

“The Middle East Free Zone: A Challenging Reality”

Ambassador Dr. Sameh Aboul-Enein

***Adjunct Professor of International Security and Disarmament
School of Global Affairs at the American University in Cairo***

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I. Introduction

- Let me begin by extending my thanks and deep appreciation for inviting me to speak in my personal and academic capacities. This presentation is divided into four chapters: potential building blocks and best practices, the Arab Spring, the technical challenges and risks to the Zone Process, and possible next steps.
- First, we are not beginning from scratch. We should take stock of available building blocks in the multilateral security and nonproliferation regime, best practices from successful experiences in regional free zones and unilateral disarmament, in addition to the technical lessons and experiences learned and accumulated.
- The process to build the zone is a reality that has potentials, but with several challenges as well. However, the zone will definitely enhance international security, peace and stability, and promote regional security and cooperation. Moreover, It will facilitate regional cooperation on issues of common interest, including emerging security challenges.

Timeline of the Zone:

Year	Event
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 and Egypt.
1980	Israel joins international consensus allowing the General Assembly to pass a resolution supporting the goal of NWFZ without a vote
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 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.
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.”
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.
2012	The Convening States and the Facilitator declare the postponement of the 2012 Conference
2013	Egypt announces during the 68th session of the UN General Assembly, an initiative to free the Middle East from nuclear and all other weapons of mass destruction.

Chapter 1. Potential Building Blocks and Best Practices

I. Available Guidelines

1- The IAEA Forum

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. 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.

2- **The United Nations (UN) guidelines and principles for the establishment of nuclear-weapon-free-zones** are another important reference for future zones that should be thoroughly utilized. Provisions include references to the following:

- 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

II. Successful Regional Zones

There are several successful examples for regional NWFZs, such as the Tlatelolco Treaty, the Rarotonga Treaty and the Pelindaba Treaty.

The Pelindaba Treaty, as a recent 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 (AFCONE), 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 AFCONE encourages African states to take responsibility for natural resources and, in particular, nuclear material, and protects against the dumping of toxic waste.

III. Successful Institutions

1- The European Atomic Energy Community (Euratom)

- 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 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.

2- The Brazilian-Argentine Agency for Accounting and Control of Nuclear Weapons (ABACC)

- It 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).

IV. Multi-lateral Treaty-Based Regime

- 1- The NPT will be central** in the negotiation of a treaty-based Middle East WMDFZ. 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.

2- WMD Treaties

- 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).
- 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.

V. Selected Country Success

1- South Africa's Example of the dismantlement of its nuclear program

- 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. o

2. Kazakhstan's example of dismantling its nuclear site Semipalatinsk

- Kazakhstan decided to renounce all nuclear weapons it inherited from the USSR (the fourth largest nuclear arsenal in the world).
- Kazakhstan completed the dismantlement of the nuclear testing infrastructure at Semipalatinsk in 2000.
- The Low-Enriched-Uranium Bank between Kazakhstan and the IAEA is an example of a pro-active diplomacy that works for encouraging the states to pursue nuclear projects for peaceful purposes. It also allows Kazakhstan to make use of its abundant Uranium deposits.

Chapter 2: The Arab Spring

- The “Arab Spring / Winter” 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.
- As recently witnessed, the flow of masses in the streets is a sign of their desire for deeper engagement in the policymaking and security concerns in the Middle East.

Chapter 3: Technical Challenges and Risks to the Zone Process

- 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. However, in view of items raised previously, a range of additional crucial issues are still pending for discussion by the region's States. Key questions remain, including:
 1. Which institutions will be entrusted with the responsibility of the zone?
 2. 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).
 3. How can security guarantees be given to reinforce the process of the zone's establishment?
 4. What role will the peaceful uses of nuclear energy, as well as nuclear safety and security, play in future zone discussions?

- Moreover, the following technical provisions need to be considered in order to achieve nuclear disarmament and non- proliferation in the Middle East:
 1. Dismantling and destroying existing or remaining nuclear weapons capabilities, facilities, and devices under international verification mechanisms;
 2. Renouncing nuclear weapons through refraining from conducting indigenous development and activities related to nuclear weapons;
 3. Prohibiting the transit or stationing of any nuclear explosive devices in the zone;
 4. Prohibiting nuclear explosive testing in the zone and the role of the CTBTO;
 5. Using nuclear materials and facilities for peaceful purposes only;
 6. Placing all nuclear facilities under comprehensive IAEA safeguards;
 7. Establishing the necessary relevant institutions and mechanisms or entities to uphold a zone, free of nuclear and other WMDs;
 8. Addressing the issue of verification, including identifying the role of the IAEA and other relevant organizations such as the OPCW and CTBTO.

Chapter 4: Next Steps:

1. A more constructive approach towards engaging with all the countries of the region is required in order to guarantee their full participation in the ME Free Zone Conference. I still believe that the ME Free Zone Conference and the process that follows should be inclusive to allow a more genuine, candid and necessary interaction about 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. All states, including Israel and Iran, should be convinced that their long-term security interests call for a WMD-free zone.

Next Steps

2. 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.
3. 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.

Next Steps

4. 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.
5. To facilitate the process, all relevant international nonproliferation treaties and organizations, such as IAEA, CTBTO, NPT, UNODA, OPCW 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.
6. 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.

V. Key Points Summary

Finally, I would like to leave you with the following points:

- The establishment of a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the Middle East remains crucial despite the failure to convene a conference on this initiative as mandated within the Non-proliferation Treaty (NPT) Review Cycle.
- This project has taken a new dimension after the Arab Spring because, as a result, civil society and parliaments are likely to play an increasing role in foreign and security policy issues and may press their governments for more progress in this field.
- The experience of other regions in establishing nuclear-weapon-free zones will be useful to set up a similar zone in the Middle East, including in its technical dimensions and verification mechanisms.
- In order to make progress towards a such zone in the Middle East, the convenors of the planned conference should engage Israel, Iran and the Arab League in substantive and procedural preparations to launch a negotiating zonal conference cycle.
- Progress towards this goal would be reported to the NPT Review Cycle conferences, and would require the contribution of international organisations such as the International Atomic Energy Agency (IAEA), the Comprehensive Test Ban Treaty Organization (CTBTO) or the Organization for the Prohibition of Chemical Weapons (OPCW).

Annex I

In Egypt's statement to the United Nations General Assembly in September 2013, it announced the following initiative (3 steps) to activate international and regional efforts aiming to establish the zone free of nuclear weapons and all other weapons of mass destruction in the Middle East:

FIRST STEP:

Request 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.

Annex I

SECOND STEP:

Countries of the region that have not signed, or ratified, any of the international conventions on weapons of mass destruction, should 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 Non-Proliferation Treaty as a non-nuclear state, ratifies the Chemical Weapons Convention, and signs and ratifies the Biological Weapons Convention.

That Syria ratifies the Biological Weapons Convention, and takes the remaining steps it had pledged in relation to the Chemical Weapons Convention.

That Egypt ratifies the Biological Weapons Convention, and signs and ratifies the Chemical Weapons Convention, provided that all countries of the Middle East complete accession measures to the international conventions prohibiting weapons of mass destruction, and the relevant arrangements.

THIRD STEP:

Accelerate international efforts to ensure that the delayed 2012 Conference to establish a Weapons of Mass Destruction Free Zone in the Middle East 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 Non-Proliferation Treaty, as well as the facilitator should further intensify their efforts so that the conference is held within the above timeframe.

Annex II

- LAS was very keen to engage with other countries in the region, with the right terms of reference, as stipulated in the Arab ministerial meeting last January that called for what the Arab world believes as justified and equitable requirements that abide by the mandates both stipulated and adopted freely in the final document of the 2010 NPT review conference, and as adequately stated in the prerequisite guidelines for attending the proposed "Extended Consultations" in the Arab Ministerial Resolution 7580 on January 13th, 2013 which stipulated the following:
 1. Emphasized that the postponement of the 2012 conference on the establishment of a Middle East Zone free of Nuclear weapons and all other weapons of mass destruction constitutes a breach of the obligations of the organizers of the conference before the international community towards the implementation of the 1995 resolution on the Middle East, and the implementation of the 2010 NPT review conference final document.
 2. Any participation in "Extended consultations" will be according to the agreed terms of reference in the Action plan for the Middle East contained in the 2010 NPT final document, including the 1995 resolution on the Middle East which is the mandate for the 2012 ME conference.
 3. The importance of the establishment of a set date for the conference.
 4. Holding the consultations under the auspices of the United Nations and with a set agenda.
 5. Those countries that formally announce their participation in the conference are the ones to attend the consultations.



Thank You