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## 2.1 Introduction

The 2010 Review Conference of the Non-Proliferation Treaty (NPT) urged that a meeting be held on the subject of a Weapons of Mass Destruction Free Zone in the Middle East and the meeting is currently projected to take place in Helsinki in 2012. With public attention today riveted on Iran's nuclear programme and only rarely focused on the Israeli nuclear weapons, it would be peculiar if a meeting were to be concerned only with 'weapons' and were to ignore the concern that Iran's nuclear enrichment programme might result in creating a weapon.

Could not the states in the Middle East – including Israel and Iran – initiate a discussion about a regional agreement under which all states in the region committed themselves not only to be without nuclear and other weapons of mass destruction but also without facilities for the enrichment of uranium or production of plutonium?

## 2.2 Current Stalemate in Discussions with Iran

It is understandable that, at a moment when the Gulf is full of warships and the air is full of speculation about attacks on Iranian nuclear installations, talks aim at limited measures to lower tension. Yet, it would be unwise to focus exclusively on short-term measures and neglect thinking about comprehensive approaches – the more so, as the narrow path followed has so far not led to any success. The meetings that have taken place in 2012 between the P5+1<sup>2</sup> and Iran in Baghdad and Moscow do not seem to have yielded any rapprochement. The P5+1 seem to have demanded substantial early Iranian concessions on the uranium enrichment issue, while Iran has continued to hold that it will under no circumstances forego its programme of enrichment.

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Staleminated discussions may be affected by changes in costs and benefits. Perceiving Iran as intransigent and unreasonable, the United States (US) and the other Western parties seem unwilling to significantly increase the benefits that Iran would gain from an agreement. Instead, they seek to increase the cost for Iran of no agreement by strengthening and tightening economic sanctions and by not excluding subversive and military action. If the various parties have any conciliatory cards up their sleeves, they might prefer not to put them on the table at this stage.

From the US side there have earlier been some suggestions that, after a settlement of the controversy and restoration of confidence, enrichment in Iran might be envisaged in the long term. The Russian government has talked about a ‘step-by-step’ approach. This has not been rejected by Iran, but the steps do not appear to have been defined. There have also been suggestions to build on earlier schemes concerning the supply of 20-percent enriched uranium fuel. Recent accusations against Iran for sending weapons to the Assad government of Syria will add a new difficulty in any near-term talks between the P5+1 and Iran.

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<sup>2</sup> China, France, Germany, Russia, the United Kingdom, and the United States.

## 2.3 A Meeting in Helsinki?

It is incumbent upon the governments concerned in the Middle East and non-governmental institutions in the region to give thought to the subject that the 2010 NPT Review Conference singled out for a meeting – a Middle East zone free of weapons of mass destruction and missiles to deliver them.

Some things have already happened relating to this meeting but many issues need to be clarified and agreed before it is to take place. Helsinki has been chosen as the venue and a Finnish diplomat has been appointed ‘facilitator’. The date of the conference seems likely to be towards the end of December and the duration contemplated seems to be less than a week.

The list of participants and the agenda need be agreed in advance or else these matters could derail the conference at the outset. As we know from agreements about other weapon-free zones, it is above all the countries that form the region and that are ready to make commitments that should be present. In the case of the Middle East, the selection of most candidates for participation will not raise questions. In some cases there may be discussion.

Turkey has not traditionally been seen as a part of the Middle East. Yet, as a state aspiring to use nuclear power and with significant influence in the area its active participation in the conference – and potentially in a zone – could be practically important. Its membership in the NATO alliance could be a complicating factor. A possible commitment for a zone to be free of nuclear weapons would hardly be incompatible with NATO guarantees of protection against nuclear attacks (“nuclear umbrella”). Even though the hosting of nuclear weapons under NATO has not been judged incompatible with the obligations under the NPT, the hosting of such weapons in a nuclear-weapon free zone could be a different matter. The idea of moving all NATO nuclear weapons to US territory is under active discussion within the alliance but no decision has yet been taken on the issue.

It may have appeared almost axiomatic that the meeting requested by the 2010 NPT Review Conference would need to have the participation of both Iran and Israel. It is true that a zone agreement that either of these countries refused to join would have limited meaning and would probably

not be made. However, this is not the same as saying that the absence of one or both of these states at the meeting now projected would deprive it of meaning. Indeed, making the convocation of the meeting dependent upon their participation would be to make it hostage to conditions that either of them could advance. It might be wiser for the states that are ready to meet, to do so and exchange ideas about concepts and features that they consider possible and desirable. It could be left to states that might have chosen to stay outside the meeting to consider under what conditions they might join further sessions that might be scheduled.

At the present time it is not known whether Israel and Iran are ready to participate in the Helsinki meeting in 2012. At a juncture when the Israeli government wants to create the impression of a readiness to launch an armed attack against Iran a positive response might look like a conciliatory step and therefore seems unlikely.

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For the Iranian government, the logic might suggest a positive response. Declining participation in the conference would seem difficult, considering that Iran does not have nuclear weapons, that it sees the possession of nuclear weapons as incompatible with its religious faith and principles and that it has a declared positive attitude to global nuclear disarmament.

The absence of either Israel or Iran from the conference would have some significant drawbacks but could also eliminate roadblocks. It might be assumed that Israel would argue that only confidence flowing from a Middle East peace agreement would make a zone viable, while Iran might argue that nuclear fuel cycle activities permitted under the NPT should not be discussed. Neither posture would help the search for early accommodation and compromise.

Whatever the participation in the Helsinki conference, it would seem important that like-minded regional states, that do not have the strong vested interests that characterise Israel and Iran, get together and define on what lines the zone should be built – taking into reasonable account the interest of Israel and Iran as they see them and understand them. While initiatives and pressures by outsiders might well be negatively perceived, regional states that neither have nuclear weapons nor fuel

cycle activities might stand a somewhat better chance of finding lines that are acceptable to themselves and take into account the security and other interests of all in the region.

Gulf States and the Gulf States Cooperation Council (GCC) could be well placed to take on this delicate role that would require intense consultations in the relatively short period before the Helsinki conference, as well as during and after the conference.

It has been rightly noted by many commentators that the conference in Helsinki should not be seen as a one-time event. Indeed, it is likely to be convoked for a rather short period of time – perhaps a week or even less. This would hardly be more than what is needed for the launching of some ideas and agreement to explore them in further meetings.

## 2.4 Contemplating the Zone Concept

Leaving for the moment missiles and other categories of WMD, what concept of a zone free of nuclear weapons could be contemplated? We do not start with a blank page but have to revisit earlier concepts.

The idea of a nuclear-weapon free zone in the Middle East was advanced by Iran and Egypt in 1974 in the General Assembly of the UN. It has been on the table since then and even had consensus support. Originally, the zone concept was clearly rooted in the view that Israel should be brought into the wave of regional states that renounced nuclear weapons. While registering its support for the concept, Israel has always stated that such a zone can only materialise when peace has been established in the region.

Like the NPT, a zonal treaty – as we know them – aims at eliminating nuclear weapons. However, while they need to be compatible with the NPT, they may differ from that treaty in several respects, apart from the geographical limitation. For instance, the NPT becomes binding for each state as it adheres, irrespective of what other states do. All Arab states as well as Iran and Turkey have adhered to the NPT and are bound by it; but Israel has not adhered, is not bound and is assumed to have many nuclear weapons.

The entry into force for a zonal treaty – as in the case of Tlatelolco Treaty

for Latin America – can be made dependent upon all parties in a specific geographic region adhering. It may also contain many different features that do not figure in the NPT. It may have systems of verification that differ from, or go beyond traditional IAEA inspection. For instance, allowing parties ‘challenge inspections’, allowing national inspectors to participate in the verification process, etc. A zone treaty could also create a legal basis for active cooperation (MidEastAtom?) in the development and use of nuclear energy; for instance in the field of jointly owned nuclear reactors for the generation of power, the desalination of water or for the disposal sites for nuclear waste.

## 2.5 Non-Proliferation and the Nuclear Fuel Cycle

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While the zonal treaty for the Middle East has been on the international agenda for a long time, what has lately given it much attention has less to do with Israel’s weapons than with the concern that Iran is developing a fuel-cycle programme, including the construction and operation of plants for the enrichment of uranium. Although Iran, itself, denies any intention to make nuclear weapons, many suspect that this is the intention. Whatever the reality, the programme is making Iran a “near-nuclear-weapon state” and it is feared that other states in the region might emulate Iran’s example, which would further raise tensions in the region.

It is true, as often underlined by Iran, that the NPT raises no obstacles to states that want to build fuel-cycle installations – such as enrichment plants – for the peaceful use of nuclear energy. Japan has had over 50 nuclear-power plants operating, with both enrichment and reprocessing plants linked to this large peaceful nuclear-power capacity. Brazil, with only a few nuclear-power plants, has also developed a capacity to enrich uranium. Unlike Iran, neither Japan nor Brazil has met international objections.

It is clear that there would be little support in the international community for any international agreement – whether in the shape of a separate convention or an amendment to the NPT – under which states would renounce enrichment or reprocessing activities (perhaps for a specific period

of time) in the interest of avoiding that any one becomes a “near-nuclear-weapon state”. States like Canada, Australia, Namibia, South Africa or Jordan with large uranium ore resources might want at least to keep the option open of not only mining the raw material but also of enriching it for export sales.

At the same time, there is an understandable scepticism against a widespread construction of fuel-cycle installations in the world, especially as the global capacity for enrichment and reprocessing seems ample to respond to needs expected in the near future. Every petrol consuming nation does not need an oil refinery of its own and every state that uses uranium as fuel for nuclear power reactors does not need an enrichment plant of its own.

It is also clear that enrichment facilities or reprocessing plants in sensitive regions may be likely to raise concern and even suspicion. The NPT, in principle, leaves states freedom to develop capacities for enrichment and reprocessing but does not oblige them to use this freedom. They can – if they wish – commit themselves to limitations on it for longer or shorter periods of time.

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Undoubtedly with a view to creating mutual confidence, North and South Korea agreed in their Denuclearization Declaration of 1991 to forego the construction of both enrichment and reprocessing plants. The declaration may no longer have legal relevance but it provides an interesting precedent where states can agree between themselves to renounce some activities (in this case enrichment) that are open to them and that could be misused. They are obviously free to make any such arrangement without time limitation or for a specified period of time. Although the parties alone will be bound by such an agreement, guarantees from third states might be needed to facilitate the supply of fuel for nuclear power plants.

## 2.6 The Middle East and the Nuclear Fuel Cycle

States in the Middle East region might find it worth considering whether there would be benefit in agreeing on a zone free not only of nuclear and other weapons of mass destruction and missiles but also of fuel cycle activities – notably enrichment and reprocessing plants.



Iran might initially respond that nothing could move the country from exercising its right under the NPT to make full use of nuclear energy, including the right to a programme for the enrichment of uranium. It is true that Iran does not seem to have been tempted to abandon enrichment by offers of investments, support to become a member of World Trade Organization, assistance to expand its civilian nuclear-power programme, confirmation of the protection against armed attacks, etc. The outside world has had and still has difficulty in understanding this rigid attachment to a programme that can hardly be economic and that can hardly ensure long-term nuclear fuel independence. While many conclude that the ultimate aim of the programme is to make a nuclear weapon or at least to make Iran a near-nuclear-weapon state, another explanation for the rigid position could be that the continuation of the programme is above all a matter of national pride.

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At the non-governmental level some experts, starting from the premise that nothing could move Iran to abandon the enrichment programme, have suggested acceptance of Iranian enrichment with maximum transparency, international inspection and perhaps international participation. While such arrangements could give reasonably early warning in the case of an Iranian breakout, it could not physically prevent it. Inspectors could be thrown out and installations could be nationalised. While certainly not without value there would be limitations in the confidence that could flow from such an arrangement. It might not be enough to discourage enrichment programmes among neighbours.

## **2.7 A Zone Free of Both Nuclear Weapons and Fuel Cycle Installations**

A zonal agreement under which Iran would commit itself to completely suspend its programme for the enrichment of uranium (and other fuel-cycle services) for a specific, rather long period of time, under which other states in the region would commit themselves to forego enrichment for the same period and under which Israel would commit itself to do away with its nuclear weapons, stocks of fissionable material and production capacity, might be a different matter.

It would fit into Iran's declared wish to promote nuclear disarmament. Having been accused of threatening the non-proliferation regime and deserving isolation, Iran would get the credit for helping to consolidate non-proliferation in the region and even helping to bring tangible and long-sought nuclear disarmament.

Israel would undoubtedly initially reject any suggestion that would remove a nuclear capacity that it regards as a life insurance. Israel's ambition to remain the only *de facto* nuclear-weapon state in the region has been displayed through the attack on the Iraqi reactor Osiraq in 1981, the attack on some Syrian installations in 2007, and by the threat of attacks on Iranian installations. Is this line of action deemed sustainable, or is it possible that Israel would consider the cost-benefit better if the country took the cost of doing away with its own – not acknowledged – nuclear weapons and capacity to make such weapons, thus gaining the benefit that no other states in the region would become even a near-nuclear-weapon state?

There can be no illusions about the difficulties that would have to be solved in designing and getting agreement about a zone as suggested above. However, the difficulties might be even greater in the construction of a zone renouncing only the weapons – leaving the fuel cycle untouched. It is implausible that Israel would go along with eliminating its nuclear weapons and leave Iranian enrichment untouched.

Many problems would have to be overcome. The supply of uranium fuel required for non-weapons related activities like power plants would have to be assured and guaranteed from the outside world. Arrangements for effective inspection going beyond IAEA safeguards would have to be drawn up. Security guarantees might be needed. Steps by P5 states towards nuclear disarmament would facilitate regional action. The exact geographical scope of a zone would need to be defined.

“Weapons” are the explicit object of discussion at the projected Helsinki meeting. The Chemical Weapons Convention (CWC) has a definition of chemical weapons but the NPT does not define nuclear weapons. It should be

made clear that not only deployed nuclear weapons, but also non-deployed weapons, weapons-ready material and installations to make the material can be covered in a zone agreement. It would seem politically inconceivable at the present time to focus on Israel's nuclear weapons and forget Iran's enrichment, and it would seem equally impossible to consider Iran's growing enrichment and near-nuclear-weapon status and forgetting that Israel has hundreds of nuclear warheads.

## Chapter Three

# Ridding the Middle East of Weapons of Mass Destruction, Untapped Options

Ayman Khalil

### 3.1 Background

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The creation of a weapons of mass destruction free zone in the Middle East (MEWMDFZ) has proven to be a very complicated concept. Despite the declared willingness of all members in the region (including Israel and Iran) to initiate a zone free from nuclear weapons and other weapons of mass destruction, the Middle East is far from achieving this objective and the zone remains unattainable thus far.

Developments pertaining to the establishment of a MEWMDFZ date back to almost 40 years, an epoch which has consumed the might of intellectuals and has witnessed extensive political maneuvering. Historically, it was Iran in 1974 under the Shah, supported by the Egyptian government, that first called for the creation of a nuclear-weapon-free zone (NWFZ). The call was renewed in 1990 by former Egyptian President Mubarak who called for establishing a zone free of all weapons of mass destruction and officially requested that the United Nations (UN) enquire about its requirements.<sup>3</sup>

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<sup>3</sup> See chapter 4 for more details.

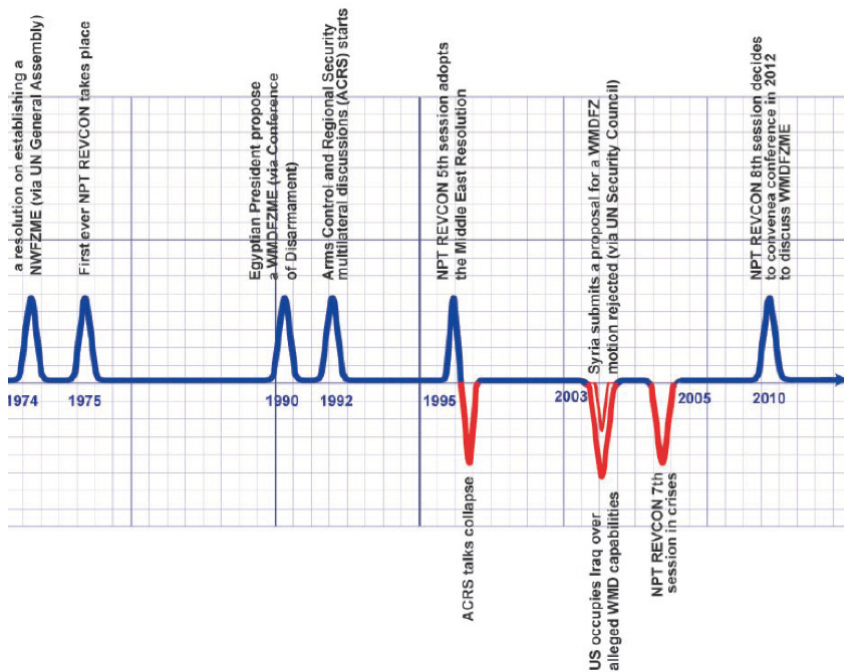
Since 1980, the United Nations General Assembly regularly adopted resolutions calling for, and stressing the importance of, creating of a NWFZ in the Middle East, almost becoming a regular ritual. With the change of both the Iranian and the Egyptian former regimes, it remains to be seen whether the momentum of traditional regional players will be sustained and whether non-traditional actors will emerge.

The concept of a WMDFZ in the Middle East underwent various stages of development with a number of notable milestones. One of the most significant developments was in the early 1990s when an Arms Control and Regional Security (ACRS) process was launched as part of the Madrid peace conference. This was a breakthrough: a specialised multilateral dialogue process was launched to discuss the future and the features of a regional security regime, including the prospect for creating a zone free of weapons of mass destruction. ACRS was the first promising and serious development in the quest for creating a WMDFZ. For the first time ever there was a multilateral process which publicly brought together Arabs and Israelis face to face to the same table discussing security arrangements, including the status of non-conventional capabilities and hard security issues in the region. Sadly, this opportunity was wasted. ACRS discussions collapsed in at the end of 1995, leaving a deep scar, yet providing an indication of various perceptions among stakeholders in the region. Two notions were clearly identified within these discussions:

- The “peace first” approach, stressing that security arrangements could be best determined and discussed “if and when” peace and normalization prevailed;
- Entirely opposite to this approach was the notion stressing that peace could only be achieved via security arrangements which would include defining the features of a WMDFZ in the Middle East.

The clashing perspectives represented one of the acute obstacles facing the creation of the zone, which ultimately led to the collapse of ACRS discussions. Arab intellectuals questioned the validity of the “peace first” approach and the way it was going to facilitate the creation of the zone. Israel officially enjoys two peace treaties with Egypt and Jordan as well as a number of bilateral understandings of varying degrees with other countries in the region.

The existence of peaceful ties between Israel and some of its neighbours did not contribute to building confidence or ending the stalemate, and has not resulted in any tangible results in terms of creating the zone<sup>4</sup>. Forging peace treaties, agreements and informal understandings between Israel and its counterparts did not contribute to building confidence or reducing worries – especially when it came to non-conventional capabilities within the region and the future of an Israeli nuclear arsenal. Hence, the “peace first” approach was questionable.



WMDfZ-ME timeline, the ups and downs of the process. The Middle East was an important factor in evaluating the success or failure of NPT Review Conferences - © ACSIS, 2012

The “security first” approach, via the establishment of a security regime was also a principle that was debated. Obviously, the existing deadlock in the Arab-Israeli peace process and the seemingly never-ending negotiations have not provided a positive example. Analogies dominated the scene;

<sup>4</sup> For more details , see for example the provisions of the Jordan-Israel peace treaty, more specifically bilateral efforts in creating a NWFZ, Article 4.

people were aware of the fact that resuming security talks may result in discussions taking place indefinitely, and to roadmaps leading nowhere – ultimately resulting in non-tangible outcomes.

Its worth noting that the collapse of ACRS coincided with the launch of the 1995 NPT resolution on the Middle East which was considered as a positive accomplishment by some, while others considered it as a radical concession on the part of Arab diplomacy.

The year 2010 brought hope – the 8th NPT Review Conference held in May 2010 came to the important conclusion of convening a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction (2012 conference). The 2012 conference, to be sponsored by the UN as well as the three co-sponsors of the 1995 resolution (Russia, the United Kingdom, and the US), represents an important opportunity that should be properly invested. The 2010 NPT Review Conference anticipated the appointment of a facilitator for the 2012 conference as well as identifying a host country that would be organising the meeting.

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Almost 16 months following the conclusion of the NPT Review Conference, the long-awaited decision was announced, Ambassador Jaako Laajava was named by the United Nations Secretary-General (UNSG) as a facilitator, and Finland was identified as the host country for the 2012 conference. The delay in the appointment process was mainly due to an extensive consultations process, but perhaps also due to the turmoil and political transformation witnessed throughout the Middle East.

Traditionally, failure or success of the NPT Review Conference was entirely tied up to addressing the situation in the Middle East. As a result, the 2010 NPT Review Conference was considered as a success. In a related context, the success of the 2012 conference on the Middle East will positively impact global disarmament efforts.

### 3.2 Obstacles Facing the Zone

Numerous obstacles surround the creation of a MEWMDFFZ; among these is the definition of the zone and its geographical boundaries.

According to the IAEA and a related UN study group convened in 1990, the Middle East is considered to include the member states of the League of Arab States in addition to Iran and Israel but excluding Turkey.<sup>5</sup>

Throughout multilateral discussions (i.e. the ACRS process) there were views that the Middle East perimeters should be expanded beyond its traditional confines to include extra-regional actors. During Track-II discussions within the ACRS process there were calls to consider the inclusion of Pakistan and some former republics of the Soviet Union to become part of the zone.<sup>6</sup>

Needless to say, broadening the perimeters of the zone or extending its boundaries will increase the zone complexity to the extent of being unachievable. Attempts of expanding the region provide a clear illustration that the Middle East is no longer defined on geographical or strategic merits but rather on an ideological basis.

Traditionally, attention was focused on declaring the Middle East as a zone free of nuclear weapons, as this was seen as a preliminary step towards achieving a WMDFZ in the Middle East. Establishing a NWFZ only was not seen as a practical approach since it lacked comprehensiveness and necessarily meant singling out some countries. Due to political and regional implications, the tendency was to expand the scope of prohibition to include all categories of weapons of mass destruction. Moving from partial to comprehensive prohibition (or from the specific to the general) has added to the complexity of achieving the zone but was needed to maintain a balanced approach.

Recently, the 2010 Non-Proliferation Treaty Review Conference (NPT RevCon) Final Document made a precedent whereby delivery systems (missiles) were directly linked and attached to the scope of the Middle East free zone concept.<sup>7</sup> Of course this is another factor that would complicate realising the zone.

Having highlighted the main obstacles witnessed on the practical level, one has to underline a very important requirement. A legal precondition that

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5 UN Document A/45/435; UN Sales No.E.91.IX.3.

6 ACRS track II discussions, Alexandria 1996.

7 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, "NPT/CONF.2010/50 (Vol. I)\*," 31.



needs to be satisfied prior to the creation of the zone is the commitment of all zone members to the NPT. Failure of acceding to the NPT by states constituting the zone represents a barrier in the quest of creating a NWFZ-ME and significantly weakens its chances. Thus, Israel's non adherence to the NPT would prevent the creation of the zone. Hope can only be restored by encouraging Israel to take positive and serious steps towards joining the NPT, which represents the minimum required level to insure constructive developments in the zone.

### **3.3 Nuclear Deterrence in the Middle East – Applicability and Feasibility**

WMD capabilities exist in the Middle East: they are either possessed, stationed, stockpiled or developed by various parties in the region. Some regimes in the Middle East have been increasingly relying on WMD to define and formulate their security doctrines.

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Non-conventional capabilities in the Middle East are increasingly viewed as a destabilising factor and a significant security threat. The existence of WMD profoundly affects confidence and constitutes a deep divide between various parties in the region. WMD represent a serious environmental hazard and are becoming an inherent source of deep concern for nations and populations of the region.

Deterrence has been the driving force and the main motivation for developing and acquiring nuclear capabilities in the Middle East, an argument that has been neither realistic nor logical.

Israel retains an ambiguous policy and remains one of the three countries remaining out of the NPT framework. Unlike the Indian subcontinent, where nuclear weapons are designed to maintain bilateral deterrence between India and Pakistan, the Middle East remains in a unique situation where nuclear capabilities are acquired to maintain unilateral deterrence and nuclear superiority. It is feared that the existence of nuclear weapons would trigger a non-conventional arms race.

The Israeli argument of establishing deterrence via possessing and

developing non-conventional capabilities has not been entirely convincing. Historical events in the region indicate that nuclear deterrence was not achieved, having failed to deter military confrontation between Israel and its neighbours in 1973 (Sinai war), 1990 (Iraqi strikes on Israel) and in 1996 (the war on Lebanon and Hezbollah missile retaliation).

Furthermore, the notion of nuclear deterrence in a geographically confined area seems quite unrealistic: nuclear deterrence against modest conventional capabilities in the Middle East seems to be highly questionable. Employing nuclear weapons in the Middle Eastern context would prove to have disastrous consequences.

On their part, both Syria and Egypt refuse to accede to the CWC, which was portrayed as a reaction to Israel's non-commitment to the NPT; this has been viewed as an act of deterrence, at least on the political level.

### 3.4 Middle East vs. Other Regions

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In the process of diagnosing the situation in the Middle East, it is important to view and examine international models and existing arrangements that have been successfully implemented in other parts of the world. Despite geographical and political differences of other regions, it is beneficial to deduce positive elements that contributed to resolving contentions, especially what relates to state security contentions. Examining these models provides an enlightening experience for the Middle East. Taking into account the region's specificity one can conclude suitable arrangements to be applied.

Today, there exist a number of regional arrangements that have succeeded in implementing partial prohibition of non-conventional weapons, more specifically nuclear weapons. This is somewhat different from the Middle East that seeks to introduce a comprehensive ban on all categories of weapons of mass destruction in addition to their delivery vehicles.

Declaring a region as an area free of nuclear weapons comes through elaborate and exhausting negotiations. To demonstrate the complexity of these discussions, we take the example of defining nuclear weapons. With the absence of a clear description of nuclear weapons within the NPT, each

region opts for its own definition when establishing their NWFZ. For instance, the Treaty of Bangkok for Southeast Asia defines nuclear weapons as “*any explosive device capable of releasing nuclear energy in an uncontrolled manner.*”<sup>8</sup> The Treaty of Pelindaba for Africa defines nuclear weapons as “*explosive devices capable of releasing nuclear energy, in unassembled and partly assembled forms irrespective of the purpose for which it could be used.*”<sup>9</sup> Clearly, these definitions reflect joint interests and threat perceptions as envisioned by zone members. The Middle East has to come to terms regarding the definition of nuclear weapons, a definition that would suit the interests of zone members and reflect their common fears.

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When it comes to dealing with regional tensions, the Treaty of Tlatelolco for Latin America provides a very positive model. Tlatelolco, opened for signature in 1967 and entered into force in 1969, with the aim of declaring Latin America as a NWFZ, was drafted amidst regional tensions, bilateral rivalries and an ongoing territorial conflict between some member states. Tlatelolco entered into force prior to the settlement of territorial disputes between Brazil and Argentina. The creation of a NWFZ in Latin America provides a very useful illustration that the prohibition of nuclear weapons may be utilised as an effective tool preceding the resolution of conflicts and as an incentive to settling pending disputes.

The treaty of Tlatelolco played a significant role in building confidence and abolishing fears. It paved the way for the creation of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), a bilateral agency playing an active role in the verification and safeguarding of nuclear materials that could be used in manufacturing nuclear weapons. ABACC was an unprecedented arrangement and is considered as the first created bilateral safeguarding agency worldwide. ABACC is a significant model worth examining, as it offers an attractive mechanism with two important conclusions. First, the existence of a multilateral agreement should not prevent bilateral understandings. Second, nuclear confidence-building measures can take place at times of ongoing tensions.

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8 International Atomic Energy Agency - Information Circular INFCIRC/548.

9 UN General Assembly document A/50/426.

Declaring Africa as a continent free of nuclear weapons was tied up with the situation in South Africa. Enacting the Pelindaba treaty had to wait until a settlement of the internal dispute was achieved in that country. This included the dismantlement of South Africa's nuclear arsenal, and independently of that, undergoing democratic transformation and abolishing apartheid. This is a scenario that the Middle East is in great need for. In fact, the situation in South Africa greatly resembles the circumstances in the Middle East with many analogies in common.

President F. W. De Klerk, former president and one of the champions of transformation in South Africa, referred to these analogies,<sup>10</sup> including the tight linkages between the nuclear programme in South Africa and Israel and analogies between the conflict in the Middle East and that in South Africa. Eliminating social inequalities, resolving the internal conflict and sorting out the domestic situation in South Africa have clearly paved the way for declaring the African continent as a NWFZ. Pelindaba provides a clear example where resolving conflicts should precede arrangements of ridding the region from nuclear weapons.

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President F W De Klerk speaking at the Arab Institute for Security Studies (Amman – October 2008)

### 3.5 Residing Fears in the Region – Can They Be Addressed?

The 2012 Helsinki conference on the Middle East (HCME) represents a golden opportunity both for the Middle East and the international community. The

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<sup>10</sup> President F W De Klerk's speech at the Arab Institute for Security Studies. October 2008.

creation of a WMDFFZ in the Middle East represents a common interest for Arabs, Israelis and Iranians. It is an opportunity to adhere to international treaties, build confidence and resolve tensions, including the Arab-Israeli deadlock as well as the Iranian stalemate.

There seems to be an Israeli reluctance for participating in international forums dedicated to discussing regional security and disarmament. Being the only remaining regional country out of the NPT, Israel realises that such forums are usually invested to pointing fingers and launching criticism against that country. Iran, on the other hand, is unclear as to whether the 2012 HCME will be targeting its nuclear programme, officially intended for peaceful purposes. Iranians are sceptical whether they should join the 2012 HCME discussions amidst mounting speculations of a possible military action against their country.<sup>11</sup>

In order to pave the way for a successful conference in 2012, it is important to deal with dominant fears and easing up (or settling) traditional perceptions that prevail amongst stakeholders in the region. Here it is important to create a conducive climate allowing various protagonists to join 2012 the HCME in the absence of any military escalation in the region, especially against Iran. Equally important is providing assurances that the 2012 conference is not intended for bashing or causing a political embarrassment to Israel or any other country.

Within this context, a positive confidence-building measure preceding the 2012 conference on the Middle East needs to be acknowledged. In 2011 and 2012, Arab states have dropped plans to submit a resolution condemning Israel at the IAEA's General Conference. The Arab states' decision to drop their proposed resolution was widely seen as a positive step ahead of the 2012 HCME.<sup>12</sup>

The existence of non-conventional capabilities, more specifically nuclear weapons, represents an essential challenge facing the fragile security system of the Middle East. It is essential to study the underlying reasons for which different states are acquiring nuclear weapons or pursuing their own nuclear

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11 *Possible Military Strike Against Iran's Nuclear Facilities*, CRS Report for Congress, 28 March 2012.

12 *Global Security Newswire*, 12 September 2012.

programmes. It is clear that Israel is not feeling safe, hence it is unwilling to join the NPT and open its facilities to international inspections. Iran, experiencing an acute lack of trust towards the West, is affixed to developing an indigenous nuclear programme believing that this is a legitimate right and a sovereign decision. Both countries view their nuclear programmes as vital to their survival and increasingly becoming part of their “national identity”.

It is particularly important to address Israeli fears, and demonstrate in logical and indisputable terms that Israel’s security was not achieved by non-conventional weapons or via nuclear deterrence.

It is for the common interest of all parties to engage in the 2012 process as soon as possible – a process that would have promising prospects if conducted successfully. It needs to be noted that the 2012 conference is not the ultimate aim, but rather the beginning of a process. And in order not to cause any confusion, it should be clearly noted that this process should have an identified objective and a clear timeframe.

While it would be very difficult to address deeply routed issues pertaining to the Middle East conflict, it should be made clear that the 2012 conference is not the peace process but rather a discussion on the requirements of a peaceful settlement in the region.

Similarly, reviving ACRS talks or replicating former experiences might not bring positive connotations. There is no doubt that ACRS provided a rich experience with very important lessons learnt that could be employed/avoided in the 2012 HCME context. However, reinstating ACRS utilising its old format (where Iran and Syrian did not participate) would not be a positive practice.

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### 3.6 Untapped Options

Having touched on some of the contentious issues that are identified as obstacles, one has to refer to the promising side and highlight available opportunities.

The 2012 HCME is in great need for “non-conventional” proposals, creative reasoning and thinking out of the box. A number of valid ideas have not received adequate attention yet; these may bring promising outcomes and form the basis of positive results.

Obviously, Israel's accession to the NPT is not going to be a quick process. Additionally, political transformations throughout the Arab world will not be conducive for an eminent re-launch of security talks.

With the zone issue being unachievable for a long time, the important questions are "what can be done?" and "are there any possible measures that could be applied?"

Take for example the debate pertaining to the necessity of all states in the Middle East to join treaties prohibiting WMD and the need for Israel to become a member of the NPT prior to any attempts of creating the zone. Careful consideration to international models and treaties reveals that this is a condition that is neither mandatory nor necessary. Hence, membership of the NPT should not be a precondition for countries wishing to establish or join the zone.

Should peace come first or should we start with the zone? This question of priorities was raised and debated during the multilateral talks (ACRS), leading to a total disagreement. Within this context, it has to be noted that another option exists, namely dealing with a WMDFZ in the Middle East as a stand-alone concept. By doing so, there is no need to link the zone issue to security arrangements or to the fate of a peace process that may not develop in the short and medium terms. ABACC provides an encouraging model within this context.

One of the inherent complexities in the Middle East is the deeply rooted territorial dispute which leads to tougher security discussions. With the absence of a dynamic peace process and with a lingering Arab-Israeli conflict, it is apparent that dramatic confidence- and security-building measures are needed.

A number of intermediate measures could be introduced to bring opposite views closer. Such measures may be introduced on the bilateral or multilateral level. Devising such practical steps is key to unveiling obscurity and abolishing fear from the other, including:

1. Developing regional cooperation schemes that take into consideration conducting joint inspection visits to nuclear sites;
2. Introducing cooperative (non-intrusive) monitoring activities, paving the way for joint measurement schemes, the exchange of data and

- environmental samples obtained from the peripheries of nuclear facilities;
3. Collaborate in establishing a regional network for detecting airborne nuclear contamination;
  4. Promoting concepts similar to “Security without Nuclear Weapons” or “Non-Offensive Defence” would prove to be highly beneficial to the Middle Eastern context.

Instating these measures would significantly lower the psychological barriers and help resolve contentious issues. The application of technical-based confidence-building measures would positively impact the regional situation and contribute to ease up tensions.

### **3.7 Arab Spring – Impact on Foreign Policy and Zone Issues**

2011 was an exceptional year that witnessed unexpected and unprecedented developments with profound outcomes and achievements in North Africa and the Middle East. Frustration within the masses played an important factor in stimulating this outburst. Tunisians provided inspiration, Egyptians demonstrated the vulnerability of huge state security institutions. Events taking place in Tunisia and Egypt, the so-called Arab Spring, and the rapid collapse of the security structure in Egypt triggered ignition to a chain reaction whose ultimate outcome was never predicted nor forecast. This provided a stimulus to the peoples of the Middle East. For the first time in many decades, peaceful protests led to the collapse of political regimes; this brought back confidence to street movements and dynamics. But it was not entirely frustration that led to this outburst; reactions seen on the streets of Arab cities were also due to a desperate need for freedom, democracy, combating corruption, the demand for a higher level of human rights and the urgent need for better economic prospects. Protestors went to the streets seeking a change of the political, societal and economic orders.

Having said that, one cannot overrule the influence of foreign policy issues on these transitions. Arabs blamed their regimes for deteriorating local policies, but also saw their regimes as directly responsible for the suffering of Palestinians and the empowering of the Jewish state. It may



not be the immediate priority of newly established regimes to engage in an early confrontation with Israel, but this cannot be ruled out.

To summarise, regional transitions were initiated by local needs and to a less extent by foreign policy priorities. That being said, it is widely believed that these transitions will ultimately impact foreign policy pillars. Senior Egyptian diplomats predicted that the key features of foreign policy would be unchanged in the short and medium terms. However, reaction of newly established regimes towards emerging regional developments will be much greater both in terms of rapidity and magnitude. The following points provide further elaboration:

1. Adherence to international treaties will be sustained; the key pillars of foreign policy will be unchanged in the short and medium terms;
2. Traditional interests will be upheld. Thus, the Egyptian position devoted to establishing a WMD-FZ-ME will persist and might be boosted in fact;
3. Newly established regimes will focus on domestic issues (i.e. combating corruption, enhancing economic opportunities), yet demonstrating an outspoken attitude towards Israel (i.e. occupation, injustice and the zone) and critical approach against Israel;
4. Personal endeavours of former regimes will be abolished. A good example in this context is the “Sahel-Sahara Alliance”, a regional security alliance created by former Libyan leader Ghaddafi, that seems to be already abolished.

While foreign policy issues had a limited impact on regional transformations, the following questions should be taken into consideration, namely:

1. To what extent would regional transitions affect foreign policy issues, more specifically the zone issues and arms control arrangements?
2. Would we have a sustained interest by traditional regional players of the zone?
3. Is it possible to witness the engagement of non-traditional players?

### 3.8 Challenges Facing the Facilitator

The mission of the facilitator is not an easy one. A number of challenges are already lined-up in anticipation for proper attention. Challenges are wide ranging

and multifaceted, be it on the political, organisational or logistical levels.

2012 is a year congested with events with a very busy calendar; major elections were held or are slated in Russia, France and the United States. It is highly probable that these international commitments may detract attention and overshadow preparations for the 2012 HCME, hence careful selection of the conference dates is strongly recommended.

To insure successful operation, the facilitator is under an obligation to establish a capable team of high calibre and neutral stance; funding this administrative structure is another complication that needs to be sorted out, especially in the long run.

Apart from these challenges, the facilitator is confronted with the immense task of convincing all stakeholders to join the process and converge to the same table; this entails agreeing on a working agenda and addressing suitable themes.

There is a wide-ranging consensus that a single meeting will not be able to provide a settlement to all pending issues. For the 2012 HCME to succeed, it should be in the form of an ongoing process rather than being a singular event.

An ongoing process resulting from the 2012 conference is the best-case scenario that may be achieved. However, a number of other possibilities may develop, including, but not restricted to, differing the meeting beyond the year 2012 or utilise an existing forum in conjunction with which the conference could be held.

In all cases, the NPT 2013 and 2014 Preparatory Committee (PrepCom) represent important milestones; indeed, the 2015 NPT RevCon is an important date that was spelled out in the 2010 NPT RevCon Final Document.

### **3.9 The Amman Framework – In Support of the Facilitator**

The proliferation of non-conventional capabilities represents an essential challenge facing the fragile security system of the Middle East. Nuclear weapons proliferation has been a steadfast challenge. The creation of a WMD Free Zone in the Middle East is an important prerequisite to achieving regional stability; the existence of a zone will have numerous advantages with gains outweighing any other negative implications. The 2012 conference represents

a breakthrough that should not be wasted. Hence, efforts should be geared up towards supporting the facilitator to enable the process to go forward.

An important mechanism dedicated to supporting the facilitator and the 2012 HCME is the Amman Framework. One of the first achievements of the Amman Framework was the creation of an independent international commission that aims to support the outcomes of the 2010 NPT RevCon, including the important decision of holding the 2012 HCME. An essential objective of the Amman Framework is the provision of full backing and assistance to the facilitator, prior, during and following the meeting. The Amman Framework members share the deep belief that a bottom-up approach could bring a profound difference and the need for a semi-formal effort to aid a formal momentum.

With the decision of appointing Ambassador Jaako Laajava as the facilitator for the 2012 HCME, the Amman Framework hosted a preparatory meeting for the 2012 conference, discussing the provision of support to the conference as well as highlighting prospects and obstacles facing the process. The meeting was the first regional meeting following the appointment of the Ambassador.

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The Amman Framework will host the last specialized meeting on a WMDFZ before the end of 2012, shortly following the European Union (EU) Non-Proliferation Consortium meeting in Brussels – and hopefully – prior to the anticipated meeting in Helsinki.

The Amman Framework statement addresses various important issues (see Annex A). This publication is one of the contributions by the Amman Framework in support of the 2012 HCME.



Amman Meeting in support of the 2012 HCME (first international meeting held following the appointment of the facilitator), November 2011

## Chapter Four

# The Traditional Role of the League of Arab States in a Zone Free of Weapons of Mass Destruction; A Historical Recount

Ambassador Dr Mahmoud Karem

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### 4.1 Historical Context

The 1974 initiative presented by Egypt and Iran to establish a Nuclear Weapons Free Zone in the Middle East was later shouldered by Egypt due to the changes brought about by the 1979 Iranian revolution. No longer could the consultations between both delegations move smoothly as the new policies of Ayatollah Khomeini created a new dictum and the entire diplomatic formation of the Iranian delegations in multilateral diplomacy and UN-related organisations had changed. One major fact needed to be underscored; mainly that the 1974 initiative was a by-product of both diplomacies. Both the Egyptian mission to the UN in New York in 1973-1974 and the Iranian mission were deeply consulting on the language and phraseology of the text. This detailed recount outlines the historical unfolding of the initiative in order to better understand the dynamics of subsequent initiatives and to make clear that the idea itself cannot be attributed to one diplomacy alone, be it Iranian or Egyptian.

In order to clarify some points, a number of historical facts need to be outlined. The item bearing the title “Establishment of a Nuclear Free Zone in the Region of the Middle East” was included on the General Assembly’s agenda in the twenty-ninth session. In response, on 15 July 1974, Iran dispatched an Explanatory Memorandum (A/9693) in which it made several points. First, the developments in the region imparted a sense of urgency to this proposal because “greater access by states to nuclear technology has rendered the danger of nuclear weapon proliferation and a concomitant collapse of the non-proliferation structure, a more acute problem.” Second, the General Assembly was the most suitable organ in which a proposal of this nature could be discussed. Third, as a result of the ambiguity surrounding the geographical designation of the region and its security interests, the decision on the precise delimitation of such a zone should be left to the General Assembly. Iran, however, asserted that the preference was for the zone to include “as wide an area as possible”.

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Eight days later and following extensive consultations between Egypt and Iran, Egypt decided to co-sponsor the Iranian request (A/9693/Add. 1 of 23 July 1974). These consultations resulted in a bilateral understanding between both countries to change the title of the item from “Establishment of a Nuclear Free Zone” to “Establishment of a Nuclear Weapon Free Zone” (A/9693/Add.2 of 22 August 1974). Both countries had agreed that the thrust of the initiative should be directed against the dangers of nuclear weapons and should not hamper their mutual quest for the use of nuclear energy for peaceful purposes, which resulted in adding the word “*Weapon*” to the title of the item. A message sent by the shah of Iran, Mohamed-Reza Pahlavi, to the UN Secretary-General clarified that position: “*Atomic science represents man’s best hopes for survival and his worst fears of doom. If coming generations are to enjoy the blessing of that technology and be free of its burdens, if we want to open new doorways to peace, we must be as bold and as imaginative in curbing the spread of nuclear arms as we have been in creating them.*”

This same letter went on to discuss the conditions governing the proliferation of nuclear technology and caution against processing fissile material and the wider dissemination of scientific knowledge that could make acquisition of

nuclear weapons a “less burdensome undertaking”. The letter stated that, “*Within the political setting of our region this might mean more than a mere involvement of adversaries in a senseless and wasteful nuclear arms race*”.

Several conditions governed the position of both countries and served as an incentive for the introduction of this item. First, the emergence of a conducive climate of understanding between Egypt and Iran following the 1973 Arab-Israeli war. Late President Anwar el-Sadat described this new relationship in his book *In Search of Identity*. He described how the relationship evolved from one of animosity between both countries under Gamal Abdul Nasser to that of mutual understanding under his own presidency. Sadat asserted: “*Today I am proud to state that Egypt’s relations with Iran and with the whole world are based on mutual respect and trust. I shall never forget the day when the Egyptian petroleum reserves fell to a dangerously low level, after the October 1973 War due to the closure of our oilfields. I sent word to the Shah of Iran and he immediately supplied us with more than 500,000 tons. He actually ordered Iranian oil tankers that were at sea to change course and go directly to Egypt to offer help.*”

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The Shah responded by stating, “*El-Sadat is a brother to me, I shall respond to his request on the spot.*”

Second, it became evident during and following the 1973 Arab-Israeli war that the region came close to the brink of a nuclear exchange. This was underscored by the fact that Israel did not dismiss altogether the nuclear alternative as a last resort, in the event of a defeat with conventional weapons or in a situation whereby the heart of Israel became endangered. Reports to this effect were cited by *Time* magazine (12 April 1976 p. 39), in which it was reported that thirteen Israeli nuclear warheads were “*bastily assembled at a secret underground tunnel during a 78-hour period at the start of the 1973 October War and were sent to desert arsenals where they remain today, still ready for use.*” During that phase of the war, Israel faced an unprecedented defeat on the Egyptian and Syrian fronts, compelling Israeli Prime Minister Golda Meir to cable Washington on the fourth day of the war to “save Israel”.

Third, this same war also demonstrated the dangers of drawing both the Soviet Union and the United States to the edge of a nuclear holocaust. Both superpowers

airlifted supplies and supplied military hardware and technology to the opposing sides, and were thus involved in the war. The global perspective of that war was in essence one of East-West confrontation through third parties or “pawns”.

Perhaps the most dangerous moments of that war came when the United States went on a worldwide general mobilisation of its forces. As US President Richard Nixon in 1980 described the situation, “*Our airlift to Israel and the alert of our forces which I ordered in 1973 with the knowledge that these actions might lead to an Arab oil embargo were a demonstration of how far the United States will go to keep our commitment to Israel’s survival.*”

Henry Kissinger observed that the American worldwide alert prompted the Soviets to place elements of the East German army on alert. This in turn forced the United States, according to Kissinger, to alert the Eighty-second Airborne Division and dispatch two aircraft carriers, the *F.D. Roosevelt* and the *J.F. Kennedy*, to join the carrier *Independence* east of the Mediterranean. The US forces were ordered to a state of alert, known as DefCon III, which “increases readiness without the determination that war is likely”. Nixon cabled Sadat, requesting him “*to consider the consequences for your country if the two great nuclear countries were thus to confront each other on your soil.*”

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Finally, the period of the early 1970s coincided with the launching of ambitious programmes by Egypt and Iran for the peaceful uses of nuclear energy. Both countries had requested nuclear-power reactors from the United States and thus were in need of demonstrating the seriousness of their intentions to the American legislative branch. The pro-Israeli lobby in the US Congress argued against the approval of the sale of reactors to Egypt. John F. Roehm, Professor of Military Science (cited in Spanier and Noguee, 1981) demonstrated how the Egyptian request for a nuclear reactor “*raised a storm of controversy in Congress,*” which resulted in a provision in the 1974 Foreign Military Sales Act (the Nelson-Bingham bill), authorising Congress to “veto US arms sales to foreign governments of \$25 million or more.”

The introduction, therefore, of the NWFZ initiative by both Egypt and Iran could be viewed as a means of demonstrating the good will of both parties, thus, softening opposition to their demands for peaceful nuclear reactors. (Egypt at that time, it may be recalled, had not yet ratified the Non-Proliferation Treaty).

In 1974 a draft resolution was presented to the First Committee of the UN General Assembly by Egypt and Iran. The issue subsequently was opened for a debate. Egypt argued three fundamental principles pertinent to the discussion about a Middle East NWFZ:

1. States of the region should refrain from producing, acquiring, or processing nuclear weapons;
2. Nuclear-weapon states should refrain from introducing nuclear weapons into the area or using nuclear weapons against any state of the region; and
3. An effective international safeguards system affecting both the nuclear-weapon states and the states of the region should be established. Egypt also emphasized that the establishment of a NWFZ should not hamper states from enjoying the benefits of the peaceful uses of nuclear energy, especially given the economic needs of the developing countries.

At this juncture it was interpreted that an Israeli vote against the resolution might have directed world attention to its unsafeguarded nuclear facilities. On the other hand, a vote in favour would have dissipated Arab fears, thus affecting the psychological deterrent. Hence, the abstention provided a convenient way to reiterate the original Israeli position that the countries concerned in the Middle East must conduct direct preparatory negotiations. Such a proviso has been considered by many to be unfeasible as long as Israel occupied territories of three Arab states, including the holy religious city of East Jerusalem.

The Israeli abstention in the United Nations was explained in terms of the necessity of holding direct consultations between states in the Middle East and Egypt and introduced an amendment calling for a “preliminary process of consultations between the Secretary-General and the states of the region.”<sup>13</sup>

As years went by, the resolution was annually voted upon in the UN General Assembly (UNGA) and the number of Arab co-sponsors increased. Hence, the 1974 initiative never started as a solid Arab text or a unified Arab initiative.

As the 1974 initiative concentrated on just one component of weapons of mass destruction, it is important to answer the question why only nuclear

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13 Mahmoud Karem, *A Nuclear-Weapon-Free Zone in the Middle East: Problems and Prospects*, 1988, Greenwood Press New York, pp. 92-117.



weapons were considered. First, and as described, the danger of a nuclear war in the Middle East after the 1973 war brought the world close to the brink of a nuclear exchange. Second, and as briefly mentioned above, it is also important to state that the first initiative on a nuclear-weapon free zone in 1974 dealt with only one element of weapons of mass destruction, namely nuclear weapons.

When the weapons of mass destruction free zone (WMDFZ) initiative was launched by Egypt in 1990 in Baghdad, several serious developments were taking place involving the Arab world. The first was the blatant use of chemical weapons in the 1980s in the war between Iran and Iraq, to the extent of changing its military outcome. Second, the illicit purchase by Iraq of “super-guns” from the United Kingdom (UK), and the intervention, at the time, by British authorities and customs officials, to intercept this shipment and increasing incriminating evidence against the Arab world. Third, the attempt by others in the Arab world to “purchase” a nuclear device from different sources be it the AQ Khan network, through North Korea or even through buying the necessary precursors from western companies, including chemical precursors which the Australia Group and its list of annexes in the 1990s prohibited. Additionally, the establishment of a facility in Rabta (Libya) to manufacture chemical weapons and their precursors, as well as the Lockerbie terrorist incident, gave the indication that the Middle East may be on the brink of manufacturing WMD tied to worldwide terrorist operations.

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This necessitated a generic Arab initiative to broaden the 1974 initiative that dealt only with nuclear weapons, by adding two other components, chemical and biological weapons to the list of prohibition. Once again this initiative gave Egyptian diplomacy the leadership and world credit. The initiative was presented in an Arab summit in Baghdad and announced by Egypt on 9 April 1990; it was met with a great deal of resistance and displeasure from the Iraqi host delegation, and remained until the end of the conference a reason for extreme friction between the Egyptian delegation to the conference and the Iraqi hosts.

When presented at the time, the initiative consisted of three important pillars:

1. That all weapons of mass destruction in the Middle East be prohibited,

- nuclear, chemical or biological; without exception;
2. That all states of the region without exception make an equal and reciprocal commitment in this regard;
  3. That verification measures and modalities be established to ascertain full compliance by all states in the region with the full scope of that prohibition without exception.<sup>14</sup>

## 4.2 1995 Indefinite Extension of the NPT

An important episode in the quest of creating a WMD Free Zone in the Middle East is the 1995 NPT resolution and the associated extension of the Treaty. Here, it is important to underscore that the indefinite extension of the NPT in 1995 was part of a package that included the adoption of a specific resolution on the Middle East co-sponsored by the three depository states of the Treaty (Russia, the UK, the US). Through negotiations with the Egyptian delegation, the US delegation, chaired by Madeline Albright, made it very clear that the acquiescence of the UK as well as the Russian Federation was needed. The Egyptian delegation in turn made it clear that the whole matter was contingent upon the approval by the Arab group in New York. In this vein, I recall shuttle diplomacy and numerous meetings with the Arab group. The most serious episode took place when a proposal by the depository governments requested the Arab group not to single out Israel alone and to mention the names of all states in the region which had not yet ratified the NPT.

At the time, three Arab countries in the Middle East had un-safeguarded nuclear programmes; Oman, Djibouti, and the United Arab Emirates (UAE). Egyptian diplomacy argued that the case of Oman, Djibouti, and the UAE were not comparable to the Israeli case, and that it was a matter of correct logic and reason to “single out” or “name-call” Israel as the only country that possessed a nuclear programme dedicated to producing fissile material for military purposes. However, all such efforts failed. Oman, the UAE, and Djibouti refused to be placed in the same basket with Israel. It took relentless

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<sup>14</sup> Mahmoud Karem, “The Middle East”, in Jayantha Dhanapala, *Regional Approaches to Disarmament: Security and Stability*, UNIDIR, Dartmouth, 1993, pp 117-143.

efforts of persuasion and negotiation to convince all the parties to accept the final language of the 1995 Middle East resolution. The fact that the 1995 resolution did not mention Israel by name, incorporating instead a reference to the report of the Review Conference Main Committee III, is an important historical compromise by the Arab delegations as well as the League of Arab States (LAS), in order to ensure the success of the conference despite last-minute Iranian objection and a threat to break the consensus by Iran. This historical recount is important since it demonstrates once again the flexible position taken by the Arab group in 1995 which made the indefinite extension of the NPT possible.

### 4.3 Analysing Overall Performance of League of Arab States in the Zone Issues

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Analysing the overall performance of the LAS and the role of Arab states in a zone free of WMD is important. Since the outset, the zone became the subject of a steady and regular resolutions of the LAS at all levels, be it meetings of permanent representatives, foreign ministers or Arab summits. Each year the League adopted a resolution not only on the seasonal occasion of NPT meetings or the convening of the Preparatory Committees of the NPT itself, but steadily on the subject proper. It therefore became a regular item on the agenda of the meetings of the LAS. However, its inscription was not without problems. Fears nevertheless within the Arab region remained and pointed out to Israel's nuclear capabilities. Jordan stated that "the development of a Nuclear Weapon Free Zone or a Zone Free of WMD will remain unattainable so long as Israel is not a member of the NPT."

For a long period exceeding seven years, the LAS designated a study group, or a Technical Committee, with the full support of the Secretariat of the League, to draft and prepare a Draft Convention on a Zone Free of Weapons of Mass Destruction in the Middle East. This endeavour was presided over by the author of this chapter for seven years and ended up with a *Draft Treaty* that contained many of the elements and prerequisites for establishing such a zone. It is worth noting that during the numerous meetings of the working group, Iran showed interest in the committee's work and requested

repeatedly to attend as an observer, a matter that was denied due to other problems, mainly since Iran was not a member of LAS but also because Iran had an unsettled dispute with one of the LAS members, the UAE, over the occupation of three UAE islands.

Noteworthy also is the fact that, at the time of beginning negotiating the draft treaty in the LAS headquarters in Cairo, only Egypt had a peace treaty with Israel. This is significant since it may indicate that at the time there existed Arab recalcitrance to deal with Israel as an entity or a member of the region. This actually did not happen and the Arab negotiator showed wisdom and practicality in negotiating a text with a great deal of objectivity. Additionally, it also did not limit Arab states from fully participating in this exercise. The Saudis for instance were highly represented at the outset by Prince Turki Bin Mohamed Bin Saud Alkabeer, the present Under-Secretary-General of the ministry of Foreign Affairs of Saudi Arabia, and Head of the International Organisations.

Other Arab countries that did not have a peace treaty with Israel practiced a “hostile” stance against Israel and called for its eradication from the Middle East, had no second thoughts when the time came to seriously indulge into that complicated endeavour. History attests that, when the group started to discuss the geographical delineation of the zone in the early 1990s, the inclusion of Israel was approved both by all members of the Technical Committee including Libya and Iraq. Both delegations went along the conventional wisdom that Israel was part of the region and neither denied it that right. As the rolling text proceeded and the responsibilities expanded, no consternation against the state or people of Israel was exhibited, except with Israel’s policies of aggression and its nuclear policy. It seemed at the time that all members of the Technical Committee realised that such a text would become a useful tool at a certain stage, and that the momentum should not be lost or delayed until the achievement of full and permanent peace. There is an important message here which I hope will not be lost.

The rolling text, which is still the property of the LAS, proved to the outside world that Arabs were ready to implement the initiative and that Arab *bona fide* was highly visible. As a result, a permanent item entitled “Making the Middle East a Zone Free of Weapons of Mass Destruction with Nuclear

Weapons First” was inscribed on the agenda of the League of Arab States. The salient elements of this resolution contained the recommendations of the meetings of the Technical Committee entrusted with the preparation of a draft treaty to make the Middle East a zone free of weapons of mass destruction. Arab foreign ministers, therefore, requested the Technical Committee to intensify its work and to continue to engage all Arab member states on issues related with preparing and finalizing the Draft Treaty Text, including the strategic scope of the treaty, with the understanding that the LAS would eventually consider the need for using, operationalising, or publishing this text in light of international circumstances at the time.<sup>15</sup>

In terms of statistics, the last meeting of the Technical Committee was in January 2006 and the total number of meetings reached 23 meetings. During these meetings, the *Draft Treaty* itself was prepared as well as several annexes and proposed protocols. It seems that LAS efforts reached fruition or maximum insofar as the preparation of the text of a zone free of weapons of mass destruction Treaty, as well as the protocols attached to the *Draft Treaty*. Concomitantly, LAS efforts were diverted towards the preparation of a common Arab position vis-à-vis the NPT and the Middle East conference which is supposed to be convened in 2012.

A historical analysis of the text of the *Draft Treaty* itself is warranted. What did the LAS Technical Committee draft? What did the draft text itself contain? The text contained a general section with eight introductory preamble paragraphs, typical of similar zonal treaties. In essence these paragraphs outlined the determination to implement the objectives of a treaty for a zone free of weapons of mass destruction by upholding certain commitments to prohibit all activities, possession, production, testing, use, development or transfer of any of such components under strict international safeguards. The paragraphs also highlighted the need to uphold the principles and provisions of the United Nations Charter so that scientific, nuclear, chemical, and biological research be confined to the service of mankind and peaceful uses alone. The text also underscored the importance of the NPT, the Chemical Weapons Convention (CWC), and the Biological Weapons Convention (BWC).

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<sup>15</sup> Resolution 6561 Dated 8 September 2005

In the operational sections of the *Draft Treaty* prepared by the members of the Technical Committee of the LAS, Article 1 of the draft text dealt with the geographical definitions; the Middle East region was defined to include all states members of the Arab League plus [Iran], [Israel], [Turkey], [Cyprus], [Malta], and [Pakistan]. The reason for the brackets in the text followed the distribution of a questionnaire to all LAS states on their views on the definition, the boundaries and limits of the zone. As no consensus was reached, the brackets were retained until the final stages of negotiations. It is interesting to note that the discussions that followed in the Technical Committee revealed that the brackets themselves were not directed against the inclusion of Israel, but over the widening of the scope and the large geographical delineation of the proposed zone to be extended up to Pakistan, which in the view of some would complicate the necessary measures of inspection.

The draft text went on to define: weapons of mass destruction; the meaning of a facility; activities not included in the treaty; the definition of material; the relevant organisation to implement the treaty, including the establishment of a General Conference and an Executive Committee; the meaning of assistance, cooperation between the organisation and the state in case a particular state in the region fell under the threat of use of a weapon of mass destruction.

In the second operative article that dealt with general provisions, it was stated in clear terms that the prohibition of a weapon of mass destruction shall include, possession, testing, deployment, research, use, or threat of use, or preparation of any weapons of mass destruction directly or on behalf of a third party.

The scope of prohibition also included prohibition of transfer, or allowing the transfer of weapons of mass destruction through the territories of zonal states. In essence the six subparagraphs under general guidelines contained clear-cut commitments and undertakings by state parties to the Treaty: to respect the status of the zone; to prevent any facilities from producing precursors of any type related to a WMD; to prohibit reversing or changing the nature of research from peaceful uses to an opaque “doubtful” nature; to prevent the disposal of weapons of mass destruction or any kind of waste on the territories of zonal states and to report immediately any chemical, biological, or nuclear leakages.

The *Draft Treaty* text also included an article concerning the methods of filing a declaration presented by a state party to the organisation in a specific period of time, containing all the relevant information on activities, as well as facilities and materials subject for verification and inspection measures. Article IV identified the annexes to the treaty including protocols for nuclear, chemical, and biological materials and facilities. Several annexes were appended: one underlined security assurances from the five permanent members of the Security Council to the zonal states; an additional annex provided for commitments of neighbouring states; and an annex contained geographical maps of the zone and adjacent states. The references to the machinery included: the general provisions of the Organisation; the definition of the system for inspection and control; the measures vis-à-vis violations; corrective measures; cases of collective measures; and referral to the Security Council.

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Article V addressed inspection and verification measures. Article VI identified means of consultations and cooperation between member states. Article VII referred to conflict resolution and arbitration. Article VIII focused on the duration of the treaty where reference was made to either an indefinite duration or a period of 25 years. Article IX highlighted the review process with a review conference to be convened once every 5 years. Article X listed measures for amendments and the necessary prerequisite mechanism for the adoption of an amendment. Article XI dealt with signature, Article XII with ratification, Article XIII with entry into force, where the approval of Israel was necessary for the entry into force of the Treaty. Article XIV gave the right for any state in the Middle East which did not sign the treaty before its entry into force to do so at a later stage. Article XV clearly stated that no state had the right to declare reservations on the principles and provisions of this Treaty. Article XVI listed the legal measures for withdrawal and finally Article XVII listed the languages of the text.

The League of Arab States continued over several years the preparation of general principles for the establishment of the regional organisation which included 21 Articles that dealt with membership, location of the headquarters, the objectives, the mission, the organisational structure, the

General Conference, system of voting, the provisions of the Executive Council, the Director General, the role of the Secretariat, the establishment of three technical divisions each dealing with one weapon of mass destruction, the responsibilities of the financial department, the legal department, financial control, and finally privileges and immunities. These general principles for a regional organisation ensured the efficacy and the smooth operation of the treaty once it entered into force.

In conclusion, the LAS effort in this regard, as has been explained, is substantial and the primary negative aspect is the fact that the draft text is kept hostage to the drawers somewhere in the LAS headquarters. No dissemination of information, transparency or publication of the text occurred, depicting the Arabs as lagging behind the objectives of declaring the Middle East a zone free of weapons of mass destruction, when in reality the League of Arab States has done substantial work in this regard beyond the expectations of many people. It may be added that LAS technical committee, particularly during 2005-2007, and under the chairmanship of Saudi Arabia achieved considerable progress in underlining and listing certain measures, hierarchical commitments and organisational structures. In essence the draft text is quite advanced and in my view is no less different or complete from the treaties of Tlatelolco 1967 (including OPANAL), Pelindaba 1996, Raratonga 1980, Bangkok 1995, since it reached certain provisions, textual compromises and consensus after a long democratic process of consultations, distribution, vivid responses to circulated questionnaires and commissioning or requesting specific Arab states to present working papers that built on their relative experiences in certain areas. To elucidate on this particular reference, Article VII of the original draft text on dispute settlement was given to Kuwait and Jordan to prepare a compromise text, and was presented to the “next meeting” of the Technical Committee, i.e. 2004.

In this vein, the Technical Committee also read and discussed throughout four consecutive meetings a draft protocol on nuclear facilities and material. Member states participated actively and interacted by sending specific remarks on the draft protocol, whether on biological, chemical, or nuclear issues.

Not everyone will agree on this positive analysis of the Arab position on the subject. Some scholars believe that a careful perusal and a thorough study



of the conduct of Arab states, the role of LAS vis-à-vis Arab adherence to non-proliferation treaties as well as other related instruments shows a sense of disparity and a degree of dysfunctional Arab positions. Some may even argue that there is no one common, united Arab position on accession to all instruments of WMD particularly the CWC and the BWC, and that the Arab League itself does not play any significant role to forge this united position.

When you place this question to Arab League officials they will simply state that the reason behind this division or delay is Israel's refusal to accede to the NPT and the unresolved Arab-Israeli conflict which makes Arab adherence contingent on progress from the Israeli side on arms control issues. In my view, however, adherence to these treaties by all states of the region will help establish the necessary foundations and the legal edifice necessary for the establishment of a WMD zone. It will also forge confidence building and place the Arab world in tandem with international instruments, measures and regimes which have been in existence for a long period of time such as the Missile Technology Control Regime (MTCR) and others. Some also blame internal and domestic administrative and legislative measures. This, however, can be attributed to diversity.

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In this regard, I agree with the notion presented by David Santoro that the Arab League and the Gulf Cooperation Council (GCC) could *“play a significant role to strengthen the non-proliferation and nuclear safety and security regimes by encouraging their members to adhere to and implement more of the instruments detailed in ‘this’ paper. Both regional organisations could also help such implementation, notably implementation of UNSCR 1540. Doing so would enhance transparency, protect the environment and people of the region against radiological releases and contribute to regional security. Wider regional adherence to these instruments would also be an important building block on the way to the creation of a zone free of nuclear weapons and other WMD in the region.”*<sup>16</sup>

However, and following reading statistics by Santoro and others, it is noticed that most international statistics and tables presented in different

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<sup>16</sup> David Santoro, “Status of non-proliferation treaties, agreements, and other related instruments in the Middle East”, EU Non-Proliferation Consortium, 2011, pp 12.

academic publications do not precisely define the Arab world in terms of membership to the Arab League. Some of the statistics do not objectively list the positions of important Arab countries such as Djibouti, Sudan, Mauritania, Somalia, Comoros and Palestine (although Palestine is not yet a fully independent state). These are members of the LAS! The statistics and table offered by Santoro excluded five Arab member states of the LAS referred to earlier. Nevertheless, these statistics present an indicative survey of Arab states' positions vis-à-vis instruments and treaties related to the zone free of weapons of mass destruction initiative. A numerical breakdown reveals that all Arab countries have ratified the NPT. Only 11 have signed and ratified the Comprehensive Test Ban Treaty (CTBT). Algeria, Libya, and Tunisia ratified the African Nuclear Weapon Free Zone Treaty, but not Egypt despite the fact that Egypt hosted the signing ceremonies of the Treaty in Cairo in 1996. Egypt's position remained tied or linked with Israel. Morocco too did not ratify the Treaty due to its position vis-à-vis the African Union.

A sample of 16 Arab countries shows that all 16 Arab countries enjoy full IAEA membership with safeguards enforced, only 4 ratified an Additional Protocol and 5 only signed one (Egypt for example did not sign an Additional Protocol). Only 14 Arab countries ratified the CWC and the same ratified the BWC; only 8 Arab countries ratified the Convention on Nuclear Safety; 8 ratified the International Convention for the Suppression of Acts of Nuclear Terrorism of 2005; and 14 ratified the Convention on the Physical Protection of Nuclear Material of 1979.

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#### 4.4 Preparations for 2012

The Arab statement dated 11 May 2012, presented at the first NPT Preparatory Committee held in Vienna, was delivered by the Permanent Representative of Jordan to the IAEA and Austria. Recounting the circumstances surrounding the delivery and the preparation of such a statement is important since it sheds light on how cohesive, or non cohesive, the Arab group is. The first fact is that the statement was prepared by the Arab group in New York, with little additions or amendments from the Arab group in Vienna. Yes, there

were consultations and the Arab League was involved to the extent that the Head of the Disarmament Department in the LAS had to travel from Cairo to New York to attend and assist in the adoption of that statement a few weeks before the Preparatory Committee.

The statement itself underlined the importance Arab nations attribute to the convening of the 2012 Conference on a zone free from nuclear weapons and other weapons of mass destruction, and especially the participation of all states in the Middle East, since these states will be entrusted with identifying the follow-up measures outlined, at a later stage, by the Finnish facilitator. In this statement, Arab states underscored their commitments to convene the 2012 conference, as stipulated in the Review Conference of 2010, which was a result of long negotiations especially in light of the steps already taken towards this objective, including the convening of the IAEA Forum to study and emulate lessons learned from other similar nuclear weapon free zones around the world. The Arab states also declared in this statement of May 2012 that the circumstances affecting the Arab world, meaning the “Arab Spring” and the situation in Syria, at present, should not impact negatively on a unified Arab position concerning the commitment to convene the Conference before the end of 2012. Arab states also declared that they see the conference itself as a reason for ensuring stability and in this regard declare their strong political will to remove all obstacles, including the withdrawal of the presentation of an annual resolution on “Israeli nuclear capabilities” in September 2012 before the Annual Conference of the IAEA, as a proof of Arab bona fide. Additionally, Arab states refused the linkage between the convening of the conference and the peace process, establishing the zone and the need for an equitable treatment of all three elements of the NPT Treaty highlighting the inalienable right for peaceful uses of nuclear energy without exception and without neo-, elastic, and subjective interpretations of Article IV. Finally, members of the League of Arab States repeated their call to urgently place all nuclear facilities in the Middle East under IAEA safeguards in order to achieve the universality of the NPT, and called for the urgent accession of Israel to the Treaty as a non-nuclear-weapon state in order to set an example, reverse the arms race, and concentrate in the region on

economic and social development, which is direly needed.

However, the basic question is: how cohesive or unified were the Arab states behind the full principles and provisions of that statement? What are the governing dynamics of the operation of the Arab group in New York, and how much different are they from the dynamics of the operation of the Arab group in Vienna?

When such a question was placed to Arab League officials, the answer came clear: the Arab group, like any other group, is democratic, pluralistic and diverse. Differences in positions between similar groups of Ambassadors in New York, Vienna, or Geneva will always be there, and it is but natural that each group will operate with different dynamics but with one objective. Additionally it was explained that achieving such a united Arab position is crucial vis-à-vis the Finnish facilitator, as well as the United States and members of the western group, particularly the EU. Any show of weakness will be construed as a departure or fissure inside the Arab group that will serve Israel in the first place, and compromise the chances of convening, as agreed to, a special conference on WMD in the Middle East in Finland by the end of 2012.

Alternately, and when the same question was put to other non-official Arab researchers and thinkers the answer came different. It was postulated that there were serious divisions amongst the Arab group, adding that the same group which collectively approved the Arab resolutions on a NWFZ in the ME as well as other Arab initiatives may be acting differently this time. Why?

Some researchers attribute this shift to the lack of a common Arab position on what is unfolding in the Arab world following the “Arab Spring”. Syria, a member of the LAS, witnessing severe violations of human rights, is levying pressure on the homogeneity and solidarity of the Arab group in international multilateral organisations and forums.

From an Arab standpoint, the focus is on Israel to attend the 2012 conference, since Israel is a non-NPT member. The Iranian nuclear file is placing considerable pressure on Arab solidarity, as some feel that the region should be spared a devastating war involving Iran, while others perceive and consider the Iranian threat as more dangerous than Israel. Those who advance

this scenario claim that they have cohabitated with the Israeli doctrine for a long time, whereas the Iranian threat is connected to flexing hegemony in the Arabian Gulf, exportation of ideology as well as the need to resolve the occupation of three islands belonging to the UAE. Such logic is dangerous since it denies the core reason for addressing all nuclear threats in the Middle East, first and foremost the Israeli threat, which remains responsible for engraving a doctrine of deterrence in the Middle East, and fixating an Israeli nuclear veto policy. Frequent visits by senior and top Iranian leaders to the occupied UAE islands exacerbate the situation and make the Iranian nuclear matter an added threat and a serious escalation to the unresolved conflict.

Others argue that the decay of Egyptian position in international organisations, due to domestic difficulties of the transitional period following the 25 January revolution, is levying a serious toll since after the change in the leadership that had ruled over several decades, the deep knowledge of the issue is no longer available, therefore, creating a diplomatic vacuum that has not been filled. Proponents of this view argue that this was the major reason for the abrupt departure of the Head of the Disarmament Department of the LAS suddenly to New York, to personally oversee the unfolding of the final stages of the statement before the Vienna meeting as the Permanent Ambassador of Egypt was about to leave his position. The author does not subscribe to this view since Arab diplomacy is rich with leaderships and skills, and it is renowned for academic integrity and analytical balance.

Additionally the GCC states initiative for a regional WMDFZ in the Gulf is also seen to come at the expense of a collective Arab support to the 2012 conference for a NWFZ and a zone free from all WMD. A sub-regional approach for a Gulf Zone Free of WMD as proposed by the GCC members is seen by some as incremental, divisive and will target only Iran, leaving out Israel, thereby giving the false assumption that the GCC nations are more concerned with Iran. In addition, it will allow Israel a window to escape from by not attending the conference, given the fact that all Arab countries are united in calling on Israel to adhere to the NPT treaty without delay.

This may not be easy, as GCC countries will find themselves torn between two difficult alternatives, a possible war in their backyard against Iran, a war

they do not want, and another painful alternative; accepting a nuclear Iran. Advocacy of a third alternative, as well as maintaining the momentum for a strong and historic regional disarmament initiative such as the establishment of a zone free of all WMD in the Middle East, is therefore crucial, and regional initiatives such as the GCC proposal should be encouraged as long as its handling and presentation is not at the expense of the broader Arab initiative.

#### **4.5 Recommendations for a More Active Role by the LAS**

The statistics mentioned earlier regarding Santoro's research, once again illustrate the need for a serious dialogue between and amongst the Arab representatives in the LAS. There is a dire requirement for a permanent mechanism or a standing working group of Arab experts within and under the aegis of the LAS to meet regularly, to discuss the modalities of the establishment of a zone free of weapons of mass destruction.

This should be done in order to forge a common Arab position and to open a transparent dialogue to address the wide disparities in respective Arab positions taken against relevant instruments of weapons of mass destruction. I prescribe the following:

1. Establish a standing committee under the item "Zone free of weapons of mass destruction" within the LAS which should work immediately. This will send the proper message to the outside world that Arabs and their regional organisation remain keen on deepening their understanding on the regime comprising all instruments related to the prohibition of weapons of mass destruction, prevent disparities, place recommendations on how to merge Arab positions, and prevent future fissures from happening against established LAS initiatives. Granted the LAS established a committee of high officials recently, but there is a need to make this mechanism deal with a broader mandate, meet more regularly, make it more encompassing and be of a wider representation to include all members of the LAS, and finally ensure that it is not seasonal, or tied only to the NPT preparatory meetings, or the 2012 conference, etc.

2. Improve synergy between Arab ambassadors and Arab groups in capitals, especially in capitals dealing with arms control and disarmament, such as the Arab groups in New York, Vienna, and Geneva. The onus of this coordination shall and has fallen on the headquarters of the LAS and the respective department which is doing its job, but lacks additional personnel. This department needs support.
3. Develop a better system of interaction with Arab research centres, civil society, NGOs operating in the field, to create an Arab disarmament and non-proliferation network that should include national inspection committees. For instance, the National Committee for the Prohibition of Weapons (NCPW) in Qatar provides a positive model. In May 2012, the LAS convened the first ever coordinating meeting between NGOs and the LAS in order to synthesize and cross-fertilize some of the ideas and proposals from both sides. The most important outcome of this meeting was a proposal to establish an Arab network for civil society organisations dedicated to disarmament issues.
4. Assign a clear and cogent role to the Arab Agency for Atomic Energy: all issues of inspection, capacity building, training, development of skills should be entrusted to this agency. It was not far ago when customs authorities in Dubai discovered how the AQ Khan network managed to slip through their strict customs regulations. This kind of coordination should be shared and lessons learnt studied at an Arab level. This can also open the door for cooperation with other international organisations in order to establish a rigorous system of data exchange and high-level training.
5. Make public the Draft Text prepared by the Technical Committee of the LAS on a *Draft Treaty* of a WMD, as many researchers and officials believe it should; distribute it as a working document to the coming NPT Review Conference in order to allow a debate. The Text, a by-product of more than thirteen hard labour years contains excellent elements. Confining it to, or imprisoning it in, drawers, will not serve non-proliferation objectives.
6. Encourage mutual visits to facilities in the Arab world, to increase

confidence, and help build what Harald Muller described as a “system of cooperative sharing, monitoring and verification”.<sup>17</sup>

7. Underscore the dangers from diversion of WMD components and precursors to non-regional state actors, acculturate customs and trade officials of the established annexes of the CWC, and the Organisation for the Prohibition of Chemical Weapons (OPCW) for example, and create a regional network of cooperation that would disseminate the knowledge accrued to all Arab countries.
8. Study the proposal placed by Mohamed Shaker<sup>18</sup> and others on the need for a regional nuclear fuel-cycle initiative.
9. Identify a specific role for external actors, once again argued by Harald Muller, but tied to a system of incentives, training and capacity building.

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17 Muller, Harald, and Claudia Baumgart-Ochse. “A weapons of mass destruction-free zone in the Middle East: an incremental approach.” EU Non-Proliferation Consortium (July 2011).

18 Mohamed I. Shaker, “The Internationalization of the Nuclear Fuel Cycle: An Arab Perspective”, *Disarmament Forum*, No. 2, 2008 (<http://unidir.org/pdf/articles/pdf-art2729.pdf>).



# Chapter Five

## International Organisations and the Project of a Middle East WMD-Free Zone: From Political Pressure to Engagement

Marc Finaud

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### 5.1 Introduction

Since the project of a Middle East Nuclear Weapons Free Zone (MENWFZ) was introduced in 1974 by Iran and Egypt, and expanded in 1990 by Egypt to include all weapons of mass destruction (MEWMDZFZ), the framework of inter-governmental organisations has been widely utilised by its proponents and supporters. As a natural forum for discussion and because of its universal character, the United Nations has achieved a principle consensus on the project, but has not succeeded in going beyond a minimalist approach. On the contrary, thanks to a unified position and consistent lobbying, the League of Arab States<sup>19</sup> (LAS) has managed to force the project onto the agenda of the Non-Proliferation Treaty (NPT) and its review conferences. Other organisations such as the Non-Aligned Movement (NAM) and the Organisation for Islamic Cooperation (OIC) have traditionally supported the project in order mostly to put pressure on Israel. Contrary to this, the International Atomic Energy

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<sup>19</sup> On the specific role of the Arab League as an organisation, see Chapter 4.

Agency (IAEA) and the European Union (EU) have attempted to promote dialogue and rapprochement between the protagonists of the project. The African Union (AU), for its part, has pointed to the achievement of its own nuclear-weapon-free zone.

## 5.2 The United Nations (UN): A Broad but Minimum Consensus

It is interesting recall today that the discussion of a nuclear-weapon-free zone in the Middle East in the early 1960s was first brought about by Israeli intellectuals who feared that the survival of their nation would be endangered if one or several Arab countries developed or acquired nuclear weapons.<sup>20</sup> Because of their environment, and in particular their vivid memory of the Holocaust and the 1948 war, the Israelis had already gone another route and secretly developed their own nuclear capability, which, according to most experts, became operational after the 1967 Six-Day War, i.e. before the NPT was concluded.<sup>21</sup> Egypt, having failed to obtain a nuclear weapon from the Soviet Union,<sup>22</sup> and as a reaction to the 1973 Arab-Israeli war which had revealed the deployment of ballistic missiles by Israel, jointly with Iran (then an ally of Israel), introduced the project of a nuclear-weapon-free zone to the UN General Assembly. It was adopted as resolution 3263 on 9 December 1974.<sup>23</sup> Since 1980,<sup>24</sup> a similar resolution has been consistently adopted by consensus (thus with the principle agreement of Israel and the United States).

After having ratified the NPT in 1982 and frozen all domestic nuclear programmes in 1986, Egypt introduced to the Geneva Conference on Disarmament (CD) in 1990 the idea of expanding the project of a Middle

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20 Hersh, Seymour. *The Samson Option: Israel's Nuclear Arsenal and American Foreign Policy*, 1991, p. 109, cited in "Nuclear-Weapon-Free Zones", *Disarmament Forum* No. 2, 2011, p. 39.

21 Cohen, Avner. "Israel Crosses the Threshold", *National Security Archive Electronic Briefing Book* No. 189, 28 April 2006 (<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB189/index.htm>).

22 Cohen, Avner. *Israel and the Bomb* (New York: Columbia University Press, 1998), 231-232 and 256-257.

23 United Nations, General Assembly, resolution 3263 (XXIX) of 9 December 1974 (<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/65/IMG/NR073865.pdf?OpenElement>).

24 United Nations, General Assembly, resolution 35/147 of 12 December 1980 (<http://unispal.un.org/UNISPAL.NSF/0/1E48DEAAE5AD705B052566C6005C0F54>).

East nuclear-weapon-free zone to include other WMD (i.e. chemical and biological).<sup>25</sup> From then on,<sup>26</sup> the traditional UN General Assembly resolution on a Middle East nuclear-weapon-free zone, although still focusing on nuclear weapons, welcomed “*all initiatives leading to general and complete disarmament, including in the region of the Middle East, and in particular on the establishment therein of a zone free of weapons of mass destruction, including nuclear weapons*” and invited “*all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East.*”

In 1984 the text of that traditional resolution was changed by its co-sponsors, emphasizing the essential role of the United Nations in the establishment of a nuclear-weapon-free zone in the Middle East, and requesting the Secretary General to seek the views of all parties concerned and to report to the Assembly on the implementation of the resolution. This did not prevent the resolution from being again adopted without a vote then and subsequently.<sup>27</sup>

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In parallel, and since the 1994 session of the UN General Assembly, a second annual draft resolution (on “The Risk of Nuclear Proliferation in the Middle East”) has been tabled by Iran, and supported by all Arab states, specifically calling on Israel to accede to the NPT and place all its nuclear activities under IAEA safeguards. That resolution has been regularly adopted but with negative votes (mainly by Israel and the United States, but also India voting against references to the NPT) and a variable number of abstentions.<sup>28</sup>

But the General Assembly was not the only UN organ to be seized by the project. Another subsidiary body to the General Assembly, the UN Disarmament Commission (UNDC), also agreed on guidelines on the “Establishment of

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25 Conference on Disarmament, Document CD/989 of 20 April 1990.

26 United Nations, General Assembly, resolution 46/30 of 6 December 1991 (<http://daccess-ods.un.org/TMP/898721.2.html>).

27 United Nations, General Assembly, resolution 39/54 of 12 December 1984 (<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/460/31/IMG/NR046031.pdf?OpenElement>).

28 See for instance United Nations, General Assembly, resolution 66/61 of 8 December 2011, adopted by 167 votes, with 6 negative votes and 5 abstentions; separate votes were recorded on preamble paragraphs with similar results: 5th paragraph (170-2-2), 6th paragraph (172-2-2), 7th paragraph (173-1-2); text and detailed votes at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/66/415](http://www.un.org/ga/search/view_doc.asp?symbol=A/66/415).

nuclear-weapon-free zones on the basis of arrangements freely arrived at among the states of the region concerned”, adopted by consensus on 6 May 1999.<sup>29</sup> That document provided that “[t]he establishment of nuclear-weapon-free zones in regions for which consensus resolutions of the General Assembly exist, such as the Middle East and Central Asia, as well as the development of zones free from all weapons of mass destruction, should be encouraged”.

Previously, in 1988, again at Egypt’s initiative, the UN Secretary-General was mandated by another General Assembly resolution<sup>30</sup> to conduct a “Study on Effective and Verifiable Measures which Would Facilitate the Establishment of a Nuclear Weapons Free Zone in the Middle East”.<sup>31</sup> That document, written with the assistance of three consultants (from the US, Sweden and the Netherlands) was released in 1991. It addressed the conditions for the creation of a MENWFZ and issued a number of recommendations including a list of confidence-building measures to facilitate such an achievement. Subsequently, the UN Institute for Disarmament Research (UNIDIR), although not formally an organ of the UN, published another report based on the Secretary-General’s study, and written by two of the consultants who had contributed to it.<sup>32</sup> More recently, UNIDIR published possible elements of a draft treaty on a MENWFZ.<sup>33</sup>

For its part, the UN Security Council played a critical role in promoting the principle of a nuclear-weapon-free Middle East. In 1981, in its resolution 487 (1981) and following the Israeli airstrike on Iraq’s nuclear reactor, it called “upon Israel urgently to place its nuclear facilities under IAEA safeguards,” which could have paved the way for a nuclear-weapon-free zone.<sup>34</sup> In 1991,

29 United Nations, General Assembly, Report of the Disarmament Commission, Supplement No. 42 (A/54/42), 6 May 1999, pp. 7-10 ([http://www.un.org/ga/search/view\\_doc.asp?symbol=A/54/42%28SUPP%29](http://www.un.org/ga/search/view_doc.asp?symbol=A/54/42%28SUPP%29)).

30 United Nations, General Assembly, resolution 43/65 of 7 December 1988 (<http://daccess-ods.un.org/TMP/6209937.33406067.html>).

31 United Nations, Secretary General, Study on Effective and Verifiable Measures Which Would Facilitate the Establishment of Nuclear-weapon-free Zone in the Middle East. 1991 (<http://www.un.org/disarmament/HomePage/ODAPublications/DisarmamentStudySeries/PDF/SS-22.pdf>).

32 Jan Prawitz and James F. Leonard, *A Zone Free of Weapons of Mass Destruction in the Middle East*, UNIDIR 1996.

33 Nabil Fahmy and Patricia Lewis, “Possible Elements of an NWFZ in the Middle East,” *Disarmament Forum*, No. 2, 2011, pp. 39-50.

34 United Nations, Security Council, resolution 487 (1981) of 19 June 1981 (<http://unispal.un.org/UNISPAL.NSF/0/6C57312CC8BD93CA852560DF00653995>).

after the end of the Iraqi occupation of Kuwait, the UN adopted resolution 687 of 3 April 1991 on the disarmament of Iraq, in which it recalled (and for the first time indirectly endorsed) “*the objective of the establishment of a nuclear-weapon-free zone in the region of the Middle East,*” and it declared itself conscious “*of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons*”.<sup>35</sup> Later, in its historic resolution 1887 of 24 September 2009,<sup>36</sup> unanimously adopted at the level of heads of state or government, the Security Council reaffirmed its “*conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 United Nations Disarmament Commission guidelines, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes towards realizing the objectives of nuclear disarmament.*” Beyond that general endorsement of nuclear-weapon-free zones, the Security Council went as far as calling “*upon all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms.*” Without any possible doubt, that call was directed, in the Middle East, to Israel, the only state of the region having remained outside the NPT.

This whole approach within the UN, understandably and consistently followed by Egypt, and supported by Iran and all Arab countries, has thus consisted in concentrating pressure on Israel as the only regional non-NPT party that needs to be convinced to accede to the treaty as a non-nuclear-weapon state, which would entail the dismantlement of any of its military nuclear capability. Any other dimension of a WMD-free zone (i.e. chemical and biological weapons and means of delivery) has been considered as secondary to that priority, not mentioning confidence-building measures, transparency, or the nexus between WMD and conventional armaments. According to that

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35 United Nations, Security Council, resolution 687 of 3 April 1991 (<http://daccess-ods.un.org/TMP/7355699.html>).

36 United Nations, Security Council, resolution 1887 (2009) of 24 September 2009 (<http://daccess-ods.un.org/TMP/452961.809933186.html>).

approach, it is assumed that those aspects will be easier to deal with once the most difficult part, Israel's nuclear capability, will have been solved. In sum, because Israeli nuclear capability is viewed as destabilizing, its elimination is considered as a precondition for any future peaceful agreement.

For its part, Israel's position has been reiterated equally consistently at the UN: "*Israel will not be the first to introduce nuclear weapons to the Middle East*"; in other words, that option exists but would be implemented only as a response and in case another state of the region became a nuclear-weapon-state. In order to negotiate a WMD-free zone in the Middle East, Israel considers that all states of the region must be involved, meaning that Israel cannot accept the result of a negotiation to which it has not participated and that would be imposed upon it even if agreed upon among NPT state parties only. Back in 1974, that requirement was rejected by some Arab countries, which were at war with Israel. Nowadays, with two Arab states, Egypt and Jordan, having signed peace treaties with Israel and most others accepting to negotiate directly with Israel,<sup>37</sup> there does not seem to be a major obstacle to establishing a negotiating forum on a MENWFZ which would include Iran, although the issue of diplomatic relations among all states of the region will most probably be conditioned to a full-fledged peace agreement in the future.

Precisely, in the eyes of Israel, "*the essential preconditions for the establishment of the Middle East as a mutually verifiable zone, free of weapons of mass destruction and delivery systems, are comprehensive and durable regional peace, and full compliance by all regional states with their arms control, disarmament and non-proliferation obligations.*"<sup>38</sup> In 2011, in view of the "Arab Spring", the Israeli position was expressed with an additional, cautious but optimistic note: "[W]e hope that the positive implications of the democratization processes that have been budding in the region may offer an opportunity for a better atmosphere,

37 Syria has conducted bilateral peace negotiations with Israel in 1994-1996, 2000 and 2007-2008; all Arab countries of the Mediterranean region and Israel took part together in the EU Barcelona Process (now the Union for the Mediterranean), and most of them share with Israel the status of OSCE Mediterranean Partners for Cooperation, members of the NATO Mediterranean Dialogue, or members of the Conference on Disarmament and the International Atomic Energy Agency (IAEA).

38 United Nations, General Assembly, Explanation of vote of the Israeli Representative to the First Committee on the draft resolution on a Nuclear-Weapon-Free Zone in the Middle East, 26 October 2011 (<http://www.reachingcriticalwill.org/political/1com/1com11/resolutions.html>).

*which could be conducive to the building of trust and confidence among regional parties”.*<sup>39</sup>

In any case, although eventual negotiations among the states of the Middle East will be conducted directly at their level, the UN will most likely continue to play a major role in supporting such a process. Any arrangement among the regional states would have to be recognized by the UN, according to the definition of a nuclear-weapon-free zone it adopted in 1975: [ . . . ] *“any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercise of their sovereignty, has established by virtue of a treaty or convention whereby: (a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined; (b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute”.*<sup>40</sup>

### 5.3 The Non-Aligned Movement (NAM): Overcoming Internal Differences

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The Non-Aligned Movement (NAM) is not really an international organisation nor a regional grouping but a loose association of like-minded states representing the vast majority of developing countries. It has been traditionally active in all disarmament-related issues within global frameworks such as the UN, the IAEA, and the NPT Review Conferences. On the Middle East nuclear-weapon-free zone project, it has fundamentally supported the stance of the Arab League<sup>41</sup> (having an Observer status as an organisation in the NAM), without necessarily taking the lead on this issue because of the diversity of regional and strategic interests in the wider NAM grouping.

It is true that all NAM summit or ministerial meetings<sup>42</sup> regularly express

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<sup>39</sup> *Ibid.*

<sup>40</sup> United Nations, General Assembly, resolution 3472 (XXX) of 11 December 1975 (<http://www.opanal.org/Docs/UN/UNAG30res3472i.pdf>).

<sup>41</sup> On the role of the Arab League as an organisation, see Chapter 4.

<sup>42</sup> See for instance the XII Summit in Durban in 1998, the XIII Summit in Kuala Lumpur in 2003, the XIV Summit in Havana in 2006, the XIII Ministerial Conference in Cartagena in 2000, the XIV Ministerial Conference in Durban in 2004, the Ministerial Meeting held in Putrajaya, Malaysia, in 2006, the XV Ministerial Conference held in Teheran, Islamic Republic of Iran, in 2008 and the XV Summit in Sharm El Sheikh, Egypt, in July 2009.

support to a Middle East nuclear-weapon-free zone, condemn Israel's nuclear capability and demand its accession to the NPT and IAEA safeguards on its nuclear facilities. The NAM also defends access to peaceful applications of nuclear energy as an inalienable right, promote peaceful solutions to non-proliferation crises, etc.<sup>43</sup>

However, in the case of the Iranian nuclear programme, several key NAM members voted at the IAEA Board of Governors in 2006<sup>44</sup> to defer Iran to the UN Security Council for non-compliance with its safeguards agreement, or voted in the Security Council for sanctions against Iran in 2006,<sup>45</sup> 2007,<sup>46</sup> 2008,<sup>47</sup> and 2010.<sup>48</sup> It was clear that well-known threat perceptions, especially by Gulf countries vis-à-vis Iran, have limited the capacity of the NAM to act unanimously and to offer more concrete proposals than repetitive rhetoric.

Within the NPT framework, the NAM only represents its members which are also party to the Treaty (excluding the DPRK, India, and Pakistan). This is why the consensus on NPT-related issues is necessarily broader among NPT States Parties than among the whole NAM membership. Moreover, the NAM as a whole may support the universalization of some disarmament instruments such as the Chemical Weapons Convention (CWC), the Biological Weapons Convention (BWC), or the Antipersonnel Landmine Convention while some of its prominent members (like Egypt) are not party to some of these legal instruments.<sup>49</sup>

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43 See for instance paragraphs 132 to 178 of the Declaration of the XVI Ministerial Conference and Commemorative Meeting of the Non-Aligned Movement in Bali, Indonesia, 23-27 May 2011 (<http://www.kemlu.go.id/Documents/GNB%20ke-16/NAMDOC1-Rev1-Final%20Document-English-Final.pdf>).

44 The resolution of the IAEA Board of Governors (GOV/2006/14) adopted on 4 February 2006 by 27 to 3 was supported by Argentina, Brazil, Colombia, Ecuador, Egypt, Ghana, India, Singapore, Sri Lanka, and Yemen.

45 UN Security Council resolution 1737 of 23 December 2006 was adopted unanimously with the support of Argentina, Congo, Ghana, Peru, Qatar, and Tanzania.

46 UN Security Council resolution 1747 of 24 March 2007 was adopted unanimously with the support of Congo, Ghana, Indonesia, Panama, Peru, Qatar, and South Africa.

47 UN Security Council resolution 1803 of 3 March 2008 was adopted by 14 votes with the support of Burkina Faso, Costa Rica, Libya, Panama, Qatar, South Africa, and Vietnam.

48 UN Security Council resolution 1929 of 9 June 2010 was adopted by 12 votes with the support of Bosnia, Gabon, Mexico, Nigeria, and Uganda.

49 Nuclear Threat Initiative (NTI), "The Non-Aligned Movement", <http://www.nti.org/treaties-and-re>



## 5.4 The Organization of Islamic Cooperation (OIC): Natural Support

The Organisation for Islamic Cooperation (OIC), which changed its name from the Organization of the Islamic Conference in 2011, is composed of 57 states<sup>50</sup> with a Muslim majority or a large Muslim population. Like the NAM, conflicts and disputes among some members or with non-members have hampered the capacity of the organisation to express more than the lowest common denominator on sensitive issues. For instance, India has been blocked by Pakistan from becoming a member of OIC although it hosts the third largest number of Muslims in the world. Similarly, the Philippines has been prevented from joining the organisation by the Moro National Liberation Front, which only holds an observer status.

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Regarding the position on the Middle East, OIC is more easily mobilised on defending Muslim populations against perceived external attacks or threats, such as the occupation of Palestine, the issue of Muslim holy sites or Israeli operations against “resistance fighters”. On the Iranian nuclear programme, Iran managed, during the 2008 Islamic Summit in Dakar, to garner the support of the organisation to its principle position according to which the issue was to be solved by diplomatic means within the IAEA, stating that nothing in the NPT could be interpreted as affecting the “inalienable right of all parties to develop and use nuclear energy for peaceful purposes.”<sup>51</sup> This did not prevent some OIC members from voting against Iran at the Security Council (Bosnia, Burkina Faso, Gabon, Indonesia, Libya, Nigeria, Qatar, and Uganda) or the IAEA (Egypt and Yemen) as seen above, thus showing that “rhetoric solidarity” is weaker than defending national or security interests.

However, on the project of a MENWFZ, the position of OIC has consisted more in supporting the achievements of the Arab League and the Non-Aligned Movement within the NPT framework. For instance, at its June 2001 ministerial

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gimes/non-aligned-movement-nam/, accessed 10 May 2012.

50 See the list of members of OIC, which includes Palestine, not a UN Member State, at: <http://www.oic-oci.org/>.

51 Islamic Summit Conference, Resolution No.9/11-P(IS) on Cooperation by the Islamic Republic of Iran with IAEA, Dakar, 13-14 March 2008 (<http://www.oic-oci.org/is11/english/res/11-SUM-POL-RES-FINAL.pdf>).

meeting in Astana, Kazakhstan, OIC adopted a declaration stating: “*Greater efforts are needed to promote non-proliferation and disarmament. We further stress the fact that progress in nuclear disarmament and non-proliferation, in all its aspects, is essential to strengthen international peace and security. We highlight the support of the OIC towards nuclear disarmament and the elimination of other weapons of mass destruction and reiterate our call for non-proliferation through political and diplomatic means within the framework of international law, relevant multilateral conventions and the United Nations Charter. We applaud the call made at the 2010 NPT Review Conference to convene a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction*”.<sup>52</sup>

## 5.5 The European Union (EU): Engaging the Partners

With respect to the Middle East, the interests of the European Union are understandable: it is a neighbour to the region; several of its member states have had colonial responsibilities therein; the EU has instituted partnerships with most states of the region (the Euro-Mediterranean Process, now the Union for the Mediterranean, the European Neighbourhood Policy). Furthermore, the EU was a participant to the multilateral dimension of the Middle East Peace Process and is now a member of the Quartet (with Russia, the UN, and the US). On the issue of a MENWFZ, the EU has for a long time taken a strong position in support of that goal – but also recognizing the linkage between that objective and a comprehensive peace in the Middle East. Already in 1995, in the Barcelona Declaration jointly adopted with most states of the Middle East, the EU and its partners agreed to “*pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems*.”<sup>53</sup>

Prior to the 2010 NPT Review Conference, the Council of the European Union adopted a Decision whereby the EU reiterated its call for all non-

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52 OIC Astana Declaration Adopted by the 38th Session of the Council of Foreign Ministers, Astana, 28-30 June 2011 (<http://www.kazakhstanlive.com/Documents/OIC%20Astana%20Declaration.pdf>).

53 Barcelona declaration adopted at the Euro-Mediterranean Conference on 27-28 November 1995 ([http://www.eeas.europa.eu/euromed/docs/bd\\_en.pdf](http://www.eeas.europa.eu/euromed/docs/bd_en.pdf)).

NPT parties to accede to the Treaty and its support for the implementation of the 1995 NPT Review Conference Middle East resolution.<sup>54</sup> This position was expressed, again, at the 2010 Review Conference by the EU High Representative for Foreign Affairs and Security Policy, Catherine Ashton, who supported the establishment of a zone free of WMD in the Middle East (MEW MDFZ) and unequivocally called Israel to accede to the NPT while recognizing, in rather veiled terms, the indirect link with the peace process: “*We continue to support the decisions and the implementation of the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference as well as the Final Document of the 2000 Review Conference, and shall bear in mind the current situation*”.<sup>55</sup> *We continue to work towards the universality of the NPT and call once again those States not yet party to the NPT to join the treaty as non-nuclear-weapon States, and, pending their accession to the NPT, to adhere to its terms and pledge commitments to non-proliferation and disarmament.*<sup>56</sup>

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The EU has been active in its support of a MEW MDFZ during the 2010 Review Conference, especially through its participation in the “Focus Group” initiated by the Filipino President, Ambassador Libran Cabactulan, to iron out differences on the outcome of the conference, and through the Irish chairmanship of Subsidiary Body II, Ambassador Alyson Kelly, who negotiated the final compromise on the Middle East resolution.<sup>57</sup> The latter was partially facilitated by the EU offer to organize in 2011 a follow-up meeting to that hosted in June 2008, as a preparatory event to the 2012 conference on the MEW MDFZ.

At the 2010 NPT Review Conference, the EU indeed recalled that, on 19-20 June 2008, it had already convened an international seminar at the EU Institute

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54 European Union, Council Decision 2010/212/CFSP, 29 March 2010.

55 Emphasis added. This formulation is the lowest common denominator within the EU between the position of supporters of the Israeli linkage between a comprehensive peace agreement and a MENWFZ, and the position of those granting priority to the establishment of a MENWFZ.

56 United Nations, Office for Disarmament Affairs, 2010 NPT Review Conference, Statement by Ms Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, 3 May 2010 ([www.un.org/en/conf/npt/2010/statements/pdf/eu\\_en.pdf](http://www.un.org/en/conf/npt/2010/statements/pdf/eu_en.pdf)).

57 William Potter et al., “The 2010 NPT Review Conference: Deconstructing Consensus”, *CNS Special Report*, 17 June 2010 ([http://cns.miis.edu/stories/pdfs/100617\\_npt\\_2010\\_summary.pdf](http://cns.miis.edu/stories/pdfs/100617_npt_2010_summary.pdf)).

for Security Studies (EUISS) in Paris on “Middle East Security, WMD Non-Proliferation and Disarmament,” which had brought together representatives of all states of the region and EU Member States as well as academics and national nuclear energy agencies. The EU was encouraged to pursue such efforts. This first attempt to bridge gaps between the regional parties was rather successful since it included Arab, Israeli, and Iranian participants, as well as the Director-General of the OPCW.<sup>58</sup> This allowed discussion of non-nuclear issues and the sharing of experiences on confidence-building measures.

Taking into account the usefulness of such informal gatherings run under the Chatham House non-attribution rule and away from media pressure, the EUISS hosted a second event on 8-9 June 2011 in Paris on “A Middle East Zone Free of Non-Conventional Weapons”. That workshop gathered twenty-three academics from EU member states and Middle Eastern countries to discuss regional threat perceptions related to WMD and ballistic missiles, and investigate future options for regional and inter-regional cooperation in science and technology, safety and security, or transparency.<sup>59</sup>

Finally, the EU Non-Proliferation Consortium, a network of European independent non-proliferation think tanks, jointly with the European External Action Service (EEAS), hosted the 6-7 July 2011 seminar in Brussels under the title “European Union Seminar to Promote Confidence Building and in Support of a Process Aimed at Establishing a Zone Free of WMD and Means of Delivery in the Middle East”. Its aim was to further the following objectives:

- To encourage regional political and security-related dialogue within civil societies and governments, and more particularly among experts, officials and academics;
- To identify confidence-building measures that could serve as practical steps towards the prospect of a Middle East zone free of WMD and their means of delivery;

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58 Organisation for the Prohibition of Chemical Weapons, “OPCW Director-General Addresses Seminar on Middle East Security and WMD Non-Proliferation/Disarmament”, 20 June 2008 (<http://www.opcw.org/news/browse/1/article/opcw-director-general-addresses-seminar-on-middle-east-security-and-wmd-non-proliferationdisarmamen/>).

59 EU Non-Proliferation Consortium, “European Union Seminar to Promote Confidence Building and in Support of a Process Aimed at Establishing a Zone Free of WMD and Means of Delivery in the Middle East”, Brussels, 6-7 July 2011, Meeting Report, p. 3.

- To encourage discussion on the universalization and implementation of relevant international treaties and other instruments to prevent the proliferation of WMD and their delivery systems; and
- To discuss issues related to peaceful uses of nuclear energy and international and regional cooperation in this regard.<sup>60</sup>

The seminar attracted the participation of government representatives and independent experts from thirteen countries of the Middle East, including Israel and Iran, twenty-six EU member states, Russia, the US, China, as well as international organisations (UN, IAEA, OPCW, BWC Implementation Support Unit, CTBT Organisation, NATO, Arab League, GCC).<sup>61</sup> The seminar concluded with a statement by the UN High Representative for Disarmament, Sergio Duarte, who commended the organisers for a new approach because it entailed not a repetition of well-known positions but attempts at better mutual understanding and awareness of the stakes for the entire international community.<sup>62</sup>

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For its part, the chairman of the EU Non-Proliferation Consortium, Camille Grand, considered, in his personal assessment of the meeting, that the active participation of representatives from the whole region demonstrated a willingness to engage in a long-term process. He recognized that differences on security perceptions and concerns were still wide, but he was encouraged by the fact that *“work towards establishing a cooperative security regime, promoting regional trust and confidence (at least at a minimum level) was perceived as a matter of priority or even urgency.”* He recalled the possible role of the EU in this regard: sharing its own experience in terms of confidence building and cooperation, and acting as a mediator.<sup>63</sup>

During the May 2012 First Preparatory Committee for the 2015 NPT Review

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60 *Ibid.*, p.1.

61 *Ibid.*

62 United Nations, Office for Disarmament Affairs, “Towards a Middle East Zone Free of Weapons of Mass Destruction”, Closing Remarks, 7 July 2011 ([http://www.un.org/disarmament/HomePage/HR/docs/2011/2011-07-07\\_Brussels\\_Closing\\_Remarks.pdf](http://www.un.org/disarmament/HomePage/HR/docs/2011/2011-07-07_Brussels_Closing_Remarks.pdf)).

63 EU Non-Proliferation Consortium, Middle East Seminar, 6-7 July 2011, Final Assessment ([http://www.nonproliferation.eu/documents/final\\_assessment.pdf](http://www.nonproliferation.eu/documents/final_assessment.pdf)).

Conference in Vienna, the idea of a new, follow-up meeting hosted by the EU before or after the 2012 conference planned in Helsinki has been discussed.<sup>64</sup> A new seminar will thus be held in November 2012 in Brussels.

## 5.6 The African Union (AU): Setting the Example

Without underestimating the importance or relevance of other regions such as Latin America, the South Pacific, Southeast Asia, or Central Asia, the example of Africa (the Pelindaba Treaty, entered into force on 15 July 2009) may appear quite useful for the Middle East. First, this is a neighbouring region where some states that would be part of a MEWMDFZ are also part of the African continent (e.g. North African states and Egypt). Second, Pelindaba represents a positive model whereby this final outcome was the result of a protracted process that succeeded, despite ongoing conflicts in the region. Third, because threat perceptions and security concerns of the state parties, including with regard to external factors, were duly taken into account in the negotiation and are, in particular, reflected in the protocols meant to be ratified by external nuclear powers. Fourth, because one state party, namely South Africa, made the treaty possible by renouncing the nuclear weapons it had already developed.

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These features were outlined in the chairman's summary of the "Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free-Zone (NWFZ) in the Middle East" convened by the Director-General of the IAEA on 21-22 November 2011:<sup>65</sup> *"Establishing the African NWFZ took 32 years from the Organization of African Union (OAU) declaration of 1964 to the 1996 signing of the Pelindaba Treaty. The abandonment of Apartheid South Africa's nuclear weapons programme was the catalyst for this development. One unique feature of the Pelindaba Treaty is that it makes reference to the [IAEA] verified dismantling and destruction of nuclear explosive devices*

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64 European Union, EU General Statement, First Preparatory Committee for the 2015 NPT Review Conference, Vienna, 30 April-11 May 2012 ([http://www.eeas.europa.eu/delegations/un\\_geneva/documents/eu\\_statments/conference\\_disarmament/npt\\_prep\\_com-general\\_eu\\_statement-as\\_delivered\\_en.pdf](http://www.eeas.europa.eu/delegations/un_geneva/documents/eu_statments/conference_disarmament/npt_prep_com-general_eu_statement-as_delivered_en.pdf)).

65 See Chapter 7

*manufactured by a Party prior to the entry into force of the Treaty. Attacks on nuclear installations, as well as dumping of radioactive waste within the zone were also prohibited. The objectives of the Pelindaba Treaty included promotion of peaceful nuclear activities in Africa*.<sup>66</sup>

State parties to the Pelindaba Treaty have themselves taken into consideration the link between the security of their region and that of the Middle East. In the Preamble to the Treaty, they recognize *“that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ*’.<sup>67</sup>

As many experts assert, the example of South Africa would be quite relevant to Israel in light of similarities between nuclear weapons programmes of both countries. As in the case of Israel, South Africa maintained a nuclear ambiguity policy, until its decision to disarm in 1989. South Africa’s experience of giving up its nuclear weapons, joining the NPT and helping to create the African NWFZ provides an important model for the Middle East.<sup>68</sup>

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Another consideration is the relationship between the legal obligations of states parties of a NWFZ and those of the nuclear-weapon states external to the region. In the case of the Pelindaba Treaty, the US has not yet ratified Protocols I and II open to the nuclear-weapon states because of the status of the island of Diego Garcia, claimed both by the UK and Mauritius, and where the US stations nuclear weapons on a naval base. However, some American experts consider that, if the US were to ratify those Protocols, by which it would refrain from the use or threat of use of nuclear weapons against states parties of the Pelindaba Treaty, this would encourage Egypt (the only African state non-party to the African NWFZ) and North African states to join a MENWFZ and to ratify the Pelindaba Treaty. Additionally, this *“could give the U.S. more credibility when applying diplomatic pressure on Egypt to continue to lead on the regional level to denuclearization in the Middle East and maintain a moderate stance towards Israel as negotiations proceed*.”<sup>69</sup>

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66 IAEA, “Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, Vienna, 21-22 November 2011, Summary” (<http://www.iaea.org/newscenter/statements/misc/2011/petersen221111.pdf>)

67 African Union, African Nuclear Weapon Free Zone Treaty (Pelindaba Treaty) ([http://www.africa-union.org/root/au/documents/treaties/Text/African\\_Nuclear\\_Weapon.pdf](http://www.africa-union.org/root/au/documents/treaties/Text/African_Nuclear_Weapon.pdf)).

68 International Campaign to Abolish Nuclear Weapons (ICAN), “The African Nuclear Weapon Free Zone - an example for the Middle East”, accessed 22 May 2012 (<http://icanw.org.uk/cms/>).

69 Center for Defense Information, “Steps to a Nuclear Weapons Free Zone in the Middle East”, 5 December 2011 ([http://www.cdi.org/program/document.cfm?DocumentID=4704&from\\_page=../index.cfm](http://www.cdi.org/program/document.cfm?DocumentID=4704&from_page=../index.cfm)).

## 5.7 The Way Forward

As seen above, the various multilateral and regional intergovernmental forums have been widely utilised by the stakeholders of a MENWFZ or a MEWMDFZ to promote that project and their national or regional interests. When this action has only consisted in exerting pressure on opponents or seeking the support of a majority of the international community, it has only allowed point-scoring or short-lived diplomatic victories. Conversely, when such a process has been supported by the organisations' distinct efforts of dialogue, gap-bridging, or mutual understanding of security concerns or threat perceptions, it has led to increased confidence and trust, thus establishing the foundation for further negotiations. As in many international endeavours, the key to success is aiming at win-win solutions and not zero-sum games.<sup>70</sup> In this regard, governments should be well inspired to rely not only on their own expertise or capacities, but also to seek and consider the possible input from civil society, academia, and non-governmental organisations. In order to contribute to positive results of the Helsinki conference and the negotiation process that will hopefully emerge from it, a combination of efforts of governments and other stakeholders is indeed called for. No doubt the experience of organisations such as the IAEA and the EU in promoting rapprochement and consensus building will be crucial and should be duly offered to the Facilitator of the conference.

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<sup>70</sup> See Nayef Al-Rodhan, Marc Finaud et al., *Multilateralism and Transnational Security: A Synthesis of Win-Win Solutions*, Slatkine, Geneva, 2009 (<http://www.sustainablehistory.com/multilateralism-and-transnational-security.html>).



## Chapter Six

# The EU Non-Proliferation Consortium – The Role of Civil Society in the Debate Surrounding a WMDFZ in the Middle East <sup>71</sup>

Benjamin Hautecouverture

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### 6.1 Introduction: A Question of Secondary Importance?

While the date<sup>72</sup> of the Conference on the establishment of a weapons of mass destruction free zone (WMDFZ) in the Middle East, as called for by the last Review Conference of NPT in New York in May 2010<sup>73</sup>, is fast approaching, the question of the event's interaction with civil society is certainly not the most pressing.

Firstly, the Middle East WMDFZ project is linked to a forty-year-old regional security debate, which inherently concerns the subjects of international law, namely states and international organisations. Secondly, the historical obstacles to the implementation of such a zone are such that the project appears utopian in the eyes of many of its observers, therefore relegating the idea of civil society involvement as a secondary concern. Finally, the context in which the 2012

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71 Translation from French: Alexander Bramble, Research Assistant, Fondation pour la Recherche Stratégique, France.

72 At the time of writing, the 3rd week of December 2012 is the date commonly accepted in the public debate reported by open sources.

73 Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, [http://www.un.org/ga/search/view\\_doc.asp?symbol=NPT/CONF.2010/50 \(VOL.I\)](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50 (VOL.I))

Helsinki Conference on the Middle East (2012 HCME) should be held is sufficiently perilous for its organisers to concentrate on the heart of the matter, which remains the outcome of the event itself played out amongst state representatives. The success or failure of the 2012 HCME seems destined to remain out of reach for its civilian observers.

For all that, civil society patently seeks to play a role in the debate. The question of its extent, while not of primary importance for the time being, is already judicious in this regard. It is equally so as its representatives present themselves as actors who are independent from a process that suffers from being subjected to the permanence of opposing state positions. Rightly or wrongly, civil society sees itself as a source of alternative solutions anxious to move beyond established oppositions in order to make progress towards the implementation of the final goal.

In a more marginal sense, staking a claim for a place in the Helsinki process since 2010<sup>74</sup> may also subscribe to a modern, essentially western, phenomenon, which aims to make the boundaries of inter-state security debates ever more permeable in the name of “human security”. This rarely defined notion takes pains to replace the traditional interests of states with the common fate of their citizens. From this point of view, a fringe of civil society lays claim to the very nature of the Middle East WMDFZ project as falling if not within its competence, then at least within its vocation. Civil society is an entity that is ordinarily presented alongside industrialists and states as a new homogenous unity in international relations. In reality it is extremely composite and an analysis of its role in the Helsinki process requires an appreciation of the diversity of its aims and means.

This chapter intends to put the role of civil society in the international arms control process into perspective by basing itself on the presentation of a specific case: the institutionalisation of independent research at the heart of the European Union (EU) since 2010 and its use in the framework of the renewal of the diplomatic process aiming to establish a WMDFZ in the Middle

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<sup>74</sup> This is, in the literal sense, an anachronism, given that the choice of host country for the Regional Conference on a WMDFZ in the Middle East was made in October 2011, which we are employing here for convenience.

East. Is it necessary to call for an enhanced role for civil society in the course of this process, of which the 2012 HCME is understood to be a first step? If so, how and why?

## 6.2 The Role of Civil Society in the International Arms Control Process

Civil society has never been absent from the arms control decision making process, in the sense in which this politico-diplomatic discipline emerged during the turning point of the 1950s. Historically, it was very much American think-tanks who promoted it in Washington to the executive branch, and their role in foreign policy formulation has been unflinching. As such, demanding a role for civil society, of which think tanks constitute a major component, might seem pointless. With the 2012 HCME fast approaching, this demand has nonetheless been made. Where has it come from?

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Civil society can be schematically broken down into three subsections around the ideas of information, contestation, and expertise. These three subsections have coexisted since the emergence of the notion of weapons of mass destruction towards the end of the Second World War,<sup>75</sup> still employed today and precisely applied to the Middle East Zone project.

### 6.2.1 Information

Civil society is traditionally a stakeholder in arms control debates via the press and, presently, via the various channels of information provided by information and communication technology. There is not sufficient space here to dwell on this segment whose function has long been well established in modern societies.

The subject of a WMDFFZ in the Middle East provides an illustration of the existence of channels of information in international security debates. A few

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<sup>75</sup> Entitled "Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy", the first United Nations General Assembly Resolution, adopted on the 24th January 1946, deals with WMD for the first time in an elliptical and open manner. It called for "the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction". This formulation, which distinguishes between nuclear weapons and other types of known or potential weapons, is still in use. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/1\(I\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/1(I))

weeks away from the 2012 HCME, it must be noted that the international daily press has taken little interest in the subject since the launch of the process in May 2010. Articles for general public consumption are rare; the information provided by press agencies is rarely taken up, but instead does the rounds among editors who pass it on without putting it into perspective. The evidence suggests that the complexity of the subject and events in the Middle East since the start of the “Arab Spring” have relegated the Zone objective, as much as the 2012 HCME itself, to the background. This relative lack of interest from the general press conveys a lack of interest on the part of the general public.

However, the specialist press for arms control experts and practitioners regularly cover the subject when an event transpires, to introduce stakes or provide assessments. If we take *Global Security Newswire*,<sup>76</sup> which is published daily, the subject has been broached thirty-seven times since the opening of the 8th NPT Review Conference. *Arms Control Today*,<sup>77</sup> published monthly, has devoted five articles to the subject since May 2010. The *Non-Proliferation Monthly*,<sup>78</sup> a monthly newsletter in English and French, has dealt with the subject eleven times over the same period, issuing an article every two months.

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### 6.2.2 Contestation

Another element of civil society implicated in inter-state security affairs are contestation movements, formed in the name of civil society and for its benefit. These first appeared a few years after the dropping of the atomic bombs on the cities of Hiroshima and Nagasaki.<sup>79</sup> They lend their support to abolitionism with the 1995 Einstein-Russell Manifesto, which launched the Pugwash Movement two years later. This group itself is heterogeneous, ranging from pacifist activism – Abolition 2000, a global citizens movement calling for the planned abolition of all nuclear weapons in the world, being

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76 Published by the Nuclear Threat Initiative (NTI).

77 Published by the Arms Control Association.

78 Published by the Centre d'études en sécurité internationale et maîtrise des armements (CESIM).

79 On 6 and 9 August 1945 respectively..

a typical example – to the most traditional neo-realism – of which the third op-ed of the “gang of four” in the Wall Street Journal on 19 January 2010<sup>80</sup> offers a recent illustration.

The participation of this sector of civil society in security debates is historic and uninterrupted, essentially aiming to pique both public opinion and that of decision-makers in order to increase the rate of disarmament of Nuclear-Weapon States (NWS) in accordance with article VI of the NPT. Likewise, these contestation movements endeavour that their initiatives will serve to dissuade Non-Nuclear-Weapon States (NNWS) potentially considering acquiring nuclear weapons capabilities.

The rallying point of this movement is the contestation of an order established during the course of the Cold War that freezes both nuclear history and global power distribution. It is very much a question of applying pressure on the diplomatic front to “move states’ stances” in the direction of historical progress towards a universal regime barring all kinds of WMD. In particular, year after year, the abolitionist movement has seen its role expand within the NPT Review Process itself, via an increasing presence in the Preparatory Committees and NPT Review Conferences. This effort can be undertaken in spite of the state parties by such and such non-proliferation or prohibition regime, or by relying on the support of certain states.

The issue of a WMDFFZ in the Middle East is well suited to the protestive nature of civil society, yet with a range of nuances: the same objective (disarmament and regional peace for the benefit of populations against state power interests) utilises means as diverse as the representatives of the contestation themselves, from the most moderate incremental approach to the will to pressure Israel into joining the NPT as a NNWS. In any case, it is remarkable that civil contestation movements feel a certain embarrassment regarding this debate and have failed to tow a clear line in the forty years it has been ongoing. Firstly, civil society in the Middle East has to date always been poorly represented in the protestive whole. Contestations mainly

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80 G. P. Shultz, W. J. Perry, H. A. Kissinger, S. Nunn, “How to Protect Our Nuclear Deterrent, Maintaining Confidence in our Nuclear Arsenal is Necessary as the Number of Nuclear Weapons Goes Down”, *The Wall Street Journal*, <http://online.wsj.com/article/SB10001424052748704152804574628344282735008.html>

emanate from the West and its points of relay in the region are few. Secondly, the complexity of parameters that must be taken into account to provide operational solutions for the realisation of the final objective very much confines civil interventions to a fairly far off cry. Lastly, the very western theme of NWS disarmament is difficult to apply to Middle Eastern issues, especially since the emergence of Iran as a nuclear threat in the region.

### 6.2.3 From Expertise to Decision Making

The strategic research community is the third main component of civil society that demands a more prominent position in security debates. If it is legitimate to use the term community in the sense that the will to put the topics broached into perspective is accompanied by generally shared methods of academic work, this last subsection displays particularities and its actors do not pursue the same goals. Strategic research in the literal sense is a discipline that studies power distribution in the world between subjects of international law and subjects of private law. Schematically, it has four vocations: first, to deal with a topic of study without bias; second, to examine it in all its complexity; third, to fuel debate without a priori challenging its state-centric nature. Lastly, strategic research intends to take part in the security debate not to keep the general public directly abreast of it nor to establish a shared destiny amongst individuals, but to provide the principal actors of international relations with expertise to inform decision making. As such, numerous distinctions should be made between civilian actors, according to their position in the research community (university research departments, public research centres, private research centres, foundations, etc.), stated vocation, financing, independence, political and/or ideological orientation, size and reach, and notoriety.

It is evidently this third subsection that has been the most active regarding the Middle East WMDFFZ theme over the last forty years, particularly since the process was revived two years ago. As such, civil society's role in this debate is not only demanded, but also established and accepted. The fulfilment of this role manifests itself in the production of public analysis or advisory works, the organisation of academic or academic-diplomatic events, and the

providing of information and analysis via traditional relays of opinion or via the Internet. If we take only the freely available publications of research articles, reports, and accounts of conferences and seminars since the spring of 2010, about one hundred papers have been published over a period of two and a half years on the subject of a Zone or on the 2012 HCME.

After all, this overview of the civil scene shows on the one hand that claiming a role in the Helsinki process corresponds to reality, and on the other hand that this role is essentially occupied by expertise motivated by a growing concern to render the debate more technical. The European framework since 2010 provides one illustration.

### **6.3 The Institutionalisation of Independent Research within the EU: Will and Implementation**

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With the 2010 launch of the EU Non-Proliferation Consortium, independent European arms control research in the general sense (disarmament, non-proliferation, and strategic and security postures) has found itself entrusted with a role in the EU decision-making process. It was the result of an idea included in the New Lines for Action adopted during the European Council meeting on 8 and 9 December 2008.<sup>81</sup> This fulfilment provides a fairly original example of the institutionalisation of civil society in security debates at the supranational level.

#### **6.3.1 The December 2008 New Lines for Action**

To recap, the start of the French EU Presidency was followed up from July 2008 with the launch of a comprehensive re-appraisal of the 2003 EU Strategy against Proliferation of Weapons of Mass Destruction.<sup>82</sup> Dubbed “New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their means of delivery”, the result of the re-evaluation

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<sup>81</sup> New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems, [http://trade.ec.europa.eu/doclib/docs/2008/december/tradoc\\_141740.pdf](http://trade.ec.europa.eu/doclib/docs/2008/december/tradoc_141740.pdf)

<sup>82</sup> EU Strategy against proliferation of weapons of mass destruction, [http://trade.ec.europa.eu/doclib/docs/2004/august/tradoc\\_118532.en03.pdf](http://trade.ec.europa.eu/doclib/docs/2004/august/tradoc_118532.en03.pdf)

was an operational outline along the lines of four objectives to attain by 2010:<sup>83</sup>

1. Knowledge and anticipation should be amassed by updating the risks and threats facing EU Member States;
2. Prevention should be based on the fight against intangible transfers and knowledge protection;
3. Interceptions and sanctions should be the basis of a Europe-wide agreement to criminalise illegal transfers, brokerage, and WMD trafficking;
4. Coordination within the EU's different organs should be improved by the instillation of a common administrative culture linked to the fight against proliferation through training programmes.

In this outline, a role was given to independent research in keeping with the first objective. It was decided in December of 2008 that risk and threat updates would be based on the work of independent European research centres, called upon to operate as a network for this task. For a certain number of its proponents, the ambition of such a network would increase over time: the creation of a European framework for dialogue between institutes, EU Member States, and European non-proliferation organs would constitute a milestone in the construction of a specific European security identity.

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### 6.3.2 The Launch and Workings of the EU Non-Proliferation Consortium

The December 2008 ambition was realised less than two years later with the adoption by the Council on 26 July 2010 of decision 2010/430/CFSP “establishing a European network of independent non-proliferation think tanks in support of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction.”<sup>84</sup> This decision established a specific consortium comprising four European Institutes: the Foundation for Strategic Research (FRS)<sup>85</sup> in Paris, the Stockholm International Peace

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83 At the end of 2010, the deadline for implementation was extended by two years.

84 Decision 2010/430/CFSP: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:202:0005:0009:EN:PDF>

85 The Foundation for Strategic Research (FRS) was founded in 1998. It is an independent research centre and the leading French think tank on defence and security issues. Its team of experts in a variety of fields contributes to the strategic debate in France and abroad, and provides unique expertise across the board of defence and security studies. In the area of international security, its specific focuses are security doctrines, arms control, proliferation/dissemination issues and challenges, non-proliferation regimes and



Research Institute (SIPRI),<sup>86</sup> the Peace Research Institute Frankfurt (HSFK/PRIF),<sup>87</sup> and the International Institute for Strategic Studies (IISS)<sup>88</sup> in London. Tasked with federating a research and analysis network within the 27 EU Member States, the new EU Non-Proliferation Consortium has been assigned two major briefs to be undertaken over the course of three years.

The organisation of the kick-off meeting and an annual international conference designed to promote strategic discussion within the EU and with partner countries on the subject of combating the proliferation of WMD as conventional weapons, to submit recommendations for improving the implementation of European strategies to European decision makers, and to increase the awareness within the EU, its Member states, and civil society

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policies (small arms, conventional weapons, biological and chemical weapons, nuclear weapons, and their delivery systems). The FRS maintains an active presence in the strategic debate through its publications, its website, and the events it regularly organizes. It takes part in a network of European and international research centres. <http://www.frstrategie.org>

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86 The Stockholm International Peace Research Institute (SIPRI) is an independent international institute dedicated to research into conflict, armaments, arms control and disarmament. Established in 1966, SIPRI provides data, analysis and recommendations, based on open sources, to policymakers, researchers, media and the interested public. Located in Stockholm, Sweden, SIPRI offers a unique platform for researchers from different countries to work in close cooperation. The Institute also hosts guest researchers and interns who work on issues related to the SIPRI research programmes. SIPRI maintains contacts with other research centres and individual researchers throughout the world. The Institute cooperates closely with several intergovernmental organisations and entities, including the United Nations, the European Union, the IAEA and the OPCW, and regularly provides support to parliamentary, scientific and government partners. <http://www.sipri.org/>

87 The Peace Research Institute in Frankfurt (HSFK/ PRIF) is the largest as well as the oldest peace research institute in Germany. Founded in 1970, PRIF's work is directed towards carrying out research on peace and conflict, with a special emphasis on issues of arms control, non-proliferation and disarmament. Between 1987 and 2002, PRIF organised a network of European researchers in this field, training young academics in some countries lacking any non-proliferation expertise. PRIF researchers have a long-standing experience in political advice and consulting, having served, inter alia, in German delegations to NPT, CTBT, CWC, BWC, Ottawa Convention and SALW gatherings, in the UN Advisory Council on Disarmament Matters and in IAEA Expert Groups. Today, PRIF's arms control division covers chemical, biological, nuclear and radiological weapons, small and light weapons, conventional weapons as well as mines and cluster ammunition. <http://www.hsfk.de>

88 The International Institute for Strategic Studies (IISS), founded in 1958, is an independent centre for research, information and debate on the problems of conflict, however caused, that have, or potentially have, an important military content. It aims to provide, through publications and discussion forums, the best possible analysis on strategic trends, and to facilitate contacts that would lead to the development of better public policy in the fields of international relations and international security. Based in London, the IISS has offices in the US, Singapore and Bahrain. The IISS Non-Proliferation and Disarmament Programme seeks to provide objective assessments of proliferation threats, to support international efforts to strengthen nuclear security and the non-proliferation regime and to encourage a stronger congruence of non-proliferation and arms control policies. <http://www.iiss.org>.

of both existing and emerging threats. This goal should also be attained by publishing reports, research articles, and recommendations.

Setting up and running an Internet platform designed to facilitate contact in the intervening period between meetings and conferences and to foster a European dialogue between research institutes. This instrument should also act as a showcase, in English, both for EU policies, which will be reported, commented on and analysed, and for the network's research institutes.

The EU Non-Proliferation Consortium, which was officially established by a kick-off meeting in Brussels in May 2011, then by the launch of its website,<sup>89</sup> constitutes the institutional framework of a network open to any independent European institute that conducts research programmes on non-proliferation and disarmament. It is a hybrid organisation which is supple and flexible.

### 6.3.3 Lessons Learned

A year and a half on from its kick-off meeting, the EU Non-Proliferation Consortium is piloting a sixty-odd strong network of European think tanks. Twenty "policy papers" have been published and distributed in a specific series designed to provide the EU with operational recommendations. The Consortium's first international conference took place in Brussels on 3 and 4 February 2012, bringing together more than 200 experts from the EU and beyond. This rapid quantitative success can be easily explained: joining the network is mutually beneficial, as it offers an opportunity to galvanize a rather fragmented European non-proliferation research scene and open it up to the full benefits of independent expertise.

Besides the quantitative aspect, which can already be considered to have been accomplished given the Consortium's success less than two years after its launch, the initiative seems to be proving successful with its approach of including civil society in the implementation of non-proliferation policies at a European level. On the one hand, European leaders benefit from both a higher profile and expertise channelled towards policy recommendations. On the other hand, independent research finds itself supported and encouraged

to provide constructive criticism of the policies implemented. The partnership very much seems to be functioning successfully, and since 2011 has turned its attention to the Middle East WMDFZ project following its recent revival by the last NPT Review Conference.

## 6.4 The EU Non-Proliferation Consortium's Support for Civil Society in the Diplomatic Process Aiming to Establish a WMDFZ in the Middle East

If the EU so decides, additional projects can be added to the Consortium's original agenda, which has already been the case on one occasion. With the support of the EU (Council decision 210/799/CFSP)<sup>90</sup>, the Consortium organised a seminar "to promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East", which took place in Brussels on 6 and 7 July 2011. This event constituted a continuation of EU policy carried out since the mid-1990s.

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### 6.4.1 The EU in the Diplomatic Process: Genesis

The question of the EU's engagement in the Middle East WMDFZ project merits detailed focus, as provided in another chapter of this work. The aim here is to highlight the major landmarks in the framework of the regional negotiation process and that of the NPT review process since 1995.

In chronological order, the first frame of reference for the incarnation of a European policy is that of the NPT review cycle. "A Middle East zone free of nuclear weapons as well as other weapons of mass destruction" appeared on the NPT Review Conference agenda during the Review and Extension Conference of the NPT in May 1995.<sup>91</sup> Since then, EU support for the project has been unfailing. European diplomacy regularly promotes the following

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90 Council Decision 2010/799/CFSP of 13 December 2010 in support of a process of confidence-building leading to the establishment of a zone free of weapons of mass destruction and their means of delivery in the Middle East in support of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:341:0027:0031:EN:PDF>

91 Resolution on the Middle East: [http://www.un.org/disarmament/WMD/Nuclear/1995-NPT/pdf/Resolution\\_MiddleEast.pdf](http://www.un.org/disarmament/WMD/Nuclear/1995-NPT/pdf/Resolution_MiddleEast.pdf).

ideas: the need to make concrete incremental progress to pave the way for the full implementation of the 1995 Resolution, the universalization of the major non-proliferation and disarmament treaties and instruments and the ratification of the CTBT, the importance of the regional peace process, the EU's willingness to help with the mandatory preparatory work amongst stakeholders in the Zone project, and, more recently, the impediment posed by the Iranian nuclear crisis to any progress in the resolution's implementation. One can note that EU positions are very keen to stress a balance between the major regional states positions, whilst firmly insisting on the new obstacle presented by Iran's behaviour in terms of its respect for its NPT commitments.

The second field of EU involvement dates from late 1995 with the adoption of the Barcelona declaration at the Euro-Mediterranean Conference of 27-28 November 1995. Formally, the document calls for the establishment of a WMDFZ in the Middle East,<sup>92</sup> a document that was subsequently endorsed by Israel, the Palestinian Authority, Egypt, Syria, Lebanon, Jordan, Morocco, Algeria, and Tunisia. This regional framework is by no means uninteresting in principle, but is yet to yield concrete results. The Barcelona Process is presented by the European Union External Action service (EEAS) as the "basis of the Euro-Mediterranean Partnership which has expanded and evolved into the Union for the Mediterranean. It was an innovative alliance based on the principles of joint ownership, dialogue and co-operation, seeking to create a Mediterranean region of peace, security and shared prosperity." Indeed, on 13 July 2008, "the Barcelona process: a Mediterranean Union" (MU) was officially launched at the Paris Summit for the Mediterranean. Paragraph 5 of the Joint Declaration, adopted by the 43 participating states at this Summit, states that the MU includes a section on the prevention of WMD proliferation: *"The parties shall pursue a mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems. Furthermore the parties will consider practical steps to prevent the proliferation of nuclear, chemical and biological weapons as well as excessive accumulation of conventional arms; refrain from*

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92 Barcelona Declaration: [http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc\\_124236.pdf](http://trade.ec.europa.eu/doclib/docs/2005/july/tradoc_124236.pdf).

*developing military capacity beyond their legitimate defence requirements, at the same time reaffirming their resolve to achieve the same degree of security and mutual confidence with the lowest possible levels of troops and weaponry and adherence to [the Convention on Certain Conventional Weapons (CCW)].*” That being said, non-proliferation was not listed among the six “key initiatives” of the Paris Summit, “not to start off with.” These initiatives, which are project-based approaches, deal with the environment, transports, civil protection, energy, education, and the development of small businesses. To date, the results attained in the framework of the Barcelona process are still very meagre. They are nonetheless noteworthy as they confirm the European Union as a full stakeholder in the multilateral process.

For the most part, in terms of the EU’s specific support for the Middle East Zone project, the main activity undertaken comprises two international seminars, the first in June 2008 and the second in July 2011, with a third planned for early November 2012.

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#### **6.4.2 The Consortium’s Role: the July 2011 Seminar**

In organising the seminar of 6 and 7 July 2011 in Brussels, with the support of the EU, the EU Non-Proliferation Consortium acted in the manner of a European agency, but with the significant advantage of being an independent entity whose vocation is to provide “out-of-the box” analyses. It is worth briefly evoking its framework. The last NPT Review Conference insisted on the importance of a process leading towards the implementation of the 1995 resolution on the Middle East. The cornerstone of the process is the organisation of a conference planned for 2012 that would bring together all regional states. Several practical measures contributing to this process are identified in the document, including the EU’s proposal to organise a new follow-up seminar. By entrusting the running of the initiative to the Consortium with the support of the EEAS, the EU also confirmed a realistic long-term approach, aiming to more clearly identify the security conditions, which are “in the future” likely to lead to the establishment of an effectively verifiable Middle East Zone.

The event, which was conducted under the Chatham House Rule,

brought together nearly 200 experts and diplomats from nearly all states in the Middle East and the EU, as well as China, the United States, Russia, Argentina, Australia, Brazil, Canada, Japan, Norway, Switzerland, and Turkey, in addition to various regional and international organisations. Eight background papers were published in preparation for the seminar, which are available on the Consortium's website, along with the seminar's agenda and its final assessment.<sup>93</sup>

This meeting was designed to provide academic results. It was hailed as a success due to the significant participation of many states in the region, but also because of the quality and freedom of the debates. In passing, the EU had the opportunity to appear as an institutional actor unquestionably involved in the diplomatic or proto-diplomatic process.

#### 6.4.3 Facilitating the Facilitator's work: The Ambition for 2012

A new EU initiative aiming to support the Helsinki Process was adopted by the Council on 23 July 2012.<sup>94</sup> Council Decision 0212/422/CFSP naturally follows on from the Decision that mandated the organisation of the July 2011 Seminar, precisely because this first meeting was deemed a success. According to the text of the new Decision "On 6-7 July 2011, the Union organised a seminar in Brussels to 'promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East', which brought together senior representatives of regional states, the three NPT depositary states, the Union member states, other interested states, as well as academics and official representatives of the major regional and international organisations. Participants strongly encouraged the Union to

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93 *The dynamics of missile proliferation in the Middle East and North Africa*, by Stéphane Delory ; *Nuclear capabilities in the Middle East*, by Mark Fitzpatrick ; *Peaceful uses of nuclear energy in the Middle East: multilateral approaches*, by Giorgio Franceschini and Daniel Müller; *A Zone free of WMD and means of delivery in the Middle East: an assessment of the multilateral diplomatic process, 1974-2010*, by Benjamin Hautecouverture and Raphaëlle Mathiot; *The Arms Control and Regional Security Working Group: still relevant to the Middle East?*, by Peter Jones; *A weapons of mass destruction-free zone in the Middle East: an incremental approach*, by Harald Müller and Claudia Baumgart-Ochse; *Status of non-proliferation treaties, agreements, and other related instruments in the Middle East*, by David Santoro; *Conventional strategic military capabilities in the Middle East*, by Pieter D. Wezeman. <http://www.non-proliferation.eu/activities/activities.php>

94 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:196:0067:0073:EN:PDF>

continue to facilitate the process towards the establishment of a zone free of WMD in the Middle East, including via further similar initiatives prior to the 2012 Conference to be convened by the UNSG and the co-sponsors of the 1995 Resolution.”

This year, the EU has once again confirmed its commitment to supporting academic work on the subject of a WMDFZ in the Middle East. The EU Non-Proliferation Consortium has once again been tasked with organising this new meeting with the support of the EEAS. The event, once again closed and under the Chatham House Rule, should take place in November 2012 in Brussels with the aim of advancing debate on the concrete means of furthering the goal. Debate will be fostered by the publication of twenty working documents specifically requested by the Consortium and by a webpage dedicated to documentation, available on the Consortium’s website.

The goal of a WMDFZ in the Middle East is a long-term one. Whatever the upshot of the 2012 HCME, the EU’s initiative should be hailed as it accompanies and fuels a debate that is not as static as people ordinarily like to suggest. Since the ACRS process launched at the start of the 1990s, the positions of the key states in the region have granted, not substantially evolved, but the subject has fleshed out by becoming more precise: there is an increasing focus of concern on the issues of confidence-building measures and security, the principle of transparency, the regional security environment, the new stakes linked to the development of peaceful uses of nuclear energy in the region, the broadening of the Israeli-Palestinian problem, and taking into account the proliferating programmes of several states in the region during the 1990s and more recently. Moreover, the fall of several authoritarian regimes in the region, the advent of democracy in several states, should it be confirmed, and the renewal of elites in power will not fail to have manifold effects on the continuation of a diplomatic process often lambasted for having regularly been instrumentalised rather than pursued in good faith with the aim of enhancing the security of the region and all of states that comprise it. In this renewed context, the new European initiative, with its ambition to further the technical debate and to provide operational solutions

by making full use of civil society expertise, is very much in line with the principle of “effective multilateralism” prized by the 2003 EU Strategy.<sup>95</sup> The initiative provides an interesting new illustration of the potential level of civil society engagement in the ongoing process.

## 6.5 Conclusion: Can Civil Society Depoliticise the Debate?

Besides the recent European initiatives on which this chapter has particularly focused, it is remarkable that the main events of the year on the subject of a Middle East WMDFZ have been numerous and that their number is increasing as the 2012 HCME approaches. For instance, “The Hague Week on Disarmament and Non-Proliferation” that took place in the Dutch capital from 3 to 7 September 2012 had a session dedicated to the subject, as did the “Third Annual WMD Summer Programme”, also held in The Hague during the same week, jointly conceived by the T.M.C. Asser Institute and the OPWC for both young professionals and students at the end of their university degrees aiming for a career in arms control. The “Amman Framework”, under the auspices of the Arab Institute for Security Studies (ACSIS) in Amman, provides another example, as do the events organised by the British American Security Information Council (BASIC) in Egypt in January 2012 and in Istanbul in October 2012, or the Peace Research Institute Frankfurt (PRIF) in Sardinia in May 2012 and Vienna in September 2012. Wilton Park in the UK is organising a meeting in October 2012, as are the PIR Centre in Moscow and the Turkish research centre EDAM in November 2012, once again in Istanbul. These research events display several common characteristics: they are almost all Track 2 or Track 1½ events that do not attempt to maximise their exposure; they bring together experts and diplomats to try and find practical solutions; they all generally fall within the scope of the Helsinki Conference and are meant to serve as supporting instruments to the work of the Conference

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<sup>95</sup> EU Strategy against Proliferation of Weapons of Mass Destruction <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>.



facilitator Ambassador Jaakko Laajava. All in all, they illustrate a high level of commitment of civilian expertise in the diplomatic reflection on the Middle East Zone project.

Moreover, whatever role is actually allocated to civil society at the Helsinki Conference and in the framework of the process that the conference intends to revitalise, the very fact of publicly assigning a role to civil society would in itself be a positive move. Why is this so?

Firstly, because it would constitute recognition by the Middle East states that any arms control project has a civilian dimension in so far as the discipline's ultimate goal remains the security of the region's inhabitants rather than simply the interests the states that represent them.

Secondly, because the "diplomatic bubble" needs a regular external oxygen supply to stop it from asphyxiating. As such, the fad for "fresh thinking" should correspond to the reality of a role that certain sections of civil society can play because that is their function. If we refer to the three principal subdivisions that comprise what is dubbed civil society, it must be noted that the contestation movement, just like the generalist press, is not particularly active in the debate. A contrario, the strategic research community seized upon the subject immediately following its inclusion in the NPT Review Conference final document. Numerous ideas have come out of this interest, the most realistic of which will hopefully be retained, if only to be put to the scrutiny of different capitals.

Such public recognition would constitute success in itself. Nevertheless, the Helsinki process could advantageously go further by including civil society experts in thematic working groups, which could be set up in a supple fashion following the Helsinki Conference, slightly away from the constraints imposed by both diplomatic agendas and regional politico-strategic vicissitudes.

That leaves the pending question of the nature of civil society involvement in the final project. In other words, it would be simplistic to oppose state positions to civilian propositions on the grounds that civil society

representatives do not have ideological or political interests to defend and are free to work for the common good. The only criterion, in this case, that enables us sufficiently effectively to decide between one and the other, should be the ability to synthesise an operational proposal, whatever its common denominator.

# Chapter Seven

## Towards the 2012 Conference on Establishing a WMD FZ in the Middle East Analyzing: the Role of International and Civil Society Organisations

Michaela Pobudova and Ayman Khalil

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### 7.1 Introduction

The date is 2012, the venue is Helsinki and the aim is to convene the much-awaited and long-overdue conference devoted to explore the possibility of establishing a weapons of mass destruction free zone (WMD FZ) in the Middle East. It remains to be seen if the conference will be held within 2012 as originally provided for by the 2010 Non Proliferation Treaty Review Conference (NPT RevCon).

The NPT RevCon Final Document foresees a plan of action prior to the 2012 Helsinki Conference on establishing a Middle East WMD FZ (HCME); it provides a mandate to a number of international organisations (i.e. WMD banning organisations) to prepare background documentation on modalities for a zone free of all weapons of mass destruction as well as their delivery systems. The document specifically mentions the IAEA and the OPCW as well as other relevant organisations, thus paving the way for the engagement of other international organisations: “*Additional steps aimed at supporting the implementation of the 1995 Resolution, including the IAEA, the Organisation*

*for the Prohibition of Chemical Weapons and other relevant international organisations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained.”<sup>96</sup>*

The Final Document also makes a clear reference to civil society actors. While it does not specify the nature of their involvement, it calls for all efforts that can contribute to the creation of a WMDFZ in the Middle East, namely “*The Conference further recognizes the important role played by civil society in contributing to the implementation of the 1995 Resolution and encourages all efforts in this regard.*”<sup>97</sup>

Drawing on this statement, the 2010 NPT RevCon clearly requested input by a number of actors. Within the framework of 2012 HCME, it is important to put these actors under the spotlight, examine their views and positions and recognise the potential contribution that these actors can bring.

The following analysis reviews the capacity of various international organisations as well as civil society organisations to support the creation of a WMDFZ in the Middle East; it also aims to address the ability of these entities to contribute to the 2012 HCME, including their important role in assisting the conference facilitator and ultimately ensuring the success of the event. Obviously, significant effort, time and resources are required by international organisations to achieve this goal.

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## 7.2 Defining the Success of the 2012 HCME

Prior to analysing the possible role of international organisations and civil society organisations, it is important to define what is meant by “success of the conference”. A clear definition of the term will clarify the possible levels of engagement of various actors under consideration.

Success is a criterion that depends on perception and perspective. Success is a

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<sup>96</sup> 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “NPT/CONF.2010/50 (Vol. I)\*,” 30.

<sup>97</sup> 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “NPT/CONF.2010/50 (Vol. I)\*,” 31.

relative term which encompasses any number of positive incremental steps, over the short or medium terms, that would eventually lead to tangible outcomes in what pertains to establishing the zone. Given the particularly tumultuous situation in the region, any step forward can be considered a success. In general, the 2012 HCME is considered a success if it is to be held on time (i.e. within the year 2012) and if the event was capable in securing a comprehensive engagement, namely bringing together all regional members and players including but not restricted to Israel and Iran.

There is a consensus that the 2012 HCME will have a very limited impact if it is restricted to a single meeting. The ability of 2012 HCME to provide a launch pad for an ongoing and sustainable process is a very important indicator of success. A commitment of regional states to contribute to this process will be definitely considered a positive development. We use the term “process” to indicate that the Conference on establishing a WMDFZ in the Middle East would best achieve its objectives if it was in the form of an ongoing process rather than a single meeting. There is a wide-ranging consensus that a single meeting will not be able to provide a settlement to all pending issues.<sup>98</sup> Utilising the 2012 HCME to launch an ongoing process will be the most favourable course of action.

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It is important to point out that the achieved consensus of holding the 2012 HCME, the appointment of Ambassador Jaakko Laajava as facilitator and the designation of Finland as host country are unprecedented steps which represent important pillars of success in this direction.

Beyond any doubt, the conference scheduled in 2012 would definitely benefit from a positive performance by the facilitator, whose role is to help all parties involved to achieve a commonly agreed goal. While he does not have the authority to make decisions for each party, the facilitator must thoroughly understand the issues at hand and suggest steps towards reaching common goals. The facilitator's awareness of the entire situation is an important asset; his intimate knowledge about the agendas of various parties, their behaviour at the negotiation table and his ability of utilising existing tools and organisations are important factors to take the process forward.

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98 ACSIS report, 2011.

### 7.3 International Organisations – Who, Which and Why?

As the 2010 NPT RevCon directly calls upon international organisations to engage in preparations leading to the 2012 HCME, the facilitator reported that coordination is already taking place with these organisations and that bilateral discussions are ongoing.<sup>99</sup> It is expected that these contributions or documentation will be presented within the 2012 HCME.

The 2010 NPT RevCon final document foresees a role for two organisations, namely the IAEA and the OPCW, but does not strictly confine contribution to the named organisations. Hence this analysis will also discuss the possible contribution of other potential instruments including the Biological and Toxin Weapons Convention (BTWC) represented by the Implementation Support Unit (ISU), the Preparatory Commission for the Comprehensive Test Ban Treaty Organisation (CTBTO) as well as other actors.

International organisations considered hitherto represent the legislative umbrella for each category of WMD; their mandate is to monitor and support the progress of a specific treaty, to contribute to a prohibition of acquisition, controlling the flow of sensitive materials and technologies as well as cessation of testing.

These organisations are in a very good position to provide assistance to the facilitator and contribute to the success of the 2012 conference as they possess a number of qualities, including wide acceptance and adherence as well as accumulated knowledge regionally and internationally. International organisations possess valuable knowledge and tools, including devising treaty-related documents, a deep understanding of a negotiation process, national implementation procedures, verification of compliance, dealing with complaints, undergoing inspections and implementing safeguards. These wide-ranging responsibilities are particularly useful in the process of establishing a WMDFFZ in the Middle East. International organisations, therefore, stand the best chance of providing the facilitator with a holistic support in terms of providing necessary

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<sup>99</sup> ACSIS report, 2011.

background knowledge, engaging with states in the region, all to increase the likelihood that the 2012 HCME will be a success.

The analysis briefly looks at the Conference on Disarmament (CD), the Nuclear Suppliers Group (NSG), and missile-control regimes as well as other relevant international organisations that could be useful in supporting the run up to Helsinki.

### 7.3.1 International Organisations – Mandate and Membership

In the process of analysing possible roles of international organisations, it is important to highlight their mandate, inclusiveness and scope of membership for each instrument. The following analysis also underlines the responsibilities of these organisations vis-à-vis the creation of a universal/regional ban on each category of WMD.

#### i. IAEA

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The International Atomic Energy Agency (IAEA) was established long before the adoption of the NPT. This important organisation is mandated under the NPT to administer international safeguards, verify that non-nuclear weapon states parties to the NPT fulfil the non-proliferation commitment they have made. The nuclear “watchdog” facilitates developing and utilising peaceful uses of nuclear energy as well as conducting verification of nuclear weapon free zones.<sup>100</sup> Israel, a member state of the IAEA, remains the only non-signatory state to the NPT in the Middle East and one of the three states remaining out of the NPT context globally. Iran pursues its own nuclear programme which has attracted a growing level of attention and much controversy.

As a result of not joining the NPT, Israel has been the target of much criticism by Arab states and commonly claimed as their reason of non-adherence to some WMD prohibiting treaties, thus promoting the theory that Israel is the only obstacle to the establishment of a WMDFFZ in the region. Additionally, Israel’s non-commitment is seen as an impediment against achieving universal adherence to the NPT.

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100 IAEA and the NPT: Key Roles (IAEA online publication)

Due to its sheer breadth of expertise, accumulated knowledge and experience, the IAEA has the ability of playing a pivotal role prior, during and after the conclusion of the 2012 conference.

#### **ii. OPCW**

The Organisation for the Prohibition of Chemical Weapons (OPCW) was established with a mandate of achieving the object and purpose of the Chemical Weapons Convention (CWC), to ensure the implementation of its provisions, including international verification of compliance as well as providing a forum for consultation and cooperation among States Parties.<sup>101</sup> Almost all states in the Middle East are party to the CWC, except for Egypt and Syria which have not signed the convention. Israel signed the convention in 1993 but has not yet taken steps towards its ratification. Both Egypt and Syria state that they will withhold their signatures until Israel decides to accede to, and conform with, the NPT,<sup>102</sup> thus justifying their lack of commitment to the CWC as a counter-measure to Israel's non-adherence to the NPT.

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The OPCW is in a very good position to engage positively in 2012 HCME and to provide background documentations in support of the facilitator's effort. The Director General of the OPCW has reportedly taken a leading position in coordinating with the facilitator. The OPCW's multidisciplinary relations with public and private sectors is an important asset that could be invested and utilised.

#### **iii. CTBTO Preparatory Commission**

The Preparatory Commission of the Comprehensive Test Ban Treaty Organisation (CTBTO) was set up in order to conduct preparations for the implementation of the CTBT and to promote its universal adoption. The Commission is also responsible for establishing a global verification regime to monitor compliance before the treaty comes into force.<sup>103</sup> Saudi Arabia and

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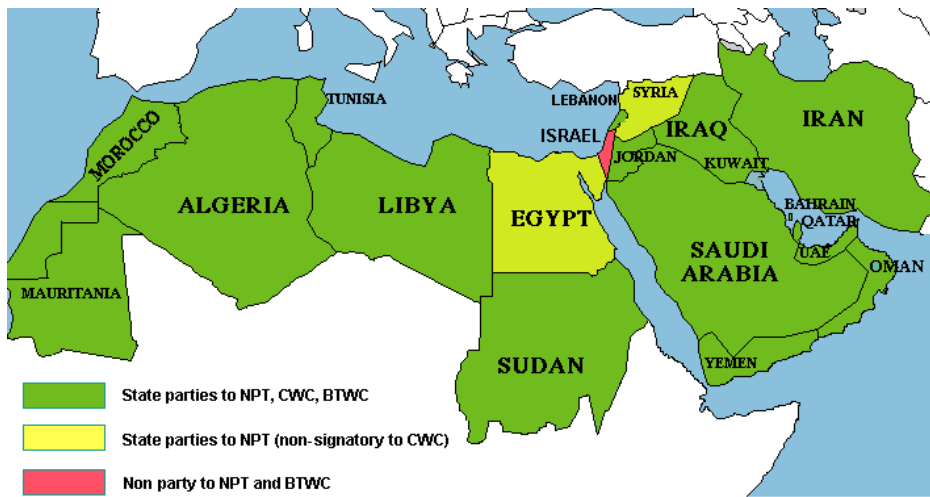
101 About the OPCW (OPCW online publication)

102 Miles Pomper and Peter Crail, "The Middle East and Nonproliferation: An Interview with Nabil Fahmy, Egypt's Ambassador to the United States" - *Arms Control Today*, September 2008, Volume 38 edition.

103 *Purpose and activities* (CTBTO Preparatory Commission, online publication).



Syria are the only countries in the region that have not signed in the CTBT. Egypt, Yemen, Iraq, Iran and Israel have signed but not ratified the CTBT. For the treaty to come into force, states specifically identified in Annex 2 of the treaty should become parties, i.e. a total of eight countries including Iran and Israel.<sup>104</sup>



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Primary actors in the Middle East and their commitment towards WMD banning treaties © ACSIS 2012<sup>105</sup>

Due to the interim status of the Preparatory Commission and since it has not entered into force, the role of the CTBTO might be somewhat limited when it comes to aiding the facilitator. However, the CTBTO is in a comfortable position to provide technical support and background information to the facilitator and participants in the 2012 Helsinki conference.

It is worth mentioning that nuclear weapons are the only category of WMD that is governed by two separate legislative structures which prohibit proliferation (i.e. the NPT) and ban testing (i.e. the CTBT). Analysts believe

<sup>104</sup> State Parties to the Treaty (CTBT Treaty Text, " 92).

<sup>105</sup> For the geographical delineation of the Middle East, the analysis adopts the definition presented in Chapter 3.

that this duality is a direct manifestation of the NPT's shortcomings which lacks a clear definition of a nuclear weapon and the ability to define the status of states that have not joined the treaty among other deficiencies.<sup>106</sup>

#### iv. Implementation Support Unit of BTWC

Although the Biological and Toxin Weapons Convention (BTWC) does not possess an organisational body responsible for the implementation and promotion of universality, the Sixth Review Conference of the BTWC has set up an Implementation Support Unit (ISU) at the United Nations Office for Disarmament in Geneva. The unit has a small number of staff who provide administrative assistance, support national implementation and universality efforts as well as confidence-building measures.<sup>107</sup> All states in the Middle East have signed the BTWC apart from Israel. Egypt and Syria are both signatories but have not ratified the treaty.

#### v. CD

The Conference on Disarmament (CD) is an instrument of profound importance. At the moment it finds itself in a period of internal crisis and semi-paralysis, unable to take any action due to a lack of consensus on several issues.<sup>108</sup> It is widely believed that the CD would take on a pivotal role and assume an important responsibility in the creation of a WMDFZ in the Middle East once it overcomes its current stalemate.<sup>109</sup> Indeed all regional states are members or observers of the CD.

#### vi. NSG

The Nuclear Suppliers Group (NSG) is a gathering of nuclear supplier states voluntarily participating to curtail the capacity of other states to develop nuclear weapons through an adoption of guidelines for exports of nuclear-

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106 Ayman Khalil, ACSIS report 2010.

107 *Role of the Implementation Support Unit* (United Nations Office Geneva/website).

108 *Global Security Newswire*, "Top U.N. Official Urges Conference on Disarmament to Break Impasse | GSN | NTI." NTI: Nuclear Threat Initiative, 15 February 2012.

109 On the continued importance of the CD, see Cindy Vestergaard, "Why the Conference on Disarmament still matters." *Global Security Newswire*, 22 January 2010

related materials and technology.<sup>110</sup> It is worth noting that the NSG mandate is in line with the objectives of a Fissile Material Cut-off Treaty (FMCT) whose purpose would be to limit the volume of nuclear material that could be used for developing nuclear weapons.<sup>111</sup> Currently none of the Middle Eastern countries is a member of the NSG because none is a supplier of nuclear technology.<sup>112</sup> The ability of the NSG to engage in the 2012 conference on the Middle East is confined to achieving consensus amongst group members, a process that has proven to be highly complicated and likely to prevent the group from contributing at all.<sup>113</sup>

#### vii. Missile Control Regimes

The 2010 NPT RevCon foresees a zone free of weapons of mass destruction as well as delivery vehicles. There is no specific organisation that is in charge of regulating and controlling issues pertaining to delivery systems. However a number of regimes are already in place to control and monitor missile technologies, including the Missile Technology Control Regime (MTCR) and the Hague Code of Conduct against Ballistic Missile Proliferation (HCOOC).<sup>114</sup> If the 2012 Helsinki conference succeeds in establishing an ongoing process, it may be the case that such regimes and structures will have an important role in preventing/limiting the procurement of delivery vehicles throughout the region.

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### 7.3.2 International Organisations – Official Positions and Preparations

The following analysis examines efforts undertaken and the level of preparations within various international organisations to assist the facilitator in his preparations for the Conference on establishing a WMDFZ in the Middle East. Information cited below was obtained through joint effort by

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110 *Arms Control Today*, "The NSG in a Time of Change: An Interview with NSG Chairman Piet de Klerk.", October 2011

111 United Nations Institute for Disarmament Research, UNIDIR/2010/4, 9. *A Fissile Material Cut-Off Treaty, Understanding the Critical Issues*, 2010

112 "Who are the current NSG participants?" (Nuclear Suppliers Group online publication).

113 Bilateral discussion between ACSIS with Ambassador de Klerk, NSG Chairman.

114 For a discussion on international attempts at missile control, see Mark Smith, *Missing Piece and Gordian Knot: Missile Non-Proliferation*, The Weapons of Mass Destruction Commission, 2006.

the Amman Framework<sup>115</sup> and the Arab Institute for Security Studies via high-level consultations, official interviews and extensive correspondence with international organisations.<sup>116</sup>

Prior to highlighting the position of international organisations, it is appropriate to point out that a number of complications may prove to be an obstacle against the performance of such organisations and the operations of the facilitator. International organisations may be under time constraints when it comes to preparing relevant documentation, due to the short time notice (as a result of the delay of appointing the facilitator) and the undefined programme or meeting agenda of the 2012 HCME.

**i. On the Position of International Organisations vis-à-vis the Goals of the 2012 HCME**

All international organisations have expressed their belief that the proposed conference is in line with their goals, especially when it comes to achieving a universal prohibition of possession and use of various categories of WMD as well as obtaining worldwide support for a ban on nuclear testing.

The CTBT Preparatory Commission has not commented on their preparations in support of the 2012 HCME, but expressed interest in what happens in the Middle East as some of the countries in the region, specifically Egypt, Iran and Israel have yet to ratify the CTBT before it can come into force. The Preparatory Commission has expressed their belief that ratifying the CTBT by states in the region would be a “catalyst” to creating a NWFZ.<sup>117</sup>

The Implementation Support Unit of the BTWC noted that “*it is not in a position to speak on behalf of the treaty or its State Parties*” but added that “*the matter of establishing a WMDFFZ in the Middle East has not yet been officially discussed amongst member states and that no text or course of action has been agreed on*”

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115 The Amman Framework is a mechanism developed by the Arab Institute for Security Studies to support implementing the outcomes of 2010 NPT RevCon, including the backing of the facilitator.

116 Consultations, communications and interviews included IAEA, OPCW, CTBTO, ISU of BTWC and NSG.

117 CTBT Preparatory Commission, “Private correspondence between ACSIS and the CTBT Preparatory Commission.”

*in that regard.*<sup>118</sup> The ISU response suggests that BTWC states parties favour that the 2012 HCME is to be dealt with separately, as an independent initiative without interference (and contribution) by the BTWC: “*individual States Parties have, in the past, expressed an opinion that the BTWC is not an appropriate venue to make recommendations or influence the work of other bodies and that such initiatives should be undertaken in their own frameworks.*”<sup>119</sup>

The IAEA and the OPCW both presented themselves as supportive of this initiative and keen to contribute to its success.

#### ii. On the Contribution of International Organisations towards the 2012 HCME

Almost all organisations have expressed a commitment to deliver what was requested by the Final Document of the 2010 NPT Review Conference, i.e. prepare background documentation. Most organisations stated that they are trying to identify which of their experiences can be translated to the process of establishing a WMDFZ in the Middle East. The IAEA had been involved since the late 1980s with the issue of a creation of a MEWMDFZ. In 1989 the IAEA Director-General (DG) prepared a technical study to provide the practical basis for implementation of a WMDFZ agreement in the Middle East, as requested by Egypt.<sup>120</sup> While the IAEA had recently organised a Forum on “Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free-Zone (NWFZ) in the Middle East”, there was no specific reference whatsoever to the 2012 HCME.<sup>121</sup> IAEA officials stated that this was an event endorsed by the IAEA General Conference in 2000 and that there was no possibility to update the agenda to include emerging issues, including the 2012 Conference on establishing a WMDFZ in the Middle East.<sup>122</sup> Many analysts and intellectuals

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118 BWC ISU, “Private correspondence between ACSIS and BWC ISU.”

119 *Ibid.*

120 M. ElBaradei “Application of IAEA Safeguards in the Middle East: safeguards are seen as complementing and enhancing efforts to establish a nuclear-weapon-free zone in the region” *IAEA Bulletin*, 1/1992 and IAEA Document GC (XXXIII)/887 (1989).

121 For more information about the forum, see: IAEA, “IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East; Vienna, 21-22 November 2011, Programme.”

122 Private correspondence with the IAEA DG office.

believe that, by doing so, the IAEA was deliberately avoiding making reference to the 2012 HCME.<sup>123</sup>

The OPCW has registered a notable presence and participation to most relevant meetings and regional gatherings, even in meetings that discussed non-chemical categories of WMD. It states that “it has been assigned a specific role which it will adhere to.”<sup>124</sup> The OPCW DG and the facilitator have held meetings discussing matters relevant to 2012 HCME. In fact, the only registered case where the head of an international organisation made a visit to the facilitator was by Ahmet Üzümcü, the OPCW DG during his mission to Finland in December 2011.<sup>125</sup> The OPCW DG’s recent statement indicates the organisation’s engagement in supporting the process.<sup>126</sup>

Given that the OPCW has expressed its willingness to be “*guided by the results of the consultations undertaken by the facilitator and the agenda which is agreed for the Conference*,”<sup>127</sup> the OPCW might actually be involved in additional work. Details of this additional effort remain undisclosed, possibly in order not to jeopardize its success.

The CTBTO’s Executive Secretary’s statement in support of the establishment of a WMDFZ in the Middle East is another gesture of high value.<sup>128</sup> On its part, the CTBT Preparatory Commission confirmed the preparation of a document pertaining to the Conference on establishing a WMDFZ in the Middle East. The document was prepared at the request of the United Nations Secretary-General’s office.<sup>129</sup> The CTBTO Preparatory Commission stated that “*a ratification of the CTBT by the states in the region would be an opportunity to build confidence and promote regional stability and a ‘catalyst’ to achieving the creation of a NWFZ*.”<sup>130</sup> In other words, the CTBTO believes that the very

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123 Ayman Khalil, ACSIS report 2011.

124 OPCW, “Private correspondence between ACSIS and OPCW.”

125 Discussions with the OPCW DG, The Hague – June 2012.

126 Ahmet Uzumcu, “Opening Statement by the Director-General to the Conference of the States Parties at its Sixteenth Session” (online publication).

127 Bilateral correspondence between ACSIS and OPCW.

128 CTBT Preparatory Commission, “Middle East WMD-Free Zone Support From the CTBT July 2011 (online publication)”.

129 CTBT Preparatory Commission, “Private correspondence between ACSIS and the CTBT Preparatory Commission.”

130 *Ibid.*

progress of achieving CTBT universality in the region would demonstrate a conviction amongst states to forego the option of building nuclear weapons, thus making it clear that their nuclear programmes serve exclusively peaceful purposes. The CTBTO also believes that its verification mechanism is a strong incentive for states to sign and ratify the treaty and thus contributing to the progress of establishing a NWFZ in the Middle East. All in all, the CTBTO presents itself as a tool that can move the region closer to the achievement of a NWFZ.

Information received from the ISU of the BTWC shortly before the Seventh Review Conference held in December 2011 reveals that the BTWC RevCon had not included the Conference on WMDFZ in the Middle East on its agenda and has not made any reference to it.<sup>131</sup>

The ISU noted that the agenda adopted by the Review Conference “*has always been the one proposed*” and therefore unlikely to include this topic. The BTWC RevCon Final Document had no specific reference to the 2012 HCME; the ISU states that the “*BWC State Parties continue to actively engage with states to encourage them to join the treaty which in itself aids the process towards the establishment of a WMDFZ in the Middle East.*”<sup>132</sup>

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### 7.3.3 Recommended Role by International Organisations

So what is it that these international organisations can do to assist the facilitator and to ensure the success of the 2012 conference on establishing a WMDFZ in the Middle East?

To tackle this question, we determine areas whereby these organisations can perform best. Three primary levels have been recognised as areas whereby these organisations can contribute, namely (i) demonstration of support; (ii) engagement and cooperation; and (iii) provision of innovative tools.

#### i. Demonstrate Support

Despite their technical and regulatory nature, few of these organisations refer to the concept of a WMDFZ in their mandate, whereas such an important concept should be imbedded in their core principles.

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131 BWC ISU, “Private correspondence between ACSIS and BWC ISU.”

132 *Ibid.*

For example, neither the BTWC nor the CTBT refers to the creation of a WMDFZ in their declared agenda. The IAEA mentions five areas of activities, namely nuclear applications, nuclear energy, safety and security, safeguards and technical cooperation.<sup>133</sup> The objective of facilitating or assisting in the creation a NWFZ is none of these. The OPCW has adopted the motto “Freeing the World of Chemical Weapons”.<sup>134</sup> However, this remains a highly theoretical concept with no clear evidence sighted on the possibility of achieving a chemical weapon free zone, i.e. no precedent.

No doubt that the stated objectives of various international organisations are important aspects, even important ingredients for creating a WMDFZ; however, a clear reference to supporting the important target of creating a WMDFZ is missing.

Although there is an inherent approval towards this objective, it is imperative for international organisations to *demonstrate* their commitment and leading position for initiating a WMDFZ, not just on the Middle Eastern context but also globally. A firm support to the creation of the zone will be in full compatibility with the organisations’ objectives and would ultimately contribute to their *raison d’être*. Discussing the WMDFZ concept theoretically or addressing “experiences of NWFZ in several regions of the world“ are positive steps but are not sufficient.

On a recurrent basis, and almost becoming an annual ritual, different international organisations stress the importance of establishing a WMDFZ in the Middle East. This is an important formulation, yet a *cliché* that is rarely pursued.

In the context of the Middle East, a pledge of support by international organisations to the facilitator would have a remarkable impact on his mission and will further stimulate the contribution by other actors. The pledge of support may take place via routine publications, annual reports, press releases, seminars, presentations, scheduled activities, special sessions, etc.

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133 “Our Work.” (IAEA online publication).

134 Ambassador Ahmet Uzumcu, Director-General, “John Gee Memorial Lecture”, Australian National University, Canberra, Australia, 26 July 2012.



## **ii. Engagement, Coordination and Cooperation**

By 'engagement' we refer to mechanisms of promoting the involvement of international organisations in a manner that would increase the likelihood of success for 2012 HCME. The term "engage" also foresees the gradual shift of international organisations' position from good intentions to plausible intervention/action. This may include a number of actions, notably the possibility of engaging, prior to and after the conference, in preparatory talks with countries in the region (as well as the co-sponsors of the 1995 resolution). The main focus of such meetings would be to have an in-depth knowledge of each country's position, its misgivings about the process as well as exploring the possibilities of addressing them. Internal reviews based on the participation of in-house experts and representatives of civil society, ahead of such meetings, would provide guidelines and an indication of various perceptions. International organisations are well-placed to incorporate the Conference on establishing a WMDFZ in the Middle East as an inherent track in their scheduled meetings. Such activities will create a conducive climate among protagonists and would be very beneficial to the facilitator because he would be aware, ahead of time, of what is expected from the 2012 HCME.

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Throughout this analysis, it was evident that few international organisations have tackled the 2012 process through their functions and activities. Despite this limited exposure, such activities were conducted individually with no reported coordination or cooperation amongst international organisations. The absence of communal activities and the sporadic treatment of common issues would minimise the overall impact by international organisations. It should be noted that a combined effort or joint activities by international organisations would provide an immense boost to the facilitator and the 2012 HCME. A single unified front of appeal to states which are not party to some of the WMD-banning treaties is likely to have a more significant impact than several, more limited singular approaches.

In terms of intra-coordination, it appears that a significant portion of communications takes place "vertically", i.e. between international organisations and the UNSG's office, with less emphasis on horizontal communication channels, i.e. directly among international organisations. This

centralization scheme implies that the UN headquarter is charged with the burden of liaising and coordinating, while little coordination really exists amongst these organisations, including when they are neighbours in Vienna for instance. This is found to be highly problematic and time consuming. There ought to be a mechanism whereby intra-cooperation among various organisations would be achieved.

### iii. Provision of Tools

The Middle East is seriously lacking innovative confidence-building measures; international organisations could pursue the important task of devising and promoting new legislative structures and innovative tools that could achieve this purpose.

A number of innovative measures could be proposed and pursued. Take for example the introduction of a “Non-conventional Launch-ban Protocol”. This is an extended version of a “No-First Use Treaty” that would apply to non-nuclear states, threshold states (and/or) states with nuclear ambitions.<sup>135</sup> Traditionally, the introduction of a “No-First Use Treaty” in a Middle Eastern context has not been a practical measure to apply since it corroborates the possession of non-conventional capabilities by signatories. The introduction of a modified formulation of a “No First Use Treaty” that would remove the stigma from parties to the protocol is a positive measure that could meet regional acceptance and adherence. Nuclear-weapons states’ (NWS) endorsement of such a protocol would provide additional assurances.

Another option is the development of a protocol that bans the targeting of nuclear, biological or chemical facilities in the Middle East; including research laboratories, industrial installations and other facilities designated for peaceful purposes. Similar but less comprehensive models have been utilised in some regional contexts. The treaty of Pelindaba refers to the “Prohibition of armed attack on nuclear installations” in Article 11.<sup>136</sup> The IAEA has endorsed a resolution prohibiting all armed attacks against nuclear

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<sup>135</sup> ACSIS report, 2011.

<sup>136</sup> “Final Text of a Treaty on an African Nuclear-Weapon-Free Zone, UN General Assembly document A/50/426,” 12. United Nations General Assembly, September 13, 1995

installations devoted to peaceful purposes.<sup>137</sup> The adoption of this extended protocol could start on a bilateral level, after which it could further evolve to include more countries.<sup>138</sup> Devising such legal document is a relatively straightforward task which would likely achieve regional consensus.

As mentioned earlier, the CTBT Preparatory Commission believes that the universal adoption of the CTBT could serve as a credible confidence-building measure in the region. By signing and/or ratifying the CTBT, Middle Eastern states would be sending a signal that they do not intend to build/possess nuclear weapons in the future, unambiguously declaring the peaceful intentions of their nuclear programmes.

In a region characterised by mistrust and saturated with distrust, sharing common resources amongst international organisations would be greatly beneficial. Devising innovative tools entails revisiting former experiences and sharing lessons learnt. The elaborate procedures possessed by most international organisations in the areas of verification and safeguards currently employed in various regional contexts could be utilised in the MEW MDFZ case instead of creating new measures. The experience gained by international organisations could be invested in decreasing doubts, promoting confidence and utilising acceptable ideas thus easing the functionality of a W MDFZ in the Middle East.

To conclude, international organisations are in the perfect position of conducting simulation exercises and contingency planning in the event that the 2012 HCME fails to take place, or if some participants fail to join. The outcome of these models provides an indispensable tool for the facilitator that would enable a more effective course of action.

#### **iv. Engaging with Civil Society**

The level of engagement between international organisations and civil society actors varies and takes a different form in each case.

The IAEA has minimal documented engagement of civil society

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137 IAEA Resolution GCXXXIV/RES/533 October 1990

138 For example, see: Islamic Republic of Pakistan and Republic of India, "Agreement on the Prohibition of Attack Against Nuclear Installations and Facilities; Signed: December 31, 1988 (Islamabad); Instruments of Ratification Exchanged: December 1990 (Entry into Force)"

organisations in activities pertaining to a WMDFZ in the Middle East. The nuclear ‘watchdog’ prefers to restrict its dealings to official channels. For example, the involvement of civil society organisations in the NWFZ forum held in Vienna (November 2011) was denied even on an observer status. The IAEA, however, expressed interest in being informed on the progress of civil society activities as well as sharing relevant information<sup>139</sup>. This indicates that the IAEA is adopting a one-sided approach with the civil society sector where minimal interaction takes place.

The OPCW has an advanced level of coordination with civil society actors and maintains an active working relationship; OPCW has been effective in institutionalizing the engagement of civil society sector via the Chemical Weapons Convention Coalition (CWC Coalition); this is an international forum for civil society organisations and the industry to promote a world free of chemical weapons.<sup>140</sup> The CWC Coalition general meeting is usually held at the headquarters of the OPCW in The Hague, often with the participation of the OPCW DG. In May 2010, the OPCW introduced a “Civil Society Blog” with the sole purpose to “facilitate and encourage informal communication with external stakeholders in this sector.”<sup>141</sup> The OPCW has welcomed the participation of NGOs at its Annual Conference, thus providing the chance to present their work, discuss their respective strategies and potential collaboration with State Parties.<sup>142</sup> Recently, the OPCW hosted a high-level meeting with think-tank specialists in The Hague with the participation of the OPCW DG and the Media and Public Affairs Branch of the OPCW (June 2012).

The CTBTO has not commented on its relationship with civil society actors with regard to the 2012 HCME. However, the CTBTO was reported to involve

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139 IAEA, “Private correspondence between ACSIS and the IAEA.”

140 Chris Schneidmiller, “New Coalition Aims to Promote Chemical Weapons Disarmament, Nonproliferation.” For more information on the activities of the Chemical Weapons Convention Coalition, see their official website: [www.cwcoalition.org](http://www.cwcoalition.org).

141 Media and Public Affairs Branch of the OPCW, “Civil Society Update.”

142 Organisation for the Prohibition of Chemical Weapons, “Information for Participation by Non-Governmental Organisations to the 15th Session of the Conference of the States Parties.”

civil society actors, more specifically within the framework of cross-regional workshops.<sup>143</sup> The CTBTO welcomed the initiation of joint activities with civil society actors in support of the 2012 HCME.<sup>144</sup>

The BWC Implementation Support Unit (ISU) is officially responsible, amongst other things, to coordinate the action outside of the State Parties with international governmental organisations (IGOs), NGOs, academic institutions and think tanks.<sup>145</sup> The ISU specified that “*in general, BTWC meetings tend to be inclusive events and have benefited from increased interactions with experts outside of national delegations in recent years.*”<sup>146</sup> Further, the ISU did express interest in civil society analyses stating that “*we would be pleased to establish communication channels... to facilitate an exchange of information and ideas... and find areas of common interest.*”<sup>147</sup>

<i>International Organisation</i>	<i>Status</i>
IAEA	Minimal
OPCW	Ongoing
ISU of BTWC	Available
Nuclear Security Summit	Ongoing
League of Arab States	Established

Level of engagement between civil society actors and international organisations/regional organisations<sup>148</sup>

Today, there are a growing number of regional and international organisations that began to realise the importance of civil society work. The League of Arab States, traditionally known for its distant relations with civil society institutions, has recently sponsored the launch of an Arab network of civil society organisations on disarmament issues with a specific mandate of engaging in the 2012 HCME.<sup>149</sup>

143 For example the meeting “Role of the CTBT in Regional and Global Security” held in Istanbul (November 2011).

144 Documents exchanged between ACSIS and CTBTO.

145 United Nations Office at Geneva, “Role of the Implementation Support Unit.”

146 BWC ISU, “Private correspondence between ACSIS and BWC ISU.”

147 *Ibid.*

148 Although the Nuclear Security Summit is not among organisations considered in this chapter it was included to illustrate the possibilities of engagement with civil society.

149 League of Arab States, Final Document (Cairo – May 2012).

## 7.4 Towards a Proactive Role for Civil Society in the 2012 HCME

The Final Document of the 2010 NPT RevCon makes a clear reference to the important role played by civil society in promoting the establishment of a WMDFZ in the Middle East.<sup>150</sup>

The civil society sector is a potential ‘shaker’ of governments and capable of shaping public opinion. International organisations (and the facilitator’s office) could utilise and invest in civil society role to achieve progress in the context of 2012 HCME as well as in general terms. Hence, it is important to institutionalise the performance of civil society institutions and promote their engagement in discussions pertaining to the establishment of a WMDFZ in the Middle East.

The fusion between formal and non-formal tracks at the Nuclear Security Summit provides an important model to consider where civil society engagement within the nuclear security summit was established and regulated. The Fissile Material Working Group (FMWG), a coalition initiated by more than 65 leading experts and non-governmental organisations in nuclear security, was formed to support and help implementing the goals of the summit, i.e. promptly securing all vulnerable fissile materials. The FMWG also enjoys advanced working relations with decision-makers at the governmental level, which enables the exchange and flow of information as well as facilitates an effective partnership between state organisations and civil society.<sup>151</sup>

If civil society organisations are to be involved in the 2012 HCME, their involvement needs to be regulated and structured to avoid any possible complications. There is an urgent need to establish a structure that would regulate the performance of NGOs and civil society, maintain an ongoing link with international organisations and sustain a channel of communication with the facilitator’s office; the creation of a “Middle East Task Group” as an umbrella that would house the activities of civil society actors is the way to go forward.

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150 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “NPT/CONF.2010/50 (Vol. I)\*”, 31.

151 Fissile Materials Working Group Policy Recommendations to the Obama Administration for improving nuclear material security (September 2009).

While international organisations can contribute to the success of 2012 HCME by engaging with states “externally”, civil society can affect governments “internally” by contributing to the domestic political environment. Public initiatives, academic institutions and think tanks have the ability of exerting pressure on governments to accede to a treaty or become a part of a WMDFZ. Needless to say, the influence of civil society sector depends on the relative strength of the organisation as well as each government’s susceptibility to public opinion and civil initiatives.

International organisations could benefit from the positive contribution of the civil society sector; it is thus in the best interest of international organisations to empower the civil society sector and boost its effectiveness. A partnership scheme needs to be developed; the Fissile Material Working Group and the Amman Framework are examples whereby civil society can engage and assist.<sup>152</sup>

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#### **7.4.1 Civil Society Organisations – Importance and Contribution**

The following analysis aims to explore the level of engagement of civil society organisations and suggest recommendations for their involvement in the 2012 process.

Civil society organisations considered in this context refer to all stakeholders who are non-state actors, including academic departments, policy and research institutes, think tanks, civil organisations, individual experts as well as traditional non-profit NGOs, inter alia.<sup>153</sup>

The type, objective and activities of chosen civil society organisations cover a wide spectrum,<sup>154</sup> including: spreading awareness; providing training to scientists and politicians on the implementation and monitoring of treaty compliance; the preparation of legal documents that can be adopted by new signatories, etc.

While there is a considerable number of organisations and civil society

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<sup>152</sup> For more details on the Amman Framework see Chapter 3 and Annex A.

<sup>153</sup> Utilising the definition of civil society as put forward by the OPCW due to the lack of official definition by a more authoritative body such as the UN.

<sup>154</sup> A good discussion of the nature, variety and organisation of civil society actors can be found in Mario Pianta, “UN World Summits and Civil Society: The State of the Art.” Programme Paper. *Civil Society and Social Movements*. United Nations Research Institute for Social Development, August 2005.

organisations working on broad security issues, this analysis is devoted to organisations that are specifically engaged with analysing, supporting and promoting the 2012 HCME.

In general, civil society organisations may support the 2012 HCME on several levels as indicated, but not restricted, to the following dimensions.

**i. Shape and Mobilize Public Opinion**

By definition, civil society organisations are detached from governments; they embody an open public critique of the system; they have the ability of highlighting neglected issues as well as suggesting constructive ‘fixes’ and alternatives. Civil society organisations are capable of spreading awareness via relations with grassroots and linkages with media resources, more specifically social media. Conducting outreach activities, lobbying events, educational courses and other events makes the public more aware of the desirability of creating a WMDFZ in the Middle East. This is particularly the case in the aftermath of the Arab Spring, the removal of authoritarian regimes and the leadership vacuum that have developed.

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**ii. Providing a Platform for Comprehensive Discussion**

In addition to its positive impact on the public, the civil society sector has the ability of providing a platform for comprehensive discussion on WMD issues. This is a feature that is particularly advantageous; indeed, civil society provides an important track for connecting and exchanging ideas amongst various actors.

With its ability of bringing together civil society representatives, policy-makers and other actors who would not be able to meet under normal circumstances, civil society-organised events offer an option that is all inclusive, where different parties can meet openly or under the Chatham House rule. Israelis and Iranians are likely to feel more at ease to attend and participate in discussions of this nature as they would be pressure-free, non-committing and would not involve any political concessions.

Such meetings would provide the opportunity of testing innovative ideas and possibly contribute to creating position papers on supporting the 2012 HCME and highlighting areas of possible action by the civil society sector.



### 7.4.2 Civil Society Sector – Views and Perspectives

An extensive survey examining activities and functions carried out by civil society organisations since the circulation of the Final Document of the NPT RevCon in May 2011 was conducted by ACSIS and the Amman Framework with the intention of determining the level of preparation and engagement towards the 2012 HCME. The survey also examined what the civil society sector considers to be obstacles to the process and present their recommendations to overcome such obstacles.

A representative sample of seven organisations was chosen. Sample members included Parliamentarians for Nuclear Non-proliferation and Disarmament (PNND), the Peace Research Institute Frankfurt (PRIF), the International Institute for Strategic Studies (IISS), the British American Security Information Council (BASIC), the EU Non-Proliferation Consortium, the Arab Institute for Security Studies and the Organisation of Islamic Cooperation (OIC). The data presented hereinafter represents the overall situation at the time of publishing this report. It has to be noted that the number of civil society organisations involved in supporting the 2012 HCME appears to be growing as we approach the time of holding the conference, namely the end of 2012.

The following analysis represents the summary of numerous correspondences, formal meetings and brainstorming sessions hosted by the Amman Framework.

#### i. Efforts of Relevance to the 2012 HCME

To demonstrate its support to the facilitator's efforts and the overall process, a number of joint and official statements were issued by think tanks<sup>155</sup> and civil society organisations.<sup>156</sup>

The survey has registered reports,<sup>157</sup> publications and high-quality intellectual contributions intended to provide support and guidance to the

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155 Parliamentarians for Nuclear Non-proliferation and Disarmament, "Joint Parliamentary Statement for a Middle East Free from Nuclear Weapons and all other Weapons of Mass Destruction" October 16, 2011 (online resource).

156 The Amman Framework Statement, see annex A.

157 Series of relevant papers and policy briefs had been sent or discussed in correspondence with ACSIS: BASIC, "Private correspondence between ACSIS and BASIC"; IISS, "Private Correspondence between ACSIS and IISS"; PRIF, "Private Correspondence Between ACSIS and PRIF."

facilitator and his team. The publications' scope also included policy briefs/recommendations aimed at increasing trust amongst regional actors prior to the convening of the conference.<sup>158</sup>

Numerous meetings were documented, the format of these meetings varied between closed group talks,<sup>159</sup> track-II discussions<sup>160</sup> and large-scale international meetings.<sup>161</sup> Within this context, a notable alliance between a number of civil society organisations and think tanks was established; the EU Non-proliferation Consortium represents an inspiring model of coordination amongst non-state actors with the important sponsorship of the EU.<sup>162</sup>

Coordination between the civil society sector and state parties was also observed;<sup>163</sup> <sup>164</sup> the survey also registered efforts by think tanks for reaching out to international organisations as well as proposing joint activities.<sup>165</sup> Other organisations are planning to hold discussion sessions between experts with media engagement in parallel to the 2012 HCME.<sup>166</sup>

All in all, civil society contribution could be summarized as: initiating dialogue, providing policy-oriented research, gathering regional expertise, building networks and engaging the academic community, etc.

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## ii. Obstacles Confronting the 2012 HCME – Civil Society Perspective

Civil society organisations considered in this survey were asked about major obstacles to the successful conclusion of the 2012 HCME; most responses floated around the tense regional security situation.

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158 An important publication by PRIF: Kubbig and Fikenscher, *Arms Control and Missile Proliferation in the Middle East*. 1st ed. Routledge, 2012.

159 PRIF under APOME umbrella foresees 10 planned workshops during 2011-2014 on the establishment of a WMDFZ in the Middle East. PRIF, "Private Correspondence between ACSIS and PRIF."

160 Relevant discussions can be found in the BASIC resource dedicated to its work on WMDFZ in the Middle East: BASIC, "Towards a WMD-Free Zone in the Middle East."

161 Arab Institute for Security Studies, "Laying the Grounds for 2012: Opportunities for Nuclear Non-Proliferation and Nuclear Security"; EU Non-Proliferation Consortium, "EU Seminar to promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East: Agenda (Brussels, 6 and 7 July 2011)."

162 For more information on the EU Non-Proliferation Consortium – the European Network of Independent Non-Proliferation Think-Tanks, see [www.nonproliferation.eu](http://www.nonproliferation.eu).

163 BASIC consultations with governments in Jordan, Egypt and Israel to discuss the possibilities of the Conference Private information source, interview.

164 ISS engagement in brainstorming sessions with the UK Foreign and Commonwealth Office.

165 ACSIS bilateral coordination with CTBTO, OPCW, ISU-BTWC and IAEA.

166 BASIC, "Private correspondence between ACSIS and BASIC."

Some civil society actors<sup>167</sup> referred to the history of conflict in the region, adding that recent power transitions in the Arab world could introduce complications as it will be difficult to identify important actors to participate in the 2012 HCME, or that these actors might not have enough political power to deliver and/or make compromises at the Conference.<sup>168</sup>



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The editor, also coordinator of the Amman Framework with the Facilitator (November 2011 – Amman)

Some referred to the lack of coordination with some international organisations and the lack of willingness within stakeholders.<sup>169</sup> Others agreed that Israel could be an obstacle as it might be unwilling to negotiate on nuclear disarmament. PRIF points out that if Israel's security concerns are taken into account, then progress is possible;<sup>170</sup> PRIF also specifically mentions Iran as an obstacle if it chooses to boycott the Conference.<sup>171</sup>

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167 More specifically PRIF and IISS.

168 IISS, "Private Correspondence between ACSIS and IISS"; PRIF, "Private Correspondence Between ACSIS and PRIF."

169 BASIC, "Private correspondence between ACSIS and BASIC"; PRIF, "Private Correspondence Between ACSIS and PRIF." More specifically ACSIS.

170 BASIC, "Private correspondence between ACSIS and BASIC"; PRIF, "Private Correspondence between ACSIS and PRIF."

171 PRIF, "Private Correspondence between ACSIS and PRIF."

### iii. The Civil Society Sector – a Possible Course of Action

It has been stressed that the key to success of the Conference and the process is to have a “political momentum and ensure a goodwill participation”; in order to achieve this, work has to be done in four major areas:<sup>172</sup>

1. Media should be engaged in order to present the case for creating a WMDFFZ as the most effective way to prevent WMD proliferation in the region;
2. Parliamentarians in the region should be encouraged to adopt resolutions supporting the Conference;
3. Academia and policy analysts should work together in order to identify realistic goals and approaches for the 2012 conference, assist governments in adopting or advancing these goals, and informing media and other actors in order to develop political momentum behind such goals.
4. Civil society can contribute by exerting pressure on governments to support these resolutions.

Participants in the survey took these recommendations further and suggested that various Track-II initiatives should cooperate together, and that relations between Track II and Track I should be formalised.<sup>173</sup>

Other civil society organisations recommended that the 2012 HCME should be held at the highest possible level in order to reflect the importance of this issue.<sup>174</sup> A high degree of transparency is also advisable, given the importance of trust to be built among the states in the region. Added to that, a balanced outcome should also accompany the conclusion of the 2012 HCME in order for all the parties to gain the impression of a “win-win” situation.<sup>175</sup>

Members of the survey suggested that there should be a focus on threat perceptions of all countries in the region and their security outlook.<sup>176</sup> Developing confidence-building measures (CBMs) is perceived as an important step, including additional verification measures that go beyond IAEA safeguards, conventional

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172 PNND, “Private Correspondence between ACSIS and PNND.”

173 PRIF, “Private Correspondence Between ACSIS and PRIF.”

174 BASIC, “Private correspondence between ACSIS and BASIC.”

175 *Ibid.*

176 Amman Framework members feedback.

force ratios to be defined by a regional treaty, or Negative Security Assurances by the Nuclear-Weapon States (NWS). These CBMs however should not be seen as preconditions but rather as facilitating measures, not as “an end” but as “means to an end.”<sup>177</sup>

It has been suggested that some interim steps could be taken to move the region closer to the establishment of a WMDFZ in order to build some trust between the key states.<sup>178</sup> Participants suggest that mutual recognition of sovereignty, information sharing, cooperation on radiological and nuclear security as well as in peaceful uses of nuclear energy, banning attacks on nuclear facilities, creation of smaller sub-regional WMDFZ, establishment of a zone free of nuclear testing and a moratorium on enrichment and reprocessing to be such steps that could eventually lead to an achievement of a trust amongst the parties in the region.<sup>179</sup>

Civil society organisations included in the survey demonstrated notable activities, deep commitment and knowledge of the inner dynamics in the run up to the 2012 HCME. Intensifying the efforts of this important sector is advisable.

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177 Organisation of Islamic Cooperation, “Private correspondence between ACSIS and the Organisation of Islamic Cooperation.”

178 IISS, “Private Correspondence Between ACSIS and IISS.”

179 Mark Fitzpatrick, “Towards a more secure and WMD-free Middle East”. UNA-UK Briefing Report. *Towards Zero: nuclear disarmament and non-proliferation*. United Nations Association of the UK, May 2012.

# Annex A

## The Amman Framework

### Statement

Supporting the United Nations Secretary-General and the appointed facilitator for the 2012 conference on the Middle East –with the commitment to launch the 2012 conference and the provision of continued support thereafter

Nuclear Weapons as well as other weapons of mass destruction remain a serious challenge to the fragile security situation in the Middle East. The possession, development, stockpiling and deployment of Weapons of Mass Destruction (WMD) in the Middle East represent a serious obstacle towards reaching an enduring regional political settlement. The existence of WMD capabilities in the region is motivating the dissemination of dual-nature technologies and will inevitably stimulate a non-conventional arms race.

Deterrence has been the essential motivation, the driving force and main stimulus for acquiring WMD capabilities within the Middle East. It is very important to address the notion of nuclear deterrence (and WMD deterrence), analyse its validity especially in a geographically confined area such as the Middle East. It is essential for countries of the region to plan and achieve their security requirements with no reliance on WMD capabilities. Weapons of Mass Destruction do not recognize borders, they do not discriminate between ethnicities or any component of the human race. The use of such weapons is strictly immoral and by virtue the same applies to their acquisition.

The year 2010 brought inspiring news and revived hope. The important decision by the 2010 NPT Review Conference (RevCon) of convening a conference to study the creation of a Weapons of Mass Destruction Free Zone in the Middle East in 2012 represents a golden opportunity and a step in the right direction, as it fulfils the core principles of the Non-Proliferation Treaty.

Despite the long-awaited NPT RevCon decision of marking 2012 as the year for an international meeting on establishing the zone in the Middle East, little progress has been witnessed, as portrayed in the delay in appointing

a facilitator or identifying a host country, and the absence to-date of a clear meeting agenda.

The establishment of a Middle East free from WMD is recognized as the most favourable course of action to overcome impending political challenges in the region. Creating a WMD free zone in the Middle East is considered as an essential confidence-building measure as well as being an important pre-requisite to resolving the world's longest standing conflict. The Amman Framework welcomes the United Nations Secretary-General's (UNSG) recent appointment of a facilitator and designation of a host country for the meeting. Framework members strongly recommends holding the 2012 conference as planned, possibly within the year 2012 and with minimal possible delay. The Amman Framework calls upon the co-sponsors of the 1995 Resolution to demonstrate leadership and have an active role in this process, in collaboration with the UNSG and in consultation with states of the region. Failure to do so may subject the 2012 process to a significant delay and undesirable consequences.

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The Amman Framework believes that the 2012 conference is not an isolated endeavour but rather the beginning of an ongoing process. Hence, the appointed facilitator's mission is expected to last beyond the year 2012, for which genuine support must be provided to enable a positive conclusion of the facilitator's mission.

To invigorate the 2012 process, the Amman Framework has initiated the "State of the Resolution", a mechanism by which the status of the 1995 NPT RevCon resolution on the Middle East and the subsequent outcomes of 2010 NPT RevCon are reviewed and monitored. The "State of the Resolution" engages regional parties, UN representatives, co-sponsors of the 1995 NPT resolution on the Middle East as well as civil society representatives.

Progress on the 2012 front (specifically the establishment of a WMDFZ in the Middle East) is a collective process. It must benefit from positive contribution and inputs from all stakeholders (including non-governmental and academic sectors). The primary intention should aim at coordinating (not replicating) and complementing each other (not competing with each other) in achieving the mutual goal.

The 2012 process should benefit from the important contribution of international organisations including the Organisation for the Prohibition of Chemical Weapons (OPCW), the International Atomic Energy Agency (IAEA), the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO) and others. The Amman Framework calls upon all states of the region to declare their willingness in adhering to legislative structures that regulate the spread of WMD including the NPT, the BWC and the CWC.

Recent political turmoil in the Middle East must not alter or delay the course of action. Political changes encountered within regional political structures are expected to raise the level of expectations by newly emerging regimes. The Amman Framework strongly advises to take quick action and tangible steps.

The Amman Framework reaffirms that the 2012 conference on the Middle East is not intended to target a specific country or to create political embarrassment. The goals outlined in 2010 NPT RevCon are undeniably in the mutual and common interest of all parties concerned. The 2012 process is a platform that should be properly invested; it is an opportunity for facilitating constructive dialogue among states of the region. Detaching or distancing countries from this process would have negative implications.

The Amman Framework will provide feedback and analysis to UNSG and the co-sponsors of the 1995 resolution. It will provide all possible support to the facilitator of the 2012 conference on the Middle East. Accordingly, the Framework invites all stakeholders and international instruments to sincerely engage in the 2012 process.

#### **About the Amman Framework**

*The Amman Framework is an independent international commission that aims to support the outcomes of the 2010 NPT RevCon, including the important decision of holding a conference in 2012 to study the creation of a Weapons of Mass Destruction Free Zone in the Middle East. One of the essential objectives of the Amman Framework is to provide full backing and assistance to the facilitator, prior to the 2012 process and following the meeting. The Amman Framework mechanism is established by the Arab Institute for Security Studies ([www.acsis.org](http://www.acsis.org)) and sponsored by the Norwegian Ministry for Foreign Affairs.*



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## Annex B

### About the Authors

(NB: Authors' names are presented in the alphabetical order)

#### **Prince Turki Al Faisal**

Prince Turki bin Faisal Al Saud served as the Ambassador of Saudi Arabia to the United Kingdom and was later appointed as Saudi Arabia's Ambassador to the United States. Prince Turki Al Faisal is Chairman of the Board of Directors at the King Faisal Centre for Research and Islamic Studies. Prince Turki Al Faisal was also an active member of the International Commission on Nuclear Non-proliferation and Disarmament (ICNND), a Japan-Australia jointly led commission.

#### **Ambassador Hans Blix**

Before joining the Swedish Ministry for Foreign Affairs, Dr Blix was Associate Professor in International Law at Stockholm University. From 1963 to 1976, he served as the Adviser on International Law in the Ministry. From 1976-78, he was State Secretary for International Development Co-operation and from 1978-79 Minister for Foreign Affairs. He served as Director General of the International Atomic Energy Agency (IAEA), in Vienna, from 1981 to 1997 and as Executive Chairman of the UN Monitoring, Verification and Inspection Commission (UNMOVIC) from March 2000 to June 2003. The late Swedish Foreign Minister for Foreign Affairs, Anna Lindh, asked Dr Blix to chair the Weapons of Mass Destruction Commission in 2003, a position Dr Blix held until the Commission concluded its collective work in 2009. Dr Blix has written several books on subjects associated with international affairs and international and constitutional law.

#### **Marc Finaud**

Marc Finaud holds an ML in International Law from the University of Aix-en-Provence (1975) and is a graduate of the Paris Institute of Political Studies (1977). He joined the French Ministry of Foreign Affairs in 1977.

His main positions included: Vice-Consul in Leningrad (USSR) (1977-1978); Desk Officer for the Conference on Security and Cooperation in Europe (CSCE) (1979-1982); Adviser to the Secretary-General of the Foreign Ministry (1982-1983); First Secretary at the French Embassy in Warsaw (1984-1987); Secretary-General of the French Delegation to the CSCE Meeting in Vienna (1987-1988); Counsellor at the Delegation to the Conference on Disarmament in Geneva (1989-1993); Head of the Information Department at the Foreign Ministry (1993-1996); Deputy Head of Mission at the French Embassy in Tel Aviv and Member of the Team of Negotiators of the EU Special Envoy for the Middle East Peace Process (1996-2000); Consul-General for France in Sydney, Australia (2001-2004). He has been seconded to the Geneva Centre for Security Policy (GCSP) since 2004, first as Director of Short Courses and then as Special Advisor to the Director. He has published articles and books in English and French about arms control and disarmament, the Middle-East peace process, and international humanitarian law.

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#### **Benjamin Hautecouverture**

Benjamin Hautecouverture is a Research Fellow for non-proliferation and disarmament issues at the *Fondation pour la Recherche Stratégique* (FRS, Paris). He is also a Research Fellow at the Centre for International Security Studies and Arms Control (CESIM, Paris) and a Lecturer at the Institute for Political Studies in Paris (Sciences-Po, Paris). His areas of focus in the field of arms control have included the study of new threats, new institutional actors, and new international responses. Benjamin is also working on nuclear security, the NPT review process, and the European Union strategy against the spread of weapons of mass destruction. As a member of the FRS, he is specifically conducting European Union projects on the global nuclear non-proliferation regime. Benjamin has been the Editor of *The Non-proliferation Monthly* for 5 years. He has published several articles, reports, and papers.

#### **Ambassador Dr Mahmoud Karem**

Ambassador Dr Mahmoud Karem served as the Ambassador of the Arab Republic of Egypt to Belgium and Luxembourg, Ambassador to Japan, Head

of Mission of Egypt to the European Union, and Permanent Representative of Egypt to NATO until 2009. He has been an active contributor to the Mediterranean NAC +7 Dialogue in NATO since 2005, a member of the Advisory Board of the UN Secretary-General for Disarmament Matters for six years, ending in 2009, as well as a member of the International Commission formed by the Director General of the IAEA on the Nuclear Fuel Cycle, in addition to numerous Secretary-General appointed Groups of Experts in the United Nations on various issues. Dr Karem served in the Egyptian missions to the United Nations in New York and was Deputy Head of Mission to the Conference on Disarmament in Geneva. Since April 2008, Ambassador Karem has become a member of the Board of Advisors to the International Workshop on Global Security of the Centre for Strategic Decision Research, California. In May 2009, he was appointed as a member of the NATO regional cooperation course (NRCC), Academic Advisory Board (AAB) at the NATO Defence College in Rome. He received a Presidential distinction in 1979 for his role in negotiating and building peace in the Middle East (the Egyptian-Israeli Peace Treaty). In 1999 he also received the highest medal of excellence and recognition from the Egyptian ministry of Defence for listing the problem of landmines in the western desert on the national agenda and for importing direly needed detection and landmine clearing equipments. In March 2010, he was elected as Secretary General (Minister without portfolio) of the Egyptian National Council for Human Rights. He was re-elected to the same position in April 2011 after the revolution in Egypt. Dr Karem has published extensively and appeared before numerous conferences, symposiums, and international meetings.

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### **Ayman Khalil**

Ayman Khalil is the director of the Arab Institute for Security Studies (ACSIS) since 2002. ACSIS pursues specialised research on WMD proliferation, cooperative security mechanisms, foreign policy analysis, human security, legislative infrastructure of disarmament treaties as well as other tracks. ACSIS is active in introducing curriculums on security studies, produces a radio documentary on “security terms and terminology” and liaise between military

colleges in the Arab region. Ayman Khalil is a physicist by training and holds a PhD in theoretical physics from Reading University (UK). He served as a chair for the National Initiative on Environmental Security, joined the United Nations for 5 years and commissioned to lead a UN goodwill mission to Turkey and Cyprus in 1999. He is editor of various books, author of many papers and articles, including the “White Paper on Jordanian Foreign Policy”.

**Michaela Pobudova**

Michaela Pobudova received her Masters degree in “Non-proliferation and International Security” in 2011 from the War Studies Department of Kings College London. She has interned for numerous companies including IHS Jane’s and The Hague Center for Strategic Studies. Her research interests focus on the non-proliferation regime, the development of nuclear energy, and the politics of the Middle East. She currently lives and works in Jordan and is actively contributing research and analysis to both IHS Jane’s and the Arab Institute for Security Studies.