



THE LACK OF DISARMAMENT IN THE MIDDLE EAST: A THORN IN THE SIDE OF THE NPT

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I. Introduction

For decades, Israel's reported nuclear capability has been a source of grievance among Arab states and Iran. While Israel has neither officially confirmed nor denied its nuclear-weapon status, it is believed to possess an arsenal of about 80 nuclear weapons.¹ In addition to being the sole nuclear-armed state in the region, Israel is also the only country in the Middle East that has not acceded to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) or signed a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA).²

Pointing to the asymmetric nuclear order in the Middle East, some states in the region have made their own accession to international conventions on weapons of mass destruction (WMD) and acceptance of strengthened safeguards on civilian nuclear activities conditional on Israel's disarmament.³ A small number have even sought to develop nuclear weapon programmes of their own.⁴

The predominant regional response, however, has been to appeal to international norms and institutions. Since the early 1970s, the Arab states and Iran have been calling in the United Nations General Assembly for the establishment of a nuclear weapon-free zone in the Middle East.⁵ They have

¹ It is assumed that Israel's nuclear weapon programme began in the 1960s. See e.g. Cohen, A., 'Israel', eds H. Born, B. Gill and H. Hänggi, SIPRI, *Governing the Bomb: Civilian Control and Democratic Accountability of Nuclear Weapons* (Oxford University Press: Oxford, 2010).

² IAEA, Board of Governors, 'Application of IAEA Safeguards in the Middle East', Report by the Director General, GOV/2012/38-GC(56)/17, 27 Aug. 2012.

³ Egypt has not signed the Chemical Weapons Convention (CWC) or ratified the Biological and Toxin Weapons Convention (BTWC), and often makes this link. It has also criticized the priority given to efforts to promote the universality of the IAEA Additional Protocol over the 'universality of Comprehensive Safeguards', referring to Israel's refusal to accept the latter. Egypt's statement to the NPT PrepCom, 1 May 2014. While most states in the Middle East are party to both the CWC and the BTWC, many states in the region have not ratified an IAEA Additional Protocol. Most of the statements to, and resolutions of, the preparatory committees (PrepComs) for the NPT review conferences (RevCons) of parties to the NPT mentioned in this paper are available on the website of the Reaching Critical Will disarmament programme.

⁴ Iraq's secret nuclear weapon programme was discovered and dismantled following the first Gulf War of 1990, and Libya gave up its elementary nuclear weapon programme in 2003. Iran is suspected of exploring the possibility of a nuclear weapon programme prior to 2003.

⁵ United Nations, General Assembly, Resolution 3263, 'Establishment of a nuclear-weapon-free-zone in the region of the Middle East', 9 Dec. 1974.

SUMMARY

● International efforts to rid the Middle East of nuclear weapons go back over four decades. With the so-called Middle East resolution of 1995, such efforts—and the broader goal of establishing a weapons of mass destruction (WMD)-free zone in the region—became part of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) review process. While tying the NPT to progress on disarmament in the Middle East helped to ensure consensus on extending the NPT, it came at the cost of reduced treaty legitimacy; after more than two decades since its adoption, the Middle East resolution remains unimplemented.

Describing the political dynamics around the issue, this paper assesses the prospects for the 2020 NPT Review Conference and presents two alternative approaches for taking the WMD-free zone process forward—a WMD-free zone process without Israel or the inclusion of such a process as part of a broader regional security and arms control dialogue.



also regularly pushed for an IAEA resolution calling on Israel to accede to the NPT and place all of its nuclear facilities under IAEA safeguards.⁶

In the mid-1990s the goal of nuclear disarmament in Israel became part of the NPT review agenda through its inclusion in the package agreement that extended the treaty. More specifically, in the so-called 1995 Middle East resolution, NPT states parties agreed to promote the creation of a WMD-free zone in the region.⁷

More than two decades after its adoption, however, the Middle East resolution remains unimplemented, which has taken its toll on the global non-proliferation and disarmament regime. The 2015 NPT Review Conference (RevCon) lacked consensus as a result of the failure to convene a conference on the establishment of a WMD-free zone in the Middle East—a step that had been agreed on five years before in order to ensure the success of the 2010 NPT RevCon.

This paper sheds light on the political dynamics surrounding the Middle East resolution by describing the relevant discourse of key actors—countries from the region and the NPT depositary states—in the period 2012–18. While the main research material is based on discussions in the context of the NPT, the paper also takes account of recent developments at the UN General Assembly.⁸ In November 2018 the First Committee adopted a draft resolution requesting the UN Secretary-General to convene a conference on the establishment of a WMD-free zone in the Middle East, taking the 1995 Middle East resolution as its terms of reference.⁹ While action on the draft resolution was deferred in December, the proposal is likely to remain on the agenda in 2019.¹⁰

The paper assesses the prospects for the 2020 RevCon in the light of the continuing lack of progress on implementation of the Middle East resolution and presents two alternative approaches for taking the WMD-free zone process forward—implementation of a WMD-free zone process without Israel or the inclusion of such a process as part of a broader regional security and arms control dialogue. The paper also evaluates the viability of the new proposal to hold the related conference under the auspices of the UN. Given Israel's previous opposition to attend a conference based on a similar mandate, this plan would probably amount to the first approach of a WMD-free zone conference that does not include Israel. Finally, the paper discusses the

More than two decades after its adoption, the Middle East resolution remains unimplemented

⁶ IAEA, Board of Governors, 'Israeli nuclear capabilities', Report by the Director General, GOV/2010/49-GC(54)/14, 3 Sep. 2010.

⁷ United Nations, Office for Disarmament Affairs, Resolution on the Middle East, NPT/CONF.1995/32 (Part I), Annex.

⁸ The First Committee of the UN General Assembly deals with matters related to disarmament and global security. It is one of the six committees dedicated to more specialized discussions following the General Debate at the General Assembly, which is held in New York every September. While General Assembly resolutions are not legally binding, they can pave the way for the negotiation of international treaties—the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW) being one example.

⁹ United Nations, General Assembly, 'Convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction', A/C.1/73/L.22/Rev.1, 17 Oct. 2018.

¹⁰ United Nations, 'General Assembly adopts 67 disarmament drafts, calling for greater collective action to reduce arsenals, improve trust amid rising global tensions', Meetings coverage, 5 Dec. 2018.



crucial but underappreciated role of the 2015 Joint Comprehensive Plan of Action (JCPOA), or Iran nuclear deal, in efforts to implement a WMD-free zone in the Middle East.

II. The 1995 Middle East resolution

Initially, the NPT was intended to remain in force for a fixed period of 25 years, after which a conference of states parties would be convened to decide whether to extend the treaty indefinitely or only for an additional fixed period.¹¹ On its expiry in 1995, the states parties decided to extend the treaty indefinitely as part of a package that included, among other things, the Middle East resolution.¹² In addition to calling on all the Middle East states to take practical steps towards the establishment of a WMD-free zone in the region, the resolution called on all NPT states parties, ‘in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts’ in promoting the zone.¹³

The resolution reflected the frustration of other states in the region with Israel’s nuclear monopoly in the Middle East

The Middle East resolution was in line with the broader goal of NPT universality, as well as the model set by the existing nuclear weapon-free zones in other parts of the world. It also reflected the frustration of other states in the region with Israel’s nuclear monopoly in the Middle East.

Arab states were particularly influential in shaping the agenda of the 1995 Review and Extension Conference, given their number and prominent role in the Non-Aligned Movement (NAM), as well as the increased leverage of non-nuclear weapon states at the time provided by the need to obtain their consent to NPT extension.¹⁴ Indeed, many Arab states had joined the NPT fairly late, stressing that they did so on the understanding that the nuclear imbalance in the region would be addressed.¹⁵

After two decades of inconsequential UN General Assembly resolutions calling for the establishment of a Middle East nuclear weapon-free zone, the implicit expectation among the Arab countries and other NAM members was that a formal linkage with the NPT would make a difference, particularly to the way in which Israel’s most powerful ally, the United States, approached the issue. The need for a new approach was also highlighted by the collapse of the first Arms Control and Regional Security (ACRS) talks, which took

¹¹ See Article X of the NPT.

¹² Unlike subsequent NPT final documents, this decision was made without a vote. Together with the strengthening of the review process, the inclusion of the Middle East resolution helped to win majority support for the decision, despite some concerns that the indefinite extension might undermine the accountability of the nuclear weapon states. Arms Control Association, ‘Timeline of the Nuclear Nonproliferation Treaty (NPT)’, updated Feb. 2018.

¹³ United Nations (note 7).

¹⁴ Currently comprising 120 states, the NAM was established during the cold war as an alternative to great power and bloc politics. The organization continues to promote values such as multilateralism, sovereign equality and the independence of militarily non-aligned countries.

¹⁵ Badr, H., Egypt’s statement to the NPT PrepCom, 23 Apr. 2013. According to the Egyptian diplomat, Mohamed Shaker, Egypt’s decision to ratify the NPT in 1980 was based on the hope that this ‘would encourage Israel to follow suit, especially as all Arab countries neighbouring Israel had already become party to the treaty’. Shaker, M. I., ‘The Middle East, Israel and Iraq’, eds J. Simpson and D. Howlett, *The Future of the Non-Proliferation Treaty* (St Martin’s Press: Basingstoke, 1995), p. 68.



place in 1992–94 following the 1991 Madrid Peace Conference.¹⁶ The ACRS collapsed due to the incompatibility of Israel's position that disarmament can be discussed only after other regional security issues with Egypt's insistence that discussion on disarmament should come first.

Egypt in particular has tirelessly highlighted the link between the NPT and the Middle East resolution, arguing that 'The indefinite extension of the Treaty without a vote was made possible with the adoption of the Resolution on the Middle East', which was 'forever enshrined into the NPT' in 1995.¹⁷ While tying the NPT to progress on disarmament in the Middle East was arguably crucial to creating sufficient consensus on NPT extension, it came at the cost of reduced treaty legitimacy. The lack of progress on implementation of the Middle East resolution was one of the reasons for the lack of consensus at the 2005 RevCon, which in turn contributed to the 2010 decision to convene a meeting on the establishment of a WMD-free zone in the region by 2012.¹⁸ More specifically, the 2010 NPT RevCon final document stated:

The need for a new approach was highlighted by the collapse of the first Arms Control and Regional Security talks

The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, 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 of the nuclear-weapon States.¹⁹

However, this first step towards the establishment of the WMD-free zone was never taken. The USA cancelled the meeting due to take place in Helsinki in late 2012, citing disagreements among regional states.²⁰ Underlying the decision was Israel's refusal to participate in a conference based on the above mandate. The subsequent informal consultations held in Switzerland failed to resolve these disagreements, which were apparently also linked to Egypt's reluctance to broaden the agenda to wider regional security issues.²¹

The repercussions were felt at the 2015 RevCon. The Arab Group, backed by the NAM, proposed that the meeting be held within 180 days, regardless of whether Israel agreed to attend.²² The proposal was included in the final

¹⁶ Jones, P., 'Arms control in the Middle East: some reflections on ACRS', *Security Dialogue*, vol. 28, no. 1 (Mar. 1997), pp. 57–70.

¹⁷ Badr (note 15).

¹⁸ See e.g. Lewis, P. M., 'A Middle East free of nuclear weapons: possible, probable, or pipe-dream?', *International Affairs*, vol. 89, no. 2 (2013), p. 438.

¹⁹ Final Document of the 2010 NPT RevCon, New York, 18 June 2010.

²⁰ More specifically, the USA cited as a reason for the postponement 'present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference'. Nuland, V., '2012 conference on a Middle East zone free of weapons of mass destruction', US Department of State, Press statement, 23 Nov. 2012.

²¹ Although there are no records of the informal consultations, Israel's resistance to the 2010 mandate and its subsequent calls for a regional security process—as well as Egypt's criticism of 'unreasonable efforts to empty the previously agreed Conference and mandate of its substantive content'—point to this interpretation. See Badr, H., Egypt's statement to the NPT RevCon, 4 May 2015.

²² 'Implementation of the 1995 resolution and 2010 outcome on the Middle East', Working paper submitted to the NPT RevCon by Bahrain on behalf of the Arab Group, 22 May 2015.



draft document, the adoption of which was blocked by Canada, the United Kingdom and the USA.²³

The following analysis seeks to shed light on the perspectives of key stakeholders regarding the regional nuclear order and the Middle East resolution, as expressed mainly in the context of the NPT in the period 2012–18.²⁴ The main stakeholders are understood to be (a) the Arab states and Iran, the main proponents; (b) Russia, the UK and the USA, the depositary states of the NPT and co-sponsors of the 1995 Middle East resolution; and (c) Israel, the main target and critic of efforts to introduce a WMD-free zone.

III. Divergent views on the regional nuclear order

Based on the discourse analysed in this paper, Israel and the other states in the Middle East have very different perceptions of the regional nuclear order. While the Arab states and Iran view Israel's nuclear monopoly as the main problem and the rationale for a WMD-free zone, Israel sees the threat of nuclear proliferation as an obstacle to nuclear disarmament.²⁵ The latter view appears to have been unaffected by the conclusion of the JCPOA in 2015, which limits Iran's uranium enrichment activities and has put in place an unprecedentedly robust monitoring and verification regime. The USA largely shares the Israeli perspective on the regional nuclear order.

Israel and the other states in the Middle East have very different perceptions of the regional nuclear order

Arab states and Iran: disarmament as a precondition for regional security

While they currently have no coordinated approach to the issue, both the Arab states and Iran have long shared the view that Israel's nuclear weapons are a threat to regional security. They see the nuclear status quo in the region as unsustainable and argue that stability cannot be achieved while the situation remains as it is.²⁶ They also regard the WMD-free zone—or at least progress towards its achievement—as a solution to this problem.²⁷

According to a 2017 paper by a group of 12 Arab states ('the Arab 12 group'), 'The goal of ridding the Middle East of nuclear weapons and other weapons of mass destruction and bringing all nuclear facilities and programmes under a comprehensive IAEA safeguards agreement is one that cannot be discarded if safety and security are to be achieved in the region'. The same paper explains that the WMD-free zone initiative is based on 'a region-wide

²³ Wan, W., 'Why the 2015 NPT Review Conference fell apart', United Nations University, May 2015.

²⁴ With the exception of Israel, which is not party to the NPT and whose statements cited here were made mainly at IAEA General Conferences, most of the national views cited in this paper were expressed in NPT PrepComs or the 2015 RevCon. In addition, the analysis includes relevant discussion of the draft resolution (L.22/Rev.1) at the First Committee of the UN General Assembly in 2018. Only texts available in English were considered in this article.

²⁵ Consistent with its policy of nuclear opacity, Israel's official statements use the more general term 'arms control' rather than explicitly referring to 'nuclear disarmament'.

²⁶ Soltanieh, A. A., Iran's statement to the NPT PrepCom, 29 Apr. 2013.

²⁷ The League of Arab States regards the implementation of the 1995 resolution as 'a key factor in achieving regional security, confidence-building, and the removal of tensions related to the issue of nuclear proliferation in the Middle East'. League of Arab States' statement to the NPT PrepCom, 22 Apr. 2013.



approach that would guarantee security for all and avoid the selective and biased method of addressing the nuclear issues of each State on a case-by-case basis'.²⁸

Israel: security as a precondition for disarmament

In contrast, Israel believes that attempts to establish a WMD-free zone in the region are premature. In 2014 it argued that 'genuine regional arms control measures can only be advanced through a gradual process' that 'begins with confidence-building measures and mutual recognition' and is 'followed by the transformation of tensions, hostilities, simmering conflicts and a state of war to durable and peaceful relations'. According to Israel, 'the most important threats to the non-proliferation regime and the NPT stem from the Middle Eastern countries that pursued or continue to pursue nuclear weapons under the cover of NPT membership'.²⁹

Israel believes that attempts to establish a WMD-free zone in the region are premature

The implicit logic behind these arguments is that Israel needs a nuclear deterrent to feel secure in a volatile region. The Israel Atomic Energy Commission (IAEC) asserted in 2012 that 'The State of Israel is not a remote and indifferent observer of the Middle East's somber realities', and therefore 'does not enjoy the luxury to test concepts born elsewhere that are strange to the region and its political culture and might put Israel's national security at great risk'.³⁰

Notwithstanding the central role of Iran's nuclear programme in Israel's threat perceptions, those perceptions seemed unaffected by the JCPOA. The IAEC noted in 2016 that 'Despite the recent agreement, Iran continues to be a destabilizing force in the Middle East'. It cited 'blatant concealment and duplicity, as demonstrated in [Iran's] well-known weaponization activities', and argued that 'Iran's commitment to the JCPOA must be evaluated with a long-term perspective'.³¹

Depositary states on the relationship between regional security and disarmament

Like Israel, the USA has tended to view non-proliferation, and particularly concerns over Iran's nuclear programme, as more urgent than steps towards Israel's nuclear disarmament or other measures to establish a WMD-free zone in the Middle East. In 2012 the USA stated that a WMD-free zone 'can only be achieved once essential conditions are in place', referring to 'durable peace and full compliance by all countries in the region with their nonproliferation obligations'.³² The following year, the USA cautioned against focusing only on Israel, highlighting 'the large quantities of chemical

²⁸ 'Establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction', Joint working paper submitted to the NPT PrepCom by Bahrain, Iraq, Jordan, Kuwait, Libya, Oman, Qatar, Saudi Arabia, the State of Palestine, Sudan, the United Arab Emirates and Yemen, 4 May 2017.

²⁹ Israel's communication to the IAEA General Conference, 21 July 2014.

³⁰ Chorev, S., Israel's statement to the IAEA General Conference, Sep. 2012.

³¹ Snir, Z., Israel's statement to the IAEA General Conference, Sep. 2016.

³² Countryman, T., The USA's statement to the NPT PrepCom, 8 May 2012.



weapons held by Syria, and the fundamental challenge posed by Iran acquiring a nuclear weapon'.³³

The USA's statements since the conclusion of the JCPOA have not recognized the potentially positive implications of the agreement on the WMD-free zone process, despite the centrality of the Iranian threat in the country's previous arguments. At the 2017 Preparatory Committee (PrepCom) for the NPT RevCon, the USA merely referred to the review by the administration of President Donald J. Trump of US policy on Iran, including the JCPOA, highlighting that 'the international community must be prepared to respond to any violations of Iran's commitments', and making clear that the USA would 'continue to hold Iran accountable for its ... missile development and support for terrorism'.³⁴

Russia and the UK were less clear when it came to their position on the relationship between disarmament and regional security. The UK recognized that a WMD-free zone in the region would 'contribute significantly to regional and global security'.³⁵ Russia stated that it 'fully shares the outstanding serious concerns of the Middle Eastern states with the situation in the field of non-proliferation in the region'.³⁶ Moreover, in 2014 the UK suggested that the negotiations on Iran's nuclear programme (which led to the JCPOA the following year) might have a positive effect on regional security.³⁷ It also recognized the value of the JCPOA in connection with some of its subsequent statements on the WMD-free zone, but did not elaborate on the implications this might have for the prospects of establishing the zone.³⁸

The regional proponents of a WMD-free zone regarded the postponement of the planned 2012 conference as undermining the legitimacy of the NPT

IV. Cancellation of the Helsinki conference

The regional proponents of a WMD-free zone regarded the postponement of the planned 2012 conference as undermining the legitimacy of the NPT. Israel, however, opposed any link between regional arms control and the NPT, calling instead for a more general security process based on regional initiatives. The USA justified the postponement by stressing that any conference on the establishment of a WMD-free zone must be based on the consent of all states in the region. While the other two depositary states agreed on the need for unanimous consent, Russia did not seem to regard this as a strong enough reason for postponing the conference.

³³ Countryman, T., The USA's statement to the NPT PrepCom, 29 Apr. 2013.

³⁴ Wood, R. A., The USA's statement to the NPT PrepCom, 8 May 2017.

³⁵ Rowland, M., The UK's statement to the NPT PrepCom, 1 May 2014.

³⁶ Uliyanov, M., Russia's statement to the NPT PrepCom, 8 May 2012.

³⁷ Jones, P., The UK's statement to the NPT PrepCom, 29 Apr. 2014.

³⁸ At the First Committee in 2018, the UK described the JCPOA as an 'invaluable document' in preventing the proliferation of nuclear weapons, but at the same time expressed 'deep concerns' about Iran's 'damaging regional activity' and 'the continued development' of its ballistic missile programme. The UK's statement on regional disarmament and security, 31 Oct. 2018.



Arab states and Iran: highlighting double standards and implications for the NPT

The grievances of proponents of a WMD-free zone have been aggravated by the perception that double standards in the non-proliferation policies of the nuclear weapon states, particularly the USA, have contributed to the asymmetrical nuclear order in the Middle East. Iran, for example, has contrasted the ‘baseless concern’ over its own nuclear programme with the ‘deadly silence on [the] Israeli clandestine nuclear weapon program’.³⁹

This perception grew after the USA announced the cancellation of the planned 2012 Helsinki conference, which was viewed as an action aimed at blocking progress on the implementation of the Middle East resolution. ‘[R]ather than holding Israel ... to account’ for the failure to convene the Helsinki conference, the League of Arab states argued in 2013, ‘Implausible justifications were given’ and attempts made ‘to blame the [other] countries of the region’.⁴⁰ Iran, for its part, described the postponement of the Helsinki conference as an attempt ‘to protect Israel from international condemnation’.⁴¹ It contended that the USA ‘has always supported [the] Israeli regime at any price’.⁴²

The most dramatic show of disapproval was Egypt’s walkout at the 2013 PrepCom. It stated that ‘we cannot wait forever for this resolution to be implemented’.⁴³ Egypt regarded the postponement as ‘flagrant non-fulfillment of agreed commitments’.⁴⁴ The League of Arab States described it as a ‘shirking of [the conveners’] responsibilities under the [2010] action plan’, and stressed that ‘if [the conference] is not held in due course’ it would constitute ‘a violation of the review process and the related obligations’.⁴⁵

The Arab countries even suggested that the lack of implementation of the 2010 plan gave them reason to reconsider their own NPT commitments.

The proponents of a WMD-free zone perceive that double standards exist in the non-proliferation policies of the nuclear weapon states

Egypt argued that the postponement had led to ‘serious debate within the Arab group on whether [it] should be attending this [NPT] meeting in the first place’.⁴⁶ The League of Arab States stated that the postponement ‘reduces the importance of implementing any commitments made, or ... agreed upon within the framework of the review process’, and ‘creates significant doubts concerning the consensus and compromises that are adopted in the framework of multilateral relations concerning the field of disarmament’.⁴⁷

³⁹ Iran’s statement to the NPT PrepCom, 8 May 2012.

⁴⁰ ‘Implementation of the 1995 resolution on the Middle East’, Working paper submitted to the NPT PrepCom by Tunisia on behalf of the member states of the League of Arab States, 19 Apr. 2013; and League of Arab States (note 27).

⁴¹ Soltanieh (note 26).

⁴² Iran’s statement to the NPT PrepCom (note 39).

⁴³ Badr, H., Egypt’s statement to the NPT PrepCom, 29 Apr. 2013.

⁴⁴ Badr (note 43).

⁴⁵ ‘Implementation of the 1995 resolution on the Middle East’ (note 40).

⁴⁶ Badr (note 43).

⁴⁷ League of Arab States (note 27).



Israel: stressing the need to delink regional security efforts from the NPT

For its part, Israel argued that ‘any initiative to promote the 2012 conference on the Middle East under the banner of the NPT review conference ... in complete disregard to the present regional somber realities, is futile’.⁴⁸ While Israel was clearly not ready to discuss nuclear disarmament, it appeared to indicate an openness to participating in more general regional security discussions. As a communication in 2014 by Israel to the IAEA put it, ‘any regional event should emanate from within the region, based on direct dialogue between all the states ... in order to address a broad regional security agenda, based on the indispensable principle of consensus between the regional parties’.⁴⁹

Divergent views on cancellation among the depositary states

As its November 2012 announcement of the postponement of the Helsinki conference made clear, the USA shared the Israeli view that the situation was not ripe for regional disarmament or arms control negotiations. The US State Department highlighted ‘the backdrop of turmoil and dramatic political change taking place in the Middle East’, as well as ‘Iran’s continuing defiance of its international nonproliferation obligations’. Moreover, it stressed the need for ‘full compliance by all regional states with their arms control and nonproliferation obligations’.⁵⁰

According to Israel, any regional event should emanate from within the region, based on direct dialogue between all the states

The USA had indicated in May 2012 that it believed that the Helsinki conference ‘should discuss a broad agenda that covers regional security and all WMD issues’.⁵¹

In 2013, while acknowledging what it described as the justified ‘disappointment and frustration’ of the proponents of the WMD-free zone, the USA stated that the postponement ‘was not a breach of the [2010] Action Plan as some suggest’.⁵² It stressed that ‘leadership must also come from the states of the region’.⁵³ This reinforced an earlier statement that ‘Outside states cannot impose a process on the region any more than they can dictate an outcome’.⁵⁴

Similarly, a joint statement by Russia, the UK and the USA in May 2012 noted that WMD-free zones ‘cannot be created counter to the will of the countries of the region by the efforts of extra-regional powers or international organizations’.⁵⁵ At the same time, however, Russia criticized the postponement of the conference, which had already been discussed as a possibility before November 2012, describing the idea of deferring it ‘until the total stabilization of the situation in the Middle East’ as ‘utterly erratic

⁴⁸ Chorev (note 30).

⁴⁹ Israel’s communication to the IAEA General Conference (note 29).

⁵⁰ Nuland (note 20).

⁵¹ Countryman (note 32).

⁵² Countryman (note 33).

⁵³ Countryman (note 33).

⁵⁴ Nuland (note 20).

⁵⁵ Joint Statement by Russia, the UK and the USA to the NPT PrepCom, 8 May 2012.



and counterproductive'.⁵⁶ In 2013 Russia stated that 'continuing uncertainty regarding the convening of the Conference is contrary to the interests of strengthening the nuclear non-proliferation regime'.⁵⁷

V. Controversy at the 2015 NPT RevCon

The 2015 RevCon was marked by controversy over the Middle East resolution. Several regional proponents of the WMD-free zone openly expressed their frustration and made a last-ditch attempt to have the related conference convened by the end of the year. While the UK joined the USA in preventing this attempt, Russia supported it—despite the apparent contradiction between this position and Russia's view that it was necessary to ensure the participation of all the states in the region in the planned conference.

A thwarted Arab initiative to hold the conference in 2015

At the 2015 RevCon, criticism of the lack of implementation of the Middle East resolution culminated in even those Middle East states that had previously kept a low profile openly expressing their disapproval. Saudi Arabia, for example, warned that stalled progress on the establishment of a WMD-free zone might bring about a much more complicated regional situation and made a vague reference to a nuclear arms race. Saudi Arabia also stressed that it was 'imperative that the states do not experience any doubts or concerns about the wisdom of accepting an infinite extension of the NPT treaty, or even the accession to it', as a result of the failure to implement the Middle East resolution.⁵⁸ Egypt described the informal consultations held in Switzerland as a waste of time that threatened to water down the Middle East resolution and derail the entire process.⁵⁹

The fate of the 2015 RevCon was ultimately determined by the demand—originally formulated by Egypt, but subsequently embraced by other Arab states and the NAM—that the formal meeting on the establishment of a Middle East WMD-free zone be held within 180 days of adopting the final document. Two further conditions were that the meeting should be convened by the UN Secretary-General and should not be further postponed.⁶⁰ In other words, the conference would take place regardless of whether Israel agreed to take part. Given the broad support for these demands among NPT states parties, they were included in the draft final document. However, unanimous support was blocked by opposition from Canada, the UK and the USA. (The reasons given by the latter two countries are set out below.)

The 2015 RevCon was marked by controversy over the Middle East resolution

⁵⁶ Uliyanov (note 36).

⁵⁷ Uliyanov, M., Russia's statement to the NPT PrepCom, 29 Apr. 2013.

⁵⁸ Al-Mouallimi, A. Y., Saudi Arabia's statement to the NPT RevCon, 28 Apr. 2015.

⁵⁹ Badr (note 21).

⁶⁰ 'Implementation of the 1995 resolution and 2010 outcome on the Middle East' (note 22); and 'Regional issues: Middle East', Working paper submitted to the NPT RevCon by the Group of Non-Aligned States Parties to the NPT, 4 May 2015.



Israel: reiterating readiness for regional security dialogue

Israel is not a party to the NPT but in 2015 it attended a RevCon for the first time as an observer. It also submitted a paper highlighting its active participation in the informal consultations on a WMD-free zone.

In the paper, Israel described what it viewed as the other regional states' unconstructive attitude to the consultations as indicative of their 'strident opposition to conduct[ing] a direct dialogue with Israel'. From Israel's perspective, this, together with the demand to convene the conference 'by a deadline on the basis of terms of reference conceived by one side only, underlines and reinforces the mistrust and suspicion between the states in the region'. The paper further stated that: 'If a serious regional effort has not emerged in the Middle East during the last five years it is not because of Israel.'⁶¹

Israel also reiterated its previous announcement that it would participate in the Helsinki meeting if consensus were first reached on the agenda, the final document and the mandate.⁶² Between the lines, it is possible to perceive a willingness to participate in a conference on regional security, but not one focused on the establishment of a WMD-free zone.

At the 2015 RevCon, Russia, the UK and the USA reiterated that WMD-free zones cannot be created against the will of regional states

Disagreements among the depositary states on the final document

At the 2015 RevCon, Russia, the UK and the USA answered the broad criticisms about the lack of implementation of the 2010 commitments regarding the Middle East by reiterating that WMD-free zones cannot be created against the will of regional states.⁶³ They also rejected the view that the consultations in Switzerland had been a total failure, noting that the informal process had succeeded in bringing together Israel and Arab states for the first time in almost 20 years, and that the parties had reached an understanding on several parts of the broad agenda and agreed that decisions should be based on the principle of consensus.⁶⁴

However, the three depositary states disagreed on the RevCon final document and the new plan to hold the WMD-free zone conference by the end of 2015. The USA argued that the 180-day timeline was arbitrary and that the proposed text 'would not build the foundation of trust necessary for holding a productive conference that could reflect the concerns of all regional states'.⁶⁵ The UK joined the USA in opposing the final document, whereas Russia supported it. However, Russia also stressed that it was 'vital that the conference [be] attended by all countries of the region'.⁶⁶ Russia

⁶¹ 'Towards a regional dialogue in the Middle East: an Israeli perspective', Working paper submitted to the NPT RevCon by Israel, 30 Apr. 2015.

⁶² 'Towards a regional dialogue in the Middle East: an Israeli perspective' (note 61).

⁶³ 'Middle East nuclear and weapons of mass destruction free zone: progress towards the convening of a conference attended by all states of the Middle East', Joint working paper submitted to the NPT RevCon by Russia, the UK and the USA, 1 May 2015.

⁶⁴ 'Middle East nuclear and weapons of mass destruction free zone: progress towards the convening of a conference attended by all states of the Middle East' (note 63).

⁶⁵ Gottemoeller, R., The USA's statement to the NPT RevCon, 22 May 2015.

⁶⁶ Uliyanov, M., Russia's statement to the NPT RevCon, 4 May 2015.



later recalled that ‘in May 2015 ... we nearly agreed on quite a strong and promising solution’ regarding the Middle East resolution.⁶⁷

VI. The Middle East resolution at the 2017–18 PrepComs

At the subsequent PrepComs, regional advocates of a WMD-free zone continued to express resentment over the lack of implementation of the Middle East resolution, and the Arab states suggested that the consequences would be felt at the 2020 RevCon. To add to the tensions, in 2018 the USA withdrew its support for the practical steps towards implementation of the resolution agreed in 2010. Russia warned that the lack of progress on the Middle East resolution was undermining the NPT and suggested that the related conference could still take place by 2020.

Arab states and Iran: attributing responsibility to the depositary states

In 2017 and 2018 regional advocates of a WMD-free zone continued to express their concern and regret regarding the unimplemented Middle East resolution, which Egypt and several other states stressed ‘remains valid until its objectives are achieved’.⁶⁸ As an indication of its level of frustration, the Arab 12 group noted in 2017 that its patience had ‘worn thin’ and condemned ‘the repeated delays and deferrals that have occurred’.⁶⁹

Blame was placed on the USA and the UK in particular. According to a 2018 working paper produced by the Group of Arab States, ‘three states, two of which are sponsors and depositaries of the 1995 resolution on the Middle East, prevented the 2015 Review Conference from adopting a final document in order to serve the interests of Israel’. In addition, the paper stated that ‘saying nuclear-weapon-free-zones should be established freely by the States concerned does not mean that the international community can abrogate its responsibilities’.⁷⁰ Iran, for its part, complained that ‘in practice, certain parties to the Treaty, by representing the Israeli regime in the review conferences, object to decisions on the actual realization of this zone’.⁷¹

Highlighting the importance of the Middle East WMD-free zone for NPT legitimacy, the Arab 12 group described the issue as ‘one of the critical factors that will make or break the forthcoming 2020 Review Conference’.⁷² According to Egypt, failure to implement past decisions related to the Middle East ‘has eroded the credibility of the NPT and may potentially represent yet another setback in the NPT review process’.⁷³

In 2018 the USA withdrew its support for the practical steps towards implementation of the resolution agreed in 2010

⁶⁷ Uliyanov (note 36).

⁶⁸ Amer, O., Egypt’s statement to the NPT PrepCom, 8 May 2017.

⁶⁹ ‘Establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction’ (note 28).

⁷⁰ ‘Specific regional issues and implementation of the 1995 resolution on the Middle East’, Working paper submitted to the NPT PrepCom by the Group of Arab States, 20 Apr. 2018.

⁷¹ ‘Establishment of a nuclear-weapon-free zone in the Middle East’, Working paper submitted to the NPT PrepCom by Iran, 19 Apr. 2018.

⁷² ‘Establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction’ (note 28).

⁷³ Amer (note 68).



At the same time, Egypt stressed the need for ‘new ideas and alternative approaches’ to implementing the 1995 resolution, suggesting that the co-sponsors had ‘a special duty to present their ideas and chart the way forward’.⁷⁴ The Arab 12 group called on the UN Secretary-General and the depositary states to ‘continue to prepare for the immediate convening’ of the WMD-free zone conference and to ‘provide a complete plan and time frame’ for implementing their obligations, so that the conference could be organized before the 2020 RevCon.⁷⁵

Regional supporters of the WMD-free zone, along with the NAM, rejected the USA’s 2018 working paper, in which the country renounced the 2010 consensus decision regarding the Middle East resolution (see below).⁷⁶ According to Egypt, the working paper comprises ‘a set of issues which incapacitates the NPT review cycle to address the WMD free zone in the Middle East’ and is ‘in total disregard of ... [US] co-sponsorship of the 1995 resolution and the consensus agreed upon by all NPT state parties of the centrality of the issue’. In addition, such an approach could ‘jeopardize the success of the ongoing review cycle and risk another failure’.⁷⁷

The USA criticized the proponents of the WMD-free zone for their attempts to hold the NPT review process hostage

Depositary states’ views on the deadlock

In a working paper delivered to the 2018 PrepCom, the USA said that ‘the recommendations on the Middle East contained in the Final Document of the 2010 Review Conference, while well intentioned, can no longer be considered an appropriate basis for action on this issue’.⁷⁸

The announcement was preceded by a long discussion on the futility of promoting a WMD-free zone while at the same time disregarding the fact that ‘states make sovereign decisions regarding entry into arms control arrangements in a manner that is informed by their unique security perceptions and political concerns’.⁷⁹ According to the USA, the ‘realities that continue to impede progress on such a zone’ were ‘the lack of trust among the regional states, ongoing conflict and noncompliance in the region, the horrific use of chemical weapons by Syria and non-state actors, and the non-recognition of Israel by many states in the region’.⁸⁰

The USA also criticized the regional proponents of the WMD-free zone for their ‘misguided attempts to coerce an outcome, or to hold the NPT review process hostage’, instead of directly engaging with their neighbours.⁸¹ In addition to betraying political objectives, the USA argued that such an

⁷⁴ Amer (note 68).

⁷⁵ ‘Establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction’ (note 28).

⁷⁶ Sanders-Zakre, A., ‘Nuclear-weapon states spar at NPT meeting’, *Arms Control Today*, June 2018.

⁷⁷ Egypt’s statement to the NPT PrepCom, 30 Apr. 2018.

⁷⁸ ‘Establishing regional conditions conducive to a Middle East free of weapons of mass destruction and delivery systems’, Working paper submitted to the NPT PrepCom by the USA, 19 Apr. 2018.

⁷⁹ ‘Establishing regional conditions conducive to a Middle East free of weapons of mass destruction and delivery systems’ (note 78).

⁸⁰ Wood (note 34).

⁸¹ Wood (note 34). See also ‘Establishing regional conditions conducive to a Middle East free of weapons of mass destruction and delivery systems’ (note 78).



approach had already proved detrimental to both the NPT review process and the goal of a Middle East WMD-free zone, and had forced the USA and other countries to break consensus at the 2015 RevCon.⁸² The USA also suggested that it was the League of Arab States' refusal to participate in further informal consultations in early 2015 that had prevented the planned conference from taking place.⁸³

Russia expressed concern over the deadlock surrounding the Middle East resolution, arguing that 'further inaction in that area threatens to undermine the confidence of states in the NPT'.⁸⁴ It also stressed the need for progress to prevent the issue 'from coming to the boiling point'.⁸⁵ Russia still believed that it was possible to convene a regional conference on the establishment of a WMD-free zone by 2020, and called for preparatory meetings to be held as soon as possible, with particular attention paid to the conference agenda. Apparently to accommodate the Israeli position, it suggested that one session of the WMD-free zone conference be dedicated to regional security. While Russia regarded the 2010 mandate as 'basically valid', it expressed doubts about the ability of the three co-sponsors to act as a 'collective facilitator' of the regional conference, proposing that the UN Secretariat assume this role instead.⁸⁶

In its brief statements on the Middle East resolution in 2017–18, the UK reaffirmed its commitment to WMD-free zone efforts. It highlighted its preparedness 'to actively support and facilitate renewed dialogue aimed at bridging the differing views in the region on arrangements for a conference'.⁸⁷

A draft UN resolution tabled in 2018 called on the Secretary-General to convene a conference on the creation of a Middle East WMD-free zone in 2019

VII. Developments in the 2018 First Committee

At the UN General Assembly First Committee in 2018, a group of 21 (mostly Arab) states tabled a draft resolution, L.22/Rev.1, requesting the UN Secretary-General to convene a conference on the establishment of the Middle East WMD-free zone in 2019. The results of a vote in November 2018 showed that the draft resolution enjoyed majority support.⁸⁸ However, in December the General Assembly decided to defer further action on it.⁸⁹ Like the 2015 RevCon final document, L.22/Rev.1 divided the three depositary states: Russia was in favour but the UK and the USA opposed it.

⁸² Wood (note 34); and 'Establishing regional conditions conducive to a Middle East free of weapons of mass destruction and delivery systems' (note 78).

⁸³ 'Establishing regional conditions conducive to a Middle East free of weapons of mass destruction and delivery systems' (note 78).

⁸⁴ Yermakov, V., Russia's statement to the NPT PrepCom, 24 Apr. 2018.

⁸⁵ Uliyanov, M., Russia's statement to the NPT PrepCom, 2 May 2017.

⁸⁶ Uliyanov, M., Russia's statement to the NPT PrepCom, 8 May 2017.

⁸⁷ The UK's statement to the NPT PrepCom, 24 Apr. 2018.

⁸⁸ 103 countries (including Russia) voted in favour, 3 (Israel, Micronesia and the USA) voted against, and 71 countries (including the UK) abstained from voting on the draft resolution. Voting results on A/C.1/73/L.22/Rev.1, 1 Nov. 2018.

⁸⁹ United Nations, 'General Assembly adopts 67 disarmament drafts, calling for greater collective action to reduce arsenals, improve trust amid rising global tensions', Press release, 5 Dec. 2018.



The new Arab initiative: a conference under the auspices of the UN

L.22/Rev.1 would have committed the General Assembly to ‘entrust to the Secretary-General the convening, no later than 2019 for a duration of one week at United Nations Headquarters’ a conference that would have as its terms of reference the 1995 Middle East resolution. All the Middle East states, as well as the five nuclear weapon states parties to the NPT, would have been invited, and any decisions would have been based on consensus. The goal of the conference, according to the draft resolution, would be to elaborate ‘a legally binding treaty’ establishing a WMD-free zone in the region. The UN Secretary-General would then be requested to convene annual sessions at UN Headquarters until that goal had been achieved.⁹⁰

Explaining the backdrop to the draft resolution, Egypt argued that the ‘decades-long stalemate in the implementation of the 1995 resolution on the Middle East’ was not just a root cause of insecurity in the region, but also ‘eroding the credibility and sustainability of the disarmament and nonproliferation regime’. According to Egypt, past attempts to launch negotiations on the WMD-free zone had been blocked ‘due to the lack of political will on the part of some States that do not recognize the severity of the deteriorating security conditions in the region’. Hence, Egypt maintained that practical steps by the UN towards the establishment of the WMD-free zone were long overdue.

Renouncing the idea ‘that there is a sequential or a mutually exclusive relationship between disarmament on the one hand, and peace and security on the other’, Egypt further argued that the proposed UN-facilitated process ‘would serve as a platform to address all regional disarmament and nonproliferation challenges, and to establish a robust regional security framework conducive to sustainable peace and collective security through dialogue and diplomacy’.⁹¹

The draft UN resolution divided the three depositary states: Russia was in favour but the UK and the USA opposed it

Reactions of the depositary states

The USA responded to L.22/Rev.1 by strongly rejecting what it saw as efforts to use the NPT forum ‘to dictate terms and modalities for pursuing such a zone through costly and politically motivated proposals that do not enjoy consensus support in the region’. At the same time, it expressed readiness to support any proposals based on regional consensus as well as ‘direct and inclusive dialogue’.⁹²

The UK, too, highlighted the need for an inclusive process, suggesting that the draft resolution was not consistent with that requirement. Noting that the plan was to rid the Middle East of all WMD and highlighting Syria’s use

⁹⁰ ‘Convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction’, Draft resolution sponsored by Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, the United Arab Emirates, Yemen and the State of Palestine, A/C.1/73/L.22/Rev.1, 17 Oct. 2018.

⁹¹ Egypt’s statement to the UN General Assembly First Committee, 19 Oct. 2018.

⁹² Wood, R. A., The USA’s statement to the UN General Assembly First Committee, 30 Oct. 2018.



of chemical weapons, the UK also stressed that meaningful progress on the zone required confidence that its members would abide by the agreement.⁹³

Russia, by contrast, argued that the draft resolution deserved ‘the fullest support’ and expressed confidence that its adoption would lead to the practical implementation of the Middle East resolution. In addition to announcing its own readiness to participate in the planned conference, Russia urged the UK and the USA to ‘take the same constructive position’.⁹⁴

VIII. Prospects for the 2020 RevCon

The post-2010 efforts to promote the Middle East resolution seem to have stumbled into the same quagmire that stalled the ACRS talks in the 1990s—Egyptian–Israeli disagreement over the sequencing of talks on nuclear disarmament, arms control and other regional security issues.

As a 2017 Chatham House report explains, the Arab countries are wary of the Israeli negotiation strategy ‘where an issue is divided first into smaller steps, such as the suggestions for a chemical weapons-free zone (CWFZ), a nuclear test-free zone (NTFZ) or an enrichment-free zone, and is then linked to other issues, such as the recognition of the State of Israel’, resulting in an irresolvable tangle of issues. An additional problem is that, from the Arab perspective, any general talks on regional security would also need to include the difficult issue of the Israeli occupation of Palestinian territories.⁹⁵

The USA and the UK have made any concrete steps towards a WMD-free zone in the region dependent on Israel’s consent and involvement

While an obvious answer to these seemingly incompatible positions would be *parallel* talks on disarmament and other security issues, both sides’ anxieties about losing control over the negotiation process arguably contribute to their inability even to agree on a conference agenda.⁹⁶

That the NPT is now trapped in this dilemma is not just due to the 1995 link between NPT legitimacy and progress on regional disarmament. The USA and the UK have also made any concrete steps towards a WMD-free zone in the region dependent on Israel’s consent and involvement. The already toxic atmosphere within the NPT over this issue—created by the regional states’ resentment over the lack of implementation of previous decisions and the blocking of the 2015 consensus by the two depositary states—deteriorated in 2018 when the USA renounced the 2010 commitments, including the plan to convene a conference on establishing the zone. Together with the current deadlock on disarmament by the five nuclear weapon states parties to the NPT, this certainly does not bode well for the prospects for reaching consensus at the 2020 RevCon.

⁹³ The UK’s statement on regional disarmament and security (note 38).

⁹⁴ Yermakov, V. I., Russia’s statement to the UN General Assembly First Committee, 9 Oct. 2018.

⁹⁵ Bino, T., *The Pursuit of a WMD-Free Zone in the Middle East: A New Approach*, Research Paper (Chatham House: London, July 2017).

⁹⁶ As several commentators have suggested, broader security discussions could take place in parallel with the initiation of the arms control process. See e.g. Baumgart, C. and Müller, B., ‘A nuclear weapons-free zone in the Middle East: a pie in the sky?’, *Washington Quarterly*, vol. 28, no. 1 (2004), p. 53; Lewis (note 18), p. 445; and Foradori, P. and Malin, M. B. (eds), *A WMD Free Zone in the Middle East: Regional Perspectives* (Belfer Center for Science and International Affairs, Harvard Kennedy School: Cambridge, MA, Nov. 2013), p. 4.



IX. Two approaches to moving forward

There seem to be two types of remedy to the predicament facing efforts to implement a WMD-free zone, both of which highlight the need to decouple the issue, at least temporarily, from the NPT. The first would be to begin the process without Israel. The second would put the issue of arms control and disarmament in the broader context of regional security.

Starting a WMD-free zone process without Israel

While the active participation and consent of all regional states would be an ideal basis for starting the WMD-free zone process in the Middle East, the first steps towards implementation of the zone could be taken without Israel on board. Indeed, this logic—alongside a policy of ‘shaming’ Israel—seems to underlie Arab states’ proposals made at both the 2015 RevCon and the 2018 First Committee. The latter proposal, which sought to move the issue out of the NPT review process to the UN General Assembly, also appears to reflect a growing realization that the NPT’s requirement for consensus does not allow concrete steps towards a WMD-free zone in the Middle East without Israel’s consent. Given that the new plan for a WMD-free zone conference at the UN would take the 1995 Middle East resolution as its terms of reference, Israel is unlikely to endorse it.

However, there is at least one historical precedent that shows that regional arms control processes can make progress even if key states drag their feet: the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (the Treaty of Tlatelolco) established a nuclear weapon-free zone in Latin America, despite the fact that Brazil and Argentina sought to delay negotiations, remained outside of the NPT and declined full membership of the nuclear weapon-free zone until the 1990s.⁹⁷ Nonetheless, in retrospect, there is no doubt that the treaty was successful in strengthening the norm against nuclear weapons both regionally and globally. Of course, the current Middle East context is very different and a similar process there might ultimately not succeed in either attracting or pressuring Israel to participate. As indicated by its above-described response to L.22/Rev.1, there is also likely to be pushback from the USA to prevent Israel from being singled out.

Nonetheless, the potential for positive change, which is possible if the states involved are genuine about promoting disarmament and arms control in the region, should not be underestimated. Were they to show normative leadership by strengthening their own arms control commitments without demanding reciprocal steps by Israel—or at least by expressing a readiness to take certain steps while defining what Israel would be expected to do in return—this could have profound implications for regional security. By demonstrating the collective security benefits of disarmament and arms

In the current circumstances the UN Secretary-General is probably better equipped to facilitate regional efforts than the three depositary states

⁹⁷ A flexible waiver mechanism allowed the Treaty of Tlatelolco to enter into force gradually, despite some countries withholding their ratification or waivers that would have bound them to the treaty until the 1990s. International Law and Policy Institute (ILPI), *Spelling Tlatelolco: An Overview of the History and Politics of Nuclear Non-proliferation and Disarmament in Latin America and the Caribbean*, Background Paper no. 19 (ILPI: Oslo, July 2016).



control in the region, such a process might stand a better chance of success than the current pressure tactics in eventually bringing Israel on board.

Moreover, in the current circumstances the UN Secretary-General is probably better equipped to facilitate regional efforts than the three depositary states. As the controversies and debates at the 2018 PrepCom show, Russia, the UK and the USA seem unable to cooperate effectively either on the Middle East or on other issues. In addition to the decision by the USA to renounce its 2010 commitment to support the convening of a regional conference on a WMD-free zone, the depositary states have also accused each other of non-compliance with arms control agreements and chemical weapon use.⁹⁸

The WMD-free zone as part of a broader regional security dialogue

Another approach would be to put the issue of arms control and disarmament in the broader context of regional security and frame the dialogue on this basis. Indeed, the multitude and urgency of other problems confronting the Middle East—ranging from the bloody crises in Syria and Yemen, to tensions between Iran and US allies in the region and the unresolved Israeli–Palestinian conflict—call for a comprehensive security dialogue rather than limited arms control measures.

Such a dialogue would need to be based on an acknowledgement of the inherent interconnectedness of arms control and regional security. In contrast to the ACRS precedent, it could be called the Regional Security, Arms Control and Disarmament (RSACD) talks and should involve all relevant countries, including Iran and Syria. The key to continuity would be to pursue dialogue for its own sake—primarily to promote risk reduction and confidence building—without making the process conditional on pre-determined outcomes on any single issue, including the WMD-free zone.⁹⁹ While it would be a natural part of the dialogue, the control and elimination of WMD would therefore constitute only one of several topics, each of which could be addressed in parallel working groups or negotiation tracks.

One approach would be to put the issue of arms control and disarmament in the broader context of regional security

The post-war European experience with the Helsinki process—which involved a region-wide conference leading to the endorsement of a non-binding document outlining shared principles and, subsequently, the institutionalization of the conference—provides one possible model. However, the RSACD process could also take other forms and remain informal in nature. Israel's tacit expressions of preparedness to participate in regional security talks discussed in this paper—as well as recent efforts by Iran and the Arab states to start a security dialogue in the Gulf—could provide a starting point for the RSACD talks.¹⁰⁰

⁹⁸ Sanders-Zakre, A., 'NPT PrepCom wraps up with Chair summary discussion', Arms Control Now, Arms Control Association, 7 May 2018.

⁹⁹ SIPRI Middle East Expert Group, *Towards a Regional Security Regime for the Middle East: Issues and Options* (SIPRI: Stockholm, Oct. 2011).

¹⁰⁰ In early 2017 Iran and the Arab states of the Gulf were reportedly exploring dialogue. Ibish, H., 'Is an Iranian–Gulf Arab rapprochement in the works?', Arab Gulf States Institute in Washington, 2 Feb. 2017. Iran's Foreign Minister, Javad Zarif, has also repeatedly called for regional security dialogue. See e.g. Real Iran, 'Transcript of FM Javad Zarif's speech at Munich Security Conference', 19 Feb. 2018.



Of course, Egypt might initially oppose the idea because it fails to prioritize nuclear disarmament, whereas Israel might be against giving any role to nuclear disarmament in the early stages of the discussions. Israel would probably also oppose the seemingly inevitable inclusion of the Palestinian question on the agenda, and recognition of Israel would be a sticking point for some Arab states and Iran. However, all the states in the region would clearly have much to gain from strengthened regional dialogue, which could in principle proceed despite deadlocks on particular issues, provided that these are not allowed to freeze the overall process.

Ultimately, the objective of achieving a Middle East WMD-free zone might be most effectively served by such a comprehensive process. If successful in building confidence and gradually transforming the nature of regional relations, such a process could eventually make Israel more forthcoming about discussing its nuclear arsenal. Iran, for its part, might be more open to discussing its missile programme if the conventional military asymmetries in the region were being addressed simultaneously.¹⁰¹

X. The JCPOA: an underappreciated factor in WMD-free zone efforts

Israel's critical views on the JCPOA, discussed above, are in line with those of the Israeli Prime Minister, Benjamin Netanyahu, who argues that the agreement 'gives Iran a clear pass to an atomic arsenal' and fails to address 'Iran's continued development of ballistic missiles' and 'its advanced work on weaponization'.¹⁰² Israeli officials are divided on the issue, however, and several prominent figures have acknowledged the positive effects of the JCPOA on the country's security. For example, the Israeli Defense Forces Chief of General Staff, Gadi Eizenkot, has said that 'the agreement, with all its faults, is working and is putting off realization of the Iranian nuclear vision by 10 to 15 years'. Other Israeli officials have argued that the JCPOA has provided breathing space to focus on other issues.¹⁰³

It is striking that the JCPOA's positive effects on the regional nuclear order have not been brought to bear on the WMD-free zone discussions

Given the centrality of Iran's nuclear ambitions in the Israeli and US line of argument against disarmament in the Middle East, it is striking that the JCPOA's positive effects on the regional nuclear order have not been brought to bear on the WMD-free zone discussion analysed in this paper. Despite Iran's verified compliance with the provisions of the JCPOA, Israel and the Trump administration have criticized the agreement, and the latter withdrew from it in May 2018 with Israel's backing.

Arab countries such as Saudi Arabia and the United Arab Emirates have also endorsed the Trump administration's confrontational policy on Iran, even though they have refrained from commenting on the issue in the NPT context. In May 2018 the Saudi Arabian Ministry of Foreign Affairs, echoing the Trump administration's criticism of the JCPOA, stated that 'Iran used

¹⁰¹ Erästö, T., 'Dissecting international concerns about Iran's missiles', SIPRI Topical Backgrounder, 15 Nov. 2018.

¹⁰² Haaretz, 'Full text: Netanyahu claims Iran nuclear deal based on lies', 30 Apr. 2018.

¹⁰³ Kaplan, A., 'Top brass vs Netanyahu's Government: where Israel stands on nixing nuke Iran deal', Haaretz, 8 May 2018.



economic gains from the lifting of sanctions to continue its activities to destabilize the region, particularly by developing ballistic missiles and supporting terrorist groups in the region'.¹⁰⁴

At the time of writing, Iran is continuing to comply with the JCPOA, as certified by successive IAEA reports.¹⁰⁵ However, it is facing increasing domestic pressure to withdraw from the accord, which from the Iranian perspective is not delivering on the key issue of sanctions relief. This has particularly been the case since the USA's reimposition of sanctions following its withdrawal from the JCPOA, including an oil embargo that came into effect in early November 2018.

If Iran responds by withdrawing from the agreement, this would mean the removal of limits on its uranium enrichment activities, which would probably restart the nuclear crisis and increase proliferation risks. Such a scenario

The JCPOA should be seen as an essential building block for a WMD-free zone in the Middle East

would present a significant additional challenge for any efforts to promote a WMD-free zone in the region. Therefore, while the JCPOA remains unappreciated in the public statements of Iran's regional rivals, it should be seen as an essential building block for a WMD-free zone in the Middle East. In principle, the non-proliferation measures in the JCPOA—such as limits on uranium enrichment and stockpiles of sensitive materials, a moratorium on spent fuel reprocessing and the prohibition of particular weaponization activities—could also provide a useful precedent for verification throughout the region.¹⁰⁶

The policy inconsistencies of the USA and its regional allies, professing support for nuclear arms control and disarmament while illustrating their readiness to sacrifice the JCPOA, are indicative of their overriding concerns about Iran's regional influence. Although the JCPOA improved regional security by significantly reducing non-proliferation concerns, it failed to address both Israeli and Arab threat perceptions concerning Iran's regional role and other aspects of its conduct. Indeed, outside of the NPT context, the Arab–Israeli alignment against Iran seems to have taken priority over traditional divisions regarding Israel's nuclear monopoly.¹⁰⁷ This could be seen as yet another argument in favour of a comprehensive RSACD process, which could help to provide a firmer regional foundation for the JCPOA as well as any other arms control or disarmament agreements—including the WMD-free zone—that might be adopted in the future.

XI. Conclusions

The key question that has long divided states over the proposed WMD-free zone is whether it should be viewed as a means to a more stable and secure Middle East or result from an improved regional security environment. While

¹⁰⁴ Reuters, 'Saudi Arabia says backs US decision to withdraw from Iran nuclear deal', 8 May 2018.

¹⁰⁵ IAEA, Board of Governors, 'Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution 2231 (2015)', Report by the Director General, GOV/2018/47, 12 Nov. 2018.

¹⁰⁶ Carlson, J., *Iran and a New International Framework for Nuclear Energy* (Belfer Center for Science and International Affairs, Harvard Kennedy School: Cambridge, MA, Nov. 2018).

¹⁰⁷ Marcus, J., 'Israel and Saudi Arabia: the relationship emerging into the open', BBC News, 3 Apr. 2018.



there is no easy way to reconcile the challenges linked to the sequencing of the talks, it seems clear that any future attempts to promote a Middle East WMD-free zone must incorporate both perspectives. While neither of the approaches proposed above is likely to prevent discord over the Middle East resolution at the 2020 NPT RevCon, both have the potential to promote regional arms control and disarmament objectives, and thus strengthen the NPT in the long term.

The first approach—launching the WMD-free zone process without the region’s only nuclear weapon state—would be relatively easy to implement. Provided that other Middle Eastern states were ready to take the leap of faith required to initiate a constructive arms control dialogue, or even to strengthen their own arms control commitments, without waiting for reciprocal steps from Israel, they could make significant progress among themselves in setting the stage for a WMD-free zone. In late 2018 such an approach also received new political momentum when a First Committee draft resolution called for the conference on the Middle East WMD-free zone to be held under the auspices of the UN. As argued above—and assuming that the resolution is eventually adopted and implemented—the plan could prove successful if the level of normative ambition by the Arab states and Iran is sufficient to sustain the process. Support for the plan by all three depositary states might also increase the chances of Israeli participation, and function as a safety valve for the tensions over the unimplemented Middle East resolution in the context of the NPT.

The second approach—making WMD-free zone efforts part of a broader regional security framework, or RSACD—would undoubtedly be more challenging and complicated. At the same time, however, it would stand a better chance of success than efforts focused solely on eliminating WMD. A narrow arms control focus—while having the potential to defuse tensions and alleviate threat perceptions—is insufficient for addressing all the major causes of insecurity in the region. Moreover, a regional security process is urgently needed not only to help address the violent conflicts in Syria and Yemen, but also to build a more sustainable foundation for future arms control and disarmament agreements. The latter point is highlighted by the current uncertainty over the fate of the JCPOA. If promptly initiated, even small steps towards a comprehensive RSACD process could help to sustain the JCPOA—or manage the consequences of its potential collapse should Iran decide to pull out.

Rather than just an alternative to more limited arms control efforts, the RSACD approach should therefore be pursued in its own right. A more comprehensive regional security process is also likely to become inevitable at some point if current plans to hold a regional WMD-free zone conference move forward. Indeed, given the role of regional threat perceptions in both Israel’s nuclear weapon and Iran’s missile policies, the end goal of freeing the Middle East of all WMD and their delivery vehicles is unlikely to be achieved without expanding the dialogue to all critical security issues facing the region.

The end goal of freeing the Middle East of all WMD is unlikely to be achieved without expanding the dialogue to all critical security issues facing the region



Abbreviations

ACRS	Arms Control and Regional Security
IAEA	International Atomic Energy Agency
IAEC	Israel Atomic Energy Commission
JCPOA	2015 Joint Comprehensive Plan of Action
NAM	Non-Aligned Movement
NPT	1968 Treaty on the Non-Proliferation of Nuclear Weapons
PrepCom	NPT Preparatory Committee
RevCon	NPT Review Conference
RSACD	Regional Security, Arms Control and Disarmament
WMD	Weapons of mass destruction



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Tariq Rauf

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THE LACK OF DISARMAMENT IN THE MIDDLE EAST: A THORN IN THE SIDE OF THE NPT

TYTTI ERÄSTÖ

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