

# **Comments concerning**

## **PIR, Moscow 4<sup>th</sup> of October 2012**

**Mohamed I. Shaker**  
**Chairman of the Board of the Egyptian Council for**  
**Foreign Affairs**  
**(ECFA)**

### **Forward**

The introduction of the Iranian/Egyptian initiative for a zone free of nuclear weapons in the Middle East at the UN General Assembly in 1974 as well as the introduction of the Egyptian initiative for a zone free of weapons of mass destruction in the Middle

East in 1990 have not dealt with a detailed description of the main elements of such zone, although the latter initiative called for certain steps to be taken towards the establishment of the zone by the Security Council, the nuclear-weapons states and the nations of the Middle East. \*

Likewise, the Middle East Resolution adopted at the 1995 NPT Review and Extension Conference on a zone free of nuclear weapons and other weapons of mass destruction was not expected to deal with the main elements of the zone suggested.

A special technical committee at the League of Arab States was entrusted with the task of preparing a draft treaty on the establishment of a WMD-Free Zone.

The Committee made great progress. However, it was frozen in 2007 by the Riyadh Arab Summit in Saudi Arabia as a result of the frustration experienced for the lack of real progress on the issue worldwide.

The technical committee when suspended had yet to agree on and settle a number of key issues such as verification mechanisms within the zone, as well as the geographical delimitation of the zone.

In view of the above, the following comments constitute a modest attempt to draw a preliminary framework of the main elements of a future regime of a WMD Free Zone in the ME. A first draft was submitted at a workshop last year organized by a British-American group.

---

\* UN Doc., A/46/329 and S / 22855, 30 July 19

Participants at this Moscow workshop are encouraged to comment on this revised draft and even suggest further improvements.

The author believes that it is the right time to think aloud about a real and vibrant zone and identify the tasks ahead.

# **Main Elements of a Future Regime of a WMD-Free Zone in the Middle East**

## **An Attempt in Drawing a Preliminary Framework**

### **(I) Parties to the Zone (Delimitation of the Zone)**

#### **❖ Main Parties:**

- all Arab States members of the League of Arab States
- Iran
- Israel
- Others?

It was suggested by a UN expert group study in 1990 that a ME nuclear-weapon-free zone could initially be established by a core group of Middle Eastern States including key countries such as Egypt, Israel, Iran, Others, etc. (†)

Participants in the zone can join later, when they are ready to do so.

I believe that without the presence of Israel and Iran, it would not be possible to have a WMD-Free Zone in the ME. Hence, negotiating the establishment of the zone requires the participation of both countries in the negotiations over the establishment of the zone.

Moreover, in order to establish a zone without further delay, the treaty of Tlatelolco in Latin America allowed the States to join the zone and to be committed without awaiting the adherence of other potential States expected to join the zone before bringing it into force.

The drafters of the instrument establishing a WMD-Free Zone in the ME will have ample opportunities to discuss other ways and means to bring the treaty into force as soon as possible, once the instrument has been opened for signature.

---

(†) UN Department of Disarmament Affairs, *Reports of the Secretary-General, Effective and verifiable Measures which would facilitate the establishment of a nuclear-weapon Free Zone in the Middle East*, New York, United Nations, 1991.

There was another study on the WMD Free-Zone in 1996 by Jan Prawitz and James F. Leonard, "A zone free of weapons of Mass Destruction in the Middle East", UN Pub. Sales No. EV E:96.

Both studies ought to be revisited by all States concerned before embarking on negotiating a ME WMD-Free Zone.

❖ **The status of the Neighboring States:**

There have been suggestions and speculations about the possibility of admitting Turkey to the zone, or at least to have some kind of status as a neighboring state to the zone.

Turkey is an active participant in ME politics and carries great weight in the deliberations going on about the security of the region as a whole.

The possible impediment to the adherence of Turkey to the zone or to be associated with it, in one way or another, would be Turkey's membership of NATO and the presence of American Defense Missiles System on Turkish soil.

Moreover, African States bordering the zone may also seek a special status with regard to the zone. It is to be noted that Arab/African members of the African Union are expected to be full parties to the African nuclear -weapon -free zone (The Pelindaba Treaty of 1996).

Pakistan and India as near by nuclear-weapon Powers, which may be in a position to offer negative security assurances similar to those provided by the five nuclear – weapon States Party to the NPT with regard to existing nuclear –weapon -free zones around the world, is an aspect that may surge in negotiating the ME WMD Free Zone.

The question is, would the parties to the WMD –Free Zone in the ME seek such assurances and guarantees from Pakistan and India, or would they consider such a step a recognition by the parties to the zone of the nuclear- weapon power status of both countries?

Furthermore, India and Pakistan being members of the Non-Aligned Movement (NAM) may feel embarrassed by asking them to provide negative security guarantees to comrades in the same movement, although both have undertaken not to attack each other's nuclear facilities.

**(II) Weapons Banned**

- Nuclear weapons. They are not defined in the NPT. There is a definition, however, in the Tlatelolco Treaty.
- All other weapons of mass destruction, especially biological and chemical weapons. Some may suggest as well radiological weapons.
- Delivery systems of such weapons. This should include all sorts of delivery systems of WMDs, including terrestrial, naval, atmospheric and outer space.

### **(III) Main Undertakings of the Parties to the WMD-Free Zone**

The Parties to a ME WMD-free zone ,which happen to be at the same time Parties to Treaties and Conventions related to the subject matter of the WMD-free zone would be expected to reaffirm in the text of the treaty establishing the zone their commitment to continue to respect and honour their obligations therein.

With regard to States, which have not yet adhered to all or some of these treaties and conventions, they will be expected to join them during a specified period of time starting from the date of the opening of the WMD –free- zone Treaty for signature. The adherence of all expected parties to the WMD Free Zone treaty may be required for its entry into force. One can also contemplate, as a stepping stone, the designation of a core group adherence to the treaty in order to enter into force as earlier indicated.

The main provisions of the WMD-free zone treaty may simply refer to all treaties and conventions related to the subject matter of WMD-free zone that need to be adhered to by all parties to the zone. A referral provision may turn out to be a practical procedure. This should not exclude adding new provisions that may be required in the special case of the ME WMD-Free Zone, such as the establishment of such a regional verification organization as alluded to later.

Without attempting to be all inclusive, the main treaties and conventions that must be adhered to by parties to the ME WMD-free zone as credentials for adherence are:

- **Nuclear weapons**

- The NPT of 1968.
- The CTBT of 1996.
- 1979 Convention on the Physical Protection of Nuclear Material as amended in 2005.
- The Pelindaba Treaty of 1996 (NWFZ in Africa ) (Arab /African States are all expected to join the treaty).
- International Convention for the Suppression of Acts of Nuclear Terrorism of 2005. It is closely linked to the UN Security Council Resolution 1540 of 2004 on WMD terrorism, which is expected to be of great relevance in the making of a ME WMD-free zone.

- **All Other Weapons of Mass Destruction**

- The Geneva Protocol of 1925
- Biological and Toxin Weapons Convention of 1972
- Chemical Weapons Convention (CWC ) of 1993

- **Delivery Systems**

Hague Code of conduct against Ballistic Missile Proliferation of 2002 (Merely a politically binding document). It is meant to supplement the Missile Technology Control Regime (MTCR), later referred to. This may require extensive consultations between MTCR and potential parties to the ME WMD- Free Zone. All other types of delivery systems banned by the zone should be specified by the Treaty establishing the zone, preferably in an annex attached to it.

**(IV) Verification**

- **Nuclear**

- IAEA safeguards agreements in force under the NPT should continue to apply. New IAEA comprehensive safeguards agreements will have to be negotiated and signed by new parties to the NPT from the region (e.g. Israel, preferably before or when adhering to the ME WMD -free zone), as Israel is the only country in the ME that have not yet adhered to the NPT.
- As to the Additional Protocol attached to the IAEA safeguards agreements, Parties to the WMD –free zone may opt to adopt the Protocol as part of the verification system of the zone, taking into consideration that a number of Arab countries have accepted the Protocol, whereas others have declined so far to adopt it, and Iran has signed it but has not yet ratified it.
- The CTBT Preparatory commission (CTBTO) will be expected to continue to carry out verification with regard to parties to the ME WMD-free zone as well as supervise and coordinate the operation of an International monitoring system (IMS) and operate an international data center (IDC) in Vienna. A



positive aspect is that the CTBTO is in existence and operating in the absence of the entry into force of the CTBT.

- **Biological**

The Biological and Toxin Weapons Convention has no verification system. The negotiators of a ME WMD-free zone will have a difficult task of devising a regional verification system of their own. If they were to be successful in their endeavour, they may contribute to the overall effort to devise a global verification system under the Convention. That is why, we ought to praise and appreciate NGO's efforts in devoting time and effort to introduce a system of verification that will function effectively.

- **Chemical**

The Chemical Weapons Convention (CWC) 's extensive verification system is being administered skillfully by the Organization for the Prohibition of Chemical Weapons (OPCW) located in the Hague. It is expected to be applied to the parties to a ME WMD-free zone.

- **The need for a Regional Verification Organization in a ME WMD-free zone**

In the nuclear arena in particular such an organization could be similar and inspired by Euratom or ABACC in Argentina and Brazil, hopefully ending up with a system benefiting from a mixture of the two if possible. This is an aspect that should receive special attention in negotiating the WMD-free zone. It should be recalled that the NPT verification system is tailored to allow the IAEA to verify Euratom inspection. Also a few years ago at Davos the idea of mutual visits and inspections of nuclear facilities between Egypt and Israel was raised in talks

between Amr Moussa, the then foreign Minister of Egypt and Shimon Perez, now President of Israel. The talks led to nowhere as Perez refused to open up Dimona. The newly established regional verification organization should work closely with IAEA, CWC and a future biological weapons setup.

#### **(V) Security Assurances**

- UN Security Council Resolution 984 adopted in 1995 in conjunction with the NPT and to coincide with the NPT Review and Extension Conference of 1995 should be referred to and acknowledged as an important element in a ME WMD-free zone.
- Negative security assurances offered by the nuclear –weapons States in conjunction with nuclear-weapon –free zones around the world should also be offered to the ME WMD-free zone .Such negative security assurances should be extended to cover as well the non-use or non threat of use of all other weapons of mass destruction.
- Possible Security assurances by Pakistan and India as discussed above!

#### **VI) Peaceful Nuclear Cooperation**

The establishment of a ME WMD-free zone may , for example, open opportunities for intensive cooperation in the area of peaceful uses of nuclear energy. A possible outcome could be the establishment of a regional nuclear fuel cycle, one of the options alluded to by the IAEA expert group report of 2005 on multilateral approaches to the nuclear fuel cycle. † The expected multifaceted advantages of such a

---

† IAEA Doc. INFCIRC 1646, feb.22, 2005.

cycle are numerous. The other way around, regionalization of the nuclear fuel cycle may facilitate the establishment of a ME WMD-free zone.

## **VII) Export Control Regimes**

The establishment of a ME WMD-free zone may facilitate a constructive dialogue between the parties to the zone as a group and the five major export control regimes before any major decisions are made on export guidelines. At present there is lack of steady and systematic dialogue between the five regimes and individual users party to the NPT. Their representation in the ME WMD- Free Zone Conference in Helsinki would be greatly appreciated in building up mutual confidence between exports and users.

As a reminder the five export control regimes are:

- The Zanggar committee (1974)
- The nuclear suppliers Group (1978)
- Australia Group (1985) (Biological &chemical)
- Missile Technology Control Regime (1987)
- Wassenaar Arrangement (1996) (Dual use technologies )

## **VIII) Machinery :The 2012 Conference**

The 2012 Conference and the Facilitator are expected to report to the 2015 NPT Review Conference and its remaining two Preparatory Committee sessions (2013-

2014 ), having done so at the first session of the Preparatory Committee which met in Vienna April- May 2012.

The work of the Conference may inspire existing zone free of nuclear weapons to emulate the Middle East experience in extending the prohibition to all other weapons of mass destruction. This would be a drastic turnabout in the struggle for a world free of all weapons of mass destruction.