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A NUCLEAR FREE ZONE FOR THE MIDDLE EAST: IMPLICATIONS FOR NATO

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Since the onset of the Arab Spring, Middle East states have been undergoing dramatic political transitions to re-orient their foreign policies. Additionally, as states undergo democratic changes to re-align their views, parliamentarians, particularly through their committees on foreign affairs, Arab affairs and national security, are playing significant roles in developing innovative disarmament and security policies, including policies on terrorism, the illicit flow of arms, landmines, cyber terrorism, and the risk of nuclear proliferation, from both non-state and state actors. Thus, while the region is undergoing a dramatic shift, new ideas and policies are being developed to address the aforementioned emerging security challenges.

As the region experiences an unprecedented time of change, NATO has become increasingly interested in collaborating with Middle East states through its Mediterranean Dialogue. Its sharing of interests with these states stems from its historic interactions with several Mediterranean Dialogue partners, which were part of the IFOR and SFOR peace operations in Bosnia and Herzegovina and the *Cooperative Best Effort 2005*, a field-training program. As a result of the pre-existing relations between NATO and several states, NATO affirmed that “security in the whole of Europe is closely linked to stability and security in the Mediterranean.”

Since the events of 9/11, NATO has been actively seeking closer cooperation with its Mediterranean Dialogue partners to address the arrival of more than 13,000 foreign terrorist fighters. Likewise,

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NATO's Mediterranean partners are showing increased interest in deepening their partnerships with NATO to address political and security concerns, and receive assistance to effectively address terrorism and other security issues. Consequently, NATO and several partners of the Mediterranean Dialogue initiated the maritime operation known as *Active Endeavour* to prevent terrorist activities in the Mediterranean Sea. This program heavily relied on the states' decisions to volunteer their forces and place them under NATO's command. This program further illustrated the Mediterranean Dialogue partners' willingness to "carry some of the burden of stability and security in their own region," as well as to engage in future cooperative programs with NATO.

In its 2011 Strategic Concept document, NATO also affirmed its desire to develop additional partnerships with states from the Mediterranean and Gulf Region in order to address security concerns associated with terrorism. As a result of its 2011 document, NATO increased its joint activities with its Mediterranean Dialogue partners from 700 activities to more than 1600 activities. These activities include: "military contact to exchange information on maritime security and counter-terrorism, access to educational programs provided by Alliance institutions, and joint crisis management exercises."

In response to the growing collaborative activities between NATO and its Mediterranean partners to curtail the movement of terrorists and terrorist activities in the region, on 9 December 2014, NATO's Secretary General, 28 representatives of the North Atlantic Council, the Chairman of the Military Committee and representatives from Mediterranean Dialogue partners Algeria, Israel, Jordan, Mauritania, Morocco, and Tunisia participated in a forum to celebrate the 20th anniversary of the Mediterranean Dialogue. At the forum, the Secretary General of NATO underscored that "NATO's security is closely linked to the security and stability of the Mediterranean and the Middle East." Consequently, the Secretary General highlighted the necessity for NATO and its partners to further develop close partnerships between their armed forces in defense and security, in order to combat terrorism and other security concerns in the region.

As NATO and its Mediterranean partners continue to improve their relations with one another through the framework of the Mediterranean Dialogue, there will be pressure amongst policymakers for them to support the establishment of a Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East. A WMDFZ in the Middle East would 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 would be an important regional confidence-building measure that reaffirms the commitments of the states to honor their legal obligations to other international non-proliferation and disarmament instruments to which they are parties. The WMDFZ in the Middle East could be modeled upon the UN guidelines and principles for the establishment of a nuclear weapon-free zone, the Pelindaba Treaty, and the discussions from the 2011 IAEA Forum entitled the "Experience of Possible Relevance to the Creation of a Nuclear Weapon Free Zone in the Middle East."

In this article I intend to address several issues, namely the Arab spring and the changes in the region, potential steps to build a WMDFZ, technical challenges and risks to the Zone and the process, and

technical provisions necessary to achieve nuclear disarmament and non-proliferation in the Middle East. I will then offer some conclusions and key points regarding the possible future of the zone.

The Current State of the WMDFZ Project in the Middle East

First, it is important to recognize that we are not starting from scratch. We should take stock of available building blocks in the multilateral security and non-proliferation regime, best practices from successful experiences in regional free zones and unilateral disarmament, in addition to the technical lessons and experiences learned and accumulated.

Since 1974 there have been regular discussions and actions carried out at international and regional levels to establish a nuclear free zone. During the process we have seen the emergence of building blocks and best practice guidelines for the development of nuclear free zones, principally through the IAEA (International Atomic Energy Agency) 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 Nuclear Weapon Free Zone (NWFZ);
- 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.

The United Nations also established guidelines and principles for NWFZs that should be thoroughly utilized. The guidelines include references to the following:

- An 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 an NWFZ, in order to facilitate the signature and ratification of the treaty;
- An NWFZ will help strengthen the security of States parties in 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 honour their legal obligations to other international non-proliferation 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.

In addition to the guidelines set out above there are already a number of examples of successful nuclear weapons free zone agreements, such as the Tlatelolco Treaty, the Rarotonga Treaty and the Pelindaba Treaty. For example, the Pelindaba, signed in Cairo in 1996 by 47 of the 53 African states, established an NWFZ in Africa. The treaty prohibits the research, development, manufacture, stockpiling, acquisition, testing, possession, control, or stationing of nuclear explosive devices on the territory of parties to the Treaty and the dumping of radioactive waste 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 the NPT (Nuclear Non-Proliferation Treaty).

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.

Important lessons for the Middle East can also 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.

Another example of successful control of nuclear materials is Brazil and Argentina. ABACC (Brazilian Argentine Agency for Accounting and Control of Nuclear weapons) is a regional organization that also has relevance to the establishment of a Middle East zone. 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).

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 Arab Spring and the Technical Challenges to Zone Process

The “Arab Spring” undoubtedly changed fundamental dynamics in the Middle East, with significant implications for the political and security settings of the region. Public opinion increasingly now 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 witnessed in recent years, the flow of masses in the streets was a sign of people's desire for deeper engagement in the policymaking and security concerns in the Middle East, more in line with domestic aspirations and a reflection of popular demands.

Technical Challenges to the Zone Process

Given the demonstration of public concern, what steps are needed to establish a Middle East Nuclear Weapons Free Zone? The answer is that, to advance the establishment of a Middle East zone, there is a need to achieve progress on such issues as the geographic scope of the zone, and the inclusion of substantive agenda items such as verification and compliance, in addition to addressing the following questions:

- Which institutions will be entrusted with the responsibility of the zone?

- 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 choose: from sending a warning to actually taking all the fissile materials out of a facility).
- How can security guarantees be given to reinforce the process of the zone's establishment?
- What role will the peaceful uses of nuclear energy, as well as nuclear safety and security, play in future zone discussions?

Next steps and opportunities to build a WMD-Free Zone are the following:

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 (Middle East) Free Zone Conference. The ME Free Zone 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 a candid interaction on nuclear disarmament 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.
2. Addressing the scientific and technical dimension of the WMDFZ proposal – including institutional and legal issues – can help break the current stalemate in diplomatic negotiations and make substantial progress toward the end-goal of a Middle East free of weapons of mass destruction and their delivery means.
3. To facilitate the process, all relevant international non-proliferation 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.
4. 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 destroyed all nuclear devices manufactured prior to the entry into force of the free-zone treaty, as would be true in the Israeli case.
As a result, of the Arab Spring, 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.
5. Given the need to create a matrix for regional discussion on diplomatic, political and technical issues, we need to think outside the box. This involves using the resources of academic experts and the regional think tanks devoted to security and disarmament issues. Regional think tanks

need to be better equipped to provide and stimulate considered thinking and analysis on the challenges and opportunities present in developing a regional framework. A key role for this community would be to draw out the appropriate lessons from other established WMD-free zones. Opportunities may exist to develop networks and platforms for the exchange of perspectives and ideas across the region, as well as with think tanks in the EU, USA and elsewhere, to help the discussion move beyond traditionally constrained diplomatic discourse.

Experts, academics and officials also have a role to play in inspiring responsible public coverage of the zone across the region that extends beyond pure politics. Reaching out to the media to provide accessible expert briefings on the concepts, terms and definitions of a zone could help to build awareness and stimulate greater discussion of the technical building blocks of the zone.

6. The key need at present is to build capacity for a Nuclear Free Middle East Zone but this process faces a number of constraints. At present, discussions of a zone are largely the preserve of diplomats, bureaucrats and politicians – which may be appropriate to navigating the political context, but limits the technical breadth and depth of discussions over frameworks and institutions. Therefore detailed discussion of technical requirements will be needed.

Several layers of technical expertise will be required both to write the agreement and establish a technically solid zone, and to run, manage, maintain and protect it once it is in place. This will require knowledge of verification, monitoring and inspection; an understanding of where joint ventures might be possible, and what technologies might be associated with them; the capacity to establish, protect and maintain peaceful nuclear energy programmes and expertise in the safe and effective dismantling of the nuclear-weapon programmes that currently exist.

Conclusions

The establishment of a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the Middle East remains crucial despite up to now not convening a conference on this initiative as mandated within the NPT Review Cycle. This project took on 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 its technical dimensions and verification mechanisms.

In order to make progress towards such a zone in the Middle East, the United Nations should engage Israel, Iran and the Arab states in substantive and procedural preparations to launch a negotiating zonal 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).

The proposal to build the zone is an initiative that has potential, 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. These are the very reasons why NATO should not only follow and monitor these developments but support constructively the project within its partnership policy. Discussing with its Middle Eastern partners the initiative and supporting their efforts would provide an additional momentum for its implementation, particularly on capacity building, technical experiences and academic contributions through the various NATO institutions, including the NATO Defense College.



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