

A World Free of Nuclear Weapons: Towards a Nuclear Weapons Free Zone in the Middle East

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Abstract

The idea of establishing a Weapons of Mass Destruction or Nuclear Weapon Free Zone in the Middle East is not new; it dates back to 1970's. However, the security landscape of the Middle East today has compelled most analysts to look at the idea and the concept anew. Most regard the potential arms race in the Middle East to seriously jeopardize the prospects for long term stability and balance of power in the region. Israel, Iran and Egypt seem to have the main regional role in making or breaking this idea for another forty years. The absence of real progress in the Arab-Israeli conflict and the hesitant international expectation to make some movements in that front, as well as Iran's nuclear program being considered at the UN Security Council, where Iran is being practically considered guilty until proven innocent, may offer a window of opportunity to creative thinking and planning for advancing the idea of Weapons of Mass Destruction Free Zone in the Middle East.

Keywords: Nuclear weapon free zone, Iran, Israel, Middle East, United States

Introduction

When NPT was indefinitely extended in 1995, the states also agreed on a set of “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” which included, among others, “the determined pursuit by the nuclear-weapons states of systematic and progressive efforts to reduce weapons globally, with the ultimate goal of elimination of those weapons, and by all States of general and complete disarmament under strict and effective international control.”⁽¹⁾ The progress on this principle has been thus far discouraging.

This article briefly discusses the legal context of general and complete nuclear disarmament, the historic obstacles, the renewed hopes that the new American President may have created, and the leading role the US and Russia must play towards eradication of nuclear weapons. The article suggests that establishment of Nuclear Weapons Free Zones (NWFZs) is a constructive step not just for non-proliferation purposes but also it is a step among



many, which if pursued collectively, tends to create a global political condition which helps the nuclear-weapon states to regard the risks they associate with taking some concrete and progressive steps towards a world without nuclear weapons to be manageable.

A brief review of current NWFZs will be presented and it is argued that the nuclear-weapon states must reconsider their less than convincing support for them. The article discusses the proposal for NWFZ in the Middle East in some detail, touches on the debate on Iranian nuclear program and suggests that currently and despite all odds, there may be a window of opportunity to make some progress on this proposal. This suggestion becomes somewhat more tenable because the Third Preparatory Committee (Prepcom) meeting (4-15 May 2009) for the 2010 NPT Review Conference agreed for the first time to revisit the 1995 NPT Extension and Review Conference's resolution on the NWFZ in the Middle East.

Nuclear Disarmament

Few serious analysts of global strategic security second-guess President Obama's intention when he spoke of "America's commitment to seek the peace and security of a world without nuclear weapons" on 5



April in Prague. He was quick of course to underline that he is not naïve and that nuclear disarmament is a long process that requires patience and perseverance. It is important that President Obama spoke of reducing the role of nuclear weapons in US national security strategy, and of his conviction to steer the United States to take concrete steps towards a world without nuclear weapons. It is important also for the nuclear-weapon states and non-nuclear-weapon states alike to hear this refreshing statement of intended policy from an American President, particularly in the first 100 days of his presidency. Almost a year to date since he took office, he has, therefore, at least three years to take the lead and adopt concrete steps towards a nuclear-free world.

Discussion of nuclear disarmament is at least as old as the NPT itself. Despite the inherent flaw of double standard many see in the NPT, it is, nevertheless considered the cornerstone of both nuclear disarmament by nuclear-weapon states and non-proliferation by non-nuclear-weapon states. Contrary to prevalent information in the mainstream Western media, the NPT has been more instrumental in preventing proliferation by 186 non-nuclear-weapon states, notwithstanding the Korean case, and less so in the nuclear disarmament area. The inherent



double standard in NPT, which some argue must be overcome to make the Treaty a formidable vehicle for a world without nuclear weapons, has been well articulated by no less a prominent authority than Mohamed ElBaradei, the Director-General of the IAEA who left office just over a month ago. He wrote: “if leading world powers believe their security depends on having weapons that could annihilate our entire planet, and if they keep modernizing and upgrading their nuclear arsenals and even conducting research into their actual use, how can we credibly expect other nations - in the name of maintaining international security -to refrain from seeking the same weapons? The simple answer is that we cannot.”⁽²⁾ Highlighting the unsustainability of inequitable treatment of the nuclear haves and have-nots in the long run and for the purpose of nuclear disarmament, ElBaradei has forcefully argued: “We must abandon the unworkable notion that it is morally reprehensible for some countries to pursue weapons of mass destruction, yet morally acceptable for others to rely on them for their security.”⁽³⁾

In June 1998, The New Agenda Coalition (NAC) comprising of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden, was officially launched and brought the urgency of nuclear



disarmament and the need to work for an international security scheme in which nuclear weapons has no role to public attention. The NAC was the main architect of the famous 13 Steps agreed in the 2000 NPT Review Conference, in which the nuclear-weapon states affirmed, in accordance with Article VI of the NPT, that they have a responsibility to work together on “an unequivocal undertaking” to eliminate their nuclear arsenals.

It was very encouraging to arms control and disarmament specialists to read the January 2007 Op-Ed in the Wall Street Journal by George Shultz, Henry Kissinger, William Perry and Sam Nun, arguing forcefully for abolishing nuclear weapons. The particular personality of the authors whom some may call nuclear-disarmament-converts helped tremendously to bring efforts like those of the NAC to the public attention, especially in the US. Mobilizing public opinion about the real dangers which nuclear weapons, now reportedly in nine countries, pose to life on earth must be on top of the agenda of every disarmament specialist and institution as a prerequisite to make meaningful progress on the long path of a world without nuclear weapons.

While few, if any, would question the rationale for nuclear disarmament, most, if not all, wonder how it



could be accomplished. The reason for nuclear disarmament is simple and obvious: nuclear-weapon states have undertaken to take serious steps to reduce their nuclear arsenals with a view to eliminating them, and in return, 186 states undertook not to develop nuclear weapons; strengthen non-proliferation incentives for the non-nuclear-weapon states; and above all to prevent the chance of total destruction of the Earth and instant mass murder of the whole human race. Assuming that this is a very persuasive reason for elimination of nuclear weapons, the big question is how? Who should take what step first? What is the order of the next steps by nuclear-weapon states and also by non-nuclear weapons states? Which nuclear weapon state should take what step first and which should follow by what? President Obama was right in Prague to point out that as the only nuclear-weapon country that has ever used nuclear weapon, the United States has a “moral responsibility to act” and to lead the process for total and complete nuclear disarmament. In fact U.S. and Russia as the two nuclear-weapon states which hold 95 percent of the total nuclear weapons in the world must work closely together on this endeavor to provide a reasonable degree of assurance to the rest of the world that the disarmament process has genuinely begun and is

bound to go beyond mere reduction of nuclear weapons in their arsenals. Here are some thoughts on the “concrete steps” the U.S. and Russia must take in the next few years to begin and lead the process:

- Help create and actively promote a sense of moral urgency about nuclear disarmament,
- Help create and actively promote a conducive global atmosphere by unequivocally undertaking not to use veto power in the UN Security Council when they are a party to the conflict,
- Reduce the role of nuclear weapons in their national security strategies,
- Reduce significantly the number of deployed nuclear weapons and eliminate all un-deployed nuclear weapons,
- Revise the operational status of nuclear weapons system to avoid accidental launch,
- Stop developing new and upgraded nuclear weapons like those defined by the U.S. National Posture Review and Reliable Replacement Weapons which may be considered defeating the purpose of building confidence on the path towards complete nuclear disarmament,
- Undertake a policy of no-first-use of nuclear weapons without any conditions,
- Cease the discussion and the development of



Missile Defense Initiative to protect Europe and the US against missiles coming from the Middle East,

- Declare an unequivocal policy of providing negative security assurances to all non-nuclear-weapon states,

- Devise and actively promote a fuel cycle regime that is even-handed towards nuclear-weapon states and non-nuclear-weapon states,

- Support initiation of a multilateral negotiation process to lead to legally binding instrument to prohibit development, storage and use of any type of nuclear weapon,

- Promote and actively support establishment of NWFZs in various parts of the world, including the Middle East and comply with their provisions.

This last point is the subject which this article attempts to expound in some detail.

Nuclear-Weapon-Free Areas

Much has been said and written about NWFZs throughout the world; their particularities, their structures, advantages and disadvantages and above all their function as a mechanism for non-proliferation of nuclear weapons. Here is a catalogue of Treaties Establishing Nuclear-Weapon- Free Areas:

Nuclear-Weapon-Free Zones

1. Treaty of Tlatelolco, the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

2. Treaty of Rarotonga, the 1985 South Pacific Nuclear-Free Zone Treaty.

3. Treaty of Bangkok, the 1995 Treaty on the South East Asia Nuclear-Weapon-Free Zone.

4. Treaty of Pelindaba, the 1996 African Nuclear Weapon-Free Zone Treaty.

5. Central Asian Nuclear-Weapon-Free Zone Treaty, the 2006 Treaty on a Nuclear-Weapon-Free Zone in Central Asia.

Nuclear-Weapon-Free Status

6. In 1992, Mongolia declared its nuclear-weapon-free status, which is recognized internationally.

Nuclear-Weapon-Free Geographical Regions

7. The 1959 Antarctic Treaty, which prohibits any measures of military nature on the continent of Antarctica, including any testing of nuclear weapons.

8. The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Celestial Bodies, which prohibits placing nuclear weapons in



orbit around the Earth, installing or testing these weapons on the Moon and other celestial bodies as well as stationing these weapons in outer space in any other manner.

9. The 1971 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, which prohibits the emplacement of nuclear weapons on the bottom of the ocean and the subsoil thereof.

As of 2008, these nine treaties are at different stages with regard to their signature, ratification and entry into force, as well as with regard to the signature and ratification of their attached protocols requesting assurances from nuclear-weapon states.⁽⁴⁾

Nuclear-weapon-free zones in different parts of the world have reinforced the NPT and contributed to international security. NWFZs have helped promote dialogue among members as to how to address their security concerns without the perceived need for nuclear deterrence.

Contrary to the expressed policies of the nuclear-weapon-states and the general public perception of their policies and practices, they have not, in practice, supported and signed onto all NWFZs in the past. For instance, none of the nuclear-weapon states have



signed the protocol to the Treaty of Bangkok on grounds that the text of the Treaty may be interpreted as interfering with the freedom of navigation. The United States, United Kingdom and France actively objected to some provisions of the 2006 Treaty on a Nuclear-Weapon-Free Zone in Central Asia, but the Central Asian countries established the Zone despite their opposition. The United States had objected to a provision in the Draft Treaty which allowed for other states neighboring Central Asia to join the Treaty. The United States argued that the scope of the application of the Treaty should be defined and not left open-ended. Some have argued that the United States may have been concerned about possible application in the future by Iran to join the Central Asian Treaty as a neighbor to Turkmenistan, and thus further complicating US efforts to constrain Iran's nuclear program.⁽⁵⁾

Nuclear-Weapon-Free Zone in the Middle East

The establishment of NWF zones in different parts of the world is considered to make our world safer on two grounds. First, they strengthen non-proliferation system in a particular region with possible spillover effect in terms of building confidence between member states and to some extent the neighboring



countries. Second, NWFZs are designed, by definition, to limit nuclear-weapon states' freedom to project, station and move unnoticed their nuclear capable and armed vessels into NWFZs, as well as to encourage them to heed their obligations under the NPT for a phased, general and complete nuclear disarmament. Therefore, the establishment of NWF zones is a much needed boost in the arms of the NPT, and particularly its pillars of non-proliferation and nuclear disarmament.

The rationale for devising the Nuclear Non-Proliferation Treaty is as valid today, if not more, as it was in 1968. Nuclear weapons remain as the most obvious symptom of humanity's continued immaturity, incivility and as our continued need for moral and ethical growth. We face many challenges globally today. AIDS, poverty, conflicts, environmental degradation and global warming and terrorism are only some of these challenges. The challenge of 26000 nuclear weapons of various types, primarily in the U.S. and Russia, is qualitatively different and thus not comparable with other challenges we must encounter. The challenge of nuclear weapons is different because they can obliterate all human life and other forms of life on our only planet in an instant and several times over. Albert

Einstein is reported to have said that if there is going to be a Fourth World War; it will likely be fought with sticks and stones. His statement supposes that after a Third World War in which nuclear weapons are used, there will remain any human being on earth to fight the Fourth War with sticks and stones. David Krieger⁽⁶⁾ of the Project of the Nuclear Age Peace Foundation regards Einstein's statement to be overly optimistic. The nuclear warheads in the arsenals of the United States and Russia alone suffice to obliterate the world and human race in an instant many times over. There is also a real risk of inadvertent or mistaken launching of missiles with nuclear warheads. Therefore, the general public, civil society groups and policy establishments and governments need constant education, reminder and creative steps to promote the existential need for nuclear disarmament and non-proliferation. Promoting the proliferation and expansion of nuclear-weapons-free zones in different parts of the globe is a concrete step in that direction.

When it comes to the Middle East, the complexities of the issue and the degree of the idealism in the effort for establishing a NWFZ or a WMDFZ in the Middle East becomes starkly obvious. But perhaps no region in the world could have more dividends for international peace and security than



does the Middle East by establishing a WMDFZ. Support for establishing a zone in the Middle East free from weapons of mass destruction seems abundant. However, practical progress to that end is far less than encouraging.

The most exciting progress on this arduous path came in the 1995 NPT Extension and Review Conference, where state parties also adopted unanimously, as an integral part of the outcome of the Conference, to establish a zone free of weapons of mass destruction in the Middle East. This was the peak of progress by then 21 years of efforts in the United Nations General Assembly to establish a NWFZ in the Middle East. This effort had started in 1974 by Iran and later pursued jointly with Egypt in the United Nations General Assembly.

The adoption of the resolution on WMDFZ in the Middle East in the 1995 NPT Extension and Review Conference, which was an exciting progress on the subject, seems at the same time to have exerted the greatest pressure not only on that initiative, but also on the actual indefinite extension of the NPT altogether. Furthermore, those members of the League of Arab States that acceded to the NPT between 1995 and 2000, as a result of the outcome of the 1995 Extension Conference, particularly the Middle East

resolution, which was then considered positive by them and many developing states like Iran, now believe that they had been misled and that their interlocutors did not keep their end of the bargain.⁽⁷⁾

In 1995, state parties to the NPT agreed to extend the Treaty indefinitely in a package deal consisting of three decisions and a resolution. The decisions were related to an undertaking to strengthen the NPT, achieve its universality and to adopt principles and objectives to address the implementation of the Treaty. The resolution was about establishing the Middle East as a WMDF Zone. More than 13 years since that Conference, many developing states including all Arab states and Iran hold that no genuine action has been taken, neither is there any indication of intent or plan to implement any of the decisions or the Middle East resolution of the 1995 Conference by states in a position to do so.

As a result, and in the context of the 1995 Middle East Resolution, the League of Arab States has technically questioned the legality of the indefinite extension of the NPT.⁽⁸⁾ By the same token, the Foreign Ministers of the states forming the New Agenda Coalition⁽⁹⁾ were on record criticizing the nuclear-weapon states for failing to comply with their obligations for disarmament under the NPT. They



openly reiterated in 2005 that they are concerned about the unsatisfactory progress of the nuclear-weapon states to implement the NPT and achieve complete nuclear disarmament. "At the review conference five years ago, the nuclear-weapon states made an 'unequivocal undertaking to accomplish the total elimination of their nuclear arsenals.'... Indeed, the nuclear-weapon states should acknowledge that disarmament and non-proliferation are mutually reinforcing processes: What does not exist cannot proliferate."⁽¹⁰⁾ These contentions may be evaluated by exploring the deliberations and documents of 2005 NPT Review Conference--the Conference which failed to agree on an outcome document partly because of these reasons.⁽¹¹⁾

Therefore, the perception in the Arab world is that the indefinite extension of the NPT in 1995 is technically flawed. As a result, mistrusting the nuclear-weapon states and the West in general and the US and Israel in particular on regional and global security issues have further widened.

They believe, as the position of the Arab League in the deliberation of the 2005 Review Conference amply illustrates,⁽¹²⁾ that the big powers with influence over Israel, particularly the United States as well as other nuclear-weapon states, tricked them into

agreeing to the indefinite extension of the Treaty and to persuading the Arab states that had not acceded to the NPT by 1995 to do so as a result of the resolution on establishing a WMD-free zone in the Middle East in the 1995 Extension and Review Conference of the NPT. They argue that the United States and others with influence had no intention or plan to exert any meaningful pressure on Israel to give up its nuclear arsenals, join the NPT and put its nuclear facilities under the full safeguards system of the IAEA. Many other members of the Non-Aligned Movement, including the non-Arab Iran, Indonesia, and Malaysia supported this idea and openly voiced their concerns in the deliberations of the NPT Review Conference of 2005.

As a result of the Middle East Resolution and the commitments declared by the 1995 Review and Extension Conference, the remaining members of the Arab League non-parties to the NPT acceded to the Treaty by 2000. Israel is, therefore, the only state in the Middle East that has not yet acceded to the NPT and continues to defy the will of international community manifested in the 1995 Middle East Resolution of the Extension and Review Conference as well as about 26 resolutions of the General Assembly and UN Security Council resolution 687



calling for the establishment in the Middle East as a zone free from all weapons of mass destruction. Israel continues to refuse, with impunity, to even place its nuclear facilities under the safeguards system of the IAEA, let alone give up its nuclear arsenals.

It is interesting to note that the annual UN General Assembly resolutions on establishing a WMDFZ in the Middle East have for years been adopted unanimously. In other words, this resolution is unlike many other resolutions relative to the Middle East in the UN General Assembly which pass with mostly negative or sometimes abstentions of only the U.S. and Israel. Israel abstained in 1974 when Iran, still under monarchical rule, first presented the idea of establishing a NWFZ in the Middle East in the form of a resolution to the United Nations General Assembly.

As this resolution was adopted year after year in the UN General Assembly, Israel saw some tactical utility in supporting or at least not objecting to it. Popular perception in the Middle East seems to indicate that Israel, the U.S. and perhaps other international players and well-wisher states have regarded the resolutions on WMDFZ in the Middle East as a possible bait to secure the much-needed commodity of legitimacy and recognition for Israel in



the Middle East. This, Israelis and others may have thought, could be done through the lure of nuclear disarmament of Israel and establishing a NWFZ in the Middle East, which would require continuing bilateral and multilateral negotiations between Israel and other states in the Middle East. Under such a scheme, if acted upon, the dividends for Israel would have been years of association, negotiations and gradually even partnership with some states in the Middle East resulting in securing recognition for Israel and perpetuating occupation of the lands which Arabs would have otherwise continued to regard as illegal and unjust. Perhaps few in the mainstream politics in the West would consider this analysis tenable.

One may even venture to say that considering Iran's unmistakably pro-West political orientation under the Shah, the thinking behind the initiative to present the first resolution on NWFZ in the Middle East to the UN General Assembly in 1974 could have hardly been far from an attempt to launder and legitimize Israel in the Middle East politics.

Notwithstanding the above, and irrespective of the original thinking by Iran, the U.S., Israel or whoever else, behind the initial phases of the idea of establishing a NWFZ in the Middle East, it can plausibly be argued that now after close to thirty five



years, establishing a WMDFZ in the Middle East has gained a logic and an intellectual momentum of its own. According to some analysts,⁽¹³⁾ the process of establishing a WMDFZ in the Middle East can potentially facilitate a security arrangement and contribute to the hitherto illusive quest for a just peace to the Arab-Israeli conflict in the Middle East.

Israel is said to have about 100 to 200 nuclear warheads in its arsenal. This is argued to have accorded Israel a false sense of confidence and the audacity to reject any peace plan without any hesitation and with a sense of impunity. The establishment of a WMDFZ in the Middle East can theoretically remove this Israeli feeling of over-confidence and even arrogance and make it more receptive to a genuine and just peace process. The argument that Israeli nuclear weapon is the final deterrent against an Arab and/or Iranian attack(s) can hardly find many receptive ears because the balance of conventional power, as shown in the previous Arab-Israeli wars, is in Israeli favor. Additionally, the traditional bipartisan policy of the United States, as the only superpower, is to ensure a strategic edge for Israel, that is, to ensure Israel's military superiority in the Middle East. It would be hard to think that the U.S. is unable to ensure that security edge for Israel



without it having any need to maintain a nuclear arsenal of its own. Therefore, establishing a WMDFZ in the Middle East has direct bearing on a workable and just peace process in the Arab-Israeli conflict and could potentially encourage Israel to abandon its intransigence and become more receptive to such a process.

Prospects for Establishing a NWFZ in the Middle East

Most analysts agree that establishing a WMDFZ or NWFZ in the Middle East is far-fetched. It needs incremental measures, change of heart and mind, confidence building measures and a courageous resolve to save the succeeding generations from the scourge of wars - to borrow from the UN Charter. Some of these incremental, interrelated and mutually reinforcing measures that might be useful in promoting the idea of a NWFZ in the Middle East are as follows:

General measures:

- Measures to promote respect for and implementation of the NPT;
- Measures to strengthen non-proliferation regime;
- Measures to strengthen nuclear disarmament



and compliance by nuclear-weapon state with their obligations;

Specific measures:

1- Take a mental note that progress on NWFZ or WMDFZ in the Middle East is possible when there is a reasonable degree of assurance for long-term peace;

2- Be creative, but not ambitious, in devising Confidence-Building Measures on security issues in the Middle East; this step ought to start in the Persian Gulf region and then move on to the Middle East;

3- Arrange for a series of meetings of governmental experts to discuss and try to agree on political and security requirements of a situation in the future when negotiations for NWFZ in the Middle East could be constructive.

4- Develop an agenda for those governmental expert meetings which would include, among others, a discussion of the requirements for some type of a cooperative non-intrusive monitoring mechanism as a confidence-building measure towards a NWFZ or WMDFZ in the framework of a regional security arrangement in the Middle East. The concepts and measures covered by such mechanisms in other NWFZs or some similar bilateral mechanisms could be instructive in the deliberations of these governmental expert meetings on the Middle East.



These governmental expert group meetings may seek to come up with an agreed text for non-intrusive verification of a possible NWFZ in the Middle East. They may also attempt to define the membership of the zone, states that need to ratify the zone before it becomes enforceable and the extent and scope of peaceful uses of nuclear technology within the context of the current international debate on fuel-cycle programs and technology. This process should be purely exploratory and not be regarded as negotiations. However, the literature produced in such deliberations and the possible outcome document on non-intrusive verification of a possible WMD/FZ in the Middle East could certainly be useful for sometime in the future when progress on establishing a NWFZ in the Middle East may objectively be regarded as reasonably probable.

5- Many disarmament experts hold that Israel, as the only state in the region with nuclear weapons, should initially take some steps to help jump start the process. For instance, it has been argued, in this context that "Israel should consider shutting down its Dimona nuclear reactor and the associated facilities that make up the core of Israel's nuclear program. Israel must already possess more than enough nuclear material for a sizable deterrent."⁽¹⁴⁾ As stated before,



the West and particularly the United States bi-partisan policy of ensuring a security edge for Israel in the region should guide the effort to encourage Israel to take strategically meaningful steps that do help begin the process.

6- The Iranian Nuclear program in the Security Council is seen in Iran as the United States twisting Iran's arms due to thirty years of rocky relations between the two countries which the US regards as largely unbecoming to its status as the only superpower. In return, Iran has, particularly in the last few years, addressed to the United States with a markedly combative tone a criticism that has routinely addressed to all five recognized nuclear-weapon states by majority members of the Non-Aligned Movement, League of Arab States and the New Agenda Coalition in practically all NPT relevant multilateral meeting. For instance, Iranian officials have publically called on the United States, more vehemently however during the Bush administration, to practice what it preaches; that the US effort to halt proliferation must be even-handed in practice and must also be perceived as such; that the practice of threatening one state like Iran with international sanctions or even military action, while being in non-compliance with nuclear disarmament obligations under the NPT itself; that tolerating



proliferation of nuclear weapons by other states in the Middle East and even immediate neighborhood of Iran cannot but be regarded as power politics and lack of sufficiently genuine interest in non-proliferation; that the US double standards are not limited only to Israel and that India is another example of rewarding a state that has refused to sign the NPT and developed nuclear weapons. However in practice, Iranian officials have tried to take concrete steps such as the continuous and enhanced cooperation with the IAEA, circumstances surrounding Geneva talks of 1 October 2009 between senior Iranian and 5+1 officials and the proposal for the exchange of Iranian LEU for higher enriched uranium fuel for a small research reactor in Tehran and the early access to Fordow facility near Qum in order to keep the issue at a manageable level of disagreement.

The 5+1 countries have tried to portray an Iran that is guilty until proven innocent. In this context, and consistent with typical Iranian pragmatism, Iran may see a more active and forthcoming stance in the process of establishing a NWFZ or a WMDFZ in the Middle East as at least a circumstantial way of substantiating its innocence and of the peacefulness of its nuclear energy program. Therefore, there seems to be a window of opportunity to advance the seemingly



utopian idea of NWFZ or WMDFZ in the Middle East in the midst of heightening situation of Iranian nuclear program and lack of any meaningful initiative on Arab-Israeli conflict. This may be all the more plausible now that because of the relative success of the Third PrepCom meeting of the 2010 NPT Review Conference, held in New York from 4-15 May 2009, it is likely that the long-standing demand of Iran and other like-minded states be met and a “subsidiary body” to address the question of NWFZ in the Middle East would be established in the NPT 2010 Review Conference, to be held in New York from 3-28 May 2010.⁽¹⁵⁾

President Obama's new approach to arms control and disarmament and to multilateral diplomacy, as a whole, may influence the dynamics of national and international debates on these issues. Much of the credit for the success of the Third Preparatory Committee meeting for the 2010 NPT Review Conference has been attributed to this more positive approach of the US delegation in the PrepCom.⁽¹⁶⁾ Unlike any NPT meeting since 2002, the Third PrepCom proved very positive and constructive where the agenda and all significant procedural decisions for the 2010 NPT Review Conference were surprisingly adopted. It is now very likely that a special "subsidiary

body" will be established in the 2010 Review Conference to focus specifically on the 1995 Extension and Review Conference's resolution on the Middle East as a zone free from nuclear weapons. Iran, Egypt, the League of Arab States and most member states of the Non-Aligned Movement have insisted, with no avail, on the establishment of this "subsidiary body" in every PrepCom and Review Conference meeting since 1995. If the positive atmosphere that had refreshingly prevailed during the Third PrepCom meetings endures and is extended to the 2010 NPT Review Conference meeting itself and the "subsidiary body" on the Middle East resolution is established, then the official debate will begin on how to promote the Middle East as a NWFZ. It would remain to be seen if the Middle East "subsidiary body" of the 2010 NPT Review Conference approaches the issue of the NWFZ as an event or as a process. If the Conference adopts the latter, the six measures discussed above could serve as some concrete points of reflection on the subject.

References

1. United Nations Document, NPT/Conf.1995/32. Part I. Annex.
2. Mohamed ElBaradei, "Nuclear Weapons: A Relic of the Past," Op. Ed., *Suddeutsche Zeitung*, 4 February 2009.
3. Statement by Mohamed ElBaradei on "Reviving Nuclear Disarmament" to the Conference on "Achieving the Vision of a World Free of Nuclear Weapons," held in Oslo, Norway, on 26 February 2008. Retrieved on 28 October 2008 in <http://www.iaea.org/NewsCenter/Statements/2008/ebsp2008n002.html>
4. www.un.org/disarmament/WMD/nuclear/NWFZ
5. Scott Parish and William Potter, "Central Asian States Establish Nuclear-Weapon-Free-Zone Despite U.S. Opposition," *James Martin Center for Nonproliferation Studies*, 8 September 2006. See <http://cns.miis.edu/stories/06905.htm>
6. David Krieger, *the Most Important Moral Issue of Our Time*, Retrieved on 4 January 2010 from www.NuclearFiles.org/menue/keyissues/ethics/basics/krieger_most-important-moral-issue.htm#
7. See UN Document, NPT/CONF.2005/wp.40, working paper presented by the State of Qatar on behalf of the States Members of the League of Arab States to the 2005 Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons. It reads in part: "The outcome of the 2000 Conference was built on the 1995 resolution on the Middle East.



The point of departure for the 2005 Review Conference had to be based on the cumulative result of the outcomes of those two conferences. Taking into consideration that the outcome of the 1995 Review and Extension Conference of the Treaty on the Non-proliferation of Nuclear Weapons represents an integrated package deal, it is important to note that if the 1995 resolution on the Middle East were compromised all the outcomes of the 1995 Review and Extension Conference would be compromised.... Thirteen years have elapsed since the adoption of this Resolution and five since the last Review Conference, without any serious attempt by the international community at implementing it. There is no mechanism for its implementation or follow-up.”

8. Ibid.
9. Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden.
10. International Herald Tribune, 2 May 2005.
11. Some have argued, however, that United States, Iran and Egypt were identified as the three main spoilers of the 2005 NPT Review Conference, For an analysis of the various reasons, motivations and tactics of various states, including the P5 see: Rebecca Johnson, Politics and Protection: Why the 2005 NPT Review Conference Failed, *Disarmament Diplomacy*, No. 80, Autumn 2005.
12. See note 7 above.
13. Baumgart Claudia and Muller Harald, A Nuclear weapon-Free zone in the Middle East: A Pie in the Sky? *The Washington Quarterly*, Winter 2004-05, p. 57.
14. Ibid., p. 54.
15. Johnson Rebecca, Enhanced Prospects for the 2010: An Analysis of the Third PrepCom and outlook for the 2010 NPT Review Conference, *Arms Control Today*, June 2009.



16. Of course Iran and Egypt have also been recognized as adopting a more constructive approach in the Third PrepCom. For an analysis of possible context of the new mood on the part of the main players, including US, Iran and Egypt in the Third PrepCom, see Rebecca Johnson, note 11 above.