



Tenth Cooperative Idea

A New Egyptian Track II Approach to the WMD/DVs-Free Zone in the Middle East/Gulf:

Presented at the Side-Event Organised by APOME, DSF, FES, and GCSP, NPT PrepCom in Geneva, 26 April 2018

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This POLICY FORUM issue revisits the stalemate in the negotiations of a zone free of weapons of mass destruction and their delivery systems (WMD/DVs-Free Zone) in the Middle East/Gulf, which has been negatively impacted by several regional developments. It starts by highlighting the basic gap in the different conceptions of such a zone by the Egyptian-led Arab states, in addition to Iran, on the one hand, and Israel, on the other. Arguing from a comprehensive security perspective in the region, this POLICY FORUM issue presents a new Track II Cooperative Idea by viewing the establishment of the WMD/DVs-Free Zone as an incremental, multi-stage, long-term process that should take place on different tracks and should combine the traditionally incompatible calls for “Disarmament First!” and “Peace/Recognition First!” of the respective negotiating parties. While emphasizing how important it is to keep (in-)formal talks going – and to be patient – a Preparatory Commission for a WMD/DVs Treaty is proposed whose mandate would include special assignments for Track II actors.

Background, Context, and the Central Challenge: Bridging the Crucial Gap between the Differing Conceptions of a WMD/DVs-Free Zone

Since the failure of the 2015 Non-Proliferation Treaty (NPT) Review Conference (RevCon) to achieve a consensus document, the talks about a WMD/DVs-Free Zone in the Middle East/Gulf have not achieved any substantial progress.

The challenge has always been how to bridge the gap between the positions of the two most prominent parties in negotiations: that of the Egyptian-led Arab states, which insist on “Disarmament First!”, and that of Israel, which demands “Peace/Recognition First!” (see POLICY FORUM No. 3). For Egypt and other Arab states, Israel’s possession of nuclear weapons and its ambiguous nuclear deterrence policy are a major obstacle to making any progress towards establishing such a zone or achieving peace and security in the region. Israel, on the other hand, regards nuclear disarmament as a consequence of peace and normalization, and not a precondition for such a situation.

This gap clearly reflects the parties’ widely differing conceptions of both the WMD/

DVs-Free Zone and the security threats they perceive. Both sides regard the zone as a means to reach different ends or goals. Israel sees it as a way to disarm Iran,¹ to get Tehran to recognise it, and to conclude peace agreements with the rest of the Arab states. On the other hand, the Arab countries consider it as a means to narrow the nuclear (or WMD) asymmetry in the region and to coerce Israel to be part of the NPT as a non-nuclear weapon state.

During the Second NPT Preparatory Committee (PrepCom) in Geneva from 23 April to 4 May 2018, the Group of Non-Aligned States Parties to the NPT presented a paper in which they reiterated their support for the WMD/DVs-Free Zone and called on the Secretary-General of the United Nations to accelerate his efforts to ensure the convening of the postponed 2012 conference no later than 2020, “with the aim of launching a process to negotiate and conclude a legally binding treaty on the establishment of a Middle East zone free of nuclear and all other weapons of mass destruction” (Group of Non-Aligned States Parties, 2018). Although this paper attempts to present an action plan for convening a successful conference on the WMD/DVs-Free Zone, it does not

¹ A nightmare scenario for Israel’s national security is to have a nuclear-armed Iran with a direct corridor to its borders and military facilities inside Syria (Kershner 2017).

address the predicament or the gap in positions mentioned above that has caused the stalemate in the negotiations so far.

Farewell to Unrealistic Goals

It is not realistic, on the one hand, to expect that Israel would accede to the call of the Arab states and international community and join the NPT as a non-nuclear weapon state any time in the near future. This is mainly due to the current volatile security situation in the region, Israel’s adversarial relationship with Iran,² and the on-going state of war between Israel and Syria. It is also hard to imagine that the Donald Trump administration would act as a champion of nuclear disarmament in the Middle East, and specifically be eager to resume the talks on the zone. Similarly, it is unlikely that President Trump would put pressure on Israel – the United States’ closest ally in the Middle East – and coerce Prime Minister Benjamin Netanyahu’s government to join the NPT sooner rather than later as a non-nuclear weapon state, open all of Israel’s nuclear facilities to International Atomic Energy Agency (IAEA) inspections, and place these facilities under the IAEA’s safeguards.

² The possibility of confrontation between Israel and Iran intensified after the Israeli strikes on Iranian targets in Syria on 10 May 2018.

On the other hand, it is not fair to keep advocating that the non-nuclear weapon parties to the NPT should initiate trust-building measures and add to the commitments and obligations they already have under the Treaty, taking into consideration that most of them have put Additional Protocols to the Comprehensive Safeguards Agreements into force.³ This would simply be a reiteration of the double standards that weaken the legitimacy of the NPT.

Regional Obstacles to Be Tackled

Experts and officials have discussed at length the political and technical complexities of establishing a WMD/DVs-Free Zone.⁴ This section will only hint at the most recent events that have added to the deep-rooted tensions and mistrust in the region. At the political level, the challenges are numerous, ranging from the on-going wars in Syria and Yemen, to the violation of the taboo on the use of chemical weapons against civilians in Syria, to countries violating other states' sovereignty by carrying out air strikes, sending troops in on the ground, and/or supporting armed groups that are parties to the conflict.

The increasing role and influence of Iran in Syria, Iraq, Yemen, and Lebanon are very alarming to some of the Gulf states, particularly Saudi Arabia, Bahrain, and the United Arab Emirates (UAE). Saudi Arabia has been continuously urging the United States to put more pressure on Iran to stop its interventionist policy in the region. There are currently doubts and uncertainty about the future of the Joint Comprehensive Plan of Action (JCPOA) agreed on by the E3/EU+3 and Iran after the officially announced US withdrawal on 8 May 2018. This decision of the Trump administration has led to more uncertainty in the Middle East. It has made it extremely difficult to build on the JCPOA (as a result of successful multilateral negotiations) and extend it as a model for talks about the proposed WMD/DVs-Free Zone in the region.

3 States of the Middle East and North Africa region that have ratified Additional Protocols include Bahrain, Djibouti, Iraq, Jordan, Kuwait, Libya, Morocco, and the UAE; states that have signed but not yet ratified them include Algeria, Iran, and Tunisia.

4 See, for example, Aboul-Enein (2017); Baumgart and Müller (2010); Bino (2017); Kubbig and Weidlich (2015); Lewis (2013); Mallard and Paolo (2014).

The New Egyptian Track II Approach: To-Be-Developed Elements of a New Cooperative Idea

Against the backdrop of the current situation in the region, the prospects for the WMD/DVs-Free Zone seem increasingly bleak and complex. This alarming situation, however, should be an incentive for all parties involved to avoid the nightmare of regional nuclear proliferation and a WMD arms race by adopting new approaches aimed at reviving effective talks. Ultimately, the Egyptian-led Arab states wish to narrow down the WMD asymmetry in the region and Israel wants to avoid the scenario of a Middle East/Gulf with multiple nuclear reactors.⁵

Anchoring the discussion of the WMD/DVs-Free Zone in the NPT Review Conferences has led to a stalemate in the negotiations in a context where the non-nuclear NPT states parties are already frustrated about having states with nuclear capabilities outside the Treaty and about the pace at which nuclear-weapon states parties to the NPT have been implementing their disarmament obligations under Article VI. This link with the NPT RevCon has also resulted in a process that does not consider the realities of the Middle East/Gulf in terms of the changing interests, priorities, and aspirations of the regional parties involved. This POLICY FORUM issue, therefore, suggests re-addressing the zone in a way that is not necessary related to the NPT itself, but rather from a comprehensive security perspective that takes into account the vital political dynamics and foreign policy priorities in the region.

This prompts several questions: is there genuine interest among all the parties involved (including the depositary states) in resuming the talks about the WMD/DVs-Free Zone? Do all the states in the region perceive the threat of using nucle-

5 Saudi Arabia reportedly seeks parity with Iran in a nuclear power deal with the United States. Saudi Crown Prince Mohammed bin Salman told CBS News on 15 March 2018 that “without a doubt if Iran developed a nuclear bomb, we will follow suit as soon as possible”. The media reported in February 2018 that the United States is “negotiating with Riyadh over a nuclear power deal that might allow it to enrich and reprocess uranium in exchange for choosing US companies to build reactors in the kingdom” see Radio Free Europe/Radio Liberty (2018).

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ar weapons or WMD as a real, immediate threat? Do they prioritise the WMD/DVs-Free Zone as a security issue that needs to be urgently addressed, among other rising security issues such as terrorism, insurgencies, and organised crime?

The answer to these questions requires undertaking a reassessment of the interests, needs, and goals of all parties, which should be done in an appropriate forum, as will be explained in the following sections.

Procedural and Organizational Aspects

To achieve the expected diplomatic momentum at the Track I level and revive the talks, this POLICY FORUM issue suggests convening a series of closed Track I.5 meetings to reassess the goals, interests, and aspirations of all parties to the proposed WMD/DVs-Free Zone. These Track I.5 meetings could be a continuation of multilateral consultations that took place in Geneva/Glion in 2013/14 at the governmental level. Getting representatives of all the parties involved to talk to one another is an essential step for starting the talks/negotiations. The establishment of a such a zone in the Middle East should be seen as a long-term process, while progress towards this end will be incremental and will occur in multiple stages and on multiple tracks; therefore, it is important to keep the talks going – and to be patient.

In Need of New Leading Extra-regional State Actors

Since the United States under the Trump administration seems no longer willing to play the role of the champion of nuclear disarmament in the region among the depositary states of the NPT, the European Union should step in to revitalise the negotiations on a WMD/DVs-Free Zone. Germany, France, and other EU countries that have direct interests in avoiding a WMD arms race and increased instability in the Middle East/Gulf should put pressure on all the parties to restart the talks on the zone. The recent escalating tension between the United States and its allies (Britain and France), on the one hand, and Russia backing Syria, on the other, over the alleged chemical weapons attack in the town of Douma in April 2018 makes

the moment ripe for extra-regional state players to become active on zonal arrangements and submit initiatives to combat chemical weapons.

Analysing the WMD/DVs-Free Zone as Part of a More Comprehensive Security Approach in Concrete Terms

This requires reviving the link between the WMD/DVs-Free zone and the Israeli-Palestinian peace process: at the very least, both processes should be designed and implemented in parallel. Insisting on ignoring this link will not help to overcome the stalemate in the negotiations. This does not necessitate entangling the talks about the zone with the peace talks as such, but moving ahead in the Palestinian-Israeli peace process is highly likely to lead to a breakthrough in the talks about the zonal arrangement.

Bridging the Gap between the Arab States' Position and That of Israel

This could be achieved by designing a multi-track negotiation setting in which each topic related to the WMD/DVs-Free Zone would be negotiated separately, but simultaneously. By referring to the Russian proposal of 8 May 2017 (see POLICY FORUM No. 3), which could become relevant in the narrow NPT context, regional security concerns would come into play. Not all regional security issues could be addressed while discussing the WMD/DVs-Free Zone. There are, however, issues that are alarming to all parties involved, and could be used to initiate discussions on:

- Violations of the taboo on using chemical weapons against civilians;
- The threat of having non-state actors or private networks that possess or are capable of developing chemical weapons. This should be an incentive for the parties involved to work towards building a robust verification regime with the help of the IAEA, the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Comprehensive Nuclear Test Ban Treaty Organization (CTBTO).
- A robust verification regime and adequate safeguard agreements: if accepted by all parties, they could, of course, constitute a vital trust-building element.

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In addition to such issues acting as potentially unifying factors, both sides may find common ground by providing incentives to the parties to the negotiations. This may include scientific cooperation in the area of nuclear energy for civilian purposes. Investing in projects like SESAME⁶ may help the region to establish its own CERN organization. Investment and trade deals should be also used as incentives.

Moving beyond the Second NPT PrepCom in Geneva in April 2018

This POLICY FORUM issue suggests establishing a Preparatory Commission for a WMD/DVs Treaty based in Switzerland or any other country that could be considered 'neutral' to the issue of the zonal arrangement and that is willing to host this Preparatory Commission. Its status could be discussed later in terms of whether or not it would be better for it to be affiliated to the UN or one of its institutions, or to remain an independent body.

The Preparatory Commission would comprise academics, former diplomats, and independent researchers who have been working in this area. Its tasks should be as follows: The Commission should

1. Pursue the proposed comprehensive approach to the WMD/DVs-Free Zone with its different tracks in greater detail by discussing a joint list of regional security priorities and suggestions for bridging the fundamental gap between the two sides.
2. Maintain momentum by ensuring that regular talks and meetings take place between representatives of all concerned parties.
3. Become a hub for all the initiatives that are working towards advancing the WMD/DVs-Free Zone.
4. Host workshops for representatives of the IAEA, OPCW, AND CTBTO to develop a proposal for measures to build a robust verification regime for the zonal arrangements.

⁶ SESAME stands for Synchrotron-light for Experimental Science and Applications in the Middle East (see <http://www.sesame.org.jo/sesame/>). CERN is the Geneva-based European Organization for Nuclear Research.

5. Host working groups to propose drafts of a zonal treaty.
6. Stimulate the zonal negotiations with the participation of representatives (not necessarily formal ones) of the concerned parties with the help of professional mediators to pave the way for actual negotiations.
7. Link Track II/I.5 efforts with those of track i (with the above-mentioned Russian proposal as a way of making the connection), while taking *Cooperative Ideas* and requests generated by civil society into consideration. ■

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APOME and GCSP wish to cordially thank our generous sponsor:



This side-event was organised with the generous support of the Geneva Office of Friedrich-Ebert-Foundation (FES).

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