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**2012 Conference on the WMD-Free Zone on the Middle East:
How Russia and United States Should Work Together**

A Policy Memo

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The fast moving controversial developments in the Middle East and North Africa seem to be sidelining the search for responses to some fundamental security challenges in the region. This refers, among many other issues, to the discussion of steps for the preparation and successful conduct of next year's conference on the WMD-Free Zone in the Middle East. Furthermore, some think that there is not a favorable environment for such a conference now or in the foreseeable future.

It should be recalled that the decision to hold a conference on the creation of a Middle East NWFZ was made through consensus at the NPT Review Conference 2010. Without that decision it would have been impossible to adopt the final document of that conference - the result of a fragile but viable compromise that helped preserve and even strengthen somewhat the architecture of the international nuclear nonproliferation regime at a difficult time. It is equally important that the aim of establishing a zone free of nuclear and other weapons of mass destruction (WMD) in the Middle East was recorded in the NPT Conference decision in 1995 when the treaty's future, including its extension, was discussed. There should be no illusions: Without the obligation to move toward freeing the Middle East of nuclear weapons there would not have been an indefinite extension of the treaty that, four decades after it entered into force, remains a cornerstone of global stability.

However, the main obstacle in the path of a NWFZ conference in 2012 is even not so much impediments from the opponents of a nuclear-free Middle East as skepticism and distrust that any progress in this field is possible in the first place. Such conclusions are not entirely baseless -they arise from the assessment of what has been achieved on a Middle East NWFZ since 1974 when it was first declared: Indeed, it has for the most part been marking time ever since. As a result, both experts and diplomats sometimes wish to brush aside the question of creating an NWFZ in the Middle East; is hopeless and unviable. This approach leads to the risk of zero expectations from the 2012 conference and, as a result, complete inaction.

Without going into another extreme and painting the situation in rosy colors which would be entirely inappropriate with regard to the Middle East – Russia and the United States (together with U.K.) as co-sponsors of the 1995 resolution should introduce a constructive element in the discussion on how the 2012 conference should be prepared, what issues it should consider and how the extent of its success or failure should be measured.

Today's Situation

A year and a half has passed since the Review Conference adopted the Final Document. Preparations for the conference have just begun.

Some experts also suggest that it would be expedient to postpone the conference to a later date (2013). Different arguments are put forward. Some say that the current events in the region will for a long time distract many Middle East states from the issue of nuclear weapons, weapons of mass destruction and a WMD free zone. Others believe that the year 2012 is extremely inappropriate as it is a year of presidential elections in the United States and during the election campaign the incumbent president will be constrained in his moves with regard to Israel. Still others think that Iran's chairmanship in the Nonaligned Movement, which will start at the height of next year, could be an impediment: Iran, they say, will be rocking the boat of multilateral diplomacy especially vehemently. There may be a grain of truth in each of these approaches but all of them are the result of the implicit admission of the lack of readiness for an important conversation and therefore the wish to postpone its start under any pretext.

However, as a representative of the UN Secretariat who was in charge of 2010 NPT Review Conference mechanism commented, there is a resolution by the signatories to the NPT. It mentions the year 2012 in no uncertain terms. It would be against the document to postpone the start of the conference to a later date.

The first step in this direction has already been made. On October 14, 2011, UN Secretary-General Ban Ki-Moon announced in New York that Finland's Undersecretary of State Jaakko Laajava will facilitate preparations for the 2012 conference on a zone free of weapons of mass destruction in the Middle East.

Finland will most likely host the conference, the convening of which is mandated by the Action Plan adopted at the 2010 NPT Review Conference. The exact date of the conference, its agenda and participants are yet to be agreed.

It would be wise to start the Conference after the US presidential elections – perhaps, in December 2012. It may also bring it into 2013 which is fine. For most players from the Middle East, however, having it in the middle of cold Finnish winter is unattractive. There is still time to think of multiple options, say, to hold it in Spain with a Finnish facilitator, or to hold it in Finland, but in two phases: one in later 2012 and the next one six month after.

Israel and Iran

Who should be invited? This brings up the issue of definition. Indeed, what is the Middle East as a region? We will not go deep into comparisons or remember that the U.S. definition of the Middle East includes, for example, Georgia, Armenia and Azerbaijan. For purposes of the discussion of a WMD free zone we propose that, based on the IAEA procedure of 20 years ago, "core states" in the region are identified and then "peripheral" states are added. Since there is not a generally accepted definition of "core states," they could be designated geographically as follows: from Libya (or Algeria) in the west to Iran in the east and from Syria in the north to Yemen in the south.

In any case, there is no doubt that the 2012 conference will be an exercise in futility unless Israel and Iran - the only two non-Arab states in the region, each of which has questions to answer, without which it is impossible to move toward the creation of a WMD free zone - are invited and accept the invitation.

As of now, it is not entirely clear whether Israel and Iran will participate in the conference. Both are waiting, believing that it is too early to make their final decision known.

Iranian diplomats accompany their comments on the 2012 conference with traditional rhetoric with regard to the "Zionist regime" but on the whole they are not negative toward the idea of a conference: After all, Iran also participated in drafting the final document of last year's review conference. Iran will most likely seek to predicate its participation in the future conference on the lifting of the Security Council sanctions against it and possibly the adoption of a legally binding document stipulating that the nuclear facilities in the region will not be subject to attack.

As for Israel, despite the general opinion to the contrary, it is not entirely negative either. At an international meeting of experts on the WMD-free zone in February, which I attended, a high-ranking Israeli diplomat (sitting at the same table with the Iranian ambassador) spoke, although not quite explicitly but rather

positively about the possibility of Israel's participation in the 2012 conference with all the known reservations (to the effect that regional problems arise not from the fact that Israel has nuclear weapons but from a surplus number of conventional weapons that in fact kill people). Its position could be reduced to the following: We are not enthusiastic about this conference but we will not necessarily ignore it; we are currently weighing up the options.

A great deal here will depend on the consistency of the U.S. administration which back in 2009 - through U.S. Assistant Secretary of State Rose Gottemoeller, at a session of the Review Conference Preparatory Committee directly urged Israel to move toward accession to the NPT.

On its side, Russia should intensify work with Iran assuring its participation.

It is obvious that both Israel and Iran should have motivations, or carrots, to come to the Conference. This should not be ignored or declined by U.S. and Russia. However, there is a risk that Israel would demand too much from the United States blackmailing with not participating, and the same would apply to Iran vis-à-vis Russia. Limits of such concessions in preparation for the conference should be agreed upon between Russia and U.S. (as well as UK and Mr. Laajava) in advance.

Scope of Work

First of all, the conferees should agree to limit the subject of consideration. Many diplomats and experts are concerned that the subject of discussion will be not only nuclear weapons but also other types of WMD, as well as their means of delivery. Indeed, there is no experience in such a broad approach to zones on the global level. There is a high risk of "drowning."

However, I believe that the complexity and scale of the task is exaggerated. There is a good proposal from Egyptian expert Nabil Fahmi, who at one time prepared the 1990 Egyptian initiative on a WMD-free zone. He proposes that the conference focus on nuclear weapons and direct the states in the region toward drafting a treaty on a nuclear-weapon-free zone. Later, at a certain stage when the treaty on a nuclear-weapon-free zone ceases being purely hypothetical, the states that have not joined the Chemical Weapons Convention (CWC), which contains an effective verification mechanism, should do so. The same should be done with regard to the Biological Weapons Convention (BWC) but in that case a regional verification agency will need to be created.

All participants in discussions on the prospects for the implementation of the 1995 resolution stumble over a point related to the Middle East free of delivery vehicles. I suspect that the 2012 conference will be out of its depth on this issue. However, it will not be possible to ignore it in the future. In this context I recall the Russian initiative concerning a multilateral character for the bilateral

Russian-US intermediate-range and shorter-range missiles treaty (INF). It is essential to resume the efforts to implement this initiative; this could also become a "zero" missile solution for the Middle East but only in the long term and in the event that other efforts toward a peace settlement are crowned with success.

Possible Decisions

Even if it is well prepared and has a full-fledged makeup of participants, the 2012 conference cannot be expected to become a panacea for the region. No, the best it can be is the long awaited first step toward the practical implementation of the 1995 resolution. Nevertheless, the conference should make several decisions showing the way forward. Russia and United States, together with U.K. and, possibly, with facilitator, could start working on drafting such decision – reasonable compromises – at an early stage.

In my opinion,

- *First of all*, there could be a decision to **establish a permanent regional confidence-building mechanism in the nuclear sphere**, as well as chemical and biological weapons. In this context, it is useful to revisit proposals made within the framework of the ACRES in the early 1990s although the scope of participants should be broader than now.
- *Secondly*, **nuclear safety** issues should be considered as crucial and urgent for the region which has entered into the nuclear age by constructing new NPPs (Iran, UAE, Jordan, and then possibly others). Discussion on how it would be better to approach this topic at the conference should be launched by United States and Russia soon, both through track 1 and track 2.
- The *third* decision could be a joint statement by all conferees to **refrain from attacks on all of the nuclear installations they have declared as well as from the threat of such attacks**. The recent course of events around Iran's nuclear program, which was attacked with information weapons (the *Stuxnet* virus), both confirms the relevance of this issue and raises the question of defining the scope of such attacks.
- *Fourthly*, there could be a decision to develop a **"roadmap" pointing the way to gradually placing all installations of the nuclear infrastructure in the region under IAEA safeguards**. Of course such a decision will be impossible without Israel's consent to place the Dimona facility under IAEA safeguards. At the same time, it would not be reasonable to insist that Israel necessarily declare its entire nuclear arsenal.

- *Fifthly*, conference decisions may include a recommendation for all states in the region **to ratify Additional Protocols to the IAEA Safeguards Agreements as a matter of urgency**. An example might be set by Iran, which could, in the spirit of goodwill, finally ratify Additional Protocol before the conference.
- *Sixthly*, another step, possibly on the margins of on in parallel with the Conference, could be **unilateral parallel statements by Israel, Egypt and Iran about their readiness to ratify the Comprehensive Test Ban Treaty (CTBT) in the very near future**.
- *Finally*, the conference could make a decision to **establish an intergovernmental group on drafting the text of a treaty on the nuclear-weapon-free Middle East with the understanding that in the course of that all states in the region will join the Chemical and Biological Weapons Conventions**.

These would be good achievements to approach the 2015 NPT Review Conference that should "gauge" the effectiveness of the efforts over the preceding five-year period.

Russia should as a matter of priority become actively involved in preparations for the 2012 conference. Russian MFA will be receiving consultancy and advice from PIR Center regarding 2012 Conference preparations.

However, no efforts, either by Russia or by other co-sponsors, will be crowned with success unless the states in the region themselves show enough will for cooperation in the development of the nuclear energy sector and the promotion of peace in the region free from conflict and weapons of mass destruction.