

MIDDLE EAST WMD-FREE ZONE: THINKING THE POSSIBLE

A core group of civil society members together with international experts and diplomats is at the forefront of an initiative to create a zone free from Weapons of Mass Destruction

By Paul Ingram and Emad Kiyaei

The idea of a WMD-Free Zone (hereafter WMDFZ, or simply “zone”) in the Middle East is decades old. It enjoys the support of every government on the planet, and has featured heavily in international disarmament diplomacy. Yet, many people involved appear to act as if it is near impossible to achieve, and claim that the issue has been responsible for the failure of several global negotiations on the nuclear Non-Proliferation Treaty (NPT). Big obstacles lie in the widespread perception that such a zone requires a level of cooperation which is beyond the capabilities of states in the region due to ideological and religious conflict and strong national assertiveness that undermine regional cooperation. This is compounded by the particular dynamics of Israel’s strategic relationship with its neighbors and its tendency to adopt independent security policies based on maximizing its military capabilities. This pessimism has been self-fulfilling.

However, a new initiative has arisen in this context which seeks to inspire optimism based on re-establishing a shared commitment, refocusing on the steps necessary to implement the WMDFZ, and creating a new institution to implement the zone with confidence. The Middle East Treaty Organization (METO) would lead the initiative.

The Diplomatic History of the WMDFZ

The decades-long pursuit to realize a zone free from all weapons of mass destruction has faced a myriad of geopolitical and security setbacks, made worse by the lack of sustained political will to overcome them. The fact that there are no WMDFZs in any region complicates matters. However, successful examples of nuclear weapons free zones (NWFZ), which exclude other weapons of mass destruction such as chemical and biological weapons, could be used as a basis on which to establish the broader WMDFZ. There are eight NWFZs around the world: Antarctica (1961); Outer Space (1967); Latin America and the Caribbean (1969); Seabed (1972); the South Pacific (1986); Southeast Asia (1997); Central Asia (2009); and Africa (2009).



The majority of NPT members are non-nuclear weapon states which have joined these NWFZs in recognition of the mutual regional benefits they can reap by building additional cooperative safeguards that assure them their neighbors are not cheating and producing nuclear weapons. But these NWFZs were not easy to create. They arose out of initiatives from states within the regions concerned, sometimes in the face of skepticism or even resistance from the Nuclear Weapon States (NWS): China, France, Russia, the United Kingdom and the United States, who feared that these arrangements would limit their own freedom of nuclear deployment. The current problems over NWS protocols concerning implementation of the 1997 Bangkok Treaty to create a NWFZ in Southeast Asia illustrate this problem. Even when the NWS do give guarantees that they will not use nuclear weapons to threaten states in the region, these are not unconditional promises.

A NWFZ for the Middle East and North Africa was first formally proposed by Egypt in 1974, with backing from Iran, in the form of a joint resolution to the UN General Assembly (UNGA). A key motivation for the resolution was to constrain the nuclear weapons capabilities Israel had developed in the late 1960s and to prevent further proliferation in the Middle East. The proposal, however, has been a great deal more difficult to achieve than in other regions. For starters, Israel saw the proposal that focused on nuclear weapons as an

attempt to strip the country of its nuclear weapons monopoly in the region. Many Israelis believe their country exists in a state of existential threat, with

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neighbors possessing other weapons of mass destruction, and that their security relies on a robust and overwhelming military capability and a readiness to use it. This is a fearsome obstacle to any possible NWFZ, but is not the only one.

This was part of the rationale for expanding the scope of the zone to include all weapons of mass destruction. In such a scenario, Israeli nuclear disarmament would be matched by the commitments of other regional countries to dispose of their chemical and biological weapons.

In 1995, the NPT Review and Extension Conference decided upon the indefinite extension of the NPT. At the same time, it adopted a resolution, co-sponsored by Russia, the United Kingdom, and the United States, that called for “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems,” and for all NPT members, and in particular the nuclear weapon states, to “extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment” of the zone. This resolution is widely seen to have been essential and linked (at least politically) to the indefinite extension of the treaty.

From this point on, the fate of NPT Reviews came to be inextricably and uniquely linked to the debate over the WMDFZ. The 2000 NPT Review Conference reaffirmed the 1995 resolution and stated that the resolution would be “valid until its goals and objectives are achieved”.

It was only at the 2010 NPT Review Conference, however, that practical steps were agreed upon to progress this objective. Specifically, the UN secretary-general and the three co-sponsors of the 1995 resolution would convene a conference on the WMDFZ by the end of 2012, to be attended by all states in the Middle East without prejudice or specific commitment. They belatedly appointed Finland Ambassador Jaakko Laajava to serve as the conference facilitator and Finland as host.

In late 2012, however, the WMDFZ conference was called off by the United States because, “states in the region have not reached agreement on acceptable conditions for a conference”. While officially in favor of the zone, Arab countries and Israel disagreed on the terms and the sequence of steps leading to its establishment. Israel insists on reaching a comprehensive peace agreement with its Arab neighbors before committing to any talks on the zone, while other regional states emphasize the need for the creation of



the zone first, before the details of a comprehensive peace agreement are finalized.

In subsequent years, further attempts were made to revive the WMDFZ process with little success. From 2013 to 2014, a series of informal meetings between regional countries (with Israel participating) in Geneva and Glion in Switzerland seemed promising but were abandoned due to lack of progress. At the 2015 NPT Review Conference, the final draft document calling to restart talks on the WMDFZ was derailed once again by the United States (with support from Canada and the UK) for lack of “consensus and equality”.

△ People walk near an installation made of 400 gas masks in the shape of the radioactive material hazard symbol in Sofia, Bulgaria, May 10, 2014. *Stoyan Nenov/Reuters*

In recent years, however, there have been encouraging developments that strengthen the chance of achieving a WMDFZ, specifically the breakthrough in nuclear talks between Iran and the EU3+3 (the United States, the United Kingdom, Russia, France, China, and Germany, later also known as P5+1) coupled with efforts to rid Syria of its chemical weapons. However, even these positive developments face uncertainty, particularly with President Donald Trump’s unilateral decision to withdraw from the Iran nuclear agreement and further cases of chemical weapons use in Syria.

More recently, another Arab proposal to hold a conference on the WMDFZ arose at the 2018 session of the First Committee of the UN General Assembly.

States adopted a decision requesting that the UN secretary-general convene a regional conference on the zone by the end of 2019. Despite explicit opposition from both the United States and Israel, this is scheduled to take place at UN Headquarters in New York under the care of UNGA in November 2019.

Ambitions for the conference at present are modest; most believe that a conference that actually meets, discusses some of the key issues, and lays the groundwork for future conferences would itself be a success. It will be important that delegates use the opportunity to take a constructive approach which envisions the workings of the zone, the modalities of the processes most likely to achieve progress, and an openness to what improvement might look like. Most importantly, the door needs to be open to all states to participate in the future, meaning that some attention will need to be put into maximizing the chances of greater inclusivity.

Conceiving the Possible

It has been all too easy to approach this situation with pessimism. Dialogue in the region is beset by multidimensional conflicts alongside other complexities that frustrate efforts to find appropriate venues, frameworks that facilitate honest communication, and framing that respects different perspectives. Different parties blame one another for the inflexible attachment to regional conflicts which have plagued Middle Eastern countries and their societies. Resolving the technical challenges presents a challenging mess of problems when trust between once-warring countries and rivals in the region is weak.

One of the critical controversies surrounding a WMDFZ involves its link to regional security, and more specifically about recognition of Israel and its security situation. While Israel believes it to be an essential prerequisite to

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talks that its neighbors acknowledge its status and legitimate security needs, the Arabs and Iran see a WMDFZ as a critical contribution to regional security and stability, and that this must come first. Israel's insistence on talking about confidence and security building mechanisms first is seen by the Arab states as a "long corridor," a stalling and blame-shifting tactic. Israel feels its strategic security concerns are not considered by its Arab neighbors.

Both perspectives have some legitimacy and need to be accommodated, but progress also requires goodwill on both sides toward the process of establishing the zone, something that so far appears to be lacking.

Most efforts to progress the establishment of the zone have focused on bringing together official and unofficial interlocutors for the conflicting states in the belief that this will create the necessary trust. These efforts also focus on establishing

the diplomatic and political conditions first, as a contribution to firming up the commitment in international fora to formal negotiations, and then establishing the relevant institutions. But such efforts have been thwarted by constant external shocks, and by the difficulties in accepting and incorporating opposing views.

Frustration and pessimism have deepened, and have themselves become additional impediments to progress. When one acknowledges that the disagreement around the zone is a proxy for deeper strategic conflicts around identity and territory, one finds that the politics appears to have become intractable. Success requires not only an injection of energy and commitment, but also new directions. A focus exclusively on diplomatic solutions in the current circumstances simply leads to more delay and frustration.

In this context, a core group of civil society individuals from the region has come together with international experts and diplomats to work on a draft treaty text for the establishment of the zone, with the express purpose of facilitating a more constructive approach where the emphasis is on process. By leaping in and discussing the elements of a draft treaty, participants not only identify the challenges but also possible resolutions to them. Considering the mess of obstacles in the context of solutions requires people to think about what might give their counterparts the assurances they need to collaborate in the process, and eventually to commit. The idea is that by drawing in as many people across differing perspectives as possible, and cooperatively identifying the features and elements of an inclusive treaty and regime that would be necessary to build confidence, those involved would be tackling the obstacles in a constructive manner.

This is not about being in denial of the political obstacles, rather it is about suspending the ambition to directly resolve each and every resentment, and instead envisaging and constructing the technical and working arrangements that would be needed for reassurance within the context of suspicion. The messy and confrontational politics is not resolved, rather it forms the context in which technical approaches can slowly build confidence.

Our experiences with the network have been that there exists a powerful desire for progress on a WMD-FZ, and a commitment to move in the direction of progress. Given a tool to focus the mind and heart, participants in our workshops have showed a remarkable willingness to express their perspectives in good faith, to listen attentively, and to work constructively with others of very different perspectives within the region to attempt to find improvements and overcome the current deadlock.

The group started by surveying best practice in NWFZs from other parts of the world. The primary resource was the 2009 Pelindaba Treaty, Africa's NWFZ,

because it was recently agreed (and enforced) and already covers the North African states in the proposed zone. It was used to compare and contrast the desirable elements relevant to the situation in the Middle East when drawing up the first draft. We also considered the conventions and treaties covering chemical and biological weapons control. Meeting together and operating remotely over many months, we built the draft up carefully, whilst slowly establishing a network of friends willing to support the process.

Complexities of Considering a Draft Treaty

This was a challenging proposition. While we were not setting about to find the finished text that would convince everyone we had cracked the problems, the draft treaty needed to be sufficiently credible to draw people into a process that would deepen understanding and start to build confidence. It needed to

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have clarity in identifying the key challenges, and to be inclusive in the manner in which it tackled controversial aspects. We were conscious of the risk that by publishing our draft treaty, people might think we had the answers, or worse that the text would be seen as insensitive or biased, and thereby destroy any hope of collaboration. Having a text might also encourage people to focus on the more controversial and wicked problems, and have the effect of closing down hope, rather than encouraging constructive comment. As a

result, we consulted with a variety of people across the region and improved the text before we felt able to share it widely. When we did, we were clear to say that the intention was to draw people into a process of constructive dialogue. To reduce the chances that this draft treaty be used to stoke more disagreement, we began the text by stating: “This is a draft treaty and it will remain a draft only. We do not represent states, but civil society. We are not attached to the text itself, but with the idea that such a text can contribute to a process that might one day lead to a treaty, and then, hopefully, a reality.”

Scope of the Draft Treaty

There were many complexities to grapple with, and here we can only scratch the surface in explaining some of them. Establishing a workable scope for the draft treaty was a major challenge. Since 1990, the official zone proposal covered all WMDs and their means of delivery across the Middle East and North Africa. The original reason for expanding beyond nuclear weapons to other forms of WMD (seen as chemical and biological weapons) was to assure the Israelis that this wasn't just about disarming them (the only country with nuclear weapons in the region). This makes political sense, but lumping so-called WMDs together in one treaty framework presents many technical, definitional, and verification challenges, and risks creating misleading comparisons between the different

forms of weapon systems. There are still no other weapons that can compare to nuclear weapons on the scale of their impact and destruction. Nevertheless, the commitment to a WMDFZ is well entrenched, so we took that to be understood and proceeded accordingly.

But we did, for the time being, decide to leave out means of delivery. Missiles (cruise and ballistic) are particularly egregious problems with massive challenges revolving around the willingness to agree to exercise restraint and allow verification. We decided early on that we would plan to address the issues of missiles and delivery separately from the draft treaty text. This would be done later in the process because they merited particular focus.

We also discussed the issue of emerging disruptive technologies that could also deliver mass destructive impact. The most obvious today is the growing threat of cyber disruption, but there are a number of other candidates. We decided it would be necessary to maintain some awareness of these particular complications but that our focus would remain on nuclear, chemical, and biological weapons.

The geographical scope formally includes all Arab states, Israel, and Iran. Crucially, this excludes Turkey, which has become a major actor within the region, and which is believed to host U.S.-NATO free fall nuclear bombs at its Incirlik air base. Pakistan, as a neighboring state with nuclear weapons and close military relationships with Arab Gulf states, also has influence. Both states may need to be closely involved as observers.

Mechanisms of Compliance

Nuclear, chemical, and biological weapons each have their own global regime which all states in the region will need to join as members eventually, though the level of verification and inspection provided by each of these regimes varies enormously. Biological weapons have no established international verification mechanisms. Verification presents deeply complex technical challenges and requires significant financial and human resources to provide assurance against cheating, particularly when trust is low. We have been considering the necessary level of intrusive inspections to bring sufficient confidence, but have only scratched the surface. The process would require the participating states to engage in good faith. But some regional states have a strong ideological attachment to robust military capabilities, and a deep suspicion of cooperative regimes.

Convincing them to place trust in any verification system requires a very high level of confidence indeed. Even verification practices with high technical confidence levels can be called into question for domestic or diplomatic political purposes. Delivering verification in these circumstances is deeply problematic, and provides strong motive for our calls to set up a regional body tasked with

building up the capacity and confidence for this. We decided therefore to work toward a double level of verification—global and regional.

There exists a global regime for each of the three WMD concerned—the NPT, backed by the International Atomic Energy Agency (IAEA); the Chemical Weapons Convention, backed by the Organization for the Prohibition of Chemical Weapons (OPCW); and the Biological and Toxin Weapons Convention. It is logical to work toward universalizing these conventions within the region, but an approach that takes this as a point of departure would block progress prematurely because of opposition from Israel, so a regional approach in the first instance has greater chance of success.

Global institutions such as the IAEA and OPCW have a great deal of expertise and experience relevant to the necessary tasks of verification, inspection, and other practices, and it will be necessary to call upon them throughout the process. It may also be appropriate to develop these capabilities at a regional level within the proposed Middle East Treaty Organization or METO.

Dismantlement

None of the existing NWFZs has involved membership of states that possessed nuclear weapons whilst they were members. South Africa dismantled its bombs and nuclear weapons facilities prior to joining the African NWFZ, inviting IAEA officials to confirm it had become nuclear-weapons free. South Africa's nuclear program itself remains shrouded in mystery. This raises a question around chronology in the Middle East case: should a WMDZF follow a similar path, requiring states to unilaterally disarm and to have that verified before they join (though this is fraught with uncertainty if conducted after the dismantlement and destruction) or have a timetable for dismantlement under supervision? We decided upon retaining the option of either course.

Control and external influences

Power within the region is very unbalanced. On the one hand, Israel possesses significant military and political influence, largely by virtue of its alliance with the United States. The Arab League represents by far the majority of the region's population, but it is far from united, the legitimacy of many of its governments fragile. Like Israel, Iran often finds itself isolated, but has built up a culture of self-sufficiency independent of outside powers. In such a context, setting up any processes or international organizations requires careful planning to assure all parties that their voices will be heard and accounted for in all disputes.

It is impossible to imagine any processes that garner sufficient respect from all parties unless they operate from consensus. Yet, consensus offers veto to all

parties who have demonstrated a tenacious willingness to exercise it unless they can be absolutely sure they benefit from change with minimal risk.

External states have always had a big interest in and impact upon the region, and any approaches will need to involve key stakeholders such as the United States, Russia, China, and the European states. The nuclear armed states will also need to give security assurances to states within the zone, a process governed by additional protocols to the relevant treaty.

Our Process

Our first public explanation of the METO process was at the May 2017 NPT Preparatory Committee in Vienna. This experience drew out some of the inevitable suspicions people had of this process. Would this be another exercise in excuses? How could we hope to transcend the divisions? Were we not in denial by talking about the details of a zone before tackling the political obstacles?

We had more progress to report by the time of the UN First Committee later in October, with the sponsorship of the Irish government, which was to support the reporting process twice a year over the following years at both NPT and UN meetings. Whilst the meeting was low-key, the room was packed, and the atmosphere surprisingly positive.

Soon after, a number of core group members, advisors, and interested experts met under the care of the Scottish government in Edinburgh in January 2018 to trawl through the elements of the draft treaty, address the critical challenges, and explore constructive proposals.

By the time state parties met in Geneva for the 2018 NPT Preparatory Committee, the draft treaty was in a state to be presented formally. This time, we were in a very large room and we had well over a hundred hard-bitten diplomats attend the discussion. There was an atmosphere in the room that was unfamiliar to many of them. With Iranian, Israeli, and Arab speakers on the panel, the can-do message was one of vision, possibility, and optimism. And it was infectious. One ambassador from a nuclear weapon state said it was the most positive meeting he had attended in the whole two weeks, and was astounded that it was one devoted to the Middle East.

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A month later, with the support of Green Cross Switzerland and the Swedish Foreign Ministry — an extraordinary vote of confidence based upon the potential

of the project and its approach to the problem—the group hosted a major three-day roundtable in Zurich with around fifty participants from Egypt and a number of other Arab states, Israel, Iran, Europe, Russia, and the United States. Participants discussed the elements of the draft treaty, the principal questions it raised, and the strategy for the project.

From the start, the draft treaty envisaged the creation of a new regional intergovernmental institution—the METO—that would collaborate with global institutions such as the IAEA and CWC and focus on building capacity within the region for verification and inspections. Other NWFZs (with the exception of the Treaty of Tlatelolco in 1968, covering Latin America and the Caribbean) had been hampered by insufficient institutional support and collation of best-practice. At our roundtable in Zurich in June 2018, it became clear that there was a strong case for attempting to set up METO operations to build capacity sooner rather than later, and well before any final formal treaty was agreed. METO could focus at an early stage on issues of implementation and verification, educational programs for capacity-building, creating a regional network, advocacy campaigns, and other related projects. It could also provide a venue for negotiations and support meetings.

We were ambitious when it came to imagining its creation. We pictured it as a physical location on a Mediterranean island as a hub for capacity-building, training, and meetings. We considered ways to draw larger sections of civil society into the process, and the means by which to communicate to those prospective groups. As a result, establishing the organization has become a principal objective of the group that has come to be known as the METO Project.

Finally, there is a great deal of cynicism associated with the Middle East when it comes to talking about international cooperation generally, and about the prospects of establishing a WMDFZ in the region specifically. The issue has caused a great deal of diplomatic friction over recent decades. Our experience within the METO Project has shown that there are reasons to be optimistic—it takes a change of frame and an approach that seeks to overcome the obstacles. 