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A Middle East Free of Weapons of Mass Destruction: For a Comprehensive and Incremental Approach

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Key Points

- Although there is principle consensus on the aim of establishing a zone free of weapons of mass destruction (WMD) in the Middle East, opposing approaches have prevented progress towards it. The 2012 conference to be held as a result of the 2010 Non-proliferation Treaty Review Conference offers an opportunity to make significant advances.
- However, the main obstacles remain the complex linkages to the regional strategic situation, the prospects of a peace agreement among all states of the region, and between WMD and conventional armaments. Indeed, because of protracted conflicts and the availability of resources, the Middle East is one of the most heavily armed regions of the world.
- Therefore, the only realistic solution lies in incremental, parallel moves in both conventional and non-conventional arms in order to build confidence and increase mutual security to render WMD unnecessary. Both the demand and the supply sides will need to be addressed.
- Efforts of the international community to curb the proliferation of weapons in the region have been only partially successful because they have been disconnected from the realities and un-coordinated. They will need to take into account the experiences of other regions, and require strong assurances from external powers.

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1) A Revival of the Middle East WMD-free Zone?

The 2010 Non-proliferation Treaty (NPT) Review Conference reaffirmed “the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference”, which had been “an essential element of [...] the basis on which the Treaty was indefinitely extended”. Indeed, Arab countries had joined consensus in exchange for a call on “all States in the Middle East” (including Israel) “to take practical steps [...] aimed at making progress towards [...] an effectively verifiable Middle East zone free of [WMD] and their delivery systems”, and on “all States party to the [NPT], and in particular the nuclear-weapon States [...] with a view to ensuring the early establishment by regional parties of [such a zone]”.¹ Fifteen years later, the 2010 Review Conference could understandably “regre[t] that little progress ha[d] been achieved”.

Among the “practical steps” endorsed is the convening of a “conference, in 2012, to be attended by all States of the Middle East, on the establishment of [such a] zone”. No one can analyse such a prospect without considering the political context, particularly the state of relations between Israel, the Arab world, and Iran, as well as the attitude of the United States, without mentioning domestic considerations in all those countries.

Israel has qualified that plan as “deeply flawed and hypocritical”, because “it ignores the realities of the Middle East and the real threats facing the region and the entire world”. Consequently, “Israel will not be able to take part in its implementation”.² President Obama stated that “[t]he United States has long supported such a [WMD-free] zone, although [...] a comprehensive and durable peace in the region and full compliance by all regional states with their arms control and non-proliferation obligations are essential precursors for its establishment”. The United States “strongly oppose[s] efforts to single out Israel, and will oppose actions that jeopardize Israel’s national security. The greatest threat to proliferation in the Middle East, and to the NPT, is Iran’s failure to live up to its NPT obligations”.³ However, in his 2009 Cairo speech, President Obama had clearly said, “When one nation pursues a nuclear weapon, the risk of nuclear attack rises for all nations... I strongly reaffirmed America’s commitment to seek a world in which no nations hold nuclear weapons... And I am hopeful that all countries in the region can share in this goal”. Although the main target of those words was considered to be Iran, Israel was also included. Additionally, the United States initiated UN Security Council Resolution 1887 of 24 September 2009 unequivocally calling “upon all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms”. The Obama administration is not likely in the near future to reverse the long-standing American policy regarding Israel’s nuclear capacity, described as “don’t ask, don’t tell”.⁴ Washington’s main objective is to achieve positive results in the Israeli-Palestinian peace process, and this may already entail some pressure on Israel.

2) The Crux of the Matter: Peace First or Disarmament First?

The relationship between a Middle East WMD-free zone and a peace agreement in the region has nurtured much debate. For Israel, a comprehensive agreement must precede the establishment of the zone.⁵ This linkage was also acknowledged in the 1995 NPT

Middle East Resolution albeit in a subtle manner.⁶ Since the weapons build-up in the region is a *consequence* of the conflict and tensions between regional states, the root causes of the conflict(s) must be addressed as a priority. In the meantime, the current arms build-up, with its imbalances and potential destabilizing effects, cannot be condoned. Existing expertise on the subject⁷ indicates how inter-related all its aspects are, and how long it will take before reaching meaningful results. But the momentum for a 2012 conference must not be wasted, although the scope of the project goes much beyond the NPT framework. This paper suggests policy recommendations for a comprehensive and incremental approach to that goal.

3) The Starting Point: Understanding Threat Perceptions and Security Concerns

Arms procurement is usually a consequence of the state of belligerency, historical conflicts and tensions. Thus one prerequisite for any negotiation on a WMD-free zone is better knowledge about the strategic analysis, risk assessment, and threat perceptions of the various regional protagonists. Indeed, when considering its environment, each state may come to the conclusion, justified or not, that its national security requires increasing its own level of armaments or even turning to WMD.

For instance, Israel considers itself under an existential threat from Iran, but Iran feels threatened by Israeli capabilities and cannot ignore the presence of US forces or bases in most of its neighbourhood. Moreover, historically, the main motivations behind Iran’s and Iraq’s WMD programmes were related to their devastating war against each other in the 1980s. Today’s Iranian attitude is still influenced by the support then enjoyed by Iraq from the Western world. Gulf countries, especially those hosting US bases or forces, that may be targeted by Iran, have their own perceptions.

Occasionally, Israeli, Arab and Iranian experts take part, in informal capacities, in track-two gatherings. More such opportunities are needed to prepare the ground for any future negotiation. Dialogue could cover: military doctrines; strategic assessments; official description of potential threats, etc. It could open some channels of communication to deliver messages outside public pressure or posturing. It should include military experts from key external countries who could convince their counterparts of the strategic uselessness and aggravated security risks of WMD in the Middle East, as well as legal experts showing the benefits of adherence to international humanitarian law instruments.

4) Increasing Transparency and Confidence

There will also be a need to increase the regional flow of information, in particular regarding military spending and holdings as well as arms transfers, and to develop confidence- and security-building measures. Accurate data on military forces and holdings in the Middle East is scarce. The work of institutions such as SIPRI or the International Institute of Security Studies (IISS) is hampered by widespread secrecy. States of the region hardly report relevant information to the United Nations using the available instruments.⁸ However, those states which have done so have not seen their security diminished as a result. Moreover, the collection, by an impartial body, of data related to military budgets, holdings, transfers, and non-proliferation measures will appear as a first necessary step towards disarmament in a WMD-free zone.

5) The Nexus between WMD and Conventional Armaments

Addressing a WMD-free zone cannot ignore conventional armaments for three reasons:

- Among a state's motivations for acquiring WMD is the perception of imbalances in military forces and conventional armaments to the benefit of other states in the region or its periphery.⁹
- Conversely, the emergence of WMD-related threats in the Middle East has prompted several states, particularly in the Gulf, to increase their conventional forces.
- Finally, prohibiting all WMD in the region should not lead to a build-up of conventional armaments, aggravating the risk of conventional war, with potentially devastating consequences.

Assisted by more accurate information on their existing stockpiles and planned imports, regional states would be in a better position to contemplate reductions and/or accession to international treaties prohibiting categories of armaments. This will, in particular, be of crucial importance in the negotiation and the implementation of a future Arms Trade Treaty (ATT) in which both suppliers and recipients would act in a responsible manner.

6) International Humanitarian Law

The 1980 Convention on Certain Conventional Weapons (CCW), with its five annexed protocols¹⁰ regulates or prohibits the use of certain conventional weapons considered "inhumane". States can be party to it only if they are bound at least by two of its protocols. In the Middle East, only a few states are party to it,¹¹ and none is party to all of its protocols. Joining it and all of its protocols would not entail any reduction in arsenals but would certainly increase human security. Although the Middle East is one of the regions most contaminated with antipersonnel landmines, the 1997 Ottawa Treaty on Antipersonnel Landmines has been signed and ratified or acceded to only by six states therein.¹² Similarly, the 2008 Oslo Convention on Cluster Munitions, banning a category of weapons widely used in the Middle East, has only been regionally signed by Lebanon and Iraq, and ratified by Lebanon. This weapon is still produced and stockpiled in the region, where it still causes many casualties among civilians. If all regional producers would cease production, they would not suffer from any commercial competition. Others should be reassured by the time-frames provided for by the treaty (twelve years for stockpile destruction, and ten years for clearance). As with landmines, they could also seek international assistance.

7) WMD and Their Means of Delivery

As pointed out by the WMD Commission, "WMD programmes in one state, if perceived as a threat by some other state or states, have a tendency to prompt other WMD programmes – as seen... in the persisting WMD-related developments in the Middle East".¹³ The states remaining outside multilateral agreements do not necessarily possess or seek to acquire WMD, but the prevailing uncertainty does fuel suspicions.

Chemical Weapons (CW): in the Middle East, all states are party to the 1925 Geneva Protocol banning the use of such weapons in war, except Oman and the UAE. However, some¹⁴ reserve the right

to use such weapons against non-parties or to retaliate in kind. Those reservations can be considered as taken over by the 1993 Chemical Weapons Convention (CWC) for the states party to it. Indeed the CWC prohibits not only any use but also possession and transfer of CW. In the Middle East, only Egypt and Syria did not sign it, and Israel did not ratify it. Iran declared and destroyed production facilities; Iraq's stockpiles and production facilities had been destroyed by the United Nations before 2003, apart from a small residual stock yet to be neutralised. As an incentive for membership, the CWC prohibits or regulates the transfer of the most toxic chemicals to non-parties.

Biological Weapons (BW): regarding the 1925 Geneva Protocol, which also prohibits the use of such weapons in war, the same remarks as above can be made. The 1972 Biological and Toxin Weapons Convention (BTWC) does not prohibit use but possession of such weapons, although use would presuppose possession. In the Middle East, only Israel did not sign it, while Egypt, Syria, and the UAE did not ratify it. The covert Iraqi BW programme was destroyed by the Saddam Hussein regime out of fear of the UN inspection regimes.¹⁵ By acceding to the Geneva Protocol or lifting reservations thereto, even states not yet party to the CWC and/or the BTWC would express their mutual commitment not to use those weapons in war. Their security would even be strengthened, as a second step, by an accession to, or ratification of the conventions, especially the CWC, which includes a stringent verification regime capable of building confidence in compliance with the convention. They would also be removed from the "black list" of states with which trade in the most dangerous chemicals is prohibited; they would profit from technical assistance, training and cooperation programmes in chemical, biological, radiological, and nuclear (CBRN) defence and peaceful uses of chemistry; they could have suspicious activities or installations in other states parties inspected by the Organization for the Prohibition of Chemical Weapons (OPCW). They would be granted access to the BTWC Confidence-Building Measures, thus improving their knowledge on other peaceful biological programmes. Additionally, two sets of arguments should convince non-parties to join the BTWC and the CWC even before Israel became party to the NPT.

Legally, states that have signed treaties but not ratified them are bound by Article 18 of the 1969 Vienna Convention on the Law of Treaties ("A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when [...] it has signed the treaty" [but not ratified it]). Thus, if Israel possessed CW, it would "defeat the object and purpose" of the CWC. Similarly, if Egypt, Syria, or the UAE possessed biological weapons, they would be in breach of the BTWC. The posture of non-ratification of a treaty as a means of pressure on other non-parties is legally ineffective, and can hardly be put into practice. Second, regional states party to the 1925 Geneva Protocol have all accepted the prohibition of the use in war of biological and/or chemical weapons, some, like Egypt, without reservation. Others, such as Israel or Syria, reserve the right to use them only if attacked with the same weapons or by non-parties. In other words, for them, the possibility of using CW or BW in retaliation against nuclear weapons is clearly excluded, which considerably reduces their deterrence value.

Furthermore, from a military strategic standpoint, the linkage between nuclear weapons and chemical and/or biological weapons does not make any sense. The dramatic difference in terms of potential destructive power between nuclear weapons and the other WMD does not allow the latter to equalize the former. Considering

the geographic realities, the potential fall-out on the armed forces and civilian population of the “sending” state and its allies would cause major damage to them. By no means can civil protection and CBRN defence offer full immunity. If WMD were exchanged between Israel and Iran, civilian populations would suffer the worst casualties and Iranian missiles could not even spare Palestinians living in or near Israel, while Iran claims to support their cause. Since deterrence is based on the credibility of use of weapons, in the case of the Middle East, this concept is fundamentally flawed and inapplicable.

Table 1

	Geneva Protocol	BTWC	CWC
Egypt	State Party without reservations	Signatory	Non Party
Iran	State Party without reservations	State Party	State Party
Israel	Party with reservations	Non Party	Signatory
Syria	Party with reservations	Signatory	Non Party

Due to their legal obligations, Egypt, Iran, and Syria could not use BW or CW against Israel. Israel could use BW only if attacked by BW and could not use CW against anyone.

Nuclear Weapons: in the Middle East, Israel, the only non-party to the Non-proliferation Treaty (NPT), maintains a policy of ambiguity regarding its nuclear capability, and claims that “it will not be the first to introduce nuclear weapons in the Middle East”. But Dr Mohamed ElBaradei considered that “the Israeli military nuclear programme is a cause of great concern in the Middle East and in the world as a whole”.¹⁶ “[E]stimates for Israel’s nuclear weapons stockpile range from 70 to 400 warheads. [...] Additional weapons could probably be built from inventories of fissile materials”.¹⁷ Regarding Iran, the IAEA “remains concerned about the possible existence in Iran of past or current undisclosed nuclear related activities involving military-related organizations, including activities related to the development of a nuclear payload for a missile”.¹⁸ With respect to Syria, the IAEA considers that “it is very likely that the building destroyed at the Dair Alzour site was a nuclear reactor which should have been declared to the Agency”.¹⁹

Israel will probably not make a dramatic policy shift in the near future and recognize its nuclear capability as some experts – including Israeli ones – recommend.²⁰ However, even under the current conditions, some actions can be envisaged to contribute to the goal of a WMD-free zone while avoiding perceptions of unilateral or imbalanced efforts undermining regional states’ security.

First, the IAEA Additional Protocol, a strengthened system of inspection including undeclared nuclear facilities and activities, is considered a new standard for verifying compliance with the NPT and safeguards agreements. In the Middle East, Iran, Iraq, and Bahrain signed one but have yet to ratify it. If all other NPT parties joined the states of the region already party to an Additional Protocol,²¹ this norm would be reinforced and mutual confidence would be strengthened. Most regional states do not have anything to fear from inspections of undeclared activities or facilities, since

all are already committed to the safeguarding of their nuclear activities. This move would improve their standing among all NPT states parties. For Iran, it would only increase confidence in the stated peaceful nature of its nuclear programme. Israel has already concluded a safeguards agreement based on the pre-NPT model, for limited inspection of declared research activities and facilities. But the generalization of the Additional Protocol could act as an incentive for Israel to join the NPT sooner than later in the process.

Second, regarding the Comprehensive Test Ban Treaty (CTBT), concluded in 1996 and still not in force, in the Middle East, Egypt, Iran, Iraq, Israel, and Yemen are signatories, while Saudi Arabia and Syria did not sign it. The treaty cannot enter into force unless Egypt, Iran and Israel ratify it (“Annex-2 States”). Saudi Arabia is not even party to the Partial Test Ban Treaty (PTBT) of 1963 prohibiting nuclear tests in all environments except underground, while Egypt, Iran and Israel are. So, the above states would pave the way for a WMD-free zone by becoming party to the CTBT. All except Israel are already committed in the NPT “not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices”. All, except Saudi Arabia, agreed in the PTBT “to achieve the discontinuance of all test explosions of nuclear weapons for all time”. So for them, joining the CTBT would only mean implementing previous commitments. For Israel – convinced to sign the treaty by the credibility of its verification regime – ratifying the treaty would contribute to imposing constraints on Iran, among others, whereas retaining the possibility of testing would detract from its policy of ambiguity. Israel is also bound not to “defeat the object and purpose” of the treaty.

Third, the establishment of multilateral nuclear fuel banks with assurances of supply to countries with peaceful nuclear programmes would help Iran terminate its controversial uranium enrichment programme, which it justifies by the need to rely on nuclear fuel for its future power plants because of its negative experience with external suppliers. The IAEA has already worked on such proposals, and funding has been pledged. Russia and the IAEA have already jointly established a fuel bank located in Russia to provide fuel in case of emergency or market disruption. Iran has accepted a Turkish-Brazilian proposal to swap its low enriched uranium against 20-percent enriched uranium from Russia and France for its research reactor. Implementing those projects should put an end to the current crisis with Iran, and lead to the eventual lifting of international sanctions. Coupled with the implementation of the Additional Protocol, it would reassure the international community about Iranian intentions and nuclear activities.

Fourth, regarding the production of fissile material for nuclear weapons, Israel should adopt an indefinite moratorium, possibly as part of an agreement with the United States, which Washington could confirm under jointly agreed terms. Israel would be reassured about the discontinuance of Iran’s uranium enrichment programme, and presumably does not need more fissile material; thus this gesture would not affect its security but would help build the confidence of the international community that it would eventually renounce the nuclear option. Moreover, Israel would position itself at the level of the official nuclear-weapon states, four of which have declared moratoria on fissile material production. In parallel, one can assume that a multilateral Fissile Material Cut-off Treaty (FMCT) will be eventually concluded at the Conference on Disarmament (CD) or outside it. Once the FMCT is in force (which may take some time), unilateral moratoria can be replaced by a comprehensive verification system.

Ballistic missiles: all states²² of the region still outside The Hague Code of Conduct (HCOC) should join it. Those without significant missile capabilities would not be affected by such politically binding commitments, but would benefit from the exchange of information about missile capabilities in the region. The others would also derive the same benefits in terms of transparency and confidence building. Because ballistic missiles can both be conventional weapons or deliver WMD, if all states of the region agreed to be part of a WMD-free zone, their WMD-capable missiles would be banned. As part of a future regional security system, conventional missile capabilities could be controlled to avoid imbalances and reduce possibilities of aggressive use. Supporting data could be derived from regular reporting to the UN Register of Conventional Arms.

8) A Regional Security System?

During the multilateral negotiations within the 1991 Madrid Conference (Arms Control and Regional Security – ACRS), the idea of coupling a WMD-free zone with a regional security system was contemplated. Even if the talks broke down, this concept has been further discussed in track-two and public meetings. Recently it has re-surfaced in US-Israeli relations: “Although such a structure would not be formalized until a peace deal is reached, the United States would begin preparing the groundwork in advance”.²³ This seems only a long-term perspective, but it is not too early to begin

convincing all states of the region of the need for such a system in which mutual security would be guaranteed not only by internal mechanisms but also by external powers. Indeed, Israel could be encouraged to relinquish its nuclear capacity by positive security assurances from the United States against any aggression (as Washington has done for instance with Japan or South Korea).

Conclusion

The above steps aiming at progress towards a WMD-free zone in the Middle East could be implemented in a coordinated, but not necessarily sequential manner, with the support of the international community, in particular the UN, as well as reputable NGOs and think-tanks. The states still reluctant to become party to multilateral disarmament or non-proliferation agreements must be convinced by those which have done so that their security has not been diminished but to a large extent increased. Moreover, the experience of other regions in the establishment and functioning of nuclear-weapon-free zones could be helpful to the Middle East despite the region's specificities.

NB: This paper is solely the opinion of the author and does not necessarily reflect the official view of the GCSP

Table 2

	CTBT	IAEA Full-Scope Safeguards	IAEA Additional Protocol	Non-Proliferation Treaty (NPT)
Bahrain	(Signed & ratified)	(State Party)	Sign & ratify	(State Party)
Egypt	Ratify	(State Party)	Sign & ratify	(State Party)
Iran	Ratify	(State Party)	Ratify	(State Party)
Iraq	Ratify	(State Party)	Ratify	(State Party)
Israel	Ratify	Sign & ratify	Sign & ratify	Accede
Jordan	(Signed & ratified)	(State Party)	(State Party)	(State Party)
Kuwait	(Signed & ratified)	(State Party)	(State Party)	(State Party)
Lebanon	(Signed & ratified)	(State Party)	Sign & ratify	(State Party)
Oman	(Signed & ratified)	(State Party)	Sign & ratify	(State Party)
Qatar	(Signed & ratified)	(State Party)	Sign & ratify	(State Party)
Saudi Arabia	Sign & ratify	(State Party)	Sign & ratify	(State Party)
Syria	Sign & ratify	(State Party)	Sign & ratify	(State Party)
Turkey	(Signed & ratified)	(State Party)	(State Party)	(State Party)
United Arab Emirates	(Signed & ratified)	(State Party)	(State Party)	(State Party)
Yemen	Ratify	(State Party)	Sign & ratify	(State Party)

In yellow and red, actions to be taken by regional states regarding nuclear weapons

Endnotes

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