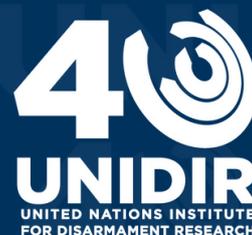


Pathways Forward for the ME WMDFZ Process and 2020 NPT Review Conference



Conference Report

Chen Zak Kane



**MIDDLE EAST WEAPONS OF MASS
DESTRUCTION-FREE ZONE SERIES**



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ABOUT THE AUTHOR



DR. CHEN ZAK KANE is the Project Lead of the ME WMDFZ Project at the United Nations Institute for Disarmament Research. She also serves as the Director of the Middle East Nonproliferation Program at the James Martin Center for Nonproliferation Studies (CNS) at the Middlebury Institute for International Studies at Monterey. Dr. Kane is the founder of the Middle East Next Generation Arms Control Network. Dr. Kane has held research positions at the Belfer Center for Science and International Affairs at Harvard University, as well as the Washington Institute for Near East Policy. Dr. Kane was an adviser to both the Jebson Center for Counter-Terrorism at Tufts University, the Crown Center for Middle East Studies at Brandeis University, as well as an adjunct professor with the National Defense University. Prior to joining CNS, Dr. Kane worked at the Center for Strategic and International Studies (CSIS). She holds a PhD and MALD from Tufts University's Fletcher School of Law and Diplomacy.

ABBREVIATION AND ACRONYMS

ABACC	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials
ACRS	Arms Control and Regional Security
BTWC	Biological and Toxin Weapons Convention
CBMs	Confidence Building Measures
CWC	Chemical Weapons Convention
CERN	European Organization for Nuclear Research
EURATOM	European Atomic Energy Community Treaty
IAEA	International Atomic Energy Agency
JCPOA	Joint Comprehensive Plan of Action
ME WMD FZ	Middle East Weapons of Mass Destruction Free Zone
New START Treaty	Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OPCW	The Organisation for the Prohibition of Chemical Weapons
RevCon	Treaty on the Non-Proliferation of Nuclear Weapons Review Conference
SESAME	International Centre for Synchrotron Light for Experimental Science and Applications in the Middle East
WMD	Weapons of Mass Destruction

I INTRODUCTION

The establishment of a Middle East zone free of all weapons of mass destruction (WMD) and their delivery systems has long been a shared goal of all the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) states parties and regional states. However, little has been achieved to date to realize this vision.

As part of its 2020 NPT Review Conference (RevCon) series, UNIDIR convened a day-long event on 6 February 2020 on the Middle East Weapons of Mass Destruction Free Zone (ME WMDFZ). The event aimed to facilitate dialogue and explore key issues regarding nuclear proliferation developments in the region, including the ME WMDFZ, and how those issues and developments may feature in the 2020 NPT RevCon.

This report provides a summary of the discussion, key findings and insights on efforts to establish a ME WMDFZ to date, as well as the relationship between the zone and the upcoming NPT RevCon.

Participants in the event included current and former government officials, academic and think tank experts, and civil society representatives. The discussions took place under the Chatham House Rule.

II KEY FINDINGS

- Proliferation challenges in the Middle East, as well as proposals regarding the ME WMDFZ, have been a prominent feature in every NPT Review cycle since 1995. This trend is likely to continue.
- On the fiftieth anniversary of the NPT, international and regional developments further complicate the achievability of a ME WMDFZ. On balance, the situation is more complex, and achieving a ME WMDFZ is likely to be harder, than when the 1995 Resolution on the Middle East was adopted 25 years ago.
- It is important to capture the nuances and complexity of the ME WMDFZ issue. Grievances and frustrations at the outcome of past processes must be acknowledged, and so must the difficulty of overcoming fundamentally divergent objectives and national security interests, mistrust, and ongoing conflicts in order to understand the current state of the process and its prospects and identify achievable next steps.
- Many, although not all, NPT states parties believe that the constructive deliberations and positive conclusion of the first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and other Weapons of Mass Destruction in November 2019 (hereinafter the “November Conference”) could have a positive impact on the 2020 NPT RevCon by relieving some of the pressure seen in previous NPT Review cycles around the ME WMDFZ issue.
- There are divergent views in the region about the causes of WMD proliferation (rivalry and mistrust versus power imbalance), the best approaches and policies to address those causes and, by extension, whether the ME WMDFZ is the most appropriate solution to address regional WMD proliferation.
- There are also divergences in views on whether to pursue the ME WMDFZ through a comprehensive approach or through gradual measures.
- It is important to examine in concrete terms how a ME WMDFZ could be implemented and operationalized. In that context, there are important lessons to

Divergent national objectives and security interests, insecurity, mistrust, and ongoing conflicts have been fundamental in preventing progress on the ME WMDFZ

be learned from the successes and challenges of similar processes. These lessons include:

- The international environment must be conducive to progress. A supportive international environment and cooperation between major powers, especially the Russian Federation and the United States of America, are necessary (but insufficient) to gain regional momentum on the zone.
- The ME WMDFZ cannot be imposed from the outside. As much as external stakeholders seek to nudge the region forward, they cannot impose their will in the absence of the willingness of regional states to move forward.
- The participation of all key states is essential, and these states must have a shared interest, not just in the ultimate goal but also in how to get there.
- Given the deep-rooted mistrust in the region, it is hard to achieve such an undertaking in a single step. There is a need to build confidence and trust step by step and over time.
- There is a need for a trusted party that would have the authority to propose ideas and act as arbiter. However, there is a limit to this independence, as the trusted party would have to respect the mandate given to them at the outset of the process.
- Pursuit of a ME WMDFZ will need to address not only proliferation risks but also monitoring, peaceful use and appropriate governing structures.
- The preservation of ideas and previous work is important as they can inform, and be used as elements in, future negotiations.
- Confidence-building measures (CBMs) could help address mistrust among key stakeholders. Accompanying or parallel CBMs could support the ME WMDFZ process before its establishment and throughout its implementation. Such CBMs could include cooperation on nuclear governance, nuclear safety, regulatory infrastructure and emergency preparedness; simultaneous adoption of the Additional Protocol by the Islamic Republic of Iran and Saudi Arabia as a means to enhance trust that both are in compliance with their NPT obligations; a declaration by Egypt and Israel that they will comply with the Chemical Weapons Convention (CWC); a Middle East Test-Ban Treaty; updating, submission and publicizing of CBMs under the Biological and Toxin Weapons Convention (BTWC); peer review and mutual visits to national biolab facilities; joint declarations by states in the region that biological and chemical weapons use is not acceptable; and establishment of regional or multilateral support mechanisms for emergency response.

III STATE OF PLAY:

EXISTING MIDDLE EAST DEBATES AT THE NPT REVCON

Proliferation challenges in the Middle East have been a prominent feature in many NPT Review cycles, especially since the 1990s. Debates over non-compliance with the NPT started in the 1990s with Iraq's nuclear programme and later covered other regional states, such as the Islamic Republic of Iran, Libya and the Syrian Arab Republic. The idea of establishing the Middle East as a zone free of all WMD and their delivery systems was proposed as one solution to address proliferation challenges in the region. A more recent non-proliferation initiative was the conclusion of the Joint Comprehensive Plan of Action (JCPOA). The first session of the meeting was dedicated to examining how the ME WMD Free Zone and the status of the JCPOA will impact the 2020 NPT RevCon.

THE ME WMD FREE ZONE AT THE NPT REVCONS

Along with the decision to extend the NPT indefinitely, NPT states parties adopted in 1995 a resolution, co-sponsored by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, calling for the establishment of an "effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems".¹ The action plan adopted by consensus at the 2010 NPT RevCon called for the convening of a conference in 2012 "on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region, and with the full support and engagement

¹ Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, "Resolution on the Middle East", NPT/CONF.1995/32 (Part I) Annex, New York, 1995, https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/WMD/Nuclear/1995-NPT/pdf/Resolution_MiddleEast.pdf.

THE NOVEMBER CONFERENCE ME WMDFZ CONFERENCE

DATE: 18-22 November 2019

LOCATION: UNHQ, New York

INVITED TO ATTEND: All 22 states of the Arab League, the Islamic Republic of Iran, Israel, the P-5 (China, France, the Russian Federation, the United Kingdom and the United States), and relevant international organizations such as the IAEA, the OPCW and the ISU*

PARTICIPANTS: All those invited, except Israel and the United States

PRESIDENT: Ambassador Sima Bahous of Jordan

OUTCOMES: Political declaration and two decisions. The first decision determined that the presidency of the Conference would follow an alphabetic order; Kuwait would assume the presidency for the next conference. The second decision determined the timing of future conferences, which will be held annually on the third week of November.

*The International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the Biological Weapons Convention Implementation Support Unit.

of the nuclear-weapon states.”² A designated facilitator, Ambassador Jaakko Laajava, and a host country, Finland, were subsequently appointed. In November 2012, owing to divergent views about the conference agenda and the desired outcomes, the co-conveners (the Russian Federation, the United Kingdom and the United States) announced separately the postponement of the conference with no new date. In the subsequent two years, the Finnish facilitator convened five consultations with all regional states and the co-conveners to discuss the conference modalities, agenda and other relevant elements. However, previous points of divergence could not be bridged before the 2015 NPT RevCon, which concluded without an outcome document.

In November 2018, the United Nations General Assembly adopted a resolution, submitted by the Arab Group, entrusting the Secretary-General to hold a conference no later than 2019 and requesting to hold the conference annually until it “concludes the elaboration of a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction”.³ The first session of the United Nations General Assembly-mandated conference took place on 18 to 22 November 2019 in New York (for additional details about the conference, see the text box to the left).

Many, but not all, of those who participated in the event felt that the constructive deliberation and positive conclusion of the first session of the

² 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “Final Document,” NPT/CONF.2010/50 (Vol. I)*, June 18, 2010, p. 30 (para. 7(a)), [https://undocs.org/NPT/CONF.2010/50\(vol.i\)](https://undocs.org/NPT/CONF.2010/50(vol.i))

³ General Assembly, Convening a Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, UN document A/DEC/73/546, 17 October 2018, <https://digitallibrary.un.org/record/1648987>.

November Conference could have a positive impact on the upcoming 2020 NPT RevCon by relieving some of the pressure previously seen in NPT Review cycles around the ME WMD/FZ issue.

During the event, discussion took place on how the ME WMD/FZ may be reflected at the upcoming NPT RevCon. Participants of the November Conference expressed an expectation that at least the following should be reflected in any final document: a reaffirmation of the 1995 Resolution on the Middle East; a factual reference to the convening of the first session of the November Conference, and the continuation of that process; and an acknowledgement of the report of the Secretary-General.⁴ The participants noted the responsibility of the three NPT depository states (the Russian Federation, the United Kingdom and the United States) in the implementation of the 1995 Resolution on the Middle East and expressed their hope that the Middle East issue would not be addressed in isolation from the three pillars of the NPT. Regional states are conscious they were blamed for the failure to reach consensus on a final document in previous RevCons and hope that putting forth a process outside the NPT will alleviate pressure from the NPT RevCon. They emphasized that the new United Nations General Assembly-mandated process is an important step towards the implementation of the 1995 Resolution on the Middle East and should be built on.

Some noted that the November Conference having been organized by regional states was important for regional buy-in and ownership of the process. Several others expressed appreciation of the way the Conference was conducted and welcomed the political declaration and decisions adopted. The importance of the process being inclusive, transparent and based on arrangements “freely arrived at” was emphasized.

Regional perspectives about the November Conference were shared. From the Egyptian perspective, the purpose of going through the United Nations General Assembly to convene a conference to negotiate a treaty on the ME WMD/FZ was an attempt to find a venue to discuss the issue after failing to promote it regionally through the Arms Control and Regional Security (ACRS) process or internationally through the NPT Review process since 1995 and during the mid-2000s consultation process. Egypt expressed disappointment in the US decision not to attend the November Conference, as the United States had previously expressed the view – most notably in the 2018 Preparatory Committee working paper⁵ – that the NPT was not the

⁴ General Assembly, “Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction,” Report of the Secretary-General, UN document A/75/63, 14 February 2020, <https://undocs.org/A/75/63>.

⁵ Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “Establishing Regional Conditions Conducive to a Middle East Free of Weapons of Mass Destruction and Delivery Systems”, working paper submitted by the United States of America, 19 April 2018, <https://undocs.org/NPT/CONF.2020/PC.II/WP.33>.

right venue to address the ME WMDFZ. Egypt stressed that the process was not meant to single out any country but to be inclusive and consensual. This new forum could be an opportunity for upholding and strengthening non-proliferation norms in the region.

Others pointed out that from Israel's point of view, the Conference was another initiative aimed at singling it out and imposing a process in which it was not involved or consulted. Israel viewed the Conference process as a destructive approach that did not take the security concerns of all states of the region into consideration. When asked what incentives Israel (and the United States) could be offered to join the process, some suggested that the annual conference could create better conditions for dialogue in the region and give Israel the opportunity to engage directly with states

An international climate of support and progress on arms control and non-proliferation measures, as well as cooperation between the Russian Federation and the United States, were necessary (but insufficient) to gain momentum on the zone

in the region. Others thought that the region needed to stabilize, regional security needed to be addressed and Israel needed to be consulted on the nature and mandate of the process for it to feel that its national security interests were taken into account.

Participants discussed whether the difficulties in the pace of nuclear disarmament in accordance with article VI of the NPT will affect the ME WMDFZ discussions at the RevCon. Some felt that the disagreement over the ME WMDFZ in the 2015 RevCon was a scapegoat to distract from disagreements over disarmament. Others

felt it was a sui generis topic, and while it is affected by the broader climate in the NPT, the lack of progress in the ME WMDFZ issue is not directly connected to the wider disarmament debate. When examining other milestones of the ME WMDFZ process, such as the ACRS process and the 2010 NPT RevCon experiences (see subsequent sections), participants agreed that an international climate of support and progress on arms control and non-proliferation, as well as cooperation between the Russian Federation and the United States, were necessary, but insufficient, to gain momentum on the ME WMDFZ.

JOINT COMPREHENSIVE PLAN OF ACTION

The JCPOA is an attempt to address one specific regional nuclear non-proliferation concern: to prevent the Islamic Republic of Iran from acquiring nuclear weapons for at least 10 to 15 years and thereby stalling additional nuclear proliferation in the region.

But US withdrawal from the JCPOA and gradual steps from the Islamic Republic of Iran to reduce compliance with the JCPOA has raised the spectre of a nuclear-armed Islamic Republic of Iran and the triggering of a possible nuclear arms race in the region. While many participants felt that the JCPOA could advance the peaceful resolution of proliferation in the region and could have a positive impact on the NPT, without a solution to the current implementation crisis, the JCPOA will be another divisive issue in an already contentious RevCon. One idea proposed as a way to reverse course is for Islamic Republic of Iran to freeze its nuclear programme in exchange for some US sanctions relief.

The current crisis in the JCPOA can be seen as an opportunity to look at regional proliferation challenges from a broader perspective and may have some lessons and practices relevant for discussions of a ME WMD FZ. For example, an overlooked dimension of the JCPOA is civil nuclear cooperation between the Islamic Republic of Iran and the parties to the JCPOA covered in annex III of the agreement. Annex III can provide a starting point for regional cooperation. The objective of the cooperation is to provide transparency and sustainability over time.

Similarly, the ME WMD FZ could be based on a much broader approach, looking not only at proliferation risks but also at peaceful use, monitoring arrangements and appropriate governing structures. The dual use nature of nuclear technology and the increased interest in nuclear energy in the region poses a higher risk of nuclear proliferation. This risk can be addressed if nuclear energy programmes are developed within an appropriate framework, with the necessary regulatory infrastructure and safeguards. For example, the United Arab Emirates has adopted very strict non-proliferation provisions, such as forgoing domestic enrichment and reprocessing capabilities, as well as strong nuclear safety standards and emergency preparedness. This is an area in which more development is needed in the region, including cooperation on these issues. The European Union is particularly well positioned to assist, as it implements very high nuclear safety standards. Cooperation on nuclear safety, regulatory infrastructure and emergency preparedness could produce common incentives to engage in dialogue. At present, emergency communication among regional states in the case of a nuclear or radiological incident is via the International Atomic Energy Agency (IAEA) in Vienna, in contrast with other regions that cooperate through direct data exchange. An end goal could be to create multilateral nuclear fuel cycle facilities. Such an idea could start between the Islamic Republic of Iran and the other Gulf states, with some elements being applied more broadly or later in the rest of the region.

THE ME WMDFZ AND REGIONAL SECURITY

A key theme of the workshop was the interconnectedness between the ME WMDFZ and regional security. Efforts to achieve the ME WMDFZ have thus far stumbled over disagreements about which should come first. Addressing regional (in)security is Israel's first priority, while the Arab states refuse to engage in a regional security discussion before Israel joins the NPT as a non-nuclear-weapon state. This has been the stumbling block since the 1990s, during ACRS process and in the consultations over the convening of the ME WMDFZ Conference in the early 2010s.

It was pointed out that a similar debate has been taking place with regard to the JCPOA. The JCPOA only addressed the nuclear programme of the Islamic Republic of Iran, excluding other regional security issues. The US justification for leaving the JCPOA brought regional security back into the debate. One participant remarked that although some of the Arab states and Israel oppose the JCPOA agreement, they have the most to lose if it collapses. Another participant remarked that the Islamic Republic of Iran has been a staunch advocate for a regional security dialogue that might lead to a regional security mechanism. According to this participant, the Iranian leadership has issued several offers to discuss regional security without preconditions and is waiting for neighbouring countries to respond.

Some contended that although all regional security issues are connected, it is unreasonable to expect one single process to address all of them. Given that the ME WMDFZ is an established process, it should be better used and built on. Others held that while each area of concern (arms control and regional security) needs to be addressed, the two cannot be dealt with in isolation from each other. A holistic approach to all threats is needed. In that context, the logic of cooperative security and discussions on reducing tensions and suspicion, resolving or mitigating disputes, building confidence, enhancing economic development prospects and maintaining stability in parallel to ME WMDFZ deliberations was put forth.

It was noted that there was a missed opportunity to address regional security issues on the basis of the trust created by the JCPOA. Interest in arms control was overshadowed by other interests and threats. But with the increased risk of regional escalation, regional states are showing signs of taking a more proactive approach to signalling and of taking actions to de-escalate and avoid regional conflict. This could create an opportunity for subregional dialogue, beginning – for example – among Gulf countries, which could contribute to arms control understandings with the Islamic Republic of Iran and pave the way for other forms of cooperation. An Arab-Iranian dialogue could provide a framework or normative basis for regional cooperation, support region-wide disarmament by promoting the logic of cooperative security and allow for parallel discussions on other regional security issues.

EXPLAINING LACK OF PROGRESS ON THE ME WMDFZ

Throughout the event, there was a discussion on the causes for the proliferation of WMD in the region. Some identified long-standing rivalries and wars as a key factor, in the context of not just the Arab-Israeli conflict but also conflicts among Arab states, between Arab states and the Islamic Republic of Iran (e.g. the Iran-Iraq war), wars involving extraregional actors (e.g. the Russian Federation and the United States in the war against the Islamic State and the Syrian civil war), and the indirect hostilities between the Islamic Republic of Iran on the one hand and Israel, Saudi Arabia and the United States on the other. In this regional security landscape, five regional countries (Egypt, the Islamic Republic of Iran, Iraq, Libya and the Syrian Arab Republic) believed at one point that nuclear weapons would serve their national security interests, and each tried to develop nuclear weapons capabilities. At present, Israel is the only regional country considered to possess nuclear weapons, which were originally aimed at countering the numerically superior conventional armies of its Arab neighbours. More recently, it serves as a countermeasure against the threat of regional adversaries acquiring military nuclear capabilities. Israel can be expected to retain its nuclear policy at least until there is comprehensive peace in the Middle East and concerns about regional nuclear threats have been reliably put to rest. Beyond these six states, Saudi Crown Prince Mohammed bin Salman has openly declared that Saudi Arabia would acquire nuclear capabilities if the Islamic Republic of Iran were to do so. Similarly, President Erdoğan has hinted that Turkey might be interested in joining the nuclear club.

There are divergent views in the region for the causes of WMD proliferation (rivalry and mistrust versus power imbalance), what will be the best policies to address them and, by extension, whether the ME WMDFZ is the most appropriate solution to address regional WMD proliferation

Others believe that the imbalance of power between conventional and non-conventional military capabilities in the region is the reason states pursue parity through acquiring WMD capabilities, even if it violates their non-proliferation obligations. The ME WMDFZ, according to that view, is aimed at addressing the regional imbalance and thus halting regional WMD proliferation.

Throughout the workshop, several explanations were given as to why establishing the ME WMDFZ has been so difficult. These included:

- The difficulty of bringing together key regional states around the negotiating table

- Disagreements among regional states on what should be included on the agenda for discussion
- Disagreements over whether the conference should be held under the auspices of the United Nations
- Unresolved issues, such as how to address all forms of WMD and their means of delivery and whether or to what extent to rely on existing global regimes
- Grievances over the failure of past processes

These are all significant factors impeding progress on the zone. However, according to one school of thought, the main reason a zone has not been achieved and is unlikely to be achieved in the foreseeable future is much more fundamental and concerns the state of relationships between states in the region. The region suffers from chronic mistrust, lack of communication and ongoing wars and rivalry. The ME WMDFZ per se does not address this core problem, but additional measures targeting dispute resolution and trust building could be added to address regional security problems within the zone or in a parallel process.

One of the topics discussed during the event is the situation in the Middle East today and how the deterioration of international, regional and national security further undermines the prospects of the zone.

INTERNATIONAL	<ul style="list-style-type: none"> • The deterioration of US-Russian relations and the collapse of fundamental arms control and non-proliferation treaties between the two countries • Disagreements over article VI of the NPT • Deterioration of compliance with the JCPOA
REGIONAL	<ul style="list-style-type: none"> • Turmoil in certain Arab countries since 2011 • Proliferation of conventional and non-conventional weapons • Non-compliance with international non-proliferation treaties • Concerns over proliferation of nuclear and missile capabilities

There was lively debate on whether to pursue the ME WMDFZ comprehensively or through gradual measures. Some participants noted, however, that it must be recognized that the ME WMDFZ will not be achieved anytime soon, and therefore more realistic, practical steps towards its implementation should be taken if the stakeholders were serious about this goal.

Several measures that can support the establishment and implementation of a ME WMDFZ were identified at the workshop. These include:

- Cooperation on nuclear governance, and especially nuclear safety, regulatory infrastructure and emergency preparedness.
- The simultaneous adoption of the Additional Protocol by the Islamic Republic of Iran and Saudi Arabia as a means to enhance confidence that both are in compliance with their NPT obligations.
- A declaration by Egypt and Israel – neither of which has ratified the CWC – that they will comply with the CWC. Such a step could establish a baseline for future dialogue and progress on disarmament. A follow-up step could be taken later with specific declarations on precise steps to be taken related to ratification of the CWC.
- A Middle East Test-Ban Treaty as a positive, concrete step that establishes trust and can build momentum towards a ME WMDFZ. Such a step should be relatively easy to take since it does not infringe on any of the regional states' core national security interests.
- With regard to the BTWC, states could consistently update, submit and publicize their CBMs, including details of their biodefence programmes in the CBM form A2.⁶ Peer review and mutual visits to national biolab facilities could promote transparency and build confidence about compliance with the prohibition on biological weapons.
- A joint declaration by all states in the region that biological and chemical weapons use is not acceptable and that will draw a line between past use and future commitments.
- Establishment of regional or multilateral support mechanisms for emergency preparedness, communication and response in the case of nuclear, biological, chemical or radiological incidents or use, as appropriate.

⁶ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, Confidence-Building Measure A, "Part 2: Exchange of information on national biological defence research and development programmes". Submission information available at: <https://www.unog.ch/bwc/cbms>.

IV LESSONS LEARNED FROM PAST EXPERIENCES

The second session explored several milestones of regional arms control processes, with the aim of extracting applicable lessons that could allow for progress on the ME WMDFZ. Four regional arms control processes were discussed: the ACRS multilateral talks of 1992–1996, the decision to convene a conference on the ME WMDFZ during the 2010 NPT RevCon, the informal consultation process that took place in Glion and Geneva between 2013 and 2014, and the JCPOA.

THE ACRS PROCESS

The ACRS Working Group was established in the early 1990s as a follow-on from the Madrid Peace Conference of 1991. It was a novel experiment, as it brought together Israel and 15 Arab states to discuss regional security and arms control for the very first time. There were productive engagements between the participating states, and they achieved considerable progress in the elaboration of confidence- and security-building measures on maritime security, military data exchange, pre-notification of military exercise, and regional communication networks in a relatively short period of time. The measures were never implemented, however, as it was decided that nothing would be agreed until everything was agreed. The sticking point was that Israel maintained that before nuclear issues could be tackled, regional security issues would have to be addressed and trust would have to be established gradually with CBMs, while Egypt held that nuclear issues could not be deferred and must be addressed first. The process failed in part also because the Middle East peace process lost momentum. Even though Arab delegates were prepared to have a productive conversation with Israelis, there was hesitancy to engage in activities that would assume normalization before a resolution on the Israeli-Palestinian conflict, and there was a sense that the agreements on CBMs outpaced the level of normalization the Arab states were willing to reach with Israel at that stage.

The 1995 Resolution on the Middle East adopted at the NPT Review and Extension Conference attempted to formalize the commitment on the ME WMDFZ through an international approach. It was adopted at a time of great non-proliferation optimism. Positive developments at that time included France and China's adherence to the NPT, Brazil and Argentina's adherence to the Treaty of Tlatelolco, South Africa's elimination of its nuclear weapons, the Agreed Framework with the Democratic People's Republic of Korea, and the elimination of Iraq's nuclear programme. In addition, in 1994 Israel and Jordan concluded a peace treaty. There was a hope that the 1995 Resolution on the Middle East and ACRS process could build on these successes and momentum, but in the years that followed, the fundamental contradictions of the ACRS process resurfaced and became major obstacles for progress. The ACRS process eventually broke down in 1996 over irreconcilable disagreements on priorities and how to move forward. Lessons learned from the ACRS process include:

- Confidence and trust must be built step by step and over a long time.
- Key regional players must have a shared interest, not just in the ultimate goal but also in how to get there.
- The international environment must be conducive to progress.
- It is hard to achieve such an undertaking in a single step. For example, Egypt's view is that as a first step to realizing regional security arrangements, Israel must join the NPT. For Israel, nuclear disarmament would be the final step of the process.
- Participation of key states is essential. In the case of the ACRS process, Lebanon and the Syrian Arab Republic turned down the invitation to participate. The Islamic Republic of Iran, Iraq and Libya were not invited. A serious discussion cannot be conducted about a ME WMDFZ without key players.
- The ME WMDFZ cannot be imposed from the outside. The ACRS process was imposed on the region through pressure from the Russian Federation and the United States as the co-chairs, while other states served as mentors (the Netherlands for the regional communications networks, Canada for maritime issues, Japan for regional security centres, and Turkey for pre-notification and military exchange). As much as the external stakeholders tried to push the region forward, they could not impose their will in the absence of regional states' willingness to move forward.

2010 NPT REVCON

Then US President Barack Obama's speech in Prague in April 2009, where he committed to seeking peace and security in a world free of nuclear weapons, as well as his speech in Cairo in June 2009, generated international optimism. The intersection between the President's agenda on nuclear disarmament and the Middle East

motivated efforts for a successful outcome at the 2010 NPT RevCon. It was around the same time that the Russian Federation became more involved in negotiations on the ME WMD FZ. The Russian Federation had always taken a strong interest in the Middle East in general and the zone in particular, and in the margins of the negotiations for the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the New START Treaty), diplomats in Washington, D.C., actively worked on ideas and elements that could be put forth at the 2010 NPT RevCon.

Multiple discussions took place, and ideas came from all sides, including ideas for CBMs on, for example, uranium enrichment capabilities. The proposal for the convening of a regional conference came in many forms, which made it challenging to determine what the purpose would be: Was it a discussion or negotiations? Would this start a process or serve as a one-off event? In parallel, the atmosphere in New York was tense as the United Nations Security Council debated sanctions on the Islamic Republic of Iran. Key difficulties emerged on the reference to Israel – an element that the Islamic Republic of Iran pushed for – and issues relating to the organization and mandate of the proposed conference, with the United States insisting it be a one-off event. The language referring to Israel that was agreed on was based on existing consensus language from 2000, which was very difficult for the United States to accept, particularly given that the Islamic Republic of Iran was not mentioned in this part of the document. There were also differences between the Arab Group members on what the goal of the conference should be and how best to achieve it. Some lessons that are relevant today for reaching a successful outcome at RevCons on the ME WMD FZ issue include:

- Coordination between the Russian Federation and the United States before and during the RevCon is required.
- Agreement can be found on the ME WMD FZ issue even if only some aspects are addressed.
- Differences among the Arab Group members regarding positions and priorities can be difficult to bridge and should be discussed in advance.

GLION AND GENEVA CONSULTATIONS

The preparations for holding the 2010 NPT RevCon-mandated conference went through two distinct phases: the period before the decision to postpone the 2012 conference and the aftermath. In October 2011, it was agreed to nominate a Finnish senior diplomat, Jaakko Laajava, as facilitator of the 2012 conference and Finland as the host government. Laajava and his team held extensive consultations with all relevant regional states and the depositories. In November 2012, owing to divergent

views about the conference agenda and desired outcomes, the co-conveners announced separately the postponement of the conference with no new date. After the decision to postpone the conference was made, an informal consultation process was launched to overcome obstacles to the holding of the conference. Five meetings were held in Glion and Geneva in 2013 and 2014. The discussions focused almost entirely on the agenda and modalities of the conference, such as who would be invited to participate and what the decision-making mechanism would be. The main challenge in addressing irreconcilable regional positions was that the participating states also had different views on the role of the facilitator in addressing disagreements and how much the facilitator could put forth their own proposals. One key conclusion was the need for a trusted party who would have the authority to propose ideas and act as arbiter. However, there is a limit to this independence, as the facilitator would have to respect the mandate given to them at the outset of the process. Lessons learned from the Glion and Geneva consultation process include:

- There is value in having an impartial and trusted facilitator with some mandate to put forward proposals and arbitrate among the parties, but the role and scope of the facilitator has to be agreed and articulated in advance
- There are important benefits to informal processes and consultations but also limits if there are disagreements over the mandate and desired outcomes

JOINT COMPREHENSIVE PLAN OF ACTION

The implementation of the JCPOA began in January 2016. The compliance of the Islamic Republic of Iran with the terms of the JCPOA was confirmed numerous times by the IAEA. However, the United States withdrew from the agreement in May 2018, citing the agreement's failure to address the Islamic Republic of Iran's ballistic missile programme or its proxy warfare in the region; the United States also claimed that the sunset provisions would enable the Islamic Republic of Iran to pursue a bomb in the future. The US withdrawal and re-imposition of economic sanctions prevented the Islamic Republic of Iran from enjoying the economic benefits of the deal. The Islamic Republic of Iran continued to implement the agreement for another year, but starting in May 2019, it reduced implementation of commitments and announced five steps of reduced compliance. As a result, the non-proliferation value of the JCPOA has decreased and the three European parties to the JCPOA felt compelled to trigger the JCPOA dispute resolution mechanism in January 2020. The dispute resolution mechanism is not a "sanctions snapback" but a process to address concerns about compliance as well as economic issues. With regard to the JCPOA itself, there was a concern about the duration of some provisions and the so-called sunset clause, but

the plan of the negotiating parties to the JCPOA was to have supplemental negotiations to extend some of those deadlines.

An aspect of the JCPOA that could be applicable to the ME WMD FZ is that the JCPOA was negotiated on the basis of “a scientific approach” related to breakout time. It was developed with robust monitoring, transparency and verification components that go beyond IAEA standards. Some of these measures were inspired by the European Atomic Energy Community (EURATOM) Treaty.⁷ For example, materials under safeguards go from mining to waste, which goes beyond even the IAEA Additional Protocol. EURATOM provides a good example of a multinational nuclear industry model that facilitates transparency and cooperation, and it has facilitated and regulated the safe use of nuclear energy through multinational cooperation and ownership. (EURATOM is further discussed in a following section.)

The remaining JCPOA participants continue to implement the agreement and have attempted to remedy some of the loss of economic benefits for the Islamic Republic of Iran through the establishment of the Instrument in Support of Trade Exchanges, a financing mechanism to offset US sanctions. However, the mechanism has not yet been fully utilized, and companies continue to shy away from financial dealings with the Islamic Republic of Iran for fear of US sanctions.

Lessons learned from the JCPOA include:

- The importance of continued talks, even if the situation seems hopeless. Small-scale solutions and work done during the years leading to the conclusion of the JCPOA were not wasted, and elements previously discussed ultimately featured in the agreement.
- The decision to focus on the nuclear issue was made because the issue was the most urgent and the easiest to address. One lesson is that the scope, especially as it relates to the means of delivery, was not comprehensive enough but represented what was politically achievable at the time of negotiations.

⁷ EURATOM was created in the post-Second World War era, when it became clear that regulation was needed to ensure peaceful applications of nuclear technologies.

V **LOOKING FORWARD**

The last panel covered concrete pathways towards the establishment and implementation of the ME WMDFZ. Three topics were examined: nuclear verification and CBMs related to peaceful application of nuclear technologies, tailored verification regimes for the region, and how to address chemical and biological weapons in the region.

POSSIBLE ROLE FOR THE IAEA AND CBMS RELATED TO PEACEFUL APPLICATIONS

The IAEA has a long history of involvement in the ME WMDFZ, starting in 1988 with a technical study of possible safeguards agreements, which was mandated by the Agency's General Conference. In 1989, the IAEA began to consult with states in the region on a framework for applying safeguards to all states and discussed measures to facilitate their implementation. In 1991, the General Conference adopted the first resolution to prepare a model agreement for full-scope safeguards implementation, and in 1992 the IAEA Director General prepared a report on possible requirements for ratification and implementation of safeguards by states in the region. The IAEA also conducted several technical workshops for the region in the 1990s, and it organized two forums, in 2000 and 2011, to learn from the experiences of other nuclear-weapon-free zones. In September 2019, the General Conference supported the adoption of safeguards in the Middle East as a CBM. The Director General received a mandate to pursue further state consultations and called on all states to extend their full cooperation. The report on these consultations is expected to be issued in September 2020. It is anticipated that it will reflect the significant divergence in views among regional states.

The role of the IAEA in other nuclear-weapon-free zones is verification through implementation of IAEA comprehensive safeguards agreements. The Central Asian nuclear-weapon-free zone states extended implementation to both the comprehensive safeguards agreement and the Additional Protocol. In some regions,

adherence to safeguards is a prerequisite for getting access to special fissionable material. The IAEA can also be called on to assist in fact-finding missions. For example, it assisted as part of the Pelindaba Treaty to verify nuclear disarmament in South Africa. It can also provide Member States with legal advice and technical support through its legislative assistance and technical assistance programmes.

The IAEA can provide a range of confidence-building activities to all its Member States, including facilitating cooperation among states on the peaceful application of nuclear technologies. In this context, there is ongoing cooperation in the region between Arab and Israeli scientists on nuclear technology in regional projects, such as insect sterilization (red fly eradication) to protect agricultural crops. Another example is the International Centre for Synchrotron Light for Experimental Science and Applications in the Middle East (SESAME), which is similar to the European Organization for Nuclear Research (CERN) and based in Jordan, where Arab, Iranian and Israeli scientists conduct joint research together. Such initiatives can be expanded on and replicated to support peaceful nuclear applications in the region and foster trust and cooperation among regional states.

REGIONAL TAILORED NUCLEAR VERIFICATION REGIME

There are two regional tailored verification regimes that the Middle East could consider and potentially draw from: EURATOM and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC). ABACC was created in 1991 to guarantee the international community that all existing nuclear materials and facilities in Argentina and Brazil were being used exclusively for peaceful purposes. Historically, there had been rivalry between Brazil and Argentina, but because both states shared a common view of the NPT as a threat to their nuclear aspirations, they opted for bilateral arrangements. This cooperation created a common system for accounting and control. The agency that was created for this purpose had all the organs of an international organization, including a secretariat. ABACC covered all nuclear research facilities between Brazil and Argentina, resulting in both bilateral and IAEA inspections.

There is an inherent contradiction related to the future of nuclear verification in the Middle East. On the one hand, states will be reluctant to allow highly intrusive inspections and access to their nuclear facilities given their security concerns; on the other hand, mistrust and history of non-compliance necessitate an intrusive verification mechanism. To address the latter, some recommend that any future verification system of the zone should be more intrusive than the IAEA comprehensive safeguards agreement and even go beyond the Additional Protocol. This is where the experience of EURATOM comes in. The EURATOM safeguards system provides for

inspectors to have access at all times to all areas and data and to all persons who deal with materials, equipment or installations subject to safeguards.

As to the governing structure of a ME WMDFZ, the idea of a compliance and inspection council with seven seats – Egypt, the Islamic Republic of Iran and Israel as three permanent members, but with no veto power, and four other seats distributed among other regional partners and rotated on a geographic basis – has been discussed. This council would have the authority to seize materials and impose sanctions in cases of violations. Another suggestion that has been made is to create a supply agency that would hold all fissionable material, as is the case with EURATOM. States should also agree to not attack one another's nuclear facilities and accept routine and non-routine inspections without a quota.

CHEMICAL AND BIOLOGICAL WEAPONS

The issue of chemical and biological weapons as relates to the ME WMDFZ has been underexplored, despite the repeated use of chemical weapons in the region. In fact, most instances of chemical weapons use since the adoption of the CWC in 1993 have been in the Middle East.

These two types of weapon are governed by three regimes: the 1925 Geneva Protocol, the BTWC and the CWC. The CWC and BTWC – unlike the NPT – are disarmament treaties, and prohibitions under the CWC and the BTWC are different from those under the NPT. The NPT does not prohibit the use of nuclear weapons, but the CWC and the BTWC prohibit the development, stockpiling and use of chemical and biological weapons.⁸ The ME WMDFZ would have to address these different dimensions, and one idea is to include a prohibition on the use of chemical weapons against civilian populations as an additional explicit prohibition in the ME WMDFZ context.

Looking at the membership of these three treaties in the Middle East, all regional countries participate in at least one of the three regimes. However, there are gaps, as nine states are not party to at least one treaty. Another challenge includes the use of chemicals such as chlorine as chemical weapons. Chlorine is widely used for industrial purposes, making it difficult to regulate. Another chemical widely used in the region for agriculture is phosgene, which is thus also difficult to regulate, despite its high toxicity.

⁸ The BTWC does not explicitly prohibit use in its title, but the convention is widely seen as implicitly prohibiting use.

Some noted it is highly doubtful that states in the region would simply join the CWC and the BTWC. There are many issues specific to the region that would have to be addressed first. To develop a credible verification system, definitions as well as scope and prohibitions would have to be made clear. A satisfactory mechanism to clarify allegations of chemical weapons use and non-compliance with the ME WMD FZ prohibitions must be developed, which could be particularly challenging given that the quantities and range of chemicals used in the region fall below or off the list of scheduled chemicals in annex II to the CWC (although not the general purpose criterion). The development of these lists would have to be based on the threat perceptions by regional states. One suggestion was to survey states in the region on their threat perceptions with regard to chemical weapons to determine what needs to be addressed. This will not be an easy exercise, as there is a taboo on discussing chemical weapons use in the region, such as the use of mustard agent and other agents in Morocco or chemical weapons use in Yemen. The Organisation for the Prohibition of Chemical Weapons (OPCW) could be requested to verify some of the suspicious cases, and a regional organization would have to address what is not covered within the OPCW mandate.

Biological weapons are a more complex matter. In general, very few people are known to have died from biological weapons. Since 1975, fewer than 100 people have been deliberately killed by toxins, and this has been mostly as a result of use by criminals. The biggest threat the international community faces is disease outbreak, such as the current coronavirus outbreak. It was suggested to look both to governments and the scientific community, so as to base prohibitions on realistic threats and not hypothetical scenarios.

Pathways Forward for the ME WMDFZ Process and 2020 NPT Review Conference

Conference Report

As part of its 2020 NPT Review Conference (RevCon) series, UNIDIR convened a day-long event on 6 February 2020 on the Middle East Weapons of Mass Destruction Free Zone (ME WMDFZ). The event aimed to facilitate dialogue and explore key issues regarding nuclear proliferation developments in the region, including the ME WMDFZ, and how those issues and developments may feature in the 2020 NPT RevCon.

This report provides a summary of the discussion, key findings and insights on efforts to establish a ME WMDFZ to date, as well as the relationship between the zone and the upcoming NPT RevCon.

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