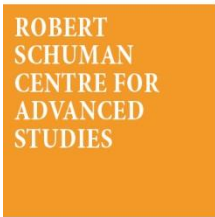




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Proliferation: The Case of the Middle East Zone Free of
Nuclear Weapons

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Abstract

A constructive approach towards engaging with all countries in the region of the Middle East is required in order to guarantee full participation in the conference on the subject of a Middle East zone. The conference toward the establishment of such a Zone and the process that follows should be inclusive to allow for a more genuine, candid, and necessary interaction on the critical issues of nuclear disarmament, dismantlement, nuclear roll-back, transparency, accountability, and verification. The region has not witnessed such interaction for many years and all opportunities should be utilized to bring such interaction to fruition. The establishment of a Middle East Zone will aid in achieving international objectives to reach global nuclear disarmament. It will help achieve the international initiative of reaching “global zero” in order to eliminate all nuclear weapons. The Middle East cannot be an exception to the global zero campaign. As such, regional adherence to a Treaty in the Middle East, and the placement of all nuclear facilities in the region under IAEA comprehensive safeguards, is of crucial importance. The paper draws lessons from previous Zones and previous nuclear verification arrangements like EURATOM, which are relevant to a Middle East Zone.

Keywords

WMD Free Zone, NPT, Nuclear disarmament, Middle East, Technical issues, Nuclear roll-back, Nuclear dismantlement.

Introduction

Eighteen years have elapsed since the 1995 Middle East resolution that called for the establishment of a nuclear and other WMD-free zone (WMDFZ) in the region. The resolution was an integral element of the fundamental deal around the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT) and, for many member states, it constitutes the fourth pillar of the regime. Unfortunately, no significant progress has been made towards establishing a WMDFZ beyond the appointment of a facilitator with a limited mandate to implement the resolution.

It is important, at this critical stage in the region, not to underestimate the level of frustration that has built up around the postponement of the Helsinki conference. The convening of the Helsinki conference at the earliest possible time is key not only for the stability of the region, but also for the success of the NPT review cycle. A successful conference will require states to respect the principle of equal commitment to regional and global security, as well as the creation of a non-discriminatory regime.

A more constructive approach towards engaging with all countries in the region of the Middle East is required in order to guarantee full participation in the conference on the subject of a Middle East zone. It is this author's firm belief that the conference and the process that follows should be inclusive to allow for a more genuine, candid, and necessary interaction on the critical issues of nuclear disarmament, dismantlement, nuclear roll-back, transparency, accountability, and verification. The region has not witnessed such interaction for many years and all opportunities should be utilized to bring such interaction to fruition.

The establishment of a Middle East zone will aid in achieving international objectives to reach global nuclear disarmament. It will help achieve the international initiative of reaching "global zero" in order to eliminate all nuclear weapons. The Middle East cannot be an exception to the global zero campaign. As such, regional adherence to a Treaty in the Middle East, and the placement of all nuclear facilities in the region under IAEA comprehensive safeguards, is of crucial importance.

The establishment of a Middle East zone can positively contribute to regional and international non-proliferation and disarmament efforts. It can also improve the overall security environment in the Middle East. The convening of the conference on the establishment of a zone, free of nuclear and other WMDs, in the Middle East, as soon as possible, is integral to the future stability of the region. The Middle East Conference should launch a sustained and serious process, involving concrete steps and measures within a specified timeframe and linked to the successive sessions of the Preparatory Committee of the 2015 Review Process of the NPT. Such a conference should convene by the end of 2013.¹

The paper is divided into three parts. First, it analyses the lessons relevant to the Middle East that can be learned from the existing nuclear weapons free-zones (NWFZ) and other nonproliferation and arms control initiatives such as Euratom, Abacc, the CTBT and the South African precedent of disarmament. Second, it discusses the main elements of the Egyptian initiative that was recently presented at the UN with the aim of resuming international and regional support towards the free-zone proposal. Finally, the paper concludes by considering some key technical issues related to the WMDFZ proposal that need to be addressed in the changing Middle East context.

¹ Aboul-Enein, Sameh, "The 2010 NPT Review and the Middle East: Challenges and Opportunities," *Palestine-Israel Journal*.

Best practices and lessons learned

The experience of other NWFZs offers important lessons that might be relevant to the Middle East context². In this regard, the IAEA convened a forum on “Experience of Possible Relevance to the Creation of a Nuclear Weapon Free Zone in the Middle East,” in Vienna, in November 2011.³ Forum attendees presented several constructive proposals that should be taken into consideration, including suggestions to:

- Take stock of the importance of declaratory policy and, in particular, declarations of good intent, and identify specific and practical confidence-building measures;
- Consider the lessons and context of other regions prior to the establishment of a NWFZs;
- Review existing, multilateral principles for establishing such zones, and review the relevant theory and practice of establishing the five existing NWFZs;

Discuss the experience of the representatives from the five NWFZs in setting up and implementing such zones and discuss the region of the Middle East in this context.

Despite the contextual differences between the various zones and the Middle East,⁴ the existing NWFZ treaties nevertheless provide guidance for formulating the technical, institutional, and scientific dimensions of a weapon-free zone.⁵

The Pelindaba Treaty,⁶ for example, contains the following provisions:

- The Treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control, or stationing of nuclear explosive devices in the territory of parties to the Treaty and the dumping of radioactive wastes in the African zone by Treaty parties;
- The Treaty also prohibits any attacks against nuclear installations in the zone by Treaty parties and requires them to maintain the highest standards of physical protection of nuclear material, facilities and equipment, which are to be used exclusively for peaceful purposes;
- To allow for the verification of its nuclear non-proliferation undertaking, the Treaty requires parties to conclude comprehensive safeguards agreements with the IAEA equivalent to the agreements required in connection with NPT;
- The Treaty provides for verification and compliance mechanisms, including the African Commission on Nuclear Energy (AFCON), which serves as a compliance mechanism and encourages regional and sub-regional programs for cooperation on the peaceful uses of nuclear science and technology;
- The establishment of AFCON encourages African states to take responsibility for natural resources and, in particular, nuclear material, and protects against the dumping of toxic waste.

Important lessons for the Middle East can be drawn from the experience of the European Atomic Energy Community (Euratom). Euratom was initially created to coordinate research programs for the peaceful uses of nuclear energy and to pool knowledge, infrastructure and funding. It ensures the security of atomic energy supply within the framework of a centralized monitoring system and acts in

² Aboul-Enein, Sameh, “NPT 2010: The Beginning of a New Constructive Cycle,” *Arms Control Today*, November 2010.

³ Summary; IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, Vienna, 21-22 November 2011; <http://www.iaea.org/newscenter/statements/misc/2011/petersen221111.pdf>

⁴ Khalil, Ayman. “Ridding the Middle East of Weapons of Mass Destruction, Untapped Options.” In *The Conference for a Middle East Weapons of Mass Destruction Free Zone*, edited by Ayman Khalil and Marc Finaud, 27-42. Geneva: Geneva Centre for Security Policy, 2012: 32.

⁵ Fahmy, Nabil, “Prospects for Arms Control and Proliferation in the Middle East,” *The Nonproliferation Review*, Vol. 18:1, 2011.

⁶ “Pelindaba Text of the African Nuclear-Weapon-Free Zone Treaty.” IAEA. Accessed July 14, 2013. <http://www.iaea.org/About/Policy/GC/GC40/Documents/pelindab.html>.

several areas connected with atomic energy, including research, safety standards, and the peaceful uses of nuclear energy. This experience is worth investigating to see how it might be applied to the Middle East.

The Brazilian-Argentine Agency for Accounting and Control of Nuclear Weapons (ABACC) is a regional organization that also has relevance to the establishment of a Middle East zone. The Middle East requires a similar bold vision to rid the region of nuclear and other WMDs and reposition it on a non-nuclear course. The relationship attained by Brazil and Argentina through ABACC, in addition to the signature in July 1991 of the Agreement for the Exclusively Peaceful Use of Nuclear Energy is significant. While recognizing the sovereign right of each nation to access nuclear technology for scientific, technological, economic and social development, both Brazil and Argentina created a Common System for Accounting and Control of Nuclear Materials (SCCC). Moreover, the Agreement implied a clear and definite compromise for the use of all peaceful-use materials and nuclear facilities submitted to Brazil and Argentina's jurisdiction and control. It was within this context that ABACC was created to manage and apply the Common System of Accounting and Control (SCCC).

The role of the Comprehensive Test-Ban Treaty (CTBT) in any future zone is also important. The commitment by States not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction, is one of the critical building blocks of any future zone. Those vested in the establishment of a Middle East zone should give a greater degree of attention to the CTBT, in addition to other international treaties such as the Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC).

There also exists the unprecedented example of South Africa's dismantlement of its nuclear program.⁷ The example of South Africa—the first country to voluntarily abandon a fully developed nuclear weapons program—should serve as a standard model for relevant disarmament and dismantlement strategies. It took South Africa five years to build the country's first nuclear device and a total of sixteen years to construct its six-weapon arsenal. South Africa terminated and fully dismantled its program and all related facilities in less than twenty-four months, wherein it:

- Dismantled the six completed gun-type devices at Armaments Corporation of South Africa Ltd. (ARMSCOR) under controlled and secure conditions;
- Melted and recast the highly-enriched uranium (HEU) from the six devices, including a partially complete seventh device, and returned it to the Atomic Energy Corporation (AEC) for safe-keeping;
- Fully decontaminated ARMSCOR facilities and returned severely contaminated equipment to the AEC, including a melting furnace;
- Converted the ARMSCOR facilities to conventional weapon and non-weapon commercial activities and destroyed all hardware components of the devices, technical design, and manufacturing information;
- Joined the NPT, signed the Comprehensive Safeguards Agreement with the IAEA, and submitted a full and complete national initial inventory of nuclear material and facilities as required by the Safeguards Agreement. The first IAEA team arrived in South Africa in November 1991.

The United Nations (UN) guidelines and principles for the establishment of nuclear-weapon-free-zones is another important reference for future zones that should be thoroughly utilized.⁸ Its provisions include references to the following:⁹

⁷ "Birth and Death of the South African Nuclear Weapons Programme." Federation of American Scientists. Accessed July 14, 2013. <http://www.fas.org/nuke/guide/rsa/nuke/stumpf.htm>.

⁸ "Report of the Disarmament Commission." United Nations. April 30, 1999. Accessed July 14, 2013. [http://www.un.org/ga/search/view_doc.asp?symbol=A/54/42\(SUPP\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/54/42(SUPP)).

- A NWFZ should not prevent the use of nuclear science and technology for peaceful purposes and may promote, if provided for in the treaties establishing such zones, bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone in support of socio-economic, scientific, and technological development of the States parties;
- The nuclear-weapon-states (NWS) are to be consulted during the negotiations of each treaty, including the negotiation of relevant protocol(s) establishing a NWFZ, in order to facilitate the signature and ratification of the treaty;
- A NWFZ will help strengthen the security of States parties to such zones and will serve as an important disarmament tool that contributes to the primary objective of strengthening regional peace and security and, by extension, international peace and security;
- It can also be considered an important regional confidence-building measure that reaffirms the commitment of the States that belong to the zone to honor their legal obligations to other international nonproliferation and disarmament instruments to which they are parties;
- The obligations of all the States parties to a zone treaty should be clearly defined and legally binding, and the States parties should fully abide by such agreements.¹⁰

The NPT will be central in the negotiation of a treaty-based Middle East WMD/FZ. Negotiators should consider IAEA safeguards, as well as verification and inspection mechanisms. These tools are to be implemented in a manner designed to comply with Article IV of the NPT and to avoid the hampering of the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities. That said, one cannot expect NPT members to exercise indefinite restraint, and take on ever-increasing burdens to prove peaceful use, when regional neighbors not party to the NPT brandish nuclear weapons with impunity and continue to benefit from civil nuclear cooperation. The status quo is no longer an option. It undermines the credibility of the NPT regime and the legitimacy of actions intended to enforce its provisions.¹¹

The Egyptian initiative

The Egyptian decision to walk out of the NPT Preparatory Committee Meeting in Geneva in protest of the conference's postponement is an unequivocal signal of a growing frustration.¹² If the Helsinki Conference does not take place any time soon, the entire WMD/FZ project is at risk, with a severe impact not only on the prospects of regional security cooperation but also on the international nonproliferation regime itself.

The Minister of Foreign Affairs of Egypt, in his statement to the United Nations General Assembly on the 28th of September 2013, announced a three-step initiative aimed at strengthening international and regional support for a prompt convening of the Helsinki conference. The first step requests all countries in the Middle East, as well as the five permanent members of the Security Council, to deposit official letters to the Secretary General of the United Nations, confirming their support for declaring the Middle East a region free of weapons of mass destruction, including nuclear, chemical and biological weapons. The second steps envisions that the countries of the region that have not signed, or ratified, any of the international conventions on weapons of mass destruction, should

(Contd.) _____

⁹ Lewis, P. and R. Thakur, "Arms Control, Disarmament and the United Nations," *Disarmament Forum*, No. 1, 2004: 17-28.

¹⁰ Wheeler, Michael O., "A History of Arms Control, in Jeffrey Larsen (ed.), *Arms Control: Cooperative Security in a Changing Environment*, Lynne Rienner: 2002: 20-39.

¹¹ Specter, Leonard, "Nuclear Proliferation," in Jeffrey Larsen (ed.), *Arms Control: Cooperative Security in a Changing Environment*. Lynne Rienner, 2002: 119-141.

¹² Egypt's statement is available at: http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom13/statements/29April_Egypt.pdf

commit, before the end of this year, to simultaneously sign and ratify the relevant conventions. They should also deposit an instrument to that effect to the Security Council. This would translate into the following:

- That Israel accedes to the NPT as a non-nuclear weapon state, ratifies the CWC and signs and ratifies the BWC.
- That Syria ratifies the BWC, and takes the remaining steps it had pledged in relation to the CWC.
- That Egypt ratifies the BWC, and signs and ratifies the CWC, provided that all countries of the Middle East complete accession measures to the international conventions prohibiting weapons of mass destruction, and the relevant arrangements.

Finally, the third step calls on the international community to make all possible efforts to ensure that the delayed 2012 WDMFZ conference is swiftly held, preferably before the end of this year, or by Spring 2014 at the latest. The Secretary General, the three depositary countries of the NPT, as well as the Facilitator should further intensify their efforts so that the conference is held within the above timeframe.

Technical issues in a changing regional context

The “Arab Spring” undoubtedly changed fundamental dynamics in the Middle East, with significant implications for the political and security settings of the region. Public opinion increasingly plays a more prominent role in Arab societies and, in this respect, will have a fundamental role in the formulation of disarmament and security policies. Given the democratic changes, parliaments, particularly through their committees on foreign affairs, Arab affairs and national security, are expected to play a more prominent role in foreign policy issues. Presumably, nuclear issues will receive considerable attention. Such dynamics may bring greater pressure to bear on progress on the subject of the zone and may serve as positive game-changers in broader disarmament and non-proliferation discussions.

In advance of the conference on the establishment of a Middle East zone, there is substantial agreement between States on such issues as the geographic scope of the zone, and the inclusion of substantive agenda items such as verification and compliance. A range of additional crucial issues are still pending for discussion by the region’s States. Key questions remain, including:

- Which institutions will be entrusted with the responsibility of the zone?
- What are the implications of non-compliance? (The Euratom treaty may be a useful example here as there is a process to deal with violations: depending on the severity of the violation. There is a range of options that the Euratom Commission can decide: from sending a warning to actually taking all the fissile materials out of a facility).
- How can security guarantees be given to reinforce the process of the zone’s establishment?
- What role will the peaceful uses of nuclear energy, as well as nuclear safety and security, play in future zone discussions?

Regional parties should enter directly into a phase of substantive and procedural preparation for the Middle East WDMFZ conference as soon as possible. Conference coordinators should invite Israel and Iran, along with the League of Arab States, to engage in the process of agreeing on a conference agenda. There must be a commitment by all relevant states to attend. The conference should then launch a sustained and serious process involving concrete steps with specified timeframes. Each NPT

Preparatory Committee and Review Conference should subsequently evaluate the process and reference it in outcome documents.¹³

The following technical provisions must be considered in order to achieve nuclear disarmament and non-proliferation in the Middle East:

- Dismantling and destroying existing or remaining nuclear weapons capabilities, facilities, and devices under international verification mechanisms;
- Renouncing nuclear weapons through refraining from conducting indigenous development and activities related to nuclear weapons;
- Prohibiting the transit or stationing of any nuclear explosive devices in the zone;
- Prohibiting nuclear explosive testing in the zone and the role of the CTBTO;
- Using nuclear materials and facilities for peaceful purposes only;
- Placing all nuclear facilities under comprehensive IAEA safeguards;
- Establishing the necessary relevant institutions and mechanisms or entities to uphold a zone, free of nuclear and other WMDs;
- Addressing the issue of verification, including identifying the role of the IAEA and other relevant organizations such as the OPCW and CTBTO.¹⁴

Addressing the scientific and technical dimension of the WMDFZ proposal – including institutional and legal issues – can help breaking the current stalemate in the diplomatic negotiations and make substantial progress toward the end-goal of a Middle East free of weapons of mass destruction and their delivery means.

To facilitate the process, all relevant international nonproliferation treaties and organizations, such as IAEA, OPCW, CTBTO, NPT, UNODA and BWC Implementation Unit, should be called upon to begin a collective awareness and outreach program for the relevant cadres from the region. Again, this program should aim at addressing the main technical, institutional and legal issues related to the establishment of the free-zone.

The IAEA is bound to play a key role as the body responsible for effectively verifying that no nuclear materials are diverted into illegal weapons programs and that all parties have irreversibly dismantled and destructed all nuclear devices manufactured prior to the entry into force of the free-zone treaty, as would be true in the Israeli case.

¹³ Aboul-Enein, Sameh and Hassan El Bahtimy, “Towards a Verified Nuclear Weapon Free Zone in the Middle East,” *VERTIC Brief*, April 2010.

¹⁴ Aboul-Enein, Sameh, “A Real Opportunity for a Nuclear-Weapon-Free Zone in the Middle East,” 2010.

Short Biography

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