

Key Elements of a WMD-free Zone in the Middle East

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This paper will look at a number of the key modalities involved in the establishment of the WMDFZ in the Middle East. The following comments constitute a modest attempt to draw a preliminary framework of the main elements that can pave the way for a future zone. I believe that the time has come to think aloud about a real and vibrant zone and identify the challenges and the opportunities ahead. Principally, I would like to highlight this technical work as a means of providing confidence to all states and initiating a meaningful dialogue on regional security.

Background

The proposal for the establishment of a zone free of nuclear weapons in the Middle East dates back to 1974 when the governments of Iran and Egypt called for such an arrangement at the UN General Assembly. In 1990, on Egypt's recommendation, the zonal idea was reaffirmed and its scope was extended to include the other two categories of weapons of mass destruction, that is, chemical and biological weapons. However, neither project detailed the main elements of such a zone, although the latter initiative provided for certain steps to be taken towards the establishment of the zone by the UN Security Council, the nuclear weapons states as recognized by the Non-Proliferation Treaty (NPT), and the nations of the Middle East. In the same way, the Middle East Resolution which was adopted at the 1995 NPT Review and Extension Conference was not expected to deal with the main elements of the suggested zone.

An ad-hoc technical committee established by the League of Arab States was tasked with drafting a treaty on the establishment of a WMD-free zone. Even though the Committee made some progress, it was frozen in 2007 at the Riyadh Arab Summit as a result of the frustration caused by the lack of commitment by both regional and extra-regional stakeholders. The committee, when suspended, had yet to agree on and settle a number of key issues, such as verification mechanisms within the zone, as well as its geographical delimitation.

A Preliminary Framework for a WMD-free Zone in the Middle East

Six components of a possible future zone encompassing nuclear, chemical, and biological weapons as well as their delivery systems stand out as being of particular importance. Each one of them deserves to be carefully considered.

1. Parties to the Zone

The first key issue that needs to be addressed is the geographical delimitation of the zone. It would not be out of the ordinary for a WMD-free zone to be initially established by a core group of Middle Eastern countries, such as Egypt and other Arab states members of the League of Arab States, Israel, and Iran. In this regard, the Treaty of Tlatelolco, which established the Latin American nuclear-weapon-free zone, provides an illuminating precedent since it allowed states to join the zone and be committed to it without awaiting the adherence of other states before the entry into force of the Treaty.

However, without the presence of Israel and Iran, it would not be possible to reach such an arrangement in the Middle East. Hence, the establishment of the zone requires the participation of both countries in the negotiations over the establishment of the zone. In addition, there have been suggestions about the possibility of admitting Turkey to the zone, maybe even the Central Asian Republics, or at least, to accredit Turkey a special status as a neighboring state to the zone. Turkey is an active participant in Middle Eastern politics and carries great weight in current deliberations about the security of the region as a whole. The possible impediment to the adherence of Turkey to the zone or to be associated with it, in one way or another, would be its NATO membership and the presence of American tactical nuclear weapons and defense missiles systems on Turkish territory.

There has also been speculation to consider the inclusion of Pakistan, Afghanistan, and even India to become part of the zone. However, their role in the project might bode well for the provision of security assurances to the actual members, rather than being themselves parties to the zone.

2. Weapons Banned

All three categories of weapons of mass destruction must be included in the scope of a future zone. Nuclear, chemical and biological weapons should also be broadly defined. Again, the Treaty of Tlatelolco does provide for a definition of nuclear weapons. A WMD-free zone agreement should follow suit.

Some argue that radiological weapons should be also incorporated but this will complicate matters further for a variety of reasons, not least because there is no existing multilateral treaty on radiological weapons. As for the delivery systems associated with nuclear, chemical and biological weapons, the agreement should include all sorts of delivery vehicles that can look attractive for a WMD payload, including terrestrial, naval, and atmospheric means.

3. Main Undertakings of the Parties to a WMD-free Zone

The parties to a WMD-free zone in the Middle East would be expected to reaffirm in the text of the treaty establishing the zone their commitment to continue to respect and honor their obligations therein. Most importantly, member states should adhere to the most important WMD-related treaties, such as the 1968 NPT for nuclear weapons, the 1993 CWC for chemical weapons and the 1972 BTWC for biological and toxin weapons. At the same time, members of a future WMD-free zone may also wish to be party to the main missile- and export control related multilateral agreements, such as the Hague Code of Conduct against Ballistic Missile Proliferation, the Missile Technology Control Regime, and the Wassenaar Arrangement. They should also be active implementers of UN Security Council Resolution 1540 which deals with WMD terrorism, a rising topic of interest especially for the Middle Eastern region.

Regarding those states that have not yet adhered to all or some of these WMD-related treaties and conventions, they will be expected to join them during a specified timeframe starting from the date of the opening for signature of the WMD-free zone treaty. The main provisions of the WMD-free zone treaty may simply refer to all treaties and conventions related to the subject matter of a WMD-free zone that need to be adhered to by all parties to the zone. A referral provision may turn out to be a practical procedure to follow. This should not exclude adding

provisions that may be required in the special case of the Middle East zone, such as the establishment of a regional verification organization.

4. The Need for a Regional Verification Organization

In the nuclear field in particular, a regional organization could be similar to, and inspired by, the Euratom or the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC), possibly ending up with a system benefiting from a mixture of the two. This is an aspect that should receive special attention in the negotiations leading to a WMD-free zone. It should be recalled that the NPT verification and safeguards system is tailored to allow the IAEA and its inspectors to verify Euratom inspections. The idea of mutual visits and inspections of nuclear facilities between Egypt and Israel was raised in talks between Amr Moussa, the then foreign Minister of Egypt, and Shimon Perez, now President of Israel. However, those talks led nowhere as Perez refused to open up Dimona. The newly established regional verification organization should work closely with IAEA, OPCW and a future biological weapons setup.

5. Security Assurances

The NPT nuclear weapon states should be asked for negative security assurances, and possibly for positive security assurances. Whereas a negative security assurance is a guarantee by a state that possess nuclear weapons that it will not use or threaten to use nuclear weapons against states that do not possess nuclear weapons, a positive security assurance is a guarantee by a nuclear weapon state that it will come to the aid of a non-nuclear weapon state if it is attacked by another state with nuclear weapons.

Nuclear weapon states should also be willing to abide by any agreement banning the deployment of nuclear weapons in the region. A fitting example of good security assurances is provided by 1995 UN Security Council Resolution 984. The resolution says that non-nuclear weapon members of the NPT would receive assurances that “the Security Council will act immediately in accordance with the relevant provisions of the UN Charter” to protect non-nuclear weapon states against attacks or threats of aggression in which nuclear weapons are used. Both positive and negative security assurances should be extended to cover the use and threat of use of chemical and biological weapons.

Pakistan and India may be able to offer negative security assurances similar to those provided by the NPT’s five nuclear weapon states with respect to existing nuclear-weapon-free zones around the world. This issue may arise in negotiating the zone because it leads to the following serious question: would the parties to a WMD-free Zone in the Middle East seek such assurances and guarantees from Pakistan and India, or would they consider such a step a recognition by the parties to the zone of the nuclear weapon status of both countries to the detriment of the NPT?

6. Peaceful Nuclear Cooperation

The establishment of a zone may, for example, open up opportunities for intensive cooperation in the area of peaceful uses of nuclear energy. A possible outcome could be the establishment of a regional nuclear fuel cycle, thus taking stock of the one of the 2005 IAEA expert group report on multilateral approaches to the nuclear fuel cycle. As such, the expected multifaceted advantages are numerous, not least the beneficial spillover effects on mutual confidence and trust.

Final remarks

Despite these clear technical elements relating to the establishment of the zone, there are obviously non-technical, that is political, obstacles that remain. However, it is my conviction that precisely through the process of discussion upon these technicalities, political will and greater understanding of each side's considerations can be created. It is thus that I advocate an immediate commencement on such a project. The League of Arab States technical committee should be reformed and resume its work actively in close cooperation with all participants in the Helsinki Conference, including Iranians and Israelis, with a task completion as a clear target.

This is something that the Facilitator of the Middle East Action Plan can recommend be accomplished leading to the 2015 NPT Review Conference, although pursuing it through the NPT does not come without its own problems, especially if real progress towards the zone lagged behind.