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Building Process

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Abstract

A process of confidence building in the MENA region is needed. Transparency in all the safety and non-proliferation issues may be the first step toward the confidence building process between the concerned parties. The inspection of all the nuclear and the suspicious sites and the full cooperation with the IAEA are essential elements in the transparency process. All the concerned parties have to review their paradigm and to look to the safety concerns and the proliferation threats as a whole in the whole region. The Arab states must stop to focus only on the Israeli nuclear warheads. Israel must understand the Arab concerns about its nuclear program and the 5+1 group has also to stop to focus only in the Iranian nuclear program. If the free zone is difficult to establish in the near future in the Middle East, the paradigm review process may lead to create a regional agency able to inspect all the nuclear, chemical and biological facilities in the Middle East and North Africa (MENA) region including Iran and Israel. Any other cooperation project without transparency is not possible and it is a waste of time. This Agency (The Middle East Inspection and Verification Agency: MEIVA) will hire inspectors from the regional states in order to make each inspection as a mutual inspection. The success of the Agency's inspection and verification mission may lead to open new opportunities to establish peaceful cooperation projects between the MENA countries in all the peaceful scientific and technical areas including nuclear, biological and chemical applications.

Keywords

Arab countries, Iran, Israel, Nuclear projects, Middle East, MENA, Nuclear safety, nuclear security, non-proliferation, Nuclear Arms, confidence building, nuclear transparency, CBRN, the Middle Eastern Inspection and Verification Agency (MEIVA)

1. Background*

The Arab countries in general, especially the oil producing countries, were not in favor of electricity generation by nuclear energy. The nuclear option of electricity generation was excluded from their strategies because of the abundance of fossil fuel and because these countries thought that the nuclear option does not serve their economy. Meanwhile many nuclear techniques have been introduced to the Arab countries, mainly in medicine, petroleum, industry and agriculture fields. Few Arab countries were interested in using nuclear reactors to produce electricity; Egypt started a project after the selection of Dabaa site (North costal area), for electricity generation and sea water desalination, but the Chernobyl accident in 1986 and the discovery of a big reserve of natural gas in Egypt, froze this project. Morocco was also interested in using a small and medium-size reactors for electricity generation and sea water desalination (before and after Chernobyl accident), but the project have been also stopped for many reasons including the difficulties to find a reactor provider.

After the announcement that the Islamic Republic of Iran (which is also a big producer of oil and natural gas) developed a vast nuclear power program, the decision makers in many Arab countries reconsidered the nuclear option for electricity generation and put it in their economic plans. The discussion of the nuclear energy option became more acceptable in the Arab countries, including those countries which are rich in oil reserves, for two reasons:

- The continuous rise of the oil price and the need to produce more oil to satisfy the international demand
- The permanent economic growth and their increasing needs for fresh water (through sea water desalination) and electricity.

Therefore the conference of council of the League of Arab States (LAS) at the summit level held in Riyadh (KSA) in March 2007 has taken two important resolutions:

- The development of peaceful applications of atomic energy including the use of nuclear power plants to generate electricity.
- The implementation of joint projects between the Arab countries, in the field of the peaceful application of atomic energy.

These two resolutions have been confirmed in the Damascus summit meeting in (March 2008)

It is important to note that the summit conference of the Gulf Cooperation Council (GCC), have also taken similar resolutions.

2. The Arab Nuclear Projects

Since that time, many Arab countries have announced their interest in building nuclear power plants (NPPs) in order to respond to the increasing demand of electricity. All of them have contacted the IAEA for advice and assistance. Some of them have signed memorandum of understanding with some nuclear exporting countries and moved toward building their first nuclear power plants. They started by drafting (and adopting in some cases) the national nuclear law which allows the creation of the regulatory body, and defines the responsibilities of the different players inside the country and outside (by defining the responsibility of the international community).

Still, recent political instability and new economic and financial difficulties have changed the priorities in some Arab countries. Many renounced their projects of building a NPP, which no longer

* Mahmoud Nasreddine, Secretary General – MENA Strategic Studies Center (MENASSC), Former Director General – Arab Atomic Energy Agency, Former Scientific Adviser to the S.G.- League of Arab States.

appears in the declaration of high level decision makers. Some countries did not change their initial plan but the implementation rate change from one country to another.

- The United Arab Emirates have established:
 - o The Emirates Nuclear Energy Corporation (ENEC) which is in charge of developing a reliable supply of electricity using a clean and efficient nuclear energy. ENEC is taking on this challenge, with a target of delivering electricity to the UAE grid in 2017. By 2020, it is projected that nuclear energy will produce nearly a quarter of the nation's electricity needs. They project to build four NPPs and they started the first one.
 - o The Federal Authority for Nuclear Regulation (FANR) as the UAE's nuclear regulatory body. It was established through Federal Law (2009) Concerning the Peaceful Uses of Nuclear Energy.
- In Egypt, the former president Mubarak decided to give a new life to the old project of Dabaa. The ministry of electricity has taken few steps toward the selection of the site and of the technologies and has invested hundreds of millions of dollars in the feasibility studies. A new national nuclear law has been adopted (Law No. 7 which was issued in March 2010 to regulate the Nuclear and Radiation Activities inside Egypt). The political development has delayed the project but it is still considered by the government as an important project for the country.¹ Four Agencies are now dealing with all aspects of nuclear energy in Egypt:
 - o The Nuclear Power Plant Authority (NPPA) which was established in order to own and operate the nuclear power plants.
 - o The Egyptian Atomic Energy Authority (EAEA). It is in charge of the promotion of the peaceful applications of atomic energy including isotopes productions, radiation technology and research reactors activities.
 - o The Nuclear Materials Authority (NMA). It was established in order to deal with all aspects of the nuclear materials in Egypt. They do not have any uranium enrichment or spent fuel reprocessing activities.
 - o The Nuclear and Radiation Regulatory Authority (NRRA) which is an independent body. Its mission is to regulate, monitor and control nuclear and radiation facilities and activities. It is established by the law 7 of March 2010.
- In Jordan the Committee for Nuclear Strategy, set out in 2007 a program for nuclear power to provide 30% of electricity by 2030, and to provide for exports. The nuclear law was modified in 2007 to establish:
 - o The Jordan Atomic Energy Commission (JAEC) which aims to provide the country with power to fuel economic growth at low cost, and to end dependence on fossil fuels. Its mission includes exploiting national uranium assets and ensuring effective technology transfer for water desalination and electricity generation.
 - o The Jordan Nuclear Regulatory Commission (JNRC), including radiation protection and environmental roles. It is an independent and adequately empowered Regulatory Body. Its Mission is to regulate and monitor the use of nuclear energy and ionizing radiation and to protect environment and human health from the hazards of radiation and related pollution.

Many agreements were signed by Jordan with different nuclear countries in order to start the building of the first NPP in Jordan. In addition to the difficulties to select the adequate site, the lower house of parliament voted, in May, 2012 in favor of a recommendation by the parliamentary Energy & Mineral

¹ The interim president Adly Mansour announced, in the 5th of October 2013, the will of the Egyptian government to build the first nuclear plant in the Dabaa Site.

Resources Committee to suspend the country's nuclear program, including uranium exploration. However, JAEC says the motion was qualified in effect to endorse its cautious proceeding.

The other Arab countries did not make a lot of progress in the matter. The recent political turmoil in some countries of the region has had an impact on the economy of the whole Middle Eastern countries and on their NPPs projects.

3. Iran and Israel:

These two countries have two advanced nuclear programs.

- Iran as party to the NPT considers that it has the full right to the all peaceful application of the atomic energy (NPT article 4) including the uranium enrichment and the nuclear fuel fabrication for its research reactors and nuclear power plants. Iran is building also a heavy water reactor able to produce plutonium. The IAEA and the western countries have some reserves concerning the Iranian program. They ask Iran to grant to the IAEA inspectors and the international community access to the facilities under construction. Iran has established the Iran Nuclear Regulatory Authority (INRA) which functions as a "statutory and independent regulatory" body within the Atomic Energy Organization of Iran. The INRA has acquired its legal justification through two national laws: The Iranian Atomic Energy Organization Act (1974) and the Radiation Protection Act (1989)².
- Israel which has a very advanced nuclear program is not party to the NPT. The Dimona research reactor produces plutonium. Experts consider that Israel could have already built between eighty and two hundreds nuclear warheads with the plutonium produced by the Dimona reactor. The international community refuses to discuss the nuclear capabilities of Israel (IAEA General Conference, September 2013 for instance) which has a clandestine military program. This double standard policy has negative impacts on all the initiatives of peace in the Middle East or in the project to establish in the Middle East a zone free of weapons of mass destruction. The Israel Atomic Energy Commission (IAEC) is in charge of the promotion of nuclear energy and of the nuclear safety through The Commission on Nuclear Safety which constitutes an external control on the safety in the nuclear centers. This commission comprises of independent experts including nuclear safety specialists from the fields of medicine, industry and academia³.

4. Non-proliferation and nuclear safety and security Issues.

As we have seen, at least three countries have established their independent nuclear regulatory bodies in order to regulate and monitor the whole nuclear and radiological activities in the respective countries and to regulate the import and export of the nuclear materials and equipments. In each of the remaining Arab states they have at least a national nuclear energy commission (or center) which is in charge of the promotion of the nuclear energy and of the regulation of its uses. Some of them have also a center or department within a ministry (health ministry for instance). Its mission is, also, to contribute to the regulation efforts in the country. The regulatory commissions in both Israel and Iran are within their respective national nuclear energy commissions.

Except Israel, Iran and Syria, the nuclear activities in the Middle East and North Africa are not important. Most of the activities are in the field of radiation applications. The research reactors in Egypt, Libya, Algeria and Morocco are only part time operational. The Syrian research reactor is very small (30 kw only) and it is used for a very basic applications.

² Atomic Energy organization of Iran: <http://www.aeo.org.ir/portal/Home/Default.aspx?CategoryID=485008b5-a407-4ba6-bcc5-0a2ad36c571a>

³ Israel Atomic Energy Commission http://iaec.gov.il/English/Regulation_Safety/Pages/default.aspx

The independent regulatory commissions in some countries and the corresponding centers or departments in the remaining MENA countries are following the IAEA rules. They are monitoring and controlling the domestic nuclear and radiological activities in addition to the imported (or exported) related materials and equipments. There is no any regional organization able to build an active cooperation between the different national regulatory bodies and to strengthen the level of safety and security in the region in order to fight the illicit trafficking or the trans-border movement of the nuclear and radiological materials. The Arab Atomic Energy Agency (AAEA) started to establish such a project between the Arab countries through a big interregional project of the IAEA.

The Arab countries have signed and ratified the NPT and many other relevant treaties and agreements. They are part also of the safeguard system of the IAEA. They are committed to not invest in any sensitive activity but they are aware about the necessity to find an easy access to the nuclear fuel needed for their NPPs (if they have any). They want also to enjoy their rights (in conformity with the NPT itself) to have access to all the peaceful applications of atomic energy. They are committed to adopt measures that ensure full transparency and they are looking to others, including Israel and Iran, to demonstrate similar transparency in their nuclear programs.

The most important facility in Israel (Dimona site: reactor and spent fuel depository) is not under the IAEA safeguard system: this fact is of a great concern in the neighbouring countries. This facility is not only suspected to host military activities but it is also the reason of serious concerns about its safety and security. Because of the short distance between Dimona and the Arab countries, any nuclear accident will have very dangerous consequences in these countries.

There is a need to strengthen the nuclear security effort in the region in light of the three years of continuous events in many countries of the region. The IAEA projects and the different activities implemented by the USA and the EU in field of nuclear security are helping the concerned bodies in the region but they need to be reviewed in the light of the new situation in the region. Concerning the non-proliferation threats, Israel is suspected to already have built between eighty and two hundred nuclear weapons and Iran is suspected to have a clandestine military program to build nuclear weapons.

Iran is party to the NPT and the IAEA inspectors may control and ask to visit the suspected sites. The Iran Nuclear program is not an easy case to control but Israel stay as the most important non-proliferation threat in the region because it is not party to the NPT and the international community do not enough effort to discuss and clarify its nuclear capabilities.

5. The weapon of Mass destruction free zone in the Middle East

The Arab States and Iran supported all the efforts during the UN and the IAEA General conferences or during the NPT review conferences, aiming to establish in the Middle East a WMD free zone (MEWMDFZ) – see the chronology in the appendix.

The most important events in the process to establish such a zone are:

- The 1995 Non-Proliferation Treaty (NPT) review conference resolution on the Middle East
- The 2010 NPT review conference resolution which adopted five practical steps towards the establishing a WMDFZ in the Middle East. These steps include a regional conference to discuss the issue in 2012 and the appointment of a WMDFZ facilitator.

The League of Arab States secretariat considered the 1995 review conference resolution as an important event and started with a dedicated comity representing the 22 Arab member states, to prepare the documents to be presented in the future to any international or regional conference aiming to implement the 1995 resolution.

The comity elaborated a draft document of a MEWMDFZ treaty with some protocols concerning the three types of weapons and the inspection and verification operations.

This draft was never been finalized or adopted by the council of Arab Foreign affairs ministers. The years showed that there was no any progress in the implementation of the 1995 resolution because of the negative attitude of Israel toward the establishments of such a zone and the support of the Israeli position by the USA and most of the Western countries.

The Israeli position is based on the priority of the establishment of peace between the different Middle Eastern countries before discussing the WMD free zone; in contrast, the Arabs consider the existence of Israeli nuclear weapons as a major obstacle toward the peace.

The peace process will take long time because of the Israeli refusal of the peace process proposed by the Arab Summit (Beirut 2002) and because of the position of Israel concerning the Palestinian rights and the Arab occupied territories.

Since the NPT review conference in 1995 and the resolution aiming to organize an international conference dedicated to establish a free zone of nuclear weapons in the Middle East, many visits of the IAEA Director General to the states of the region, did not succeed in building confidence between these states⁴. Many workshops were organized for the some objectives. They failed to reach any progress in the matter.

I believe that all the concerned parties have to review their paradigm and to look to the safety concerns and the proliferation threats as a whole in the whole region. The Arab states must stop to focus only on the Israeli nuclear warheads. Israel must understand the Arab concerns about its nuclear program and the 5+1 group has also to stop to focus only in the Iranian nuclear program. The conference to be held in Finland (it was decided to be held in December 2012 but it was postponed by the USA to a new date to be fixed later) to discuss the implementation of the 1995 review conference resolution on the establishment of a Weapons of Mass Destruction Free Zone in the Middle East: MEWMDFZ), is an opportunity to look to the ME as a whole and to discuss both the Iranian and the Israeli nuclear programs.

Iran continues to support the idea of establishment of a MEWMDFZ. The outputs of the conference (once it takes places) will have impacts on the internal discussion in Iran about the Iranian program, on the discussion with the IAEA and with group of 5+1. Iran will not have any reason to stay out of the conference. It will gain from it, whatever the output of the conference is. Indeed, today, no one inside Iran wants to take the responsibility to stop the nuclear program (as it has become a part of the regime ideology; and no one outside Iran is able to stop this nuclear program. The conference will probably be an opportunity to unfreeze the situation and to start new discussion based on a new project: a MEWMDFZ where all the states of the regions, including Iran and Israel, will work together to destroy their own WMDs and to stop any project to build new ones.

The attitude of the facilitator is important. The Agenda must be clear and simple. It must express the will to discuss the establishment of the free zone and avoid spending time on other preliminary topics. Israel was always against the establishment of a Nuclear weapons free zone in the ME but we have to agree that the only peaceful way to stop the Iranian program is to freeze and start rolling back the Israeli program too (and any other program in the region if there is any).

The United states are supporters of Israel in this area. They may play a positive role before and after the conference, in order to make the idea of such a Free Zone possible. They may give guarantees to all the parties and push them toward a consensus.

⁴ Some states (Egypt, Jordan and Palestine) signed peace agreements with Israel while the other Arab states did not sign such an agreement and do not have any diplomatic relationship with Israel.

6. Confidence building and transparency

A process of confidence building is needed. This necessity has been evocated in many occasions without any visible result in the ground. All the proposals in this matter are based on the possibility of civil or scientific cooperation between Israel and the Arab countries as a step toward the confidence building. The cooperation in agriculture or in water management, for instance, will not help to solve the problem of occupied territories or to build the confidence in the nuclear field where the Arab are convinced that Israel has a nuclear military program. We have to face the problem as it is and go directly to the chemical, biological, radiological and nuclear activities in all the Middle Eastern countries including Iran and Israel. A full transparency in these fields is a key element toward the confidence building between the parties.

The transparency in all the safety and non-proliferation issues may be the first step toward the confidence building process between the concerned parties. The situation in the MENA region shows some difference in the behaviour of some states toward the safety issues or the non-proliferation:

- The Arab States are fully transparent to the IAEA inspectors⁵. Some minor problems have been discussed during the last few years but the IAEA is able to confirm that there is no any uranium enrichment or spent fuel reprocessing activity in the Arab countries. The only remaining case is about the access of the IAEA inspectors to specific sites in Syria.
- As asked by the IAEA reports, the Iranian program needs to be more transparent to the IAEA and the International community. It is suspected to have a military component. Iran is Party to the NPT and has signed with the IAEA, a comprehensive safeguard agreement. The discussion with the 5+1 is about the enrichment program and the inspection by the IAEA of some sites or facilities which are not declared as nuclear facilities.
- The only Middle Eastern state which is not part of the NPT and of the IAEA safeguards system is Israel. This situation represents a serious danger for the peace in the Middle East and in the world. Middle Eastern countries are looking forward to see Israel as part of the NPT and the other relevant treaties. They are also looking to see the international community taking the necessary steps to force Israel to comply with international laws and treaties for the sake of peace in the region. The ratification of the NPT and the other relevant treaties (including the IAEA safeguard system) by Israel will contribute to find an easy and practical solution to the Iran case. The international organizations are invited to deal with all countries with the same standard.
- The transparency in the MENA region is not complete. The confidence building process in the region is not possible without efforts from all the states including Iran and Israel. The inspection of all the nuclear and the suspicious sites and the full cooperation with the IAEA are essential elements in the transparency process.

The double standards policy and the will of some powers to deal with each country as a separate case are not helping to generate more transparency or to build confidence between the states of the region or between some states of the region and the international community.

7. Recommendations:

The experiences of the European Community of Atomic Energy (EURATOM), established in Europe after the Second World War, and of ABACC established by Brazil and Argentina, may be very useful for the Middle East. EURATOM is an agency which promotes the peaceful uses of nuclear energy and

⁵ The Khadafy regime “nuclear program” did not show serious military components. The IAEA inspectors found very few equipments without any activity to launch the program. The equipments were in their boxes. Many experts believe that the foreign Intelligence services were in possession of information on these equipments longtime before the regime declaration about “the nuclear program of Libya”

controls the exportation of the nuclear and dual uses materials and equipment. ABACC is on charge to inspect facilities in both Brazil and Argentina (mutual inspection).

If the free zone is difficult to establish in the near future in the Middle East, the paradigm review process may lead to create a regional agency able to inspect all the chemical, biological, radiological and nuclear (CBRN) material and facilities in the MENA region including Iran and Israel. Any other cooperation project without transparency is not possible and it is a waste of time.

This Agency - the Middle Eastern Inspection and Verification Agency (MEIVA) or (MEATOM to recall the EURATOM) - will hire inspectors from the regional states in order to make each inspection as a mutual inspection. It will contribute to the international effort aiming to strengthen the nuclear security level in the world and to fight the non-proliferation threats.

For instance, the Bush administration established the Proliferation Security Initiative (PSI) in May 2003 with the goal of fostering a greater worldwide capability to stop the illicit movement of materials that can be used to produce biological, chemical, and nuclear weapons⁶. At present, 102 nations have signed on to the effort, although Lebanon, Syria and Egypt are not participating to this initiative. These three states are not against the Initiative's purposes but they are wondering why they would have to accept all the initiatives, treaties or conventions coming from the U.S., when there is no any international serious effort to convince Israel to sign the NPT.

Participating nations to the PSI pledge to exchange information about suspected illicit WMD material transfers. They engage themselves also to take action to interdict unconventional weapons and related materials as they move through their territory or international waters. It is not clear how much the program has been successful: Many countries like Iran, North Korea and Israel, continue to advance their missile and nuclear capabilities. A 2012 report from Congress' Government Accountability Office faulted the Pentagon and the State Department for not properly evaluating the degree to which the program was meeting its aims.

The proposed Agency will contribute to the implementation of the PSI goals if the Agency member states agree to give it the needed tools for inspection, verification and illicit trafficking fighting.

The success of the Agency's inspection and verification mission may lead to open new opportunities to establish peaceful cooperation projects between the ME countries in all the scientific and technical areas including nuclear, biological and chemical peaceful applications.

⁶ U.S.-Led WMD Interdiction Program Could do More, GOP Lawmakers Say
By Rachel Oswald, Global Security Newsire, March 14, 2013.

Appendix: Important Dates in the Movement toward the Establishment of a Nuclear Weapons Free Zone in the Middle East

- 1974 – The United Nations General Assembly (UNGA) approves resolution endorsing the goal of establishing a NWFZ in the Middle East following a proposal by Iran.
- 1980 – Israel joins international consensus allowing the General Assembly to pass a resolution supporting the goal of NWFZ without a vote.
- 1989 – The IAEA Secretariat issues report titled “A Technical Study on Different Modalities of Application of Safeguards in the Middle East.”
- 1990 – The Egyptian proposal to establish an expanded WMDFZ in the Middle East is first submitted before the Conference on Disarmament in Geneva.
- 1991 – The UN Secretary General releases a “Study on Effective and Verifiable Measures which Would Facilitate the Establishment of a NWFZ in the Middle East” outlining, amongst other things, a number of confidence building steps that could contribute to the establishment of the zone.
- 1991 – The IAEA General Conference passes resolution on “the Application of IAEA safeguards in the Middle” as a necessary step towards the establishment of a NWFZ in the region. The resolution has since been passed annually without objections.
- 1991 – The UN Security Council Resolution 687 endorses goal of establishing a WMDFZ in the Middle East.
- 1992 – Discussions on regional arms control begin under the aegis of the Arms Control and Regional Security Group (ACRS), a multilateral regional body born out of the Madrid Middle East peace talks. Envisaged to include discussions on a future WMDFZ, talks were placed indefinitely on hold following disagreement between Israel and Egypt over the agenda for discussing WMDFZ related issues. Iran and Iraq were not party to these talks.
- 1995 – The NPT Review Conference adopts a Resolution on the Middle East calling on states to take practical steps to make progress in the establishment of WMDFZ in the region. Member agreement on resolution was seen as key to securing the indefinite extension of the NPT.
- 2000 – The NPT Review conference reaffirms the goal of 1995 Middle East Resolution and says that the resolution remains “valid until its goals and objectives are achieved.”
- 2006 – The WMD Commission Final Report calls for an intensification of international efforts to establish a WMDFZ in the Middle East.
- 2010 – The NPT Review Conference endorses five practical steps to make progress towards the goal of establishing a WMDFZ in the Middle East. Action steps adopted include convening a regional conference to discuss the issue in 2012 and appointing a WMDFZ Facilitator.

Short Biography

Professor Mahmoud Nasreddine is professor at the political Sciences Institute (USJ Beirut) and the Secretary General of the Middle East and North Africa Strategic Studies Center (Beirut). He is a former professor and dean at the Lebanese University (Beirut, 1974-1994), a former director of the Lebanese Atomic Commission (1994-2001), a former Director General of the Arab Atomic Energy Agency (2001-2009) and a former Advisor to the Secretary General of the League of Arab States (2009-2012).