

Achieving The Possible Against the Odds: “A Middle East Nuclear and WMD Free Zone”¹

Tariq Rauf

Introduction

In normal times, the second session of the “United Nations Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction”, scheduled to take place from [29 November to 3 December 2021](#), would have been an in-person event at the United Nations in New York.

But we are not in normal times – in addition to a long-lasting deadly pandemic, we also are facing the beginning of a new Cold War with modernisation of nuclear weapons and development of destabilising new weapons technologies, acute climate change, a near complete collapse of the UN disarmament machinery, and longstanding broken promises on the Middle East.

One highly regrettable consequence of the pandemic has been the [total shut out of civil society to the UN premises](#) in New York and thus to the First Committee – this exclusion likely also will extend to this month’s UN Middle East Conference and the [Tenth Review](#)

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[Conference](#) of the Treaty on the Non-Proliferation of Nuclear Weapons ([NPT](#)) in January 2022.

To an extent, unfortunately this may not be surprising as the UN Charter opens with the famous words, “*We the Peoples of the United Nations*” but then never refers to the Peoples again!

Nuclear-Weapon-Free Zones

The original concept of establishing [nuclear-weapon-free zones](#) (NWFZs) was conceived with a view to preventing the emergence of new nuclear-weapon possessor states. Efforts to ensure the absence of nuclear weapons in other populated parts of the world have led to five regional denuclearisation agreements: the 1967 [Treaty of Tlatelolco](#) covering Latin America, the 1985 [Treaty of Rarotonga](#) covering the South Pacific, the 1995 [Treaty of Bangkok](#) covering Southeast Asia, the 1996 [Pelindaba Treaty](#) covering Africa, and the 2006 [Central Asian NWFZ treaty](#), all are in force; and [Mongolia](#) declared itself to be a nuclear-weapon-free space that was approved by the Great Hural in 2000 and endorsed by UNGA in 2002.

Thus, the entire southern hemisphere below the Equator is covered by NWFZ treaties, as is a portion of the northern hemisphere in the Asian landmass.

Also, certain uninhabited areas of the globe have been formally denuclearised. They include Antarctica under the 1959 [Antarctic Treaty](#); outer space, the moon, and other celestial bodies under the 1967 [Outer Space Treaty](#) and the 1979 [Moon Agreement](#); and the seabed, the ocean floor, and the subsoil thereof under the 1971 [Seabed Treaty](#).

- General Assembly resolution [3472 B \(1975\)](#) defines a Nuclear-Weapon-Free Zone, *inter alia*, as
- any zone recognised as such by the General Assembly of the United Nations, which any group of states, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby:

The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;

1. The initiative for the creation of a nuclear-weapon-free zone should come from states within the region, / and participation must be voluntary;
2. Whenever a zone is intended for a region, / the participation of all militarily significant states, / and preferably all states, / in that region would enhance the effectiveness of the zone; and
3. An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.

NWFZs ban the production, testing and stationing of nuclear weapons, permit peaceful uses, include verification provisions and in some cases an institutional set up; and require security assurances from nuclear-weapon states – and in case of the African zone, Article 6

of the [Pelindaba Treaty](#) *inter alia* provides for the “Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture” and for the verification of the “processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

The Non-Proliferation Treaty and the Middle East Nuclear-Weapon-Free Zone

Article VII of the NPT affirmed the right of states to establish NWFZs in their respective territories and the 1995 NPT Review and Extension Conference (NPTREC) expressed the conviction that regional denuclearisation measures enhance global and regional peace and security. At the 1995 NPTREC, the NPT was extended indefinitely without a vote based on an [integral interlinked package](#) of three Decisions and the “[Resolution](#) on establishing a zone free of nuclear and other weapons of mass destruction as well as delivery systems in the region of the Middle East”.

The 2000 NPT Review Conference reiterated the importance of the [1995 Resolution](#), and the 2010 Review Conference mandated that a conference be held on such a zone by 2012. The 2015 NPT Review Conference came to an inglorious end over disagreements on the modalities of convening a conference on the Middle East zone following the unsuccessful efforts by the UN Coordinator Finnish Under-Secretary Jaakko Laajava with his “multilateral consultations” held during 2013-2014 involving the states of the region of the Middle East.

During the 2017, 2018 and 2019 sessions of the Preparatory Committee (PrepCom) for the Tenth NPT Review Conference, the implementation of the 1995 NPTREC Resolution and the postponed 2012 Middle East Conference were noted by states of the region of the Middle East, and other states; but no progress was discernible. The 2018 United Nations General Assembly decision to convene conferences on the Middle East zone starting from 2019 was described as an “illegitimate decision” by the delegate of the United States at the 2019 session of the NPT PrepCom – this by a NPT depositary and co-sponsor of the 1995 Resolution.

Given the infighting and discord among states of the region of the Middle East, over many issues, it seems that the air has gone out of their balloon to achieve a zone; they seem content merely to make supportive noises but not to advance the process – the UN Middle East Conference is not being used to advance the process of establishing a zone. Instead of being a weeklong talk shop, the UN Middle East Conference should agree to intersessional work in Vienna, The Hague and Geneva through three working groups as described later in this treatise.

The International Atomic Energy Agency and the Middle East Nuclear-Weapon-Free Zone

Earlier in [2000](#), the IAEA General Conference adopted a [Decision](#) calling on the IAEA Director General to convene a “[Forum on Experience of NWFZs Relevant for the Middle East](#)”. On joining the IAEA in 2002, the Director General assigned to me the task to make the arrangements for holding this Forum. During the course of the summers of 2002-2004,

through “proximity consultations”, I was able to get acceptance of all the IAEA Member states of the region of the Middle East on the [Agenda](#).

This [Agenda](#) on a “[Forum on the Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone \(NWFZ\) in the Middle East](#)”, *inter alia* included discussion on: “Principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements: (i) geographic delineation; (ii) scope; (iii) verification; (iv) security assurances; and (v) other issues, such as the role of extra-regional states, the nature of the arrangements (politically/legally binding), the role of international governmental and non-governmental organisations and the public at large in promoting and supporting the arrangements; and the potential relevance of such experience in the context of the Middle East”.

Unfortunately, due to disagreement with the IAEA Secretariat over the handling of the Iran nuclear file by one State of the region of the Middle East, the Forum itself was convened only in [November 2011](#) (after the Agency’s new administration succumbed to pressure to release a report on “[Possible Military Dimensions to Iran’s Nuclear Programme](#)”).

Representatives from all five nuclear-weapon-free zones and Mongolia attended and made presentations at the IAEA Forum. The then-administration of the Agency acceded to pressure from certain Member States to ensure that the Forum was a one-off event and that there would not be any follow-up activities. The NPT states of the region of the Middle East too were short-sighted and delinquent in not ensuring that the Forum would become an annual IAEA event to discuss and formulate various modalities for nuclear verification and peaceful uses of nuclear energy under a nuclear-weapon-free zone to be established in the region of the Middle East.

This apparent non-serious attitude by the states of the region of the Middle East, and by other NPT Member States of the IAEA, as well as the lack of any initiative by the Agency’s Secretariat, has ensured that there continues to be no serious or even casual consideration of the matter of a Middle East nuclear-weapon-free zone at the IAEA other than ritualistic statements at the annual IAEA General Conference.

Every year since [1991](#), as at the 2021 IAEA General Conference, a resolution is adopted under the imposing title of, “[Application of IAEA safeguards in the Middle East](#)”, that mechanistically *inter alia*, “Requests the Director General to pursue further consultations with the States of the region of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in [IAEA] resolution [GC\(XXXVII\)/RES/627](#) [1993]”.

The IAEA Secretariat every year dutifully recycles its previous report, entitled “[Application of IAEA Safeguards in the Middle East](#)”, updated to reflect any changes in the conclusion of NPT safeguards agreements and additional protocols in the region of the Middle East. The Report’s “Section B: Application of Full-Scope Agency Safeguards”, recycles essentially word for word the text from my time – but provides no evidence of what efforts the Secretariat has taken in this regard. “Section C” outlines the Agency’s contributions to the NPT review

process and its background document provided to the first session of the UN Middle East Conference.

The [latest Agency](#) report states that the Agency “will continue to consult and work with the states of the Middle East region to find the common ground required to develop the model agreements as a necessary step towards the establishment of a Middle East NWFZ”—again no evidence of such consultations is referenced.

This lack of initiative by the IAEA Secretariat is not surprising, as the Agency’s Board of Governors, the states of the region of the Middle East, and other Member States, themselves demonstrate no drive nor urgency in doing any technical work on nuclear verification, nuclear safety and security, and peaceful uses of nuclear energy to support a future nuclear-weapon-free zone in the region of the Middle East.

On the contrary, some Member States actively work to ensure that no such work will be carried out by the IAEA Secretariat and prevent the Secretariat from preparing any report on the nuclear programme and activities of the only NPT hold-out State in the region of the Middle East, even if based on open sources. In deference to the mythical “spirit of Vienna”, the NPT states of the region of the Middle East then demure from pushing the matter in return for adoption by consensus of the aforementioned annual IAEA General Conference resolution on the “Application of Safeguards in the Middle East”—that in effect is a hollow resolution.

The NPT Member States of the IAEA from the region of the Middle East now need to reassess the utility of their ritualistic annual resolution on the “Application of Safeguards in the Middle East”, that has no follow-up actions and has not achieved any measurable results in recent years.

One reason for this inaction is the sustained opposition of the Western Group of States and the European Union, as well as Israel, to exclude any technical work at the Agency on nuclear verification modalities for a future Middle East nuclear-weapon-free zone. Critics charge that such inaction by the NPT Member States of the IAEA from the region of the Middle East is counter-productive to the goal of establishing a MENWFZ and reflects the view that these states in fact are not interested in establishing a zone but merely go through the motions of calling for one.

In my view, at the June 2022 meeting of the IAEA Board of Governors where the Secretariat’s report on the Middle East is considered and also at the 2022 IAEA General Conference, the NPT states from the region of the Middle East should request the Director General to prepare a technical report on possible verification modalities and on peaceful applications of nuclear energy for a future regional nuclear-weapon-free zone.

Such reports were prepared by the IAEA in the past, such as the 1989 “[Modalities of Application of Agency Safeguards in the Middle East](#)” that included a “[Technical Study on Different Modalities of the Application of Safeguards in the Middle East](#)”. This could now be updated in light of advances in verification technologies and procedures, and in peaceful uses of nuclear energy.

Middle East Nuclear-Weapon-Free Zone

In terms of new NWFZs, the Middle East remains an old unfulfilled obligation. First jointly proposed by Egypt and Iran in 1974 through a General Assembly resolution, the concept was broadened in 1990 through the Mubarak Initiative to cover all weapons of mass destruction (WMD). There is as yet no final agreement on the details of a treaty on the WMD-free zone; however, keeping to basics it is possible to identify practical measures and elements – as is endeavoured in a draft treaty text prepared by [The METO Project](#) and by [Egypt](#) in its working paper for the upcoming UN Middle East Conference.

Given space limits, I will refrain from recalling the history of the efforts to set up a NWFZ/WMDFFZ in the region of the Middle East; hence I will focus on some of the most recent developments.

Traditionally, Egypt has taken the lead in promoting efforts for the implementation of the 1995 NPTREC Resolution on the Middle East in the NPT review process, as well as at the IAEA General Conference and at the First Committee of the UN General Assembly on the establishment of a NWFZ in the region of the Middle East.

In 2018, the UNGA First Committee adopted by voting ([103 yes :3 no²: 71 abstentions](#)) decision 73/546 co-sponsored by Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen and State of Palestine on *Convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction*.

The UNGA decision called on the UN Secretary General to:

- convene a conference for the duration of one week to be held no later than 2019 dealing with the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction;
- the conference shall take as its terms of reference the 1995 NPTREC resolution;
- the conference shall aim at elaborating a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region;
- all decisions emanating from the conference shall be taken by consensus by the states of the region;
- all states of the Middle East, the three co-sponsors of the 1995 resolution on the Middle East, the other two nuclear-weapon states and the relevant international organisations (IAEA, OPCW, BTWC ISU) to participate; and
- the Secretary-General to convene annual sessions of the conference for a duration of one week at United Nations Headquarters until the conference concludes the elaboration a legally binding treaty establishing a Middle East zone free of nuclear

² Israel, Micronesia, US.

weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region.

Accordingly, Under-Secretary General and High Representative for Disarmament Izumi Nakamitsu and the Office for Disarmament Affairs made the preparations for the conference. The conference was held at UN headquarters on 18 to 22 November 2019; with the Conference President Ambassador Sima Sami Bahous, Permanent Representative of Jordan to the United Nations. Israel did not attend the first session of the conference and according to sources worked to undermine the conference; and the US also did not attend.

The November 2019 Middle East Conference adopted a "[Political declaration on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction](#)". The Declaration, *inter alia*, "Welcome[d] all initiatives, resolutions, decisions and recommendations on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction". I consider The METO Project as contributing to this UN mandated effort. That session also managed to adopt a number of important decisions laying the institutional and procedural aspects of the following sessions including the decision-making modalities. Nonetheless, the first session failed to set up any intersessional or technical work on the attributes of a Middle East zone.

The 2020 Middle East Conference was [postponed](#) on an exceptional basis to be held no later than November this year – it is scheduled from [29 November to 3 December 2021](#). The President-designate is [Ambassador Mansour Ayyad Sheikh Al-Otaibi](#) of Kuwait, Permanent Representative to the United Nations in New York. Reports note that neither Israel nor the United States will be attending the second session the upcoming UN Middle East Conference.

It is my understanding that the NPT states of the region of the Middle East consider that:

1. the 2018 UNGA resolution on convening a conference on the zone was a breakthrough;
2. the new initiative through the UNGA is directed at all states of the region of the Middle East, the three co-sponsors of [the 1995 NPTREC Resolution](#), together with the other two NWS, are invited and no states of the region shall be excluded;
3. while the UNGA route was not ideal, it was resorted to as there was no realistic alternative due to the prevailing situation regionally and globally and the oppositional US positions at the NPT Review Conference; and
4. the initiative shall be fully inclusive, involve direct dialogue, be based on arrangements freely arrived at, there will be no singling out of any State of the region; however, if any State of the region does not attend, this cannot prevent other states of the region to attend the conference.

As regards the UN Middle East Conference and the NPT review process, at the 2019 NPT PrepCom several states welcomed the upcoming 2019 Middle East Conference, and the NPT PrepCom Chair's "working paper" took [factual note](#) of the UNGA decision to convene the conference in November, albeit some aggressive and unfortunate statements were made by two states parties criticising the UNGA resolution and the conference. The US referred to the UNGA decision as "divisive" and stated that the US regarded the decision as "illegitimate"

and therefore would not accept any text in the 2019 NPT PrepCom “Recommendations to the Review Conference” referring to the November 2019 conference. The UK noted its support for the process to achieve a zone in the region but did not expressly support the November 2019 conference. In its intervention on the matter, Egypt recalled that the NAM, the African Group, the Arab Group, the New Agenda Coalition, and some 55 other states had already explicitly expressed their support at the NPT PrepCom for efforts to achieve the zone and for the November 2019 UN Middle East Conference.

Regarding the question of how to deal with the Middle East issue at the Tenth NPT Review Conference postponed from 2020 to January 2022 due to the COVID pandemic, it is my understanding that the following eleven points are relevant:

1. The Middle East zone now can be considered as the fourth pillar of the NPT;
2. The NPT review process remains the primary focus for the implementation of the [1995 Resolution](#) and the UN Conference is *not* an alternative to the NPT process but should be regarded as parallel and complementary;
3. The UN Conference could alleviate pressure on the 2022 NPT Review Conference on the Middle East regional issue in Main Committee II;
4. There is no intention to turn the Middle East issue into a stumbling block towards the success of the 2022 NPT Review Conference and the NPT states of the region want the review conference to be successful in agreeing on substantive actions across the three pillars of the NPT – nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy, as well as the regional issue of the Middle East and the implementation of the 1995 NPTREC Resolution;
5. For the NPT states of the region, the Middle East zone issue remains within the NPT process and the tenth review conference would have to reaffirm and recognise this;
6. The NPT states of the region believe in collective not selective security and this calls for the universalisation of the NPT and the cessation of granting privileges to states not party to the Treaty;
7. Regarding the three co-sponsors of the 1995 NPTREC Resolution: the UK has voiced support for the vision of a MEWMDFZ; the Russian Federation endorsed the convening of the conference and attended the November 2019 conference which it regarded as easing pressure at the Tenth NPT Review Conference, and its working paper for the 2021 conference *inter alia* notes that “Russia is ready to provide comprehensive expert and political support to efforts to establish a Middle East zone free of nuclear weapons and other weapons of mass destruction and their means of delivery if that would be useful and valuable to the states of the Middle East. We are convinced that any steps related to such a sensitive matter as the establishment of the world’s first zone free of all types of weapons of mass destruction can be taken only following the adoption of phased decisions by consensus, with the participation of all countries of the region”; while the US has indicated support for the goal of a Middle East free of WMD based on direct dialogue and consensus; and for their part, China and France continue to extend considerable support for the objective and the relevant processes;
8. The 2018 UN General Assembly decision garnered more than 100 affirmative votes, which was a clear majority of UN Member States;
9. The UN Middle East Conference shall be open to all states and it is important for these states to fully engage and facilitate the modalities and procedural aspects;

10. The assertion is incorrect that Israel was not consulted in advance on the 2018 resolution at UNGA, in fact it was consulted in advance of the decision; and
11. The November 2021 UN Middle East Conference will provide another opportunity to all states to meet and discuss zone matters, express views, all decisions shall be by consensus, it will be an opportunity for direct consultations among the states of the region of the Middle East, and it will up to the states of the region to decide when and how to negotiate a future Middle East nuclear and weapons of mass destruction zone treaty, in accordance with UN General Assembly and UN Disarmament Commission principles, to implement the [1995 NPTREC Middle East Resolution](#).

The 2021 Session of the Middle East Conference

As already indicated above, the 2020 UN Middle East Conference had to be [postponed](#) on an exceptional basis to be held no later than November this year. It is now scheduled from [29 November to 3 December 2021](#). The President-designate is [Ambassador Mansour Ayyad Sheikh Al-Otaibi of Kuwait](#), Permanent Representative to the United Nations in New York. As of 14 November 2021, the IAEA had not yet submitted a background paper, though the [Organisation for the Prohibition of Chemical Weapons](#) had done so.

Working Papers submitted by [Egypt](#), Russian Federation and Syria are listed on the conference website. Typically, Egypt's working paper proposes various elements of a future treaty, but the paper is devoid of providing any guidance or recommendations on the process through the conference on how to achieve a treaty. The Russian Federation's working paper too lacks any specifics on the modalities for achieving a zone, but notes that "Russia is ready to provide comprehensive expert and political support ... any steps related to such a sensitive matter as the establishment of the world's first zone free of all types of weapons of mass destruction can be taken only following the adoption of phased decisions by consensus, with the participation of all countries of the region".

Intersessional Technical Work

In my view, 25 years after the adoption of the 1995 NPTREC Resolution, it is finally time for the NPT states of the region of the Middle East to bite the bullet, put words into actions, end procrastination, and utilise the 2021 Middle East Conference to put in place a process to develop possible elements of a future zonal treaty and its implementing organisation – and report progress at future sessions and at the NPT review process. As the Middle East zonal treaty is to cover nuclear and other weapons of mass destruction, it would be advisable for the Conference to establish and agree on the technical mandates of three open-ended working groups, as follows:

- (1) Working Group "A" on nuclear weapons and verification based in Vienna;
- (2) Working Group "B" on chemical weapons and verification based in The Hague; and
- (3) Working Group "C" on biological weapons and verification based in Geneva.

The respective mandates of the working groups could be to elaborate verification modalities, define permitted peaceful activities, deliberate on the structure and powers of a regional zonal organisation to support the implementation of the MENWFZ/WMDfZ, among other technical matters. Representatives of states of the region of the Middle East accredited respectively to the IAEA, the OPCW and the Conference on Disarmament, along with assistance from the relevant international verification organisations and subject experts from civil society could carry out technical work based on mandates from the Conference. The working groups would be required to submit factual technical reports on the authority of the respective working group chairs to the 2022 and subsequent sessions of the UN Middle East Conference and to the NPT review process; as well as to the IAEA, OPCW and the Biological and Toxin Weapons Convention (BTWC) International Support Unit (ISU) for information.

Unless such an intersessional process is established and implemented, the annual sessions of the UN Middle East Conference will remain essentially a talk shop, further delay progress on implementation of the 1995 NPTREC Resolution and on developing the elements of a future zonal treaty, continue to be a distraction in the NPT review process, as well as not making use of the technical expertise of the IAEA, the OPCW, ISU, as well as of significant expertise in the civil society community, such as for example the [Middle East Treaty Organization \(METO\)](#).

The METO Project

The [Middle East Treaty Organization \(METO\)](#) Project for a zone free of WMD in the Middle East represents a civil society initiative that was launched and sustained by Sharon Dolev of the Israeli Disarmament Movement and has attracted support from experts from states of the region of the Middle East as well as from other countries. The sponsorship of this and previous side events by Ireland, and the sponsorship of a previous consultative meeting in Edinburgh by the Parliament of Scotland, as well as support from other governmental and non-governmental sponsors and supporters is testament to the wide interest in The METO Project and in advancing the cause of a Middle East NWFZ/WMDfZ. As a civil society initiative to assist and motivate regional policy makers, METO has prepared draft elements of a possible zonal treaty, provided capacity-building training and has engaged in outreach to promote a regional treaty on elimination of nuclear and other weapons of mass destruction in the region of the Middle East.

Conclusion

In summary, this assessment has proposed that the NPT Member States of the region of the Middle East utilise the expertise and experience of the IAEA in assisting the existing five nuclear-weapon-free zone treaties in force, to prepare technical studies on possible nuclear verification modalities, as well on applications of peaceful uses of nuclear energy. As well as similar inputs from the OPCW on chemical weapons and from the ISU on biological weapons.

In addition, the NPT states of the region of the Middle East participating in the second session of the UN Middle East Conference should agree on establishing three technical groups, respectively on nuclear weapons dismantlement and verification; chemical weapons non-proliferation and verification, and biological weapons non-proliferation and verification.

This technical work would be useful for policy makers and civil society to move the matter of establishing a Middle East NWFZ/WMD Free Zone from the doldrums of talk shops to concrete measurable actions.

To conclude, I personally hope that at the UN Middle East Conference this month and at the NPT review conference in January 2022, the NPT states of the region of the Middle East, and other states as well as international organisations in attendance, can discuss the various aspects of a potential future treaty that could garner the support of all states of the region; and commission the required technical inputs. These efforts need to be joined not by sceptics nor naysayers but by optimists and those who are serious about promoting the cause of a Middle East free of weapons of mass destruction and of its transformation into a region of peace, justice, security and development—the peoples of the region and of the world deserve no less.

The Author

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