

Salvaging the 2012 Conference

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In 1974 the UN General Assembly adopted a resolution on the establishment of a nuclear-weapon-free zone in the Middle East. Since then, there have been no concrete steps toward that objective. The final document of the 2010 Nuclear Nonproliferation Treaty (NPT) Review Conference, with its commitments to a conference in 2012 on creating a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the Middle East, opened the possibility of changing the situation.

That momentum must be sustained. The conference should be convened and serve to launch the delicate and time-consuming process that will be necessary to create a WMD-free zone in the Middle East.

The issue of the WMD-free zone has resurfaced in a number of ways since 1974. By the early 1980s, the 1974 resolution was being adopted annually by consensus at the United Nations. The establishment of a nuclear-weapon-free zone in the Middle East also was a paramount issue in the discussions and failures of the Arms Control and Regional Security (ACRS) process emanating from the 1991 Madrid Conference on the Middle East. At the 1995 NPT Review and Extension Conference, a resolution was adopted calling for practical steps toward the establishment of a zone free of nuclear weapons and other weapons of mass destruction. The resolution was a fundamental component of the set of decisions taken that allowed the conference to extend the NPT indefinitely without a vote. Although the initial proposal related to nuclear weapons alone, Egypt in 1990 notably also had called for the establishment of a Middle Eastern zone free of chemical and biological as well as nuclear weapons.

Nevertheless, none of these steps led to concrete progress. Israel's unsafeguarded nuclear program continues unabated. Questions and accusations swirl about Iran's nuclear motivation. Both programs will have to be included in the proposed Middle Eastern WMD-free zone if it is to have any relevance at all.

Egypt, Israel, and a number of Arab countries have refrained from ratifying the Biological Weapons Convention (BWC) and Chemical Weapons Convention (CWC). One can spend endless hours trying to analyze the lack of progress. Egypt and some other Arab countries are determined not to ratify any WMD conventions before Israel ratifies the NPT, and some believe that asymmetries in the balances of power and conflicting threat perceptions make such steps illogical. In essence, although it may seem to be a cliché, the absence of political will on the part of regional players or the nuclear-weapon states, each for their own reasons, has been the obstacle to progress. This also is the primary lesson drawn from the ACRS process.

As a point of departure, it is this author's view that ensuring that the Middle East is free of all weapons of mass destruction should be the common objective. It is the only real, viable regional goal because it responds to asymmetries in military capabilities. That goal, however, should reach fruition through a series of measures that complement and parallel each other, but will not necessarily require establishing one umbrella for all these different weapons systems and their means of delivery. In other words, creating a nuclear-weapon-free zone commensurate with similar zones in other regions of the world is both a possible and an effective means to safeguard the region from these weapons. Dealing with chemical and biological weapons, given their nature, is probably more

effective through existing international instruments such as the CWC and BWC although the latter may require additional verification measures at the regional level. The priority in this regard should be on nuclear weapons because of the devastating consequences of their use or proliferation.

In attempting to move forward on the establishment of a Middle Eastern nuclear-weapon-free zone and then to the issues of chemical and biological weapons, the first obstacle will be to convince Israel to start a serious domestic debate, and then discussions with its neighbors, on the utility and risks involved with its nuclear program and that of others. Traditional Israeli arguments that its opaque program is needed to counter massive conventional Arab forces no longer are valid given the development of Israel's conventional weapons capacities. Furthermore, it has not proven a viable deterrent toward the Iraqi program in the last century or toward Iran more recently. The question that Israelis therefore should address is whether their program is an asset or a liability, fueling an arms race or at least impeding the possibility of progress at the regional level that would include intrusive regional verification procedures to curtail possible proliferators.

Once this national debate and regional discussion have occurred or in parallel with them, hopefully with the assistance of the United States and the four other permanent members of the UN Security Council, it is imperative to go through the analytical discussions and negotiations related to the details of the proposed zone. In doing so, the regional states and the stakeholders in each of the countries slowly will become more acclimated to the details of the zone and issues that are seldom discussed now. As is often the case in tedious labor negotiations, if one does not pass through the ebbs and flows of the negotiations, one may be unable to come to grips with solutions and compromises that in many respects are self-evident. The negotiating process itself should help create the environment for constructive consideration of the details of the proposals with an understanding of the perspectives of the other side. This process would cover significant fundamental issues such as the geographical scope of the zone, the list of prohibited activities, and the verification procedures and withdrawal clauses required to assure all the parties. These are the priority issues that Egypt believes need to be addressed. Much of this material has been addressed in other nuclear-weapon-free zones and is fundamentally of a technical nature, provided there is the requisite desire to establish such a zone under the right circumstances.

The one provision that is purely political in nature relates to the entry into force of the treaty. On this issue, there clearly is a wide range among positions in the region. States such as Egypt believe a zone can be established even now and that such a development would enhance security and limit the potential for damage if conflicts were to break out. Other Arab countries, although supportive of establishing a zone, are not ready to negotiate directly with Israel and prefer the creation of a zone through a multilateral, UN-based system. Israeli statements have argued that a zone can be established only after both peace and reconciliation occur among the Middle Eastern parties. Iran, while formally supportive of the creation of a zone, has been uncharacteristically silent during discussions of regional boundaries, that is, what countries constitute the Middle East, for purposes of the zone. The three depositaries of the NPT—Russia, the United Kingdom, and the United States, which are the co-sponsors of the 1995 NPT resolution—have been inconsistent in their positions on the creation of a zone and have been lukewarm in their enthusiasm about taking concrete steps forward.

The 2010 NPT Review Conference was able to conclude successfully only because agreement ultimately was reached on the convening of a conference in 2012 to look at how to implement the 1995 NPT Middle East resolution. This achievement was possible only because of the Obama administration's keen interest in emphasizing that its nuclear disarmament policies were different from the previous administration's and this required a successful conclusion of the 2010 conference. Since then, however, little if anything has been done toward preparing for the 2012 Middle East conference.

As of this writing, the conference facilitator has not been appointed nor the venue for the event determined. This is quite astonishing and disturbing. A failure to hold the conference would diminish the credibility of the NPT as a whole. If the meeting takes place but the participants do not prepare properly, the gathering will turn into a rhetorical event with acerbic exchanges and heightened passions. Although assurances of success are impossible, best practices should have compelled the appointment of a facilitator early on, with a mandate to contact the parties on the substantive

issues. This would have augured well for a serious discussion during the conference, which would be the beginning of a process of extended negotiations ultimately leading to the creation of a zone free of nuclear weapons and other weapons of mass destruction.

There remains little time before the projected date for the conference. Nevertheless, progress can be achieved if the conference focuses on concluding with three specific objectives:

- a clear-cut, unwavering, and unconditional reaffirmation by all participants of their support for the creation of a WMD-free zone in the Middle East;
- the adoption of a plan of action mapping out a negotiating process elaborating the substantive issues of geographical scope, scope of prohibition, verification system, and withdrawal, leaving the issue of entry into force as the last issue for discussion; and
- the adoption by the regional players of a series of interim measures toward the ultimate objective, for example, the prohibition of the production of weapons-grade material and possibly a timeline for the destruction of existing stockpiles of such material. This is of special relevance to Israel's nuclear program because it is unsafeguarded and possibly Iran's because of the repeated questions about that program. Unilateral adherence by the regional states to international agreements on the safety of nuclear materials also could be useful. All these measures would provide limited but significant reinforcement to the credibility of the commitment of the region's states to pursue serious negotiations.

In recent months, the Arab Middle East has been witnessing significant new domestic trends that hopefully will evolve into more democratic systems of government responsive to the interests and priorities of its people. Like anywhere else in the world, change in the Middle East brings with it a level of uncertainty, and that will lead all states to revisit and review their security postures in light of new opportunities and challenges.

Some states may suggest that one should reduce ambitions for a 2012 conference or postpone it until these political changes in the region settle and can be evaluated. This is a disingenuous argument that is not worthy of serious consideration.

Although they occasionally have changed leaders, Arab Middle Eastern regimes have been essentially constant in their policies since the 1973 war. Why was this time not utilized? Furthermore, if practical steps had been taken toward the creation of a nuclear-weapon-free zone in the Middle East, any risks emanating from Arab change actually would have been greatly reduced. The most important point, however, is frequently ignored: the most prominent and substantive nuclear programs in the Middle East do not exist in the Arab world but are in Israel in particular and also Iran. No changes are occurring in Israel although the protests taking place there as this article was being written might lead to some; if there are any in Iran, they are at a much slower pace than in the Arab world. The final point in this respect is that although the full face of change in the Arab world and in the Middle East remains undefined, it is consistently toward more open, democratic governance. The international community has been calling for this, partly from a human rights perspective but also because of the assumption that democratic regimes are more stable, more rational, and consequently better partners in the international community. Although Middle Eastern change is interesting and should be followed, it is not a reason to postpone serious measures toward creating a WMD-free zone in the Middle East and ensuring that the region is free of all weapons of mass destruction.

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