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The Middle East Nuclear Paradigm and Prospects
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Executive Summary

The nuclear paradigm in the Middle East is largely defined by the military imbalances between Israel and Iran and their neighbors, and also to an extent by the imbalance in the legal obligations relating to nuclear non-proliferation accepted by various countries of the region. Israel is the most problematic case in the region, and remains outside the NPT. Iran appears to be seeking the know-how to develop nuclear weapons, but remains an NPT party. The other countries of the region are all NPT parties. Some, including Egypt, have plans to acquire nuclear technology for power generation. And all the Arab states of the region are committed to the establishment of the Middle East nuclear weapon free zone (MENWFZ).

Despite this, international concerns about the proliferation implications of regional countries' desires to benefit from the peaceful uses of nuclear energy have grown, with a particular focus on Egypt and Saudi Arabia in this regard. Rather than address the core of the problem, which is Israel's un-safeguarded program and the ambiguity about some aspects of the Iranian program, the international focus seems to be on applying more restrictive measures to prevent proliferation by non-proliferators. Instead, non-proliferation issues in the Middle East should be dealt with seriously, in a balanced fashion, and without prejudice or preferential treatment.

Israel and Egypt have refused to ratify the CTBT, and are unlikely to even consider doing so until the US ratifies. Even then, Egypt will not follow suit until Israel not only ratifies the CTBT but becomes party to the NPT and implements practical measures that give more credibility to its stated commitment to a MENWFZ as well.

Progress on an FMCT will be slow at best, but it will need to include stockpiles. Otherwise, Israel and Iran could retain the stockpiles they already possess, a situation which would be objectionable to their neighbors.

While the world is now a very different place than it was in 1974 when Iran first proposed a MENWFZ, such a zone is still very relevant and continues to gain support. Despite this, it is no closer to realization. If anything, the security situation in the region is more volatile because of Israel's continuing exceptional status, which in turn has made dealing with Iran more complicated.

Egypt has even proposed the creation of a Middle East zone free of all weapons of mass

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destruction, and refused, with some other Arab countries, to ratify the CWC until Israel joined the NPT and MENWFZ. Similarly, they objected to indefinite extension of the NPT in 1995 and only went along with it because of a compromise package later not respected by the NPT NWS. The 2005 NPT review conference failed because this issue was not given appropriate attention, and it will be a central issue again for the success or failure of the 2010 NPT Review Conference.

While the NWS have all expressed general support for a MENWFZ, their concern about the details have hindered its creation. The US, for example, is concerned about the implications such a zone would have for the passage of its vessels carrying nuclear weapons through the Suez Canal. And the other NWS share those concerns and have varying positions when it comes to the negative security assurances which would have to be given to states in the zone.

Israel has also continually shifted the goal posts of its own support for a MENWFZ. Where once it had expressed concern about its neighbors' superiority in conventional weapons, it now seems more concerned about their WMD superiority. There are also indications Israel may be more interested in discussing these issues internationally, rather than regionally. This is perhaps because it hopes that any recognition accorded internationally to India and Pakistan's nuclear status may also be applied to it, while knowing that this status would always be treated with suspicion regionally. A question mark also remains over Iran's position on a MENWFZ.

The real obstacle to progress towards the realization of a MENWFZ is the absence of political will by governments, and the reasons for this are numerous. However, recent changes of policy, particularly in the United States, provide a possible opportunity for progress, as indeed will any renewed focus on nuclear disarmament generally. In this regard, Israel's continuing exceptional nuclear status is simply incompatible with the objective of a nuclear weapon free world. All states in the region should be assured that efforts towards regional nuclear proliferation and disarmament are aimed not at making any state less secure, but all of them more secure.

A number of steps need to be taken. A draft treaty for a MENWFZ should be investigated and drafted at the expert non-governmental level. A Shepherd to oversee this process could be appointed by the 2010 NPT RevCon, which could also call for the convening of a regional conference with international support to consider how to deal with questions of regional nuclear proliferation, including a MENWFZ. Regional states would give detailed commitments in support of such a zone, and shut down and dismantle any weapons-grade nuclear facilities under international verification measures. The international community, and particularly the UN Security Council, should also once again seriously address the issues of negative and positive security guarantees in a more rigorous and creative fashion. The Security Council might also consider adopting a resolution under Chapter VII (thus legally binding) prohibiting any nuclear attacks, or threats of attacks, against non-nuclear weapon states party to the NPT.

The paper concludes with cautionary notes about current approaches to Iran and Israel. There are serious concerns about Iran's nuclear program, but asking it to give up its rights or talking about carrots and sticks is applicable to "donkeys" not "nation-states". It is more logical to ask Iran to put a cap on enrichment or on industrialization of its program for a period of time. However, this has to be coupled with an intensive effort to ensure security of the Gulf area and the Middle East and to deal with the nuclear issue on a non-exceptional basis, be that regionally or internationally.

It is also time to drop the notion that Israel continues to face an existential threat, and that consequently its nuclear program can be left aside for the moment. Secondly, Israel should not be

treated in the same way as India and Pakistan. It would be factually incorrect to do so, and would contradict Israel's own policy of nuclear ambiguity, not to mention reward it for remaining outside the NPT. It would also justify Iranian arguments about double standards and further fuel Arab frustration.

Introduction

There is a security imbalance in the Middle East, in terms of the actual military balance, particularly at its center between Israel and its neighboring Arab states, as well as in the Gulf area between Iran and its neighboring Arab states. There is also an imbalance in the legal obligations taken by the states of the region not to acquire/use different weapons of mass destruction including nuclear weapons, with some joining international treaties and others declining to do so. This security imbalance is the defining factor in the nuclear paradigm in the Middle East. Regardless of whichever way one wants to define "security", the pursuit of nuclear weapons or weapons of mass destruction, or for that matter any armaments, is a function of a state's perceived security concerns and requirements. I make this point at the outset because it is paramount in determining how and where to move forward on any of the issues under discussion. None of them are cosmetic and none will be resolved with a face lift here or there without re-emerging in an even more grotesque fashion in the future, as is often the case with these procedures.

If one looks at the nuclear landscape of the Middle East, it is evident that in North Africa, particularly its western region, the only country with a significant nuclear program is Algeria. It is also evident that there have not been recurrent concerns about any of the programs in that region. The case of Libya is well documented—and I would add highly exaggerated—but in essence, exaggerated or not, there are no recent questions regarding its nuclear program either, nor am I aware of a significant desire by Libya to pursue peaceful nuclear energy.

As we move towards the center of the region the situation becomes more complex. Egypt has a limited number of research reactors and has announced its intention to pursue an ambitious program for generating electric power from nuclear sources. While some questions have been raised on occasion regarding the application of the safeguards agreements, and while it refuses to take on any further obligations relevant to its nuclear program, Egypt is a full-fledged non-nuclear party to the NPT and has resolved the outstanding issues regarding its nuclear program. Israel is the most problematic case in the region, with several nuclear reactors and facilities and an unsafeguarded nuclear program, while it remains outside the non-proliferation treaty. Iraq has had a troubled history with respect to its nuclear program, and for that matter other weapons of mass destruction. However, that appears to be part of history and not of today's reality. Iraq is a non-nuclear weapon party to the NPT. Jordan has recently announced a program to pursue nuclear power; it is a non-nuclear party to the NPT, and no questions have been raised about its non-proliferation commitments. Syria is also a non-nuclear party to the NPT. In the last 18 months we witnessed a rather bizarre incident with Israel destroying a Syrian facility, US sources claiming it was a reactor site and Syria hardly responding at

all. This incident raises questions, not only about Syria but also about US and Israeli practices; yet there is no significant evidence that Syria has a nuclear weapons program.

There is every indication that Iran wants to have the know-how to pursue nuclear weapons and possibly the capability, given the unresolved questions about the studies it undertook on weaponization. Yet, here again it is noteworthy that Iran is a non-nuclear party to the NPT, and there is no evidence it has actually weaponized its program. A number of Arab countries in the Gulf area, including for example the UAE, have announced their intention to pursue electrical power through nuclear technology. The UAE has accepted all the relevant international safeguards agreements and beyond. Saudi Arabia, a non-nuclear party to the NPT, has suggested establishing regional nuclear fuel banks. All of the Arab Gulf states are non-nuclear party members to the NPT and have committed themselves to the establishment of a zone free of nuclear weapons in the region. In fact every one of the Arab countries in the Middle East has taken a similar position.

Nevertheless, international concerns with non-proliferation prospects in the Middle East seem to be increasing. On the one hand states are worried that some Arab countries may pursue nuclear weapons programs as a response to Iranian adventurism or any change of status with respect to Israel's program. The focus here seems to be on Saudi Arabia and Egypt in particular. There are also other concerns that a nuclear renaissance in the Arab world could lead to the dissemination of dual use technology and/or the acquisition of non-state parties of nuclear weapons. Ironically and regrettably, rather than address the core of the problem which is Israel's un-safeguarded program and the ambiguity about some aspects of the Iranian program, the international focus seems to be on the Arab states that have actually accepted all of the international obligations that are required as part of the NPT. What we are witnessing are restrictive measures to prevent proliferation by non-proliferators. No wonder the proliferation concerns keep emerging in the region.

I believe it is of extreme urgency that non-proliferation issues in the Middle East be dealt with seriously, in a balanced fashion, and from a security perspective, without prejudice or preferential treatment. In the last few years the international community has not addressed nuclear proliferation or disarmament issues in the global context. CTBT entry into force was not expected, and nuclear disarmament steps were not a priority. If the policies put forward by President Obama are sustained and these issues become more topical, we may be entering a more constructive, propitious phase for nonproliferation and disarmament. It is, however, noteworthy that as nuclear disarmament becomes more relevant, one has to expect that the imbalances in the Middle East would not only affect the security dynamics of the region but also the positions of states taken with regard to these additional international obligations and treaties, some of which I will address below.

1. Comprehensive Test Ban Treaty CTBT ratification

In the Middle East, Egypt and Israel are the most prominent holdouts regarding ratifying the CTBT. Unless it is evident that the US Senate will ratify the treaty, I do not expect either of these two countries to ratify it. Israel has refused so far to join the NPT as a non-nuclear weapon state, and Egypt has refused to ratify the CTBT unless the obligations imbalance is rectified with Israel ratifying both CTBT and NPT. Whether or not either of these states will decide to remain outside the CTBT, if for example the US, India, Indonesia ratify it, is a more interesting question.

The Egyptian position is fully justified. In fact Egypt has been extremely patient in waiting for progress in the nuclear area. Indeed, it is testimony to its commitment to global nuclear non-proliferation that it has remained a member of the NPT with everything that has been happening around it, particularly in light of the lack of progress in the regional nuclear disarmament domain. It is time to start dealing with Israeli nuclear policies exceptionality—which, by the way, is exceptionality with regard to international norms and not simply to regional arrangements. Egypt would be glad to ratify the CTBT, but this will require much more than the stale arguments about taking the high road, and it will only be possible if there are concrete steps with practical measures that give more credibility to Israel's pronounced commitment to a Middle East free of nuclear weapons.

2. Fissile Material Cut-off Treaty

Progress on a fissile material cut-off treaty in the Conference on Disarmament will be a slow process at best. A treaty that does not deal with stockpiles, moreover, would further exacerbate the nuclear imbalances that exist in the Middle East. While some Arab states may actually join such a treaty, very few of them would be at the center of the Middle East around Israel, or amongst the militarily significant states close to Iran. The problem with this approach is that a cut-off treaty as presently perceived would not include stockpiles. Consequently, Israel could retain whatever nuclear material it had—a situation that would be totally objectionable to Egypt, Syria and probably Jordan. And Iran could maintain what materials it had, which of course would be problematic for Saudi Arabia among others. For a fissile material agreement to have any chance, it would have to entail a process for the destruction or removal of stockpiles. In other words, what is required would not be cut-off, but prohibition of these materials for weapons purposes. While this might be difficult globally, it should be feasible regionally as soon as a nuclear weapon free zone is achieved. If such a treaty becomes feasible on an international or regional basis, then you might see some evolution in the positions of states in the region regarding a number of other nuclear related agreements and measures, provided this was in the context of a serious roadmap with clear objectives and benchmarks towards regional nuclear disarmament and non-proliferation.

3. Middle East Nuclear Weapon Free Zone

The proposal to create a MENWFZ is longstanding, over 34 years old—actually of a different century and a different global and regional political landscape. The initial proposal to create a Middle East region free of nuclear weapons was made by Iran at the

1974 General Assembly of the United Nations. Egypt quickly joined in and co-sponsored the resolution from the very outset, and thereafter has played the more prominent role in promoting this idea.

The world and the Middle East are better, more secure places today, even if both are still fraught with danger. The cold war has ended, Egypt, Jordan, and Israel are at peace, making a full-fledged comprehensive Arab Israeli war only a very distant possibility. At the same time, there are new global challenges, be they continued nuclear proliferation concerns, resurgent US/Russian sensitivities, climate change, unresolved conflicts in the Middle East, Iraq, and Afghanistan, as well as those of finding cooperative means to combat violent extremism which still exists in many of our societies.

That is not to say that the MENWFZ proposal is outdated or that it is less urgent. In fact the longevity of the proposal has allowed it to gain wide ranging political support. It has been adopted by consensus every year at the United Nations General Assembly for over a decade now. This longevity has also provided for numerous discussions within the United Nations, the International Atomic Energy Agency and a number of official and track II processes. It is consequently a mature proposal regionally, and the whole concept of NWFZs, has gained wider acceptance globally with zones, or zone proposals, now extant in different parts of the world.

Regrettably, it is evident that the increased support and recognition of the saliency of the proposal has not brought it any closer to realization. In fact the continued imbalance in responsibilities and obligations in the nuclear domain, and in responding to general security concerns of states in the region, has made things more volatile in the Middle East with respect to proliferation of weapons of mass destruction, either as a result of legitimate security concerns or because some states have used this “imbalance” to pursue military programs, including in the nuclear domain to serve their political objectives. The starkest example is Israel which has remained a non-party to the NPT not bound by the obligations of the Treaty. This has raised the security concerns of numerous Arab states, particularly Egypt which has refused to fully join the CWC or the Biological Weapons Treaty, or for that matter, until now ratify the CTBT or the Africa Nuclear Weapons Free Zone. It was also relevant to Iraq’s noncompliance with its NPT obligations in the ’90s. And needless to say this Israeli exceptionality is a complicating factor in dealing with Iran, and will remain a hurdle in any decision to develop regional nuclear cooperation, be that on nuclear fuel banks, verification procedures, etc...

The salient point to be made here is that further procrastination in resolving the imbalance in security concerns and obligations in the nuclear domain will actually result in an ever more volatile security situation in the Middle East, with expanding nuclear nonproliferation concerns. If we don’t act now the situation regarding nuclear weapon proliferation, or that of WMDs, will get worse.

It is noteworthy that while little has actually been done to establish a NWFZ in the Middle East, the importance of that proposal, and in conjunction with it establishing a

Middle East Free of all Weapons of Mass Destruction, has come to the forefront on several occasions over the last three decades. In 1990, just before the Iraqi invasion of Kuwait, Prime Minister Shamir of Israel and President Saddam Hussein of Iraq exchanged not very subtly veiled threats to use weapons of mass destruction against each other. It was in that context that President Mubarak of Egypt proposed in April 1990 the establishment of a Zone Free of Weapons of Mass Destruction in the Middle East, be they nuclear, chemical or biological weapons, as well as their means of delivery.

After the Iraqi occupation of Kuwait the Security Council of the United Nations adopted resolution number 687 of 1991 which, in its preamble and operative paragraphs, specifically said that the measures against Iraq's program for weapons of mass destruction were a step towards the establishment of a MEWMDFZ:

“Recalling the objective of the establishment of a nuclear weapon free zone in the Middle East

“Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and the need to work towards the establishment in the Middle East of a zone free of such weapons.

“...
“...

“14. Takes note that the actions taken by Iraq in paragraphs 8,9,10,11,12 and 13 of the present resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons.”

The conclusion of the negotiations on a Chemical Weapons Treaty in the early '90's also brought the security imbalance to the forefront, with Egypt and some other Arab countries refusing to ratify the Treaty as long as Israel remained outside the NPT or a MENWFZ.

Even more relevant was the 1995 Review and Extension Conference of the Treaty on the Nonproliferation of Nuclear Weapons (NPT), and particularly the call for an indefinite extension of the Treaty. Egypt and a number of Arab countries took the clear position that they could not take upon themselves indefinite commitments if the NPT parties continued to ignore the nonproliferation concerns in the Middle East, particularly Israel's presence outside the NPT. After long and intensive negotiations a compromise package was reached on the following components:

- (1) A resolution calling for all states from the Middle East to join the NPT, and for practical steps towards a WMDNWFZ to be tabled by the three depositories—UK, USA and USSR—and adopted by the conference without a vote as an integral part of the decision taken to extend the Treaty indefinitely.
- (2) The Arab countries would accept that the decision to indefinitely extend the NPT would also be adopted without a vote. However, those who so

wished could make statements after the vote explaining their position, including whatever reservations they had regarding the NPT's indefinite extension.

Several Arab countries including Egypt made statements after the adoption of the extension decision, indicating that they went along with the extension decision because of the existence of a Middle East resolution and because the extension decision stated that “an overwhelming majority” supported the extension, rather than that there was a “consensus” on the matter. They indicated on the floor of the conference that they did not support the indefinite extension, and only went along with it without a vote because of the package agreed upon and because the extension resolution was descriptive. The intense negotiations on this issue are indicative of how fundamental this resolution was to the extension of the Treaty without a vote. It was also of particular significance that the resolution was sponsored by the depositories rather than the Arab states, which was a political statement that this was important not only to the Arab states but also to all the NPT parties.

Needless to say, this resolution, and the objective therein to establish a Zone Free of Weapons of Mass Destruction and, towards that objective, the request to take practical steps towards the establishment of a Zone Free of Nuclear Weapons ,remain today of paramount importance. The 2005 NPT review conference failed because this issue was not given appropriate attention, and it will be a sensitive issue again that is cardinal to the success or failure of the 2010 NPT Review Conference. It will also have consequences on the decisions Middle Eastern states take regarding the ratification of the CTBT, the entry into force of the Pelindaba Treaty and the positions on the prohibition of the production of fissile material for military purposes.

Of even more significance is that without universal adherence to the NPT, it is not completely farfetched that, in the absence of serious and substantial progress towards a MENWFZ, several non-nuclear weapon Middle Eastern states party to the NPT could alter their security policies were Israel to announce that it was openly a nuclear weapon state or if Iran were to withdraw from the NPT and pursue a nuclear weapons program. This change in posture could include the withdrawal from the NPT pursuant to steps stipulated in the Treaty itself, albeit that would be a highly regrettable turn of events.

“Where are we and what are the prospects of a NWFZ in the Middle East?”

If history provides precedents, one thing is almost for sure: without full regional adherence to the NPT as non-nuclear weapon states, coupled with additional transparency and verification measures given the volatile political and controversial proliferation history of the region, one has to expect breakout of nuclear weapons programs in the Middle East at the worst, or continuous questions about the WMD programs of a large number of Middle Eastern states at the very least. The security imbalance creates an inherent tension that could trigger changes in security policies or at the very least raise

questions of motivation behind any peaceful nuclear programs, thus in itself becoming a catalyst for further tensions.

More importantly, the answer to “where are we?” is: we are neither where we think we are, nor have we progressed towards establishing a NWFZ as far as some would deem us to be. A brief perusal of the positions of the relevant states will clarify this conclusion.

Every one of the five NPT nuclear weapon states has openly or by its voting patterns implicitly or explicitly supported the establishment of a MENWFZ as well as a MEWMDFZ. Every state in the Middle East, including Israel and Iran, has come out in support of a MENWFZ, and a large number have supported a MEWMDFZ. The assumption therefore should be that a MENWFZ would actually be in existence by now, but of course that is not true.

The reasons we do not have such a zone are in the “details” of the positions of different states. The United States, for example, has always been wary of such zones because of restrictions they may entail in terms of prepositioning and, in particular, on maritime passage. Passage in the Suez Canal for nuclear weapons-carrying vessels could become an issue.

The same questions would arise for other nuclear weapon states, and we have already witnessed their reticence in adhering to the protocols of the Pelindaba Treaty.

There is also the issue of according the parties to the NWFZ’s negative security assurances, where the nuclear weapon states have not always taken consistent positions.

The Arab states have openly said that they would accept a comprehensive agreement on establishing a MENWFZ encompassing the Arab states, Israel and Iran at the very least. Substantively their positions are not problematic, and those participating in the Madrid Peace Process Regional Security and Arms Control talks (ACRS) were clearly supportive of the objective. I do not expect problems of “form” from the Arab states during the negotiation phase, although one would have to be extremely creative in imagining a “regional” agreement entering into force, including possible intrusive verification procedures, in the absence of official relations between these states.

Israel’s position is more substantively problematic. Initially it was supportive of such a zone, underlining only the need to take into account the conventional weapons imbalance in favor of the Arab countries. Subsequently it shifted and subtly added that such a zone was only possible when peace existed with the Arab world, then added to that the requirement was not only “peace”, but “reconciliation” as well. In recent years, particularly the last few years, two additional subtle changes have emerged, the first being that Israel’s concern in moving forward was with the weapons of mass destruction capability of its neighbors rather than their conventional weapon capacity. The other emerging, although not yet official, trend is that Israel is less interested in discussing its

nuclear program or the proliferation problems of the region regionally, but perhaps to do so internationally.

I personally believe that this most recent shift in position is because Israel feels that in light of the India/Pakistan situation and the growing call for realism, its nuclear program can be legitimized *de jure* or *de facto* without consequences “internationally”, while it is always looked at with suspicion and concern “regionally”. The change of position could also be a function of a belief that it is in Israel’s interest that the Middle East proliferation debate should focus on noncompliance i.e. Iran and Syria, rather than non-proliferation, which also encompasses Israel.

Iran has supported the establishment of a MEWMDZ and of course was the original sponsor and remains a supporter of a MENWFZ. It is also a non-nuclear weapon state party to the NPT. All these positions augur well for Iran to be supportive of a MENWFZ. Nevertheless, the initial temerity with which Iran responded to the IAEA queries about its nuclear program, and the continued questions regarding its nuclear weapons studies even after the other issues were resolved, raise questions about where Iran may come out once a serious attempt to negotiate a MENWFZ is embarked upon.

It is noteworthy that establishing a MENWFZ is not only a longstanding objective, and one that has gained international and regional support, but it has also been the subject of several attempts to initiate a negotiation process. The most notable of these attempts was the peace process working group in the context of the Middle East “Arms Control and Regional Security” (ACRS). There were also offers in the context of informal dual track contacts. The ACRS process ended rather quickly after only limited success with one discussion of nuclear verification measures. It then came to an abrupt halt with the Israeli delegation refusing any further discussions, fearing being drawn onto a slippery slope of formal negotiations. The dual track consultations, which did not include government officials, went further substantively, but also came to an abrupt halt once the Israelis felt they had gone too far.

In looking at the positions taken and the work done on this issue in years past both within and beyond the region, I came to the conclusion that the wide ranging international and regional support for establishing a MENWFZ or a MEWMDFZ exists. I also believe that the former is practically and technically feasible, similar zones having been created in different regions of the world, and that nuclear weapon states had been de-weaponized, be that in Ukraine or South Africa. A MEWMDFZ will probably require a series of layered steps both regionally and internationally because of the different technical characteristics of the weapons systems.

The real obstacle to progress towards the realization of this objective, therefore, was in the absence of governmental political will to seriously consider steps towards the realization of a MENWFZ, and the reasons for this are numerous. On the one hand, the international disarmament efforts had waned considerably. And on the other hand, regional political developments, whether the Middle East peace process or the lack of it,

did not encourage progress in disarmament or discourage adventurism with respect to nuclear programs in the region.

Recent changes of policy, particularly in the United States, provide a possible opportunity for progress towards the establishment of a MENWFZ, amongst other things. The reiteration that the international objective should be a nuclear weapon free world brings the nuclear issue to the forefront of public debate once again. The proposed “March Summit” on nuclear disarmament suggested by President Obama will re-focus attention on nuclear proliferation and disarmament. Possible United States ratification of the CTBT would also force Middle Eastern states to consider circumstances that they had not previously had to address. And, of course the upcoming Review Conference of the NPT in 2010 will make the MENWFZ the subject of attention.

If the world is addressing the possibility of a roadmap towards a nuclear free world, the Middle East should be able to establish its own roadmap towards a region free of nuclear weapons. As difficult as it may seem to convince Israel to renounce nuclear weapons, it is imperative to be straight forward and candid about this issue because the consequences go well beyond Israel’s security alone. The continued existence of Israeli nuclear exceptionalism is simply incompatible with the objective of a nuclear weapon free world. All states in the region, including but not exclusively Israel, should be assured that efforts towards regional nuclear proliferation and disarmament are aimed not at making any state less secure, but all of them more secure. Consequently, the security of all states will be taken into account through a package of international, regional and domestic arrangements. It should also be emphasized that these efforts and measures will provide for the maximum possible transparency in order to ensure confidence. Towards that objective two parallel tracks can, and I believe should, be embarked upon.

First of all I believe that a full fledged draft treaty for a MENWFZ should be investigated and drafted at the expert non-governmental level.

Secondly, it is imperative that some concrete measures be taken from within the region to indicate a seriousness of purpose and commitment on this issue. This would be a new added element to past experiences and could also affect the positions taken by regional states towards the CTBT, an agreement prohibiting fissile material for military purposes, and ratification of the Pelindaba Treaty.

For the sake of encouraging serious thinking about such a roadmap, I will suggest—by way of example—some possible steps that could be part of such a plan. What they attempt to do is provide clarity as to the ultimate outcome, ensure that states do not feel less secure in the process of negotiations or implementation, and that the agreement reached is governed by regional arrangements as well as international support.

- A] The 2010 NPT review Conference or the UN Security Council should call for the convening of a regional conference with international support to

consider how to deal with questions of nuclear proliferation in the Middle East, including the establishment of a MENWFZ .

- B] The 2010 NPT Review Conference or the UNSC should designate a Shepherd to engage the relevant regional and non-regional states about the Scope and Verification Measures and the Legal Clauses of a MENWFZ Treaty, as well as the steps that can be taken towards that objective .The Shepherd should assist in the convening of the said conference and report to it on his findings.

- C] As the conference is being prepared, the Middle Eastern states should deposit declarations to the UNSC indicating that their support for a MENWFZ, and that as part of such a zone they would:
 - Relinquish and not acquire any nuclear weapons or nuclear explosive devices
 - Not produce weapons grade nuclear material, as well as destroy or relocate beyond their control any existing stockpiles of existing stockpiles
 - Not develop components related to nuclear weapons or weapons grade material
 - That as part of a MENWFZ they would accept International and Regional verification measures
 - That they would not attack other regional states with nuclear weapons, and that once the negotiations for a MENWFZ were concluded and the process of its entry into force initiated, they would not attack the nuclear facilities of other regional states.

- D] As an interim measure towards a Zone, regional states should shut down weapons grade nuclear facilities, dismantle these facilities, and allow for verification procedures to confirm that they have been dismantled.

- E] It would be useful for the international community, and particularly the United Nations Security Council, to once again seriously address the issues of negative and positive security guarantees in a more rigorous and creative fashion to provide credible, sustained and effective alternatives for security of states that choose to forgo the nuclear weapon option. Ultimately, the regional states will only join a MENWFZ if their security is enhanced by such a step. That entails reducing nuclear proliferation concerns from within the region. However, it would also entail dealing with possible nuclear threats from beyond the region, as well as possible cases of non-compliance with NWFZ obligations from within the region.

I have on previous occasions suggested that the Security Council adopt a resolution under Chapter VII (thus legally binding) prohibiting any

nuclear attacks, or threats of attacks, against non-nuclear weapon states party to the NPT.

- F] A similar approach providing positive assurances of support by the P5 could be envisaged for states parties to NWFZ's or those in the Middle East as a confidence building measure or further incentive for them to seriously embark on steps towards the creation of a MENWFZ.

Words of Caution

I would like to conclude with two cautionary notes regarding how the world is addressing the nuclear programs of Iran and Israel.

A. *Iran*

Iran was caught in violation of safeguard agreements and took years to clarify its positions with the International Atomic Energy Agency. Consequently, there is good reason to be suspicious regarding its nuclear intentions.

There are serious concerns about Iran's nuclear program, but overreaching by asking it to give up its rights or talking about carrots and sticks, as Ambassador Tom Pickering was quoted to have said, is applicable to "donkeys" not "nation-states". The Iranian nuclear program has to be dealt with as a security issue for the regional states, for Iran, and for the international community. It is more logical to ask Iran to put a cap on enrichment or on industrialization of its program for a period of time. However, this has to be coupled with an intensive effort to ensure security of the Gulf area and the Middle East and to deal with the nuclear issue on a non-exceptional basis, be that regionally or internationally. A cap is useful because it does not negate Iran's rights but indicates its good faith and ensures security regionally. Moreover, equality in terms of nuclear commitments in the region over a period of time would provide confidence for Iran's neighboring states and for Iran itself that the actions taken by all provide enhanced security and are not smoke screens for the pursuit of further nuclear weaponization.

B. *Israel*

I strongly caution against two trends that seem to have emerged in international debate, including in the International Commission on Nuclear Non-proliferation and Disarmament, that relate to dealing with Israel. First, that Israel's fear of existential threat is justified and it is unrealistic to deal with its nuclear program, which is better left aside for the time being. First of all there exists no existential threat to Israel today. Its peace with Egypt, then Jordan, and the changing reality in Iraq essentially removes the possibility of a comprehensive Arab-Israeli war. The saber rattling that we occasionally hear from individuals in Iran is nothing more than that. The threats posed to Israel are not from nation states, but from the frustration generated by its occupation of Arab lands and particularly the Palestinian people, and this cannot be addressed with nuclear weapons.

Second, I caution against packaging Israel with India and Pakistan under the guise of realism and pragmatism. Regrettably, India and Pakistan have openly tested nuclear weapons for their own reasons that relate most of all to their own regions. It is not coincidental that the testing by one quickly led to the testing by the other. According to Israel the same status contradicts its own policy of nuclear ambiguity, and seems to reward it for remaining outside the non-proliferation treaty. It would be surprising if such actions did not have regional ramifications. It would clearly justify Iranian arguments about double standards and Israeli exceptionality, and would fuel Arab frustration as well as harden their positions regarding any further measures in the nuclear domain. It may even cause further reaction than that.

I have heard arguments that the International Commission is not attempting to reward Israel for its nuclear policy, but simply to be realistic and pragmatic. I differ quite strongly on this matter. If the Commission couples together Israel with India and Pakistan as nuclear armed states, apart from all of the ramifications I mentioned above it would actually be factually incorrect. There are three different situations in this respect. India and Pakistan have openly tested nuclear weapon devices and consequently can be called nuclear armed. North Korea has withdrawn from the Non-Proliferation Treaty. And Israel has remained outside the treaty with an ambiguous nuclear program and numerous rumors about if, when and where it tested nuclear explosive devices. The only common category that can bring these four countries together—if it is at all necessary—without having serious negative ramifications on a regional, as well as on an international, level is that they are states that are “non-parties to the Non-Proliferation Treaty”. The language used by the Commission so far would be detrimental to the very objectives pronounced by it.