NEW YORK UNIVERSITY

CENTER ON INTERNATIONAL COOPERATION

Preparing for a Constructive 2012 Conference on the Middle East Weapons of Mass Destruction Free Zone

edited by W.P.S. Sidhu and Bruce Jones with Colette Jaycox

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Overview

W.P.S. Sidhu and Bruce Jones

I. Introduction

The consensus decision reached at the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to convene a conference in 2012 on the establishment of a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the Middle East was, perhaps, the most salient outcome of the quinquennium gathering.[1]

It is also one of the most challenging undertakings for at least three reasons. First, in the case of all other nuclear weapon free zones (NWFZs) the decision not to build or to give up possession of nuclear weapons preceded the establishment of the zone.[2] This is not the case in the Middle East, where no such decision has been made and the process of establishing the zone will have to be coupled with moves to either not build or to give up existing nuclear weapons. Indeed, such moves are unlikely in the absence of a rock-solid security umbrella. In addition, unlike other zones, the proposed zone in the Middle East will also have to create instruments and procedures to dismantle not only nuclear weapons but also other WMDs and verify the process.

Second, all the existing zones are designed to be free of only nuclear weapons, not biological and chemical weapons, as is being proposed for the Middle East weapons of mass destruction free zone (MEWMDFZ).[3] Here, in addition to nuclear and chemical weapons, biological weapons programs, for which no verification protocol exists at the moment either at the international or regional level, poses a particular quandary.

Third, the enmities in the region combined with the lack of recognition of states and borders have accentuated perceived existential threats in the Middle East. Coupled with the absence of any regional security architecture or even a common regional platform to discuss differences, the prospect of establishing a MEWMDFZ (or 'Zone' for brevity) without addressing at least some of the causes of insecurity is daunting to say the very least.[4] The region faces several mutually reinforcing insecurity dilemmas: between Iran and Israel; between Iran and the Gulf states; and, perhaps to a lesser degree, between Israel and the Levant Arab states. All of these will have to be taken into consideration if the proposed Zone has to be established and sustained for an unlimited duration.

Despite the bleak odds stacked against the establishment of the Zone, there is an argument for engaging in serious discussions about it and carrying out negotiations on it. In the absence of any other platform or forum for dialogue among the key actors in the region, the fact that all key actors appear likely to participate in the proposed 2012 conference process provides a chance for a political reengagement amongst the principal protagonists, and may create side opportunities for progress on other issues – even while the Zone itself remains only a distant possibility.

II. Areas of Convergence

Despite the present tensions and serious differences between the key potential participants to the 2012 Middle East conference there are, surprisingly, at least three areas of convergence. First, all the principal actors, notably the Arab states, Iran, and Israel have at one time or another endorsed, in principle, the concept of the Zone. Unsurprisingly, the Arab states, led primarily by Egypt, have been the most consistent and enthusiastic in their support for such a zone at least since 1990 when it was first proposed by Egyptian president Hosni Mubarak.[5] Iran originally co-sponsored the 1974 resolution (with Egypt) calling for a NWFZ in the Middle East but has since been lukewarm. As Shahram Chubin notes, "Iran likes to claim authorship of the NWFZ initiative without giving it much more than rhetorical support".[6] Nonetheless, the decision at the 2010 NPT Review Conference (to which Iran was a party) to convene a conference on the MEWMDFZ in 2012 underlines Tehran's willingness to engage in discussions about the conference and the Zone. Israel, which is not a party to the NPT, announced in 1980 its readiness "to support in principle the UN calls for the creation of a

NWFZ in the Middle East when peace was established in the region".[7] Subsequently Israel, in response to the United Nations General Assembly report, *Study on Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-Weapon-Free Zone in the Middle East*, (A/45/435/1991), endorsed the concept of the WMD zone and "stated that WMD included all weapons capable of killing civilians in an indiscriminate manner".[8] However, following the 2010 NPT Review Conference mandate Israeli experts have stressed that the 2012 conference should cover "all WMD – nuclear, chemical, biological and their means of delivery – and not nuclear weapons alone".[9]

Second, none of the key actors have declined to attend the proposed conference this year, and all the indications are that they will participate in the proceedings, even though the motives behind their participation may vary considerably. One reason behind their likely participation is the understanding that those present at the conference will determine the scope, role and future trajectory of the entire process. Equally importantly, while on the one hand neither Iran nor Israel have clearly defined the geographical scope of the "Middle East" and, therefore, the area and countries to be covered by the Zone (in contrast to the Arab states[10]), they have on the other neither challenged the United Nations (UN) definition of the Zone, nor have they evoked a tacit veto to prevent the participation of any country from within this region in the conference.

Third, and perhaps most importantly, security is a preeminent factor among the many reasons that states in the Middle East seek WMDs in general, and nuclear weapons in particular.[11] The Israeli rationale and continued justification for its nuclear arsenal is the perceived existential threat that it faces. The same logic most likely permeated the Iraqi, Libyan, and Syrian nuclear weapons quests, though in these cases the perceived existential threat to the regime rather than the state was probably the principal driver. Security, doubtless, is a critical factor in Iran's desire to develop the necessary scientific and technical wherewithal for a nuclear weapon option.

Consequently, and in the context of the proposed 2012 conference, ensuring security without WMDs, particularly nuclear weapons, will remain a primary consideration. Any conference or process that does not take into account the security concerns of the constituent states of the Middle East is likely to be a non-starter. This crucial linkage was underlined by even President Barack Obama who, while supporting the idea of the Zone, emphatically noted that "a comprehensive and durable peace in the region and full compliance by all regional states with their arms control and nonproliferation obligations are essential precursors for its establishment". [12]

III. Centrality of Security

The potential participants in the 2012 conference— Iran, Israel and the Arab States—have all highlighted the centrality of security in their approach to the proceedings and view the conference as an opportunity to enhance their security rather than weaken it. While all of them, understandably, focus on their own security and downplay (or even dismiss) the security concerns of the others, there is a common consensus that the long road leading up to any Zone cannot be delinked from a regional security architecture. This is strongly underlined in all the three background papers. Against this backdrop, it is not certain that any effort aimed at either denying states the capability to have the nuclear weapon option through sanctions or military action or to simply give up their existing nuclear arsenal as a matter of good citizenship or even treaty obligations, is likely to work.

First, if a country decides to acquire nuclear weapons, the ability of outside actors to deter that state is limited. The North Korean program and the growing Iranian capabilities testify to this. Of course, an aggressive inspections regime in Iraq does appear, with hindsight, to have denied the Hussein regime the possession of nuclear weapons. (It is unknowable, but debatable, whether a sovereign state would agree to a similarly intrusive inspection regime short of war.) Second, sanctions regimes may limit the pursuit of nuclear weapons but may have a side-effect, namely the establishment of a surreptitious network to counter it, as the success of the A. Q. Khan network exemplifies. Finally, in the case of Iran, sanctions might slow or delay the program but there is no certainty that they alone will be able to stop

it if Tehran is determined to acquire a nuclear arsenal to ensure its security. This is also likely to be the case even if Israel decides to exercise the "Begin doctrine"[13] of using military means to destroy Iran's nuclear facilities. At best this might delay the Iranian weapon program somewhat and at worst it might compel Tehran to embark on a crash weapons program. In fact, according to one report, Iraq is believed to have accelerated its nuclear weapon program only after the successful Israeli strike on the Osiraq reactor.[14]

For all of these reasons, a focus on security arrangements as a complement to sanctions might provide some reassurances in respect to Iran's insecurity and thus increase the likelihood of Tehran not seeking nuclear weapons. At the same time, a security arrangement that also takes into account Israel's existential concerns might begin to create the conditions for Tel Aviv to reconsider holding on to its nuclear arsenal. In this case, questions of an external security guarantee – from the United States and other key powers – arise, as does, potentially, the issue of a nuclear umbrella. In both cases, the nature of the respective security concerns is such that any security arrangements that could achieve this effect would have to be exceedingly solid—mere agreements, not backed by trusted commitments, would be insufficient.

However, at present there is no greater Middle East multilateral or regional cooperative security arrangement that is acceptable to all the countries, particularly Iran and Israel. The Gulf Cooperation Council (GCC) and the League of Arab States are neither formal security arrangements nor are they inclusive. Whatever security arrangement exists at the moment is underpinned by the United States through a series of bilateral agreements and is aimed primarily at US security concerns. However, the ongoing uprisings in the Middle East, and the rising tensions in the region means that the current security architecture might further erode or even collapse, and there is no alternative security arrangement to replace it. In fact, with deteriorating relationships between several key regional players, and against the backdrop of combustible internal insecurity in Syria, Iraq and elsewhere, the dangers of a wider regional conflagration are mounting. In addition, Israel, as twice in the past (against Iraq in 1981 and Syria in 2007), is again contemplating military action against a regional state's nuclear capability, which this time around has the potential of sparking off a regional showdown.

Against this bleak backdrop, there are nevertheless some slivers of light. The ongoing transformation in the Middle East provides an opportunity to engage with governments and regimes that are likely to be both more legitimate and, possibly, more interested in an inclusive, cooperative multilateral regional security arrangement, which would transcend the limitations of the GCC and the Arab League. The recent decision by Iran and the P5+1 to resume negotiations over the latter's nuclear program also provides another opening.

Thus, in the long run, to achieve the dual objective of a MEWMDFZ and a regional security process that ensures Israel's and Iran's strategic security in the region is imperative. This does not mean accepting the broader security claims of any state in the region or their potential ambitions for regional dominance; it means addressing minimum security conditions.

The forthcoming 2012 conference provides an "opportunity for states of the region to address their threat perceptions and security risks through a long sought and delayed regional negotiation process".[15] However, operationalising this opportunity will require deft creativity, leadership, diplomacy, and patience.

IV. Way Forward

Among the ways to operationalize the process would be to dovetail the security principle with the proposed Zone right from the beginning. Here a study of the successes and failures of previous efforts within the region and without would be useful in considering the way forward.

Previous efforts at establishing a multilateral security arrangement in the Middle East, such as the Arms Control and Regional Security (ACRS) talks from 1992 to 1996, suffered from two major drawbacks: first, having an overly ambitious arms control agenda and, second, not

being inclusive enough. ACRS was hampered by the non-participation of Syria and Lebanon and the absence of Iraq, Iran and Libya, who were not invited to the process.[16] In addition, even if ACRS had been successful, the implementation of any agreement would have been difficult given the questionable legitimacy of many of these regimes.

While the ACRS process could not and, perhaps, should not be replicated, there are many useful lessons that can be drawn from that experience, which would be useful to keep in mind as the contours of the 2012 conference start to take shape. One such lesson could be to work out more thoroughly the role of external actors, particularly the permanent members of the UN Security Council, in facilitating the regional process.

Similarly, the long, drawn-out Helsinki process, which began during the brief period of détente in 1973, was able to be institutionalized and insulated from the vagaries of the second Cold War and eventually led to the establishment of the formal Organisation for Security and Co-operation in Europe in 1995 after the end of the Cold War, might also hold some crucial lessons.

While the substance and the setting of the Helsinki process is unlikely be replicated in the Middle East, the approach, which allowed the process to sustain itself even through periods of high tension, is worth considering. In particular, the critical linkage established between securing borders, recognizing states, working on an arms control agenda, and building a sustainable security architecture might also be relevant to the Middle East. Historians of the Helsinki process note that while it encompassed economic and human rights issues, it deliberately started with border security—meaning that states could participate in wider negotiations with reassurance that their basic existence and borders were not threatened, at least according to the agreement.

Another option might be for the P-5 (or for a wider grouping) to host negotiations among the parties designed to solidify respect for borders within the region. Lack of diplomatic recognition by some states of each other is a complication here, but perhaps not an insurmountable one: for instance, in the context of the Conference on Interaction and Confidence-Building Measures in Asia (CICA), Iran and Israel (as well as Lebanon— another state that borders Israel but that does not recognizes either its boundaries or even, technically, it's existence) are members of that Conference. Indeed, for reasons of building on the precedence of implicit recognition of the respective member states, there may be diplomatic value in developing a link between the Zone and the CICA process not to bring all of its members in, but to build on the fact that those members whose participation in border security arrangements will be most contentious already exist within a formal regional grouping.

Still further, a 1.5 track mechanism on lessons from other regions' security arrangements could add value. Another related 1.5 track exercise could be to examine the prospects of the P-5 providing positive security guarantees as part of a regional security arrangement. Here the depository states to the NPT (Russia, the US and the UK), which had jointly proposed security assurances to non-nuclear weapons states through UN Security Council Resolution 255 in 1968, might consider the prospects of revising and strengthening this particular resolution in the context of providing specific security assurances, particularly positive security assurances, to states in the Middle East.[17] Such robust security assurances might be worth considering not only to enhance the prospects of the establishment of the proposed Zone but also to sustain it.

Once this crucial linkage between the security architecture and the Zone is established, a number of arrangements could be put in place to explore the linkage. One option could be for a series of open-ended official groups of experts to be established to work in parallel on different aspects of the Zone and the security architecture. To ensure a degree of institutionalization of the process, the groups could, if possible, be insulated from the recurrent political upheavals by meeting at regular intervals. This model has proved successful in similar endeavors in other regions.

Parallel working groups that might be considered are:

- Separate working groups on nuclear, biological and chemical weapons;
- A working group on monitoring and reporting;
- A working group on the prospects of dismantlement and disposal, including verification;
- A working group to adjudicate disputes and noncompliance;
- A working group on WMD-related confidence and security building measures;
- A working group to examine potential negative and positive security assurances; and
- A working group to explore possible cooperation on nuclear energy.

These ideas are by no means exhaustive. However they are useful ways of thinking about ensuring forward movement on both the regional security and Zone objectives.

In short, while exploring steps towards the establishment of the Zone, and while attempting in separate channels to resolve outstanding regional security problems (including, importantly, the lack of clarified borders between Israel and the occupied Palestinian Territory), a variety of mechanisms could be used to examine and lay out the groundwork for a regional security architecture that could reassure states, thereby convincing them not to pursue or to reconsider maintaining their nuclear weapon and other WMD programs. As noted above, for any such security arrangements to work it would have to encompass not mere paper guarantees but credible arrangements that would provide the respective states confidence that they would be secure from existential threats. In this context, the role of the Facilitator and the three NPT depository states in working with and convincing key states in the Middle East, particularly Iran and Israel, would be critical.[18]

Finally, there are two ways of measuring success of the 2012 conference process. The first and more conventional measure is, of course, achieving the objective of the process, which in this case would be the successful conclusion of the conference in 2012 and the eventual establishment of the proposed Zone. The second and more pragmatic measure would be to recognize and evaluate progress on security relations within the region, and efforts to reduce both insecurity and the risk of war – even if these do not necessarily immediately advance the broader objective. Any forward movement, including reduction in tensions, improved relations and the establishment of an institutional process to work towards the ultimate goal of the Zone would be the obvious benchmarks. The former measure is unlikely to be attained in the foreseeable future. The latter, though far from ideal, is not only more achievable but would also be a vast improvement over the present scenario. And that would be a realistic measure of success.

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Endnotes

[1]2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, NPT/CONF.2010/50 (Vol. I), pp. 29-31.
[2]See Fact Sheet: Nuclear-Weapon-Free Zones (NWFZ) At a Glance, *Arms Control Association*, available at: http://www.armscontrol.org/factsheets/nwfz and Jozef Goldblat, "Nuclear-Weapon-Free Zones: A History and Assessment, *The Nonproliferation Review*, Spring-Summer 1997, pp. 18-32.
[3]Fact Sheet: WMD-Free Middle East Proposal At a Glance, *Arms Control Association*, available at: http://www.armscontrol.org/factsheets/mewmdfz.
[4]Indeed, in the case of at least the Treaty of Bangkok (establishing the Southeast Asian NWFZ), the Treaty of Pelindaba (establishing the African NWFZ) and the Semipalatinsk Treaty (establishing the Central Asian NWFZ) regional and sub-regional organizations played a critical role in creating the political and security conditions conducive for the establishment of these NWFZs.
[5]Hossam Eldeen Aly, "Objectives and Approaches of Arab States", CIC background paper on *Preparing for a Constructive 2012 Conference on the Middle East Weapons of Mass Destruction Free Zone*, March 2012.
[6]See, Shahram Chubin, "Factors Influencing Iran's Approach", CIC background paper on P*reparing for a Constructive 2012 Conference on the Middle East Weapons of Mass Destruction Free Zone*, March 2012.
[7]See, Emily B. Landau, "Israel's Calculations and Concerns", CIC background paper on *Preparing for a Constructive 2012 Conference on the Middle East Weapons of Mass Destruction Free Zone*, March 2012.
[8]See Ibrahim Othman and Maha Abdulrahim, "Establishment of a zone free of mass destruction weapons in the region of the Middle East: requirements and constraints" in V. Cserveny et. al., *Building a Weapon of Mass Destruction Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences*, United Nations Institute for Disarmament Research, 2004, p. 113.
[9]Landau, "Israel's Calculations and Concerns".
[10]According to the United Nations General Assembly report, *Study on Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-Weapon-Free Zone in the Middle East*, A/45/435/1991, the Zone should include "all States directly connected to conflicts in the region, i.e. all States members of the League of Arab States, the Islamic Republic of Iran and Israel". While this definition applies to a NWFZ, the Arab states have also adopted it for the proposed WMDFZ.
[11]Scott D. Sagan, "Why do states build nuclear weapons? Three models in search of a bomb", *International Security*, Winter 1996/97, pp. 54-86.
[12]Statement by President Barack Obama on the Non-Proliferation Treaty Review Conference, 28 May 2010 (http://www.whitehouse.gov/the-press-office/statement-president-non-proliferation-treaty-review-conference).
[13]Landau, "Israel's Calculations and Concerns".
[14]Avner Cohen, "A New Nuclear Reaction", *Haaretz*, 13 November 2011, (http://www.haaretz.com/print-edition/opinion/a-new-nuclear-reaction-1.395244).
[15]Aly, "Objectives and Approaches of Arab States".
[16]See *Towards a Regional Security Regime for the Middle East*, Report of the SIPRI Middle East Expert Group, October 2011, pp. 41-44.
[17]See *Question Relating to Measures to Safeguard Non-Nuclear-Weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons*, UN Security Council Resolution 255 of 19 June 1968.
[18]Coincidentally, the Facilitator for the 2012 Conference, Ambassador Jaako Laajava of Finland has first hand experience of the successful negotiations that led to the establishment of the Helsinki process.

Objectives and Approaches of Arab States

Dr. Hossam Eldeen Aly*

I. Introduction

The agreement reached at the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to convene a Conference in 2012 on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East represents an important phase in efforts to implement the 1995 Resolution on the Middle East. Preparatory work has been underway since the appointment of Mr. Jaako Laajava, the Under-Secretary of State of Finland, in 2011 as a Facilitator for the Conference and the selection of Finland as the venue for the event. Along with the positions of Iran and Israel, the Arab position will play a key role in shaping the way ahead at the 2012 Conference.

This paper attempts to read into the details of the Arab position regarding the zone and to explore the way forward in connection with the efforts currently conducted by the Facilitator to prepare, in consultation with the states of the region, to convene "*a conference in 2012, to be attended by all States of the Middle East, on the Establishment of a Middle East Zone Free of Nuclear Weapons and All Other Weapons of Mass Destruction, on the basis of arrangements freely arrived at by States of the region and with the full support and engagement of the nuclear-weapon States*"[1]. This paper attempts to both examine the essential background on the Arab position vis-à-vis the 2012 Conference and present some future-looking options, which might be useful for consideration at the Conference and beyond.

Under any accepted formulation on the geographical delimitations of the Middle East "zone", Arab states[2] obviously represent a clear majority. A more detailed understanding of Arab positions as compared to the positions of Israel and Iran is essential in order to have a better perception of potential Arab preferences relating to the procedural and substantive framework required for the 2012 Conference and the regional negotiation process it is expected to create. Focus is placed on practical policy choices, which might be helpful in increasing the array of options pursued in preparing for the Conference.

The establishment of a Nuclear Weapon Free Zone in the Middle East (NWFZME) has been a collectively endorsed Arab-Iranian objective since 1974. This was demonstrated by Iran and Egypt's resolution presented at the United Nations General Assembly that year[3], and Egypt's annual submission of that resolution at the General Assembly ever since, before the resolution was adopted by consensus in 1980, and after. Arab States also collectively rallied behind Egypt's initiative in 1990 for the establishment of a Zone Free of Weapons of Mass Destruction in the Middle East (WMDFZME). Both mentioned zones have long been on the agendas of various international fora, particularly those of the United Nations General Assembly, the International Atomic Energy Agency (IAEA) Board of Governors and General Conference, and the United Nations Security Council.

The details of the Arab position are not necessarily obvious in demonstrating how a NWFZME or WMDFZME, sought separately or in one integrated process, can be established, operated and maintained in an effectively verifiable manner. Indeed, while Arab states agree on the overall objective, their detailed, individual views are not necessarily identical. As a matter of fact, even though many are fully associated with the Arab position on the priority of establishing the zone or zones, a number of Arab states have not fully expressed their individual views on the more detailed, future-looking, technical modalities of establishing the zone or zones[4].

II. Towards the 2012 Conference: Priority Objectives of Arab States

A number of key Arab-sponsored international resolutions identify the operational framework and basic principles perceived by the Arab Group as essential for the process leading to the establishment of a NWFZME and eventually a WMFZME in the region[5]. The positions of Arab states have also featured in a fair amount of detail in outcomes of Ministerial and Summit meetings of the League of Arab

States, as well as in statements of Arab states, individually or as a group, delivered in relevant international fora[6]. The increasing frustration of Arab states with the lack of implementation of the 1995 Resolution on the Middle East has been documented extensively in relevant international fora for over 15 years, most strongly expressed in the run up to and at the 2010 NPT Review Conference.

In fact, the 2012 Conference represents an action called for in an Arab Working Paper presented to the 2010 NPT Review although point 8 (c) of that paper originally called *on the United Nations to convene an international conference that genuinely aims, within a specific time frame, to establish a nuclear-weapon-free zone in the Middle East*[7]. Negotiations at the Conference elaborated further on the details embodied in the section on the Middle East in the 2010 NPT Outcome Document.

It is widely believed that, without an agreement on convening the Middle East Conference in 2012, no possible agreement on an outcome document would have been possible at the 2010 Review Conference. The prospects for the success of the 2012 Conference is thus directly linked not only to likelihood of effectively addressing regional security and stability in the Middle East but also to the future of the NPT review process at large.

One or Two Zones?

Since Egypt's WMDFZME proposal was put forward in 1990, no Arab statement in any international forum has suggested that the Arab states have dropped the NWFZME initiative or that any of them saw the initiative as intended to replace the original NWFZME proposal. In fact, both zones are mentioned in a large number of Arab-sponsored international resolutions as well as in the 1995 Resolution on the Middle East itself. The consistency of the Arab approach in pursuing the WMFZME proposal indicates that, to Arab States, the zone represented an expanded version of the NWFZME in which the nuclear dimension continues to feature prominently as a central component, complemented by additional prohibitions on chemical and biological weapons. It is worth mentioning that this Arab position has gained the support of the Non-Aligned Movement. In May 2011, the Ministers of Foreign Affairs of the Movement "*reiterated their support for the establishment of a WMDFZME. As a priority step to this end, they reaffirmed the need for the speedy establishment of NWFZME*"[8].

Since the adoption of the 1995 Resolution on the Middle East, some regional and extra-regional players have used the terms NWFZME or WMDFZME interchangeably in referring to the zone. It is not clear if the insistence of a number of actors to refer to the zone only by the term "WMDFZME" is deliberately intended, in order to undermine the urgency and prominence of the nuclear dimension. However, a more recent indication that both zones remain strongly present on the international agenda is that while the European Union held a workshop on the WMDFZME[9] in July 2011, the IAEA convened a Forum in Vienna four months later on the NWFZME[10]. Such interchangeable references neither contradict the Arab approach to the zone nor the continued interest of Arab states in both the NWFZME and its expanded version represented in a WMDFZME in which the nuclear dimension remains the most prominent element.

Against that background, and in order to avoid any confusion between the proposed zones and that mandated by the 1995 Resolution on the Middle East and the 2010 NPT mandate on the 2012 Conference, I will use hereafter the term agreed in the 2010 NPT mandate, which is a Zone *Free From Nuclear Weapons and Other Weapons of Mass Destruction* (for which the acronym NW/OWMDFZME appears to be most accurate).

Another proposal was presented in December 2005 by the Secretary-General of the Gulf Cooperation Council (GCC). This proposal called for a sub-regional accord to free the zone, comprising the six Gulf States, Iran, Iraq and Yemen, from nuclear and other weapons of mass destruction[11]. Exchanges within GCC and the wider Arab region reflected concerns that such an initiative might confuse Arab efforts towards the more comprehensive objective of a WMDFZME and undermine international support for the Arab position in this regard[12]. While the League of Arab States did not formally endorse the GCC initiative, GCC States continue to strongly endorse, along with other member States of

the League, the more comprehensive regional objective, namely the NWFZME and the WMDFZME.

Possible Modalities for the NW/OWMDFZME?

Arab States endorse, through their consistent support of the annual General Assembly resolution on the NWFZME, the importance of an inclusive regional process[13] through which states of the region can freely arrive at arrangements to establish the NWFZME. They also endorse the call for Israel's accession to the NPT, of which all of the Arab states as well as Iran are members. To Arab States, Israel's accession would not only address a major imbalance in commitments in the nuclear area, but would also provide for the application of IAEA full-scope safeguards on all nuclear facilities and activities in the region, Israeli facilities and activities included. Arab states see the application of IAEA comprehensive safeguards on Israeli facilities and activities as "*a prerequisite for establishing a NWFZME*"[14] .

The declared preference of Arab states that the NWFZME should acknowledge the inalienable right of states to acquire and develop nuclear energy for peaceful energy purposes[15], primarily a right provided for under article IV of the NPT, represents an advance indication of their preference for a NW/OWMDFZME arrangement heavily reliant on NPT membership and the rights and obligations of non-nuclear-weapon states under the Treaty. Furthermore, the identified, Arab-expressed requirement that the zone prohibit military attacks on nuclear facilities[16] is one that they expect can be accommodated in the regional instrument establishing the zone. This can come as part of the additional regional obligations required along with international obligations emanating from the NPT, the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BTWC), the three main international legal instruments on WMDs. While it is known that Arab States, who have refrained from ratifying the CWC and/or BTWC, have openly linked their accession to the two instruments with Israel's ratification to the NPT, they have also extended that linkage to their possible accession to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) or the conclusion of an Additional Protocol to their existing Comprehensive Safeguards Agreement with the IAEA. For example, a representative of Egypt mentioned in a statement before the First Committee in October 2010 that."…*Israel's persistence not to join the NPT as a Non-Nuclear-Weapon State remains a significant obstacle facing the accession of Egypt to the two conventions (CWC and BTWC) and the (ratification of) CTBT, despite Egypt's support for the objectives and principles of the three instruments*"[17]. He confirmed that accession by Egypt "…*would further widen the existing gap between the commitments of States Parties to the NPT which implement all their Treaty obligations, and the sole State outside the NPT in our region*"[18].

Since it is clear that an inclusive regional framework will be expected to examine the necessary phases required to establish the zone, it is understood that a key initial phase of such collective effort to negotiate a NWFZME or a WMDFZME would be the declaratory phase. At that phase, all states of the region, individually and collectively, would make a set of declarations of intentions identifying basic principles they accept and commit to within the process. Arab states have underlined the importance of declarations by states of the region, clearly a prominent dimension in the practical steps included in the text of the 1990 proposal on the WMDFZME in the region which had required states of the region to deposit declarations with the United Nations Security Council.

In addition to their expectation of a decision to be made at the 2012 Conference on a regional negotiation framework and process to be launched, Arab states are likely to expect that an agreement on the text of a detailed initial declaration of principles can also be reached. Through their initial declarations, states of the region will likely unequivocally declare their commitment to the objective of establishing the zone and pledge not to undermine both that objective or the process leading to it. Such declarations have to be linked to a collective agreement on the form, level, mandate and time frame for a regional negotiations framework, as underlying conditions for the pursuance of a regional process. In order to consolidate the credibility of regional declarations, the United Nations Secretary-General and the three depositories of the 1995 Resolution on the Middle East might choose to directly

oversee, as sponsors, the compliance of all regional states with their pledges through different phases of the regional process. A more institutionalized approach to the provision of such compliance monitoring might suggest the need for a United Nations Security Council resolution noting the regional declarations and emphasizing the commitment to monitor regional compliance in that regard. The acceptance of all the regional states of a possible role for the UNSC in monitoring their pledges would represent the meeting of a key requirement for the potential success of this approach.

As for the details of the regional declarations, it is a basic requirement of confidence-building that states of the region expressly declare their commitment to refraining from the development, acquisition or stationing of any WMDs on their territories and territories under their control.

While a declared commitment against the use or threat of use of nuclear, chemical, biological or WMD-armed delivery systems might appear as an option worth consideration, necessary conditions will have to be accommodated in order for such an approach to serve its intended purpose. Since No-First-Use declarations indirectly acknowledge the acquisition and stockpiling of WMDs by focusing solely on the "use" aspect of WMDs, such declarations must be directly linked to a clear and verifiable commitment to the development and implementation of plans for the suspension, reversal, and total elimination of the particular WMD capabilities in question within a given time frame.

A declaration by Israel confirming its preparedness to join the NPT in the context of the NW/OWMDFZ would be significantly helpful to regional confidence-building efforts. This could be coupled by a collective commitment to ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) as the process advances in the establishment of a NW/OWMDFZ. Another possible area where declarations could be useful in confidence building would be declarations to renounce all research and development related to maintaining or upgrading of WMD systems.

III. The Potential of the NPT 2010 Mandate on the 2012 Conference

Despite its immense value in legal and political terms for NPT member states and the NPT regime itself, the NPT 2010 mandate to convene the 2012 Conference might not represent a legally binding outcome for NPT non-parties, Israel included. However, a closer look at the details of that mandate would show that the 2010 outcome on the Middle East embodies a deliberate ambiguity aimed at constructively accommodating regional states whether or not they are NPT parties. While clearly providing for the practical requirements to convene the Conference in 2012 and linking its substantive terms of reference to the 1995 Resolution on the Middle East, the 2010 mandate refrains from further elaborating on issues such as the level of participation at the Conference, its particular agenda, its duration, and more importantly on the structure and substantive details of the process it is to establish. This has obviously represented a prudent approach which acknowledged the importance of providing regional states with the opportunity to elaborate on such details themselves.

Under the carefully crafted mandate adopted at the 2010 NPT Review Conference, states of the Middle East have their choices open in regards to the format and details of a regional negotiation process. Indeed, they are obliged under the 2010 mandate to address a comprehensive Conference agenda in 2012 essentially covering the nuclear, chemical and biological components of a NW/OWMDFZME with a view to move towards the implementation of the 1995 Resolution on the Middle East. The fact that the 1995 Resolution on the Middle East provides the terms of reference for the Conference comes parallel to an acknowledged parameter by the Conference and the resolution, namely that all arrangements for the sought zone are to be on the basis of freely arrived at arrangements by states of the region.

In this context, any doubts on the authority of the NPT Review Conferences and the resolution and decisions they have made regarding the Middle East or non-member states to the NPT should be measured against the

authority of the NPT Review Conference over its Middle Eastern member states regarding chemical and biological weapons as well as on means of delivery, since such elements fall beyond the NPT's substantive domain, even for its member states.

In 1995, NPT member states understood that it was unthinkable to both indefinitely extend the NPT and maintain its regional and international credibility if the nuclear status quo in the Middle East remained unchanged. Indefinitely extending the Treaty without concrete action would have been both unrealistic and unfeasible. This led NPT member states, when deciding on the indefinite extension of the Treaty in 1995, to resort to the comprehensive approach embodied in the 1995 Resolution on the Middle East, extending beyond the NPT membership and mandate.

That mandate, however, adopted an approach which all States of the region had supported previously, at least in principle. The adoption of an approach which was acceptable to states of the region and which enjoyed the co-sponsorship of the three depositories of the Treaty (United States of America, the United Kingdom of Great Britain and the Russian Federation) who drafted and presented the 1995 Resolution held the highest appeal to all of the parties involved and thus, consequently, had the highest chances of success. The Arab awareness of the negative impact the lack of implementation of the 1995 Resolution had on regional proliferation led them to strongly push in 2010 for an action plan to implement the resolution. Knowing how high the Middle East featured on the list of Arab priorities at the Conference and the how strong the support for that position was by NAM and many others concerned by the lack of implementation of the 1995 resolution, NPT member states supported the call for the 2012 Conference.

Needless to say, the fact that the 2010 mandate included a reporting requirement on the 2012 Conference to the 2015 NPT Review Conference and its Preparatory Committees not only provided an indication for a reasonable time frame for achieving tangible regional progress on the NW/OWMDFZME but also highlighted the direct relevance of the regional process to the NPT regime as a whole. This allows for a sufficient time frame to realistically assess the mandated regional effort and its impact on prospects for a successful NPT review in 2015.

IV. The Role of Nuclear-Weapon-States

Several NWFZs have already been established in different regions of the world. Despite differences in processes, negotiating fora, implementation time frames, transition periods, and rather diverse stipulations of legal instruments which led to the establishment of such zones, they have all positively contributed to confidence-building, security, and stability in those respective regions. NWFZs in existence thus provide a rich array of options which can be considered by Middle Eastern states in their efforts to establish their own zone, eventually to expand beyond the prohibition of nuclear weapons to chemical weapons, biological weapons, and means of delivery.

As is the case with existing NWFZs, the five NPT nuclear weapon states will need to commit to upholding the Treaty establishing the zone, vowing not to use or threaten to use a nuclear explosive device against any State party to the zone or any territory within the zone and not to contribute to any act that constitutes a violation of the Treaty establishing the zone[19].

Egypt's annual call, supported by Arab states, for nuclear weapon states to "render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter (…*to that goal*)[20] ", can be further elaborated in terms of three main phases relating to the zone. Those phases are namely: (i) the expected regional negotiation process over the zone; (ii) the implementation of commitments to bring the zone into effect, or otherwise transitional measures; and: (iii) the maintenance of the zone as an effective and reliable regional security framework.

A range of possible modalities for a regional negotiation framework to be established by the Conference exist. For example, the Conference might decide to set up three working groups at the senior expert level which

can separately negotiate the parameters related to the nuclear, chemical and biological dimensions of the zone, particularly in terms of the required membership of relevant international instruments, additional duties and responsibilities of regional states under a regional instrument, any additional verification arrangements, and the role of nuclear weapon states in the context of the zone. The Conference might decide to reconvene in a given number of months in order to consider the work developed by the working groups and decide to further initiate a drafting effort within the working groups and possibly establish an additional working group to discuss means of delivery. In due course the Conference can combine the working groups into one general drafting committee mandated to prepare a consolidated draft integrating various elements taken up by working groups.

Once a structured regional negotiation process is in place and the sponsorship and support of nuclear-weapon States, particularly the three co-sponsors of the 1995 Resolution on the Middle East, is lent to the regional effort, more significant prospects for the realization of the zone will be expected to emerge.

Beyond the basic practice of providing negative security assurances to states of the zone, the specific case of the Middle East will obviously require more engagement by the nuclear weapon states than with other NWFZs. The 2010 NPT mandate already prescribes the full support and engagement of the nuclear weapons states in the 2012 Conference. It will be required that nuclear weapon states reaffirm their commitment to provide all necessary support to the negotiations process of the NW/OWMDFZ by 2015. In addition to security assurances, this could include technical support, possible guidance on CSBMs, and verification and legal support. Furthermore, nuclear weapon states can pledge to pursue a United Nations Security Council Resolution welcoming the launch of a regional process at the Conference and emphasizing their security assurances, full sponsorship, and the terms of reference of the process and the time frame to realize it.

V. Scope of the NW/OWMDZ and its Possible Verification Arrangement

While there is a widely acceptable geographical framework to what can constitute a NWFZ in any region, practical considerations can play an equally important role in defining the politically feasible geographic delimitation of a potential zone. This has influenced the Arab position on the geographical scope of the zone so as to exclude Turkey and Pakistan from any proposed NW/OWMDFZ arrangement in the Middle East. Such exclusion is justified by the fact that Turkey is a NATO member and Pakistan is part of an enduring nuclear arms race with its South Asian neighbor, making it neither practical nor feasible to include either.

The geographical scope of the "Middle East" for the purpose of establishing a NWFZME has been identified in a 1989 IAEA study covering the area extending from Libya in the west to Iran in the east and from Syria in the north to Yemen in the south[21]. A wider concept for the zone was identified a year later in a United Nations Study which considered the geographical delimitation of the zone so as include "*all States directly connected to conflicts in the region, i.e. all States members of the League of Arab States, the Islamic Republic of Iran and Israel*"[22]. Arab states have openly endorsed the United Nations Study's delimitation concept of the zone and remain consistent in approaching the issue of the zone in relevant fora against that background. While not necessarily challenging this delimitation format, Israeli representatives have highlighted on a number of occasions that agreement on the geographical scope of the zone will have to be the outcome of a political agreement among the negotiating parties. Iran's position on the scope of the zone is less outspoken, since they do not recognize Israel. Since Israeli nuclear capabilities are obviously a huge security convern for Iran, and given that Iran is part of NAM and supports UN resolutions in a pattern similar to the Arab group, it is understood that Iran, at least in principle, is sharing the Arab view on the scope.

There also remains a strong link between the agreed geographical scope of the NW/OWMDFZME and the nature

of the possible verification regime to monitor compliance of all parties. If political relations between two countries within the zone represent an obstacle for the application of direct, mutual verification inspections arrangement, then it is only logical that other arrangements can be explored. These options include setting up a regional verification body to be responsible for supplementary verification arrangement, provided that the central reliance remains on international verification systems such the IAEA comprehensive safeguards system or the OPWC verification scheme.

Given the complexity of setting up a totally independent verification arrangement for a WMDFZME, benefiting from the already existing, highly efficient, and effective international verification systems becomes an obvious option. This is particularly relevant to nuclear and chemical verification, which represents at least the backbone for a regional verification system. The need to possibly combine international verification obligations with additional regional arrangements remains open for consideration in a regional negotiation process.

Due to the weakness of international standards associated with the BTWC regime for biological verification and controls, little can be done to rely on the BTWC regime as a basis for biological verification in a regional arrangement. This dimension of the verification arrangement is likely to require extensive regional exchanges to work out practical regional modalities acceptable to all regional states.

Without undermining the importance of regional controls on WMD means of delivery, creative thinking will be required to address this extremely complex dimension comprehensively. However, it is important to take into consideration lessons provided by other experiences, such as that of the NWFZ in South East Asia, where regional states considered the issue of means of delivery in their negotiations to conclude their zone but later decided to address this component through the United Nations multilateral framework. Despite extensive consideration, very little success has been achieved in the United Nations framework in this regard so far.

As is the practice for NWFZs in other regions, it is to be expected that a regional NW/OWMDFZ will be agreed on in the context of a regional legally-binding instrument enumerating all rights and obligations of regional states. Considering how joining the three major WMD Treaties is likely to be a basic requirement for the zone, it can be expected that that regional instrument establishing the zone will set a given time frame to address asymmetries in membership to the NPT, CWC and the BTWC. This is expected to take place in connection with additional regional arrangements relating to the resulting verification obligations, and could include a regional consultation mechanism or other regional verification elements. The establishment of a regional body to be assigned with overseeing the effectiveness of verification in the regional context remains worth examining, at the very least to manage any verification arrangements supplementary to international verification commitments.

From a practical standpoint, it has been argued that "… *creating a NWFZ commensurate with similar zones in other regions of the world is both a possible and effective means to safeguard the region from these weapons. Dealing with chemical and biological weapons, given their nature, is probably more effective through existing international instruments such as CWC and BWC although the later may require additional verification measures at the regional level. The priority in this regard should be on nuclear weapons because of the devastating consequences of their use or proliferation*"[23]. This approach is one which, in the view of the author, represents a logical and practical point of departure in approaching this issue.

VI. Confidence-Building and Arms Control: The Prioritization Dilemma

Confidence building measures (CBMs) generally play an important role in slowly enhancing previously strained relations where trust has been undermined. While CBMs can be applied in all fields, confidence and security-building measures (CSBMs) are more military-oriented and are intended to provide reassurance to a state about the behavior of its potential adversary, allow that State to reassure its adversary that its intentions are not aggressive, and provide reassurance to all states involved

that there are mechanisms for communication to prevent accidents and misunderstandings from escalating into direct conflict[24].

CSBMs include such measures as communications lines, information exchange, verification of provided information, prevention of incidents at sea, pre-notification of large scale force deployments, limitations on large scale military activities, maritime search and rescue and other measures dedicated to promoting cooperation, and increasing transparency and predictability in the military field[25]. In the multilateral context of the Arms Control and Regional Security process, states of the region explored CSBMs focusing on maritime search and rescue, prevention of incidents at sea, pre-notification of military exercises, exchange of military information, regional communication networks, and regional security centers[26].

CSBMs are expected to again feature in any discussion on a regional process aimed at the negotiation of a NW/OWMDFZ. However, confidence-building efforts, unilateral or multilateral, should best supplement actual arms control efforts and should not overtake, in priority or in practical sequence, the actual substantive work by a regional framework to negotiate the zone. This reasoning is served by the fact that ACRS was indefinitely put on hold due to strong differences of view between Egypt and Israel on the priority of arms control as opposed to the priority of confidence-building measures[27]. Such difference in views, and the lack of a comprehensive agenda on arms control priorities, brought the potentially promising exercise to a practical dead lock and an eventual end. Highlighting conflicting priorities that led to the termination of ACRS is not to undermine the unquestioned added value and positive impact of CBMs but to rather highlight important lessons.

In addition to the importance of the parallel pursuance of CSBMs as a supplementary activity to actual arms control measures, the relevance of confidence-building measures to the overall objective of the NW/OWMDFZME objective might suggest a higher value for more WMD-related CSBMs which might precede in priority the more conventional CSBMs. Since the objective is not necessarily the addressing of conventional armament in any direct manner, a more creative approach focused on advancing confidence-building measures in the nuclear, chemical and biological area should be examined.

States of the region might also consider a possible exchange of information on the history, scope and status of nuclear weapons or other WMD programs where relevant. Specifically in the nuclear field, a temporary moratorium on all regional uranium enrichment and plutonium separation activities pending accession of all regional states to NPT and implementation of comprehensive safeguards on all regional facilities and activities could prove very helpful. Israel might also wish to consider exploring interim modalities for the voluntary application of IAEA full-scope safeguards on its nuclear facilities in preparation for the regional arrangement to establish the NW/OWMDFZ.

Similarly, states of the region which are not party to the CWC could consider the exploration of modalities to allow voluntary verification missions by the Organization for the Prohibition of Chemical Weapons (OPCW) to their facilities, pending their accession to the CWC. A special arrangement of a similar nature might be sought for voluntary acceptance of verification visits to prove the absence of or the termination of biological weapons programmes. The assistance of states advanced in this area might be essential and should be made available upon request. The chances of Arab acceptance of additional voluntary verification arrangements in the chemical and biological areas will be directly linked to the introduction of parallel arrangements in the nuclear area. It is easy to predict that some Arab states will see little value for extended WMD verification arrangements if such arrangements fail to include effective arrangements in the nuclear field.

VII. Conclusion

The 2012 Conference represents an exceptional opportunity for regional states to address their threat perceptions and security risks through a long-sought and delayed regional negotiation process. While the Conference itself might not represent the high point in such a negotiating process, it is expected to provide a platform for regional

states, supported by the United Nations Secretary-General and nuclear weapon states like the three depositories of the NPT, to agree on the key principles, objectives, structure and time-frame which will rule such a regional process.

Along with preparations for the Conference came sweeping democratic changes in a number of Arab states. These democratic changes have dictated transitional phases which are just beginning in some states and are in full swing in others. The results of these democratic transitional phases are expected to yield governments more representative of their people and more accountable to them. This serves a future NW/OWMDFZ agreement well, and provides it with a solid base for continuity, since the choice to join the zone will be one of the people rather than solely that of a regime or another.

The possible success of the 2012 Conference should be measured against the objectives for which it has been decided to convene it, namely the implementation of the 1995 Resolution on the Middle East and the materialization of the regional vision on a NW/OWMDFZ. Success will require creative approaches in order to allow the Conference to conclude on a positive note, adopt a clear process-oriented road map, and have clear agenda for such processes and an agreement on the key principles which will guide it. As was the case with ACRS, the strong support of key external actors such the United States and other nuclear weapon states will remain essential for any process that can be then anticipated.

Although the format of ACRS does not represent a fully importable model in its substantive approach, its structural setting might inspire several aspects of this process, bearing in mind the identified shortcomings which led to the collapse of that exercise in the mid-1990s. The process to be created at the 2012 Conference should thus not be based on an ACRS-style, seminar-like arrangement but rather on a formal setting backed by all governments of the region rather than a simply a few. The active participation of all Arab states, Israel, and Iran will represent an important requirement for progress. Such a process should combine both the structure and agenda early on to avoid sequential linkages not conducive to an effective parallel and comprehensive examination of all key elements of the NW/OWMDFZ.

As for the agenda, neither a very general nor an extremely detailed agenda will help increase the potential for progress. The right balance of a comprehensive agenda, on which the nuclear dimension prominently features from day one along with the chemical and biological dimensions will be essential to avoiding conflicting priorities down the road. The management of the dimension of WMD means of delivery should, in the author's view, be postponed until the next level, after an agreement on the preferred structure of a regional instrument on NW/OWMDFZ and once its means of verification are examined and approved. An early management of the means of delivery dimension is likely to bring more differences than agreement since such an examination will be totally delinked from a clear picture on how WMD will be prohibited and how compliance to their prohibition will be verified.

The 2012 Conference on the NW/OWMDFZ would represent not only a significant step forward in terms of sustainable long term regional security and stability, but even more so a large step in terms of the credibility of the NPT regime and its sustainable effectiveness in the Middle East. A successful post-2012 process ensuing from the Conference would not only materialize a long-sought contribution for the NPT in a regional security structure in the Middle East but would also increase the sustainability of an effective review process of the NPT at the next Review Conference in 2015 at which time some tangible progress could hopefully be reported.

The way forward will be explored by the appointed Facilitator for the 2012 Conference with the support of other mandated non-regional states. However, it will remain up to the states of the Middle East themselves to chart the way forward and induce sufficient vision, political will, leadership and expertise into this process for real change to be realized. The regional journey ahead through the Conference and its following process is not expected to be easy, but the potential it holds for peace and stability in the region and the security all States concerned certainly makes it worthwhile.

Endnotes

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[1]2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Paragraph 7(a), NPT/CONF.2010/50 (Vol. I).

[2]Member States of the League of Arab States, namely; Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.

[3]United Nations General Assembly Resolution 3263 (XXIX), entitled "Establishment of a Nuclear-Weapon-Free Zone in the region of the Middle East", of 9 December 1974.

[4]These include, for example, Somalia, Yemen, Comoros, Mauritania and Djibouti.

[5]See the even more important annual United Nations General Assembly Arab resolution entitled "*Risk of Nuclear Proliferation in the Middle East*" and the Egyptian General Assembly resolution entitled "*Establishment of a Nuclear-Weapon-Free Zone in the region of the Middle East.*" In the framework of the International Atomic Energy Agency (IAEA), most relevant resolutions would include the almost annual Arab resolution entitled "*Israeli Nuclear Capabilities"* and the annual Egyptian resolution entitled "*Application of IAEA Safeguards in the Middle East*".

[6]Including the First Committee of the United Nations General Assembly, United Nations Disarmament Commission, and the International Atomic Energy Agency General Conference at NPT Review Conferences and Preparatory Committees. All Arab states are NPT members and traditionally introduce Arab working papers on the establishment of a NWFZME and on the direct relevance of the establishment of such a zone to the indefinite extension of the NPT in 1995. The Resolution on the Middle East featured as a main component of the indefinite extension package.

[7]See the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Working Paper on implementation of the resolution on the Middle East and the outcome of the 2000 Review Conference with regard to the establishment of a nuclear-weapon-free zone in the Middle East, submitted by Lebanon on behalf of states members of the League of Arab States (NPT/CONF.2012/WP.29).

[8]XVI Ministerial Conference and Commemorative Meeting of the Non-Aligned Movement, Bali - Indonesia, 23 – 27 May 2011, paragraph 158.

[9]European Union *Seminar to Promote Confidence-Building and in Support of a Process Aimed at Establishing a Zone Free of WMD and means of delivery in the Middle East*, 6-7 July 2011, Brussels, Belgium.

[10]IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, 21-22 November 2011, Vienna, Austria.

[11]Asharq Al Awsat Newspaper, 19 December 2005.

[12]See "*Al Hayat Publishes the text of Amre Moussa's letter to the 26th GCC Summit*" (in Arabic), Dar Al Hayat, 2 January 2006.

[13]UNGA Resolution 65/42, "*Establishment of a Nuclear-Weapon-Free Zone in the region of the Middle East*", preambular paragraphs 2 and 3.

[14]IAEA General Conference, Resolution entitled "*Israeli Nuclear Capabilities*", GC(53)/RES/17, adopted 18 September 2009, preambular paragraph (e).

[15]UNGA Resolution 65/42, Operative paragraph 4. Also see Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons.

[16]Ibid, preambular paragraph 5.

[17]Statement of Egypt before the First Committee of the United Nations General Assembly (General Debate), New York, October 5, 2010.

[18]Ibid.

[19]Nabil Fahmy and Patricia Lewis, "*Possible Elements of A NWFZ Treaty in the Middle East*", Disarmament Forum, Vol.2, 2011.

[20]UNGA Resolution 65/42, entitled "*Establishment of a nuclear-weapon-free zone in the region of the Middle East*", Operative Paragraph 7.

[21]International Atomic Energy Agency, General Conference, *Modalities of Application of Agency Safeguards in the Middle East*, GC(XXXIII)/887, 29 August 1989.

[22]United Nations General Assembly, Report of the Secretary-General, *Study on Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-Weapon-Free Zone in the Middle East*, A/45/435, 1991.

[23]Nabil Fahmy, "*Salvaging the 2012 Conference*", Arms Control Today, September 2011.

[24]Croft, Stuart, "*Strategies of Arms Control: A History and Typology*", Manchester University Press, 1996.

[25]*Organization for Security and Cooperation in Europe (OSCE), 1 January 2004, Fact Sheets on "History and Background of Confidence and Security Building Measures (CSBMs) in the OSCE" and on "Potential of the Vienna Document 1999 Mechanism to Increase Confidence and Stability in the OSCE Region".*

[26]Emily Landau, "*ACRS: What worked and what didn't, and what could be relevant for the region today*", Disarmament Forum, vol.2, 2008.

[27]Ibid.

Factors Influencing Iran's Approach

Dr. Shahram Chubin*

I. Introduction

Iran's approach to the 2012 conference on a 'Middle East zone free of nuclear weapons and all other weapons of mass destruction' will be guided by two principal considerations: Iran's national security needs and the more tactical issue of diplomacy. Iran will want to maximize its influence and avoid diplomatic isolation. Accordingly, Iran will approach the conference with the intention of safeguarding its security options while putting public pressure on Israel and relatedly the US. The conference will be a useful venue for this and it is doubtful, absent a complete turnaround or reevaluation of strategy that Iran will treat the conference as an occasion for constructive diplomacy, compromise, or even confidence building, other than the cosmetic or tactical sort.

Iran's view of its national security has been formed by its experience since the revolution, its ambitions and its ideological predispositions. Iran has been a vexing issue on the international agenda not least because it is not altogether clear even to itself what its aims are. Does it seek a greater role in international affairs through increased respect, status, and influence, or does it seek to change the international order? Are its goals offensive or defensive, and can they be met without conflict? Related to this are its regional ambitions. Do these include hegemony or merely recognition of its reasonable, legitimate security interests? To what extent is Iran's hostility toward Israel based on the latter's treatment of the Palestinians and to what extent is this a cover for Iran's anti-Western posturing and hegemonic ambitions? How important are domestic political calculations in all this? Related to this is the uncertainty about the extent of Iran's nuclear ambitions. Do these ambitions encompass an operational stockpile of weapons or simply an ambiguous capability near the threshold, which could be converted quickly to operational weapons in *extremis*? How does Iran view its security today, and what are its priorities?

All of these broad issues influence Iran's attitude toward arms control and its nuclear programme. In this background paper I first deal with the broader context before assessing Iran's approach to the 2012 Middle East conference and discussing its likely strategy.

Iran's Threat Perceptions and National Security

Since the end of the Iran-Iraq war, Tehran has sought strategic self-reliance emphasizing two pillars of defense: domestically produced missiles (battlefield and strategic) and sub-conventional operations, principally the use of militias and terrorist groups to achieve its strategic aims. Iran's conventional forces and military expenditures have been limited, especially compared to its wealthy Gulf neighbors. Iran's reliance on an "asymmetric" strategy or "hybrid" warfare feeds the suspicion that Iran exploits its strategy of ambiguity on both ends of the spectrum, the low (terrorism) and the high (missiles and possible WMD).

Iran certainly sees its burgeoning "nuclear capability" and ambiguity about its intentions as a means to offset the United States' (US) conventional forces and inhibit and constrain Israel's hitherto unchallenged, region-wide air power and power projection capabilities.

In the past decade the pressure from the US and Israel has increased as the US has become involved more directly in the region. With Iran's perception of heightened vulnerability, its nuclear ambitions have taken center stage. One could argue that that nuclear issue is both the cause of this pressure and, in the Iranian view, a *response* or solution to the pressure.

In any case the pressure is palpable starting with five sets of United Nations Security Council (UNSC) resolutions and four sets of economic sanctions since 2006. Pressure has also included cyber attacks (Stuxnet) on Iran's critical facilities and a shadow war in which its nuclear experts have been targeted for assassination. Given repeated threats, the Iranian government cannot exclude the possibility that this may culminate in a military strike on its nuclear facilities, as happened against Syria, its ally, in 2007.

Iran has put its faith in the fact that the US and Israel will be deterred by the lack of a "smoking gun", i.e. definitive proof of its weapons *intent*. At the same time, for status and deterrence purposes Iran is boastful but ambiguous about its *actual* capabilities. Rhetorical claims, together with Iran's hardening and diversifying of its sensitive facilities and its declaratory policy that it will treat *any* attack as an existential one to which it will respond by widening the scope of hostilities and ensuring their prolongation and an open-ended confrontation, will constitute additional disincentives to unilateral military action.

In the meantime, the Arab Spring has seen a deterioration of the regional environment for Iran. Far from being "an Islamic awakening" as it was characterized by Supreme Leader Ayatollah Ali Khamenei, regional developments have shifted the focus away from confronting Israel to more local concerns about the nature of governance. In this shift the Iranian model has not figured at all; "resistance" now means confronting unaccountable and corrupt governments. Iran has precious little legitimacy in this area and accordingly has been ignored. Iran's irrelevance has been underlined by the state of embattlement of Iran's only regional ally Syria, a minority (Alawi seen as Shi'i) regime which has earned little credit from the "Arab street" for its brutal repression of its "resisting" citizens. The fact these dissidents are mainly Sunni underscores another feature of regional politics which weakens Iran: the deepening sectarian cleavage. This not only weakens Iran's pretensions to regional leadership but goes far towards polarizing the region along sectarian lines, a phenomenon most visible in the Persian Gulf. Here the Sunni Arab states of the Gulf Cooperation Council (GCC) consider Iran as the prime cause of instability among their own Shi'i populations, especially in the case of Bahrain where they are a restive *majority* under a Sunni government. If the Alawi regime in Syria collapses Iran will be left friendless in the Arab world, a situation that would see an Arab-Iranian confrontation that even a Shi'i government in Iraq, which would be contested and weak, could not compensate for.

At the same time, the rising influence of Turkey in the region threatens Iran's claim to regional leadership. Finally, Iran interprets discussions about a NATO-sponsored missile defense system not as a defensive measures but as a means of neutralizing an Iranian response to an Israel-US strike on its nuclear facilities, and hence as enabling such a strike.

In short, the current situation increases Iran's vulnerability and insecurity, especially as it is coupled with the domestic divisions seen in the recent elections conveniently excluding the "opposition" from running at all. In theory this weakness could induce more moderation and flexibility in Iran's nuclear programme and in regards to Israel. But it could just as easily prompt the reverse. Iran prefers to meet pressure with counter-pressure and threat with threat. Thus, under sustained pressure and increasing isolation, Iran's nuclear programme could come to be seen as necessary not only to counter the US/Israel threat but also as a source of domestic legitimacy, and hence as doubly essential for regime survival.

Domestic Politics and Arms Control

There have been differences in domestic politics since the beginning of the revolution. For our purposes, it is sufficient to note that these differences have become more pronounced and bitter since 2009. A major difference among the factions has been on Iran's international role. This, in turn, has translated into different views on diplomacy and arms control. As a signatory to all major arms control agreements (the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention, and the Biological Weapons Convention), Iran has accepted responsibilities and constraints which have since proven controversial. In 1998, a senior Revolutionary Guards officer questioned whether Iran could achieve its aims and security by adhering to (paper) arms control agreements.[1] The implication was that the Reformist government of President Sayyid Mohammad Khatami was jeopardizing the country's security by its receptivity to international arms control initiatives and its involvement in associated international institutions. Since then, this 'moderate' faction, composed of professional diplomats interested in normal international interaction, has been progressively marginalized. Arms control as such never had a strong domestic consensus, limited as it was to some of the

technocrats in the foreign ministry. Iran has never had a significant civil society mobilized on these international issues and thus there was little to counter its progressive elimination.[2]

A broad implication of this schism is that there exist two approaches to Iran's nuclear programme: one which sees it as a way to achieve a modicum of self confidence and security, enabling Iran to pursue regional and international security in a *cooperative* fashion, and the other which sees the nuclear programme as a means for Iran "to come of age" in terms of power and become more assertive after a history of alleged victimhood.

Arms control has been a "hard sell" in Iran since the war with Iraq. Skepticism about its utility can be summarized thus:

- It is selectively applied, e.g. the passivity of UNSC when Iraq used chemical weapons in 1984-88. India and Israel, which are not in the NPT, are under no pressure, and in the case of India it is "rewarded" by the US with a special nuclear cooperation agreement.
- Enforcement is selective; Iran is treated more harshly (Six UNSC resolutions and four sets of sanctions) than North Korea, which has left the treaty and tested a weapon twice.
- The NPT is discriminatory ("nuclear apartheid"), i.e. it formally enshrines two classes of states as nuclear and non-nuclear weapon states.
- Supplier groups are really a way for advanced states to deny technology to developing states.[3]
- Arms control in the case of the NPT is really a way to "disarm the unarmed," with more emphasis on the non-proliferation provisions than on nuclear disarmament.
- Iran sees international agencies like the International Atomic Energy Agency (IAEA) as highly politicized and susceptible to US influence, making them remote or indirect instruments of US policy.
- Related to this is the role of international inspectors, i.e. safeguards inspectors of the IAEA, which Tehran sees as spies, based on revelations about inspectors' roles in UNSCOM and UNMOVIC.
- Finally, a founding principle of the Islamic Republic of Iran (IRI), underscored by its experience in the war with Iraq, is *self-reliance* and the avoidance of dependence on others for arms or technology. This has colored its approach to uranium enrichment and its insistence on national control of the full fuel cycle, notwithstanding the dubious economics of such an approach.

The net result of the foregoing is that Iran treats its arms control obligations grudgingly and through clenched teeth, interpreting them in a "strict constructionist" manner and accepting in its view only the bare, literal text rather than the spirit.

Iran has not treated arms control as a viable instrument of national security and, absent a major change in domestic politics, is unlikely to do so soon.

The Background of the NWFZ Initiative

The Iranian UN initiative of 1974 proposing a nuclear weapon free zone in the Middle East came five years after an earlier suggestion made by the Shah. This time, it came as Iran was developing plans for a civil nuclear programme. Iran enjoyed good relations with both Egypt and Israel during that period. The initiative the Shah proposed did not specify the scope of the region, but it came at a time when Arab-Israeli relations were improving, and after India's 'peaceful' nuclear explosion.[4] Iran supported both a two-state solution on Palestine and Anwar Sadat's 1977 peace initiative while having de facto ties and a commercial relationship with Israel and a commercial relationship with them. Iran's strategic focus at that time was on the Indian Ocean and Persian Gulf; the Levant/Arab-Israeli zone was a secondary concern and Iran did not seek a leadership role there.

Iran pursued a regional security arrangement in the Persian Gulf following Britain's withdrawal from the Gulf in 1971. Despite several meetings, the littoral states were unable to reach an agreement on formalizing security cooperation. Part of the problem was the Arab states' fear of a powerful Iran, which was stronger militarily and larger demographically than its Arab neighbors. Another problem was Iraq's volatile course and suspicions about its intentions. Above all the project foundered due to the absence of agreement among the three principal states, Iran, Iraq and Saudi Arabia, on their respective leadership roles. In this period the US promoted a twin-pillar policy, relying primarily on the regional states of Iran and Saudi Arabia to assure security.

The Islamic Republic inherited the nuclear weapon free zone (NWFZ) initiative against a different background.[5] As such, Iran now became hostile towards a two-state solution, Israel, and the United States, the alleged "protector" of Israel. Hostility toward the US translated into pressure on the Gulf states and a rejection of their right to host US bases or military on their soil. Suspicions about Iran's intentions, together with territorial disputes, pushed the Arab states of the Gulf to increase their reliance on the US for assuring their security. While unwilling to antagonize Iran under these conditions, these states were also reluctant to increase their cooperation with it or to rely on a regional security mechanism that would guarantee Iran preponderant influence by foregoing close security relationships with the US. Iran's insistence on the US departure from the Gulf while emphasizing its own role of security guarantor was not designed to reassure its neighbors. Furthermore, Iran's relatively modest military expenditures compared to the GCC was not especially reassuring to its neighbors, especially given the emphasis on anti-ship missiles, submarines, mines and fast patrol boats, which could interrupt waterway traffic. Although this is a *sea-denial* rather than a sea control strategy, Iran's neighbors see this as enabling Tehran to block the straits of Hormuz and exert pressure on them through control of their oil exports.

In sum, Iran's orientation in the Middle East and its hostile relations with the US over the past thirty years, together with the more pronounced sectarian cleavages noted earlier and the more recent regional polarization between the Arab states and Iran, makes the achievement of a regional security mechanism in the Persian Gulf more problematic than it has ever been.

At the same time, Iran now seeks to play a leadership role on the issue of Palestine. Islamic Iran sees itself as the champion of "oppressed" Muslims everywhere, especially of the Palestinians. It views Israel's unacknowledged nuclear capability and recognized 'qualitative edge' in conventional arms as casting a shadow over any possible negotiations, thereby making any fair diplomatic outcome impossible. Iran has therefore preferred to outbid the Arab states in its support for the Palestinians by rejecting a two-state solution, offering material and financial assistance to Hamas/Islamic Jihad, and insisting that the Hezbollah/Iranian "resistance model" is the only way to achieve success against Israel.

Iran was not invited to the Madrid Peace conference and the subsequent Arms Control and Regional Security (ACRS) discussions of 1991-95. Had it been, its position would have likely been close to that of Egypt in arguing for a focus on Israel's nuclear *capability* before discussion of a political settlement.

The link between the Middle East nuclear weapon free zone and a regional security arrangement was formally made by UNSC resolution 687, which ended the Gulf war in 1991.

The link was repeated in a resolution at the 1995 NPT review conference, which extended the NPT indefinitely. The idea that security can be built incrementally in blocks and in formal or informal arrangements among states with similar security concerns, which can foster understanding and mutual respect, is hardly new. Embedding arms control agreements in regional structures is clearly desirable in a region where there is a history of conflict and multiple sources of instability. Commonly accepted norms, responsibilities and limits might indeed work better if grounded in local structures. The problem in the Gulf is the absence of consensus or trust among the principal littoral

powers and the differences in opinion over the role of outside powers (i.e. the US) and, in the wider Middle East, the existence of on-going conflict.[6]

Iran has used the various NPT review conferences as occasions to point to the failure of the nuclear weapon states to move to disarm under Article VI and to focus attention on Israel's continuing non-adherence to the NPT. Iran has also supported the convening of a NWFZ conference on the Middle East as a way of isolating and putting pressure on Israel, and thus on the US as well.[7]

The regional environment has changed considerably since 1974, not least due to the spread of political Islam spearheaded by the IRI since the 1980s, the growth of an Islamist opposition movement toward Israel notably in the shape of Hamas and Hezbollah, and finally in the shift in Iran's role from friend to antagonist of Israel. This has been capped in the past decade by Iran's nuclear programme, which is seen as threatening not only by Israel but also by the Arab states, especially the neighboring Gulf states. All of this creates complications in attempts to define and implement a NWFZ that were not there in the already troubled years of ACRS.

Iran and the 2012 Conference

Iran will use the 2012 conference to advance its national security goals. Tehran's other goals include aims for physical security, influence and status. Beyond this, and at a more concrete level, Iran's goals are opaque. Iran has paid a heavy price to date to advance its nuclear programme and appears to attribute to it a symbolic rather than a mere economic value. Weak conventionally, Iran may attribute to nuclear weapons an "equalizer" function. Iran has *chosen* to champion the Palestinian cause and to make an adversary of Israel, thus tying Iran's security to that of Israel and making the issue of parity or equality more pressing. Domestically, Iran has become more conservative or ideological and less flexible, and this is reflected in its hard-line foreign policy.

Although Iran was the original author of the idea of a NWFZ in the Middle East, it is important to recall that the Islamic Republic only inherited the paternity.

The original aim in 1974 was benign, *inter alia* in a period of interest in nuclear power for energy, and designed to reassure others and to give effect to one aspect of the landmark newly-completed NPT. Another major change in the political environment over the years has been in regional politics. Hostility toward Israel is now a defining feature of the IRI and the NWFZ idea is thus now seen in this context. Iran's approach to the 2012 conference also will be largely determined by the continuing pressures, sanctions, and the threat of a military attack on its facilities associated with the continuation of its enrichment activities. Its approach to the conference may well be dictated by its recognition of the need to escape from the viselike pressures of sanctions and the growing need to avoid stoking the pressures for a strike on its nuclear facilities.

Against this backdrop, Iran will thus seek to:

1. Focus the conference on the failure of Israel and the US to fulfill their obligations, i.e. to join the NPT and implement Article VI of the NPT, respectively. This will accomplish the additional goal of reducing pressure on Iran's own nuclear ambitions and diverting attention away from disputed aspects of that programme.

2. Create or join a consensus in the conference, both to avoid the IRI's further diplomatic isolation and in the possibility that a well-judged initiative might act to constrain an US-Israeli threat to Iran. This would imply reversing the GCC skepticism about Iran's aims, significant concessions to the GCC, a change in behavior and rhetoric, and, most importantly, a conspicuous step back from support of the Shi'i in the Arab world, including those in Bahrain and Iraq.

All of this might be too much for Tehran to swallow and not enough to reassure the GCC. For such a change to occur, the IRI would need to recognize that disarmament diplomacy might play a useful role in contributing to its security. Diplomacy must come to be seen as a path to deflect military pressure and to avoid being cornered. At the very least, the IRI would need to become aware of the

need to avoid further isolation and of the advantages of at least *appearing* to work with, and allaying the security concerns of, its Arab neighbors. At a minimum this would serve the purpose of preventing them from "ganging up" on it in an international conference.[8]

Iran's decision to boycott one of the preliminary conferences in Vienna under IAEA auspices in November 2011 stemmed from annoyance with a recent critical report from that agency.[9] It was a discrete, limited act, for Iran recognizes the applicability of the adage, "if you are not at the table, you are [likely] to be on the menu".[10] In light of the need to avoid drawing unwelcome attention to itself it appears unlikely that Iran will snub or boycott the actual conference.

As noted, Iran likes to claim authorship of the NWFZ initiative without giving it much more than rhetorical support.[11] Iran has used this initiative as a platform for its own priorities about the Middle East NWFZ, namely to draw attention to two issues which can embarrass its adversaries. Iran insisted on reference to these issues in the review conference consensus document of June 2010:

1. The obligations of the nuclear weapon states to move to general and complete disarmament; with pointed mention of the total elimination of nuclear weapons by 2025[12] and

2. The necessity of having *all* regional states (ie. Israel) join the NPT.

These will be themes that Iran will stress at any 2012 conference insisting that these are directly linked, although whether Iran will make these *preconditions* for any advancement on the NFZ itself remains unclear.

Insistence that Israel must join the NPT as a non-nuclear weapon state is a consistent theme in Iranian diplomacy and writings. This provides Iran with a subject to divert attention from its own alleged failures to comply with the treaty and safeguards, as well as a rallying point for Iran vis a vis the Arab states. This is especially important because the Gulf Arab states see the threat of an Iranian weapons capability as more dangerous and unpredictable than that posed by Israel, with which they have lived for decades. In any case, while Iran can scarcely expect to be rewarded for holding progress on a NWFZ hostage to general nuclear disarmament, Iran is likely to insist on Israel's acceptance of the NPT as a precondition for progress on a Middle East NWFZ.[13]

This position may or may not be unique, but the rationale underlying it surely is not. It is clear that today – as in the past –Israel still enjoys a "qualitative edge" in conventional weapons so that "the nuclear race is almost entirely one-sided" in its favor.[14] Hence while the Arab states, depending on location, may be divided on whether Israel or Iran poses the greater threat to them, there is little debate about which state has the more advanced nuclear programme and on the practical necessity of taking both programmes into account.

Iran's approach to arms control and especially the NPT noted earlier is not encouraging as regards its probable approach to the 2012 conference. In summary:

- Iran will not accept any conditions that "singularize" it, only those on conditions of strict reciprocity.

- Iran sees arguments for transparency as thinly disguised excuses for espionage.

- Iran will not accept any *additional* commitments to those already accepted in the NPT. Thus tighter conditions for withdrawal, more intrusive inspections, etc. are possible only if and when the NPT is universalized and the NWS disarm.

II. Regional Security Structure

Given the breakdown of the Gulf with Iran as the only non-Arab state, Iran has preferred traditionally to maximize its influence by emphasizing bilateral relations.

As such, Iran has benefitted from Omani and Qatari efforts to escape Saudi dominance in the GCC by having reasonable ties with Tehran. Kuwait, too, in light of its

poor relations with Iraq historically, has cultivated Iran as a potential balancer. Despite the all-Arab composition of the GCC, another sub-regional structure centered on the Persian Gulf might have its advantages for Tehran, notably by excluding non-littoral powers from any role and including Iraq in extending Iranian influence. A new Gulf-wide structure might also be useful for Iran as a formal setting for diluting Saudi influence. Since Iran is unlikely to be accepted in any other Arab structure such as the Arab League or GCC, such a structure might be a means to end Iran's "lone wolf" approach to security, signaling a willingness to be included in the region.

A region–wide mechanism, whether Gulf-centered or more comprehensive in scope, including Israel, could serve several functions:

1. It could serve as a forum for interacting continuously with neighbors shielded from the vagaries of bilateral relations; this is especially important in light of the intensified sectarian rivalry noted earlier.

2. It could cover any "climb-down" Iran might be inclined to a make on the nuclear question. First, in a collective setting the IRI could better defend such a climb-down domestically. Second, it would also cover or dilute interaction with Israel (see below). Third, it could serve as a cover for any compromise Iran might contemplate: e.g. on inspections, or a temporary enrichment freeze or on a no first use, on not targeting reactors, etc. A regional security mechanism would be the ideal place for Iran to pursue its "non-singularization" goal. By elaborating *norms* applied region-wide, Iran could realize this.

3. Finally, Iran's participation and support for a regional approach and mechanism could become more important this year, if only for tactical reasons, as the pressure for a military strike on Iran intensifies.

III. Scope

This raises the issue of the geographic/political scope of any NWFZ. Some of the smaller GCC states have studied and may prefer a sub-regional approach that first deals with the Gulf region before moving to a wider region encompassing Israel.[15]

The advantages of dealing with security in terms of building blocks enabling greater focus on specific security concerns is obvious enough. Clearly it would also be useful if there existed a regional security mechanism or forum through which discussions could be funneled and agreements arrived at.[16]

Iran's official position has been non-committal: "Iran, while formally supportive of the creation of zone, has been uncharacteristically silent during discussions of regional boundaries, that is what countries constitute the Middle East for the purposes of the one."[17]

Iran would strenuously oppose a definition of the NWFZ that focused on the Gulf as opposed to Israel. A Gulf-focused arrangement would put Iran on the firing line without any constraints on the already well-developed Israeli programme. This does not preclude confidence-building measures tailored to the Gulf. So far though, Iran has seen these in terms of cultivating bilateral ties (see above) by proposing joint naval exercises. However, Iran *might* also be reluctant to embrace even a region-wide arrangement if it meant negotiating with Israel and, in its view, "legitimize" that state thereby.[18]

If these are valid considerations it is difficult to see Iran getting down to the kind of detailed negotiations necessary for progress toward a NWFZ.

IV. Sequence

The issue of sequencing torpedoed the ACRS talks; Egypt wanted to focus on Israel's nuclear weapons as a matter of priority, while Israel insisted that such a discussion should follow, not precede, a comprehensive regional peace accord. Iran is unlikely to accept negotiations in the shadow of Israel's nuclear monopoly and superiority.[19] A key question is whether Iran would indeed accept *any* agreement, "even a transitional one, in which the situation is "frozen" with Israel' superiority and the retention of its arsenal."[20]

Against this background, it is worth sketching a different scenario. Recalling the earlier proposition that Iran does not wish to be isolated regionally and the current pressures and implicit threats on it arising from its continuation of its enrichment in the face of UNSC demands for a cessation, Tehran may find it politic to treat the NWFZ conference as an "opportunity" to reassure the international community about the peaceful nature of its programme.[21] This need not be a basic change in strategy but rather a recognition that Iran had more to gain than to lose by taking part in region-wide discussions. An important consideration might be a willingness on the part of other regional states to go ahead with discussions without Iran if Tehran were unwilling to commit.[22]

Iran has an interest in an agreement prohibiting attacks on civil nuclear reactors and in an agreement reducing the risks of surprise attack,[23] with the latter issue raising the question of missiles, which may or may not also be an area of potential cooperation. Iran first raised the issue of non-attack on power reactors in the IAEA in the 1980s. Iran's approach in recent years has been antagonistic to arms control and therefore not disposed to build on these common interests with its neighbors. The prospect of conflict and the pressure of sanctions might stimulate a reconsideration of this past approach. Shifts in the regional landscape, most notably a weakened foothold in Syria, may make Iran's hostility toward Israel through Hezbollah more problematic and costly. An Iran either less obsessed by Israel or more concerned by its own immediate security might consider the alternative of diplomacy and arms control to achieve its goals.

One glimmer of hope is that, just as Israeli public opinion supports the principle of a regional NWFZ, there is some evidence that Iranian public opinion may also be amenable to compromise on its nuclear programme.[24]

V. Conclusions

Iran's approach to the 2012 conference will be influenced by its calculations of regime security and interest. In respect to these the IRI is at a cross-road: domestic politics and personal competition have become more intense and bitter as the succession battle for the replacement of the President, and more indirectly the Supreme Leader himself, have become more heated. At the same time, two factors are pressuring the IRI. First, sanctions are at last taking their toll on the country, raising questions about the wisdom of continuing to confront the Security Council. Equally importantly, the "Arab Spring," though it may see Islamist groups assume more power in various countries, is unlikely to see regimes either sympathetic toward Iran or interested in its "model" of resistance and rejection or its autocratic "Islamic" system. In that respect, the Arab world may find that the "Turkish model" of secular pluralism with Islamic elements more attractive, if only because it has been more politically and economically successful. At the same time, the risk of an Israeli/US military attack is mounting, with the coming months being decisive in whether or not they become a reality.

Iran thus finds that domestic weakness, preoccupation, and regional isolation are making it more vulnerable. Iran could react to this by one of two ways. First, it can continue its nuclear programme regardless and keep pointing to Israel as the prime regional threat.[25] In this case, it will treat participation at the conference as a propaganda exercise against Israel and the US. It will only propose initiatives intended to goad the Arab states and which are guaranteed to be rejected by Israel. This would be the "business-as-usual model."

Alternatively, Iran may decide to use diplomacy to reduce its isolation and vulnerability. This may become evident in its posture at its talks with the P5+1 talks scheduled in April. If the past is any guide, these talks will be used by Iran for tactical and procedural compromises intended to buy time, divide the allies, and divert attention away from Iran. On the other hand, given the cumulative pressures noted earlier, evidence of a strategic reevaluation by Tehran would be a decision to approach the conference more seriously, looking at concrete and cooperative approaches to security. An obvious area of common interest might be measures that reduce the risk of surprise attack. Although multiple asymmetries (size/depth, qualitative, etc.) make agreement difficult, the discussion of issues and improved strategic dialogue in itself would be a confidence-building

measure. Even if shorter-range rockets concern Israel most directly, measures on restricting missile tests might be a subject for eventual discussion.[26]

The 2012 conference could be an opportunity to offer initiatives that meet Iran's goals by suggesting measures that build on the region's common concerns, increasing transparency, elaborating a code of conduct, agreeing to criteria for technology transfer, and not making other criteria such as the expulsion of outside powers or the entry of Israel to NPT as a NNWS preconditions.

Interest in a NFZ must increase if Iran genuinely believes what it often repeats—that nuclear proliferation in the region is against the interests of all states. Given the multiple axes of conflict, the cross-cutting nature of adversarial relationships, and the real possibility of further proliferation in the region either as a slow motion "drip-drip" or as a cascade, the risks of preemptive and preventive wars must remain ever present. A common interest in preventing the diffusion of sensitive technology to non-state actors might also be a basis for starting cooperation. Such areas of convergence are not lacking, but whether the political vision and will is there to realize them is another matter.

Reassuring the international community while retaining access to nuclear technology is primarily a question of politics and trust; it is not an inherently impossible proposition. Under pressure, Iran may find it prudent to use the international conference to increase confidence in its intentions and reduce its isolation. If so, it would be a radical departure from past form.

Endnotes

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[1]The Commander of the Revolutionary Guards Yahya Rahim Safavi, who implied in answer to his own question that Iran should keep all its option open (implicitly including WMD) to defend its revolution. *Jameah* April 29, 1998, cited in Daniel Byman and Shahram Chubin et. al., *Iran's Security Policy in the Post Revolutionary era*. (Santa Monica: RAND, 2001) pp. 96-97.

[2]For some observations on Iran and arms control which are at best out of date see Peter Jones "Iran's Arms Control Policies and the Weapons of Mass Destruction Issue", Center for International Relations, *Working Paper* No.18, June 1998.

[3]A UN study observed that supplier groups tend to be seen in the Middle East and other countries as "designed to keep developing countries in a state of technological backwardness and military inferiority." See, *Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-weapon-free Zone in the Middle East*, United Nations Disarmament Study Series, No. 22, 1991, p. 32.

[4]See Kathleen Teltsch, "Iran asks UN action to keep Region Free of Nuclear Arms" *The New York Times*, July 13, 1974, p.3. For a general overview of the concept see Jozef Goldblat, "Nuclear Free Zones: A History and Assessment" *The Non-Proliferation Review*, Spring/Summer 1997, pp. 18-32.

[5]It has been suggested that the 1974 proposal "has been for some decades in what might be called the pre-negotiation phase." It is striking how much the regional environment has changed in the interim, with a revolution in Iran, the Iran-Iraq war, revelations about nuclear ambitions in Iraq, Iran, and Syria, and a reorientation of regional politics and alignments. For an early study on the NWFZ see Jan Prawitz and John Leonard, *A Zone Free of Weapons if Mass Destruction in the Middle East*, (Geneva: UNIDIR, 1996) p. 75.

[6]For a thorough and thoughtful discussion of the issues see Robert E. Hunter, *Building Security in the Persian Gulf* (Santa Monica: RAND, 2001).

[7]For a discussion of President Hosni Mubarak's proposal of a weapons of mass destruction free zone in the Middle East and the general issue of NWFZ see Mohammed Kadry Said, "Middle East Weapons of Mass Destruction Free one: Regional Security and Non-proliferation Issues" Ch.9 in V. Csvereny et. al. *Building a WMDFZ: Global Non-Proliferation Regimes and Regional Experience* (Geneva: UNIDIR, 2004) pp.123-133.

[8]It is worth recalling that in the 2010 review conference Iran was pressured (and was susceptible to pressure) by Egypt and through it the Nonaligned members to join the consensus rather than stay out. See Shimon Stein, "Between Israel and Iran: Egypt and the 2010 NPT Review Conference" in Emily Landau & Tamar Malz-Ginzburg eds., *The Obama Vision and Nuclear Disarmament* (Tel Aviv: INSS Memorandum 107, March 2011.) p. 109.

[9]"Iran spurns UN Mideast nuclear forum", *Khaleej Times*, November 18, 2011. (Khaleejtimes.com/DisplayArticle09.asp?xfile=data/middleeast/2011/November/middleeast_November450.xml&section=middleeast) accessed December 7, 2011. See also Tehran Times ("Iran will not attend 'meaningless' IAEA forum on Middle East nuke free zone"[www.tehrantimes.com/index.php/ politics/92928-iran-will-not-attend] November 11, 2011.

[10]As often happens at GCC meetings when Iran is singled out for not cooperating enough with the IAEA, eg. *Arab News,* December 6, 2011.

[11]Anoush Eteshami agrees with this characterization: Iran's position on the NWFZ is "largely rhetorical" with "no thought–out policy", *Palestine/Israel Journal* (March 2010) p. 25. Iran is not exceptional in this regard. Israel, we are told, views a world without nuclear weapons and a nuclear free zone coming after a comprehensive peace as essentially "verbal diplomacy," unlikely to be achieved in our or our children's lifetimes. See Avner Cohen, "Israel's Nuclear Future: Iran, Opacity and the Vision of Global Zero", *Palestine/Israel Journal* Vol.16 Nos.3&4, March 2010 p. 16. [*Special Issue: A Nuclear Free Zone in the Middle East: Realistic or Idealistic?*].

[12]Repeated in 2012 when the Iranian Foreign Minister told the Conference on Disarmament that production and possession of nuclear weapons is "a great sin" and called for a treaty banning nuclear weapons. See Nick Cumming-Bruce, "Iran urges talks on Nuclear Weapons Ban", *International Herald Tribune*, February 29, 2012, p.4.

[13]See Mohammad Reza Maleki & Farzad Mohammadzadeh Ebrahimi, "Israel's Opposition to a NWFZ Middle East: Rationale and Repercussions", *Iranian Review of Foreign Affairs* Vol.1 No.4 (Winter, 2011) pp.149-171.

[14]See J. Leonard et. al., *National Threat Perceptions in the Middle East* (Geneva: UNIDIR, 1995), pp. 22-23.

[15]See GRC/SIPRI "The Gulf as a WMDFZ", May 30-31, 2005.

[16]See the anodyne remarks of the redoubtable Annalisa Giannella: "The lack of a regional security framework is a serious handicap for everybody". See, David Horner, "Run-up to Mideast meeting shows fissures", *Arms Control Today*, December 5, 2011 (www.armscontrol.org/print/4996).

[17]Nabil Fahmy, "Salvaging the 2012 Conference", *Arms Control Today*, September, 2011.

[18]Note the comments of Amir Zamaninia, an Iranian career diplomat, in "A World Free of Nuclear Weapons: Towards a Nuclear Weapons Free Zone in the Middle East", (http://www.isrjournals.ir/en/middle-east/30-a-world-free-of-nuclear-weapons-towards-a-nuclear-weapons-free-zone-in-the-middle-east.html).

[19]The United Nations Disarmament Study Series, No. 22 (1991) on *Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-weapon-free Zone in the Middle East* observed that this situation is inherently unstable: "the present asymmetrical situation is not stable. There are psychological and political pressures to 'level up' if Israel refuses to 'level down' and that development will become ever more likely as technological disparities between Israel and its neighbours diminish."

[20]See Avner Cohen, "Israel's Nuclear Future", *Palestine/Israel Journal* p. 25.

[21]Zamania p.12

[22]For a slightly different discussion of these issues see Emily Landau, "ACRS: What Worked, What Didn't, and What Could Be Relevant for the Region Today," *Disarmament Forum*, No. 2 (2008), pp. 13-20.

[23]Nabil Fahmy and Patricia Lewis suggest these as possible components of an NWFZ agreement in "Possible Elements of an NFZ Treaty in the Middle East", *Disarmament Forum*, No. 2 (2011), pp.46-47.

[24]Public opinion polls on this subject are unreliable, but Eteshami notes that in 2008, 70% of some 35,000 Iranians polled supported compromise on the nuclear issue. See *Tabnak org*. news site (www.tabnak.ir), Eteshami p. 28.

[25]As Iran's ambassador to the UN has done recently. See www.farsnews.com 2012-02-13, (news number 901074650).

[26]For a suggestion along these lines see Michael Elleman, "Containing Iran's missile threat", *Survival*, vol. 54 no.1 (February-March 2012) pp. 119-126. For a rich discussion of missile proliferation and production, military asymmetries, and possible confidence-building measures in the region, see Bernd Kubbig and Sven-Eric Fikenscher, *Arms Control and Missile Proliferation in the Middle East*, (London: Routledge, 2012).

Israel's Calculations and Concerns

Dr. Emily B. Landau*

I. Introduction and Background

Israel's approach to the idea of a WMDFZ conference for the Middle East in 2012 is a function of its overall perspective on deterrence and arms control in the non-conventional realm. This perspective, in turn, is heavily influenced by Israel's security outlook, primarily the threats and hostilities that the country faces from different regional actors and the overall poor quality of relations with them. Indeed, Israel is the only state in the Middle East whose existence –after over 60 years of independence – is still regularly discussed with a question mark, and some entities in the region are openly and consistently calling for the active elimination of the Jewish state. Israel's own nuclear deterrence, together with its policy toward nuclear proliferation in the region – the so-called "Begin doctrine"[1]– are twin policies that are fueled by the country's need to confront severe and ongoing security concerns that sometimes challenge its very survival in the Middle East.

While Israel recognizes the importance of global disarmament efforts in the non-conventional realm, it cannot ignore the regional context within which it exists. The lack of peaceful or even stable relations with many states in the Middle East is not made any easier by the cold shoulder, sometimes to the point of antagonism, which it often receives from those few states with which it has concluded peace agreements and/or forged diplomatic ties. Israel has taken concrete and significant steps in the direction of adherence when regional conditions have been somewhat more conducive, including signing the Comprehensive Test Ban Treaty (CTBT) and the Chemical Weapons Convention (CWC) in the 1990s. Israel participated in the Arms Control and Regional Security (ACRS) talks of the early 1990s and discovered common ground with many of the Arab participants. Moreover, Israel has ongoing and productive cooperation with the International Atomic Energy Agency (IAEA) on issues related to nuclear safety. But the omnipresent regional threats have continued to pose a serious constraint to further progress. The foremost threat that Israel currently faces – and the major constraint to effective arms control dialogue from its perspective – no doubt emanates from the prospect of Iran achieving a military nuclear capability.

The ongoing, and as of yet unsuccessful, international efforts to stop Iran from working on a military nuclear program highlight an additional concern for Israel-the apparent weakness of the international Nuclear Non-proliferation Treaty (NPT) as a means for stopping a determined proliferator on the path to nuclear weapons. This important global treaty has been exposed over the past two to three decades as ill-equipped to deter states that are set on developing military nuclear capabilities. At least four attempts at nuclear proliferation have been carried out by Middle Eastern states during this period: In Iraq (in the 1980s), Libya, Iran and Syria. Moreover, these four cases are by far the lion's share of overall proliferation attempts by NPT member states across the globe. The four states – all members of the NPT when they advanced their programs and continuing in this status today – blatantly cheated on their commitments per their NPT membership.[2] They deceived the international community while posing threats to others. The case of Iraq is particularly revealing and instructive, as Iraq received a "clean bill of health" from the IAEA under the direction of Hans Blix on the eve of the 1991 Gulf War[3], but, following the war, it was revealed how close the country actually was to producing a nuclear weapon. Had it not been for the invasion of Kuwait in 1990 which elicited an international military response, Saddam Hussein might have achieved his goal.

For Israel, WMD arms control must be pursued with a keen eye to these regional realities. Israel's assessment in this regard incorporates the rationale for its own nuclear deterrent. If a state like France – living in the peaceful EU zone –in 2010 could explain its need for maintaining a nuclear arsenal in terms of national security imperatives, it is difficult not to acknowledge that in Israel's case the threats are many times more immediate and concrete. Indeed, Israel's case for maintaining a nuclear deterrent is strong, and must be understood against the backdrop of the hostility that it faces in its immediate region, the very real threats that it faces, and its decades-long record

of maintaining a low-key and responsible defensive/deterrent position in the nuclear realm.

This paper elaborates on Israel's arms control perspective and approach, including the rationale for its nuclear policy. It focuses on the prospects for tackling arms control through a regional dynamic – specifically, a prospective conference to be held in 2012 on a WMDFZ in the Middle East – highlighting the challenges posed by the poor quality of regional inter-state relations and Iran's developing nuclear program in particular. It examines the prospects for creating a regional security architecture, and concludes with an assessment of what might realistically be expected from the conference, if and when it takes place.

II. Israel's Nuclear Policy and Arms Control Approach

In order to set the stage for a discussion of Israel's take on the prospects for a WMDFZ conference in 2012, it is worth taking a closer look at Israel's own nuclear policy, as well as some of the less well known aspects of its overall approach to arms control.

Israel's Policy of Nuclear Ambiguity

While the secrecy surrounding Israel's nuclear program was evident from the earliest stages in the 1950s, the "birth" of Israel's policy of ambiguity in the nuclear realm is usually traced to the by now famous meeting between Israel's Prime Minister Golda Meir and US President Richard Nixon that took place in September 1969. At that meeting Golda Meir presented Israel's case, and seems to have convinced the US president of Israel's unique security predicament. The broad lines of the understanding that was reached at that meeting was that Israel would not take any action to bring its capability out in the open – namely, by declaration or by testing, and the US would cease its pressure on Israel to join the NPT and to agree to inspections at the Dimona facility (the Nahal Soreq facility is subject to inspections)[4]. While Israel's unique security situation was recognized, the understanding between the US and Israel depended on the latter maintaining a low profile and not creating facts on the ground that would complicate US efforts to advance its goal of securing widespread adherence to the NPT. This was compatible with Israel's security conception, according to which nuclear capability was for last resort purposes only, i.e. the ultimate insurance policy against a threat to its very existence. As such, it was enough to create a reasonable doubt regarding Israel's capabilities in this regard, and there was not a perceived need for greater explicitness. This ambiguous posture is significant, as it allowed Israel to escape inspections which might have led to international pressure to accede to the NPT.

Indeed, while dependent on maintaining a high degree of secrecy, the policy of nuclear ambiguity is not fundamentally about keeping one's capability a secret. It is rather about maintaining a low profile while still achieving the necessary deterrent effect. This deterrence depends on an image of nuclear power, which means that some information must be made available. Indeed, absolute secrecy would actually undermine Israel's deterrence. A low profile, on the other hand, serves deterrence purposes while at the same time underscoring Israel's restraint in the nuclear realm.[5]

A key point about the policy of ambiguity is that it is not only advantageous for Israel but has, perhaps counter-intuitively for some, been conducive to maintaining stability in the Middle East as well. This means that this policy has had advantages for the wider international community as well. Specifically, Israel's low profile approach in the nuclear realm has meant that other states in the region over the years did not feel the imperative to "go nuclear" themselves in response. Egypt is a case in point– implicit support for Israel's policy of ambiguity can be found in statements made by Anwar Sadat in the 1970s. Sadat warned Israel not to make public use of its nuclear capability, saying that Egypt would not sit quietly in the face of the introduction of nuclear weapons to the Middle East by Israel. By implication, Sadat was lending support to Israel's low profile. Egypt played down the significance of the nuclear weapons it attributed to Israel as long as Israel maintained its ambiguity and refrained from issuing nuclear threats.[6] Looking back on the situation from the vantage point of 2012, Israel has a proven record of over

forty years of restraint and responsibility in the nuclear realm.

Finally, those who argued during the ACRS talks in the early 1990s that Israel had already been accepted into the region and therefore could abandon its guarded approach in the nuclear realm, namely by reducing its reliance on nuclear deterrence and increasing transparency, were sadly proven to be wrong. When Iran's hidden nuclear facilities emerged on the scene in 2002, a development that was significantly exacerbated by the election of Ahmadinejad three years later, Israel's worst fears came on display for all to see. The threat was emanating from a state with no apparent grounds to support the ardent hatred it directed toward Israel besides deeply embedded ideology and/or religious fervor. This only strengthened Israel's perceived need for an ultimate insurance policy against annihilation. Israel, however, continued to maintain its low-key ambiguity even while facing this scenario.

Support for International Nuclear Nonproliferation and Safety/Security Efforts and Initiatives

While Israel's policy of ambiguity is known and periodically debated, much less attention is normally devoted to Israel's positive and responsible role regarding global nuclear arms control and nuclear safety and security issues. Indeed, it is rare to find a review of the many steps that Israel has taken in support of international efforts to advance nuclear and other WMD arms control, especially since the early 1990s. Until the 1990s, Israel took an admittedly guarded approach toward its own participation in international disarmament treaties, especially when they touched upon the nuclear issue. A notable departure from the extreme apprehension that Israel displayed in this period was its announced policy in 1980 to support in principle the UN calls for the creation of a NWFZ in the Middle East when peace was established in the region.[7]

Israel has since taken many steps to support the global nuclear nonproliferation regime within the margins of its overall security conception and policy of ambiguity in the nuclear realm. Israel was particularly forthcoming in the early 1990s, when regional conditions seemed to be moving in a more peaceful direction. Israel signed the CWC in 1993, and in 1996 it signed the CTBT as well. While Israel has not yet ratified the CTBT, it does take active part in deliberations and activities within the preparatory commissions of the CTBTO, and Israel hosts facilities of the International Monitoring System (IMS) on its territory as part of efforts to detect evidence of possible nuclear explosions. Israel supports a moratorium on nuclear testing until the entry into force of the treaty. Moreover, there is at least some serious debate in Israel about the pros and cons of ratification.[8]

Other notable manifestations of Israel's credentials regarding nuclear nonproliferation, safety, and security include enacting and implementing export control legislation in conformity with all international export control regimes (Missile Technology Control Regime, Wassenaar Arrangement, Nuclear Suppliers Group, and Australia Group); implementation of United Nations Security Council (UNSC) Resolution 1540; ratification in 2002 of the Convention on the Physical Protection of Nuclear Materials (CPPNM); joining of several conventions and codes of conduct in the field of nuclear safety and security, including nuclear accidents; cooperation and good working relations with the IAEA on issues of nuclear safety, including contributions to the IAEA Nuclear Security Fund; and active participation in international efforts related to ideas about Multilateral Nuclear Arrangements and mechanisms for the assurance of fuel supply. In addition, Israel participates in the international effort to combat nuclear terror, through the Global Initiative to Combat Nuclear Terrorism (GICNT), and has hosted an international workshop in the framework of this initiative.

Deputy director general and head of the policy division of Israel's Atomic Energy Commission (IAEC) David Danieli, in a rare interview with *Haaretz*, gave expression to Israel's cooperation with the IAEA on issues of nuclear safety, saying "Israel's nuclear facilities in Nahal Soreq and Dimona are in good hands….We observe all IAEA safety requirements, regulations and instructions. We are members of the IAEA safety committees and we scrupulously uphold all the standards applied by the most advanced countries in the field."[9]

III. The idea for a Middle East WMDFZ conference in 2012

Putting Arms Control in Context

As clarified in the opening section, when considering the prospects for nuclear arms control in the Middle East Israel's attention is directed to the regional aspects of the situation– in particular, the significance of threats and threat perceptions that fuel nuclear programs and activities. The overall records of behavior of different states in the regional and global spheres, in regards to both nuclear and non-nuclear issues, are also directly relevant to attempts to limit or do away with WMD. For example, if a state is not upholding its commitment to remain non-nuclear according to its NPT membership, this makes it much more difficult to conclude regional arms control agreements as well.

Nuclear programs cannot be dealt with out of context, and those that insist on drawing parallels between Israel and Iran in the nuclear realm illustrate the dangerous implications of isolating nuclear programs from the states in question. The reality is that, while one can point to a nuclear program in both cases, Iran and Israel have very different records of behavior in the nuclear realm. Israel has been a responsible assumed nuclear state for over forty years, while Iran has been deceiving the international community about its work on the military aspects of its nuclear program for at least twenty-five. Moreover, Iran has been issuing particularly fiery rhetoric toward Israel for the last six to seven years. Israel's nuclear capability is about deterring existential threats, not issuing them. Even in the most extreme conditions, such as when at least some Israeli decision makers in 1973 sensed that Israel could be facing a threat to its existence, the government decided not to bring the nuclear dimension into play.[10]

Another feature of the regional picture that must be taken into account is the Arab tendency to focus on Israel's nuclear program, even as officials and non-officials alike express in different contexts their acute fear of a nuclearizing Iran. The fear that Arab states attribute to Iran's nuclear activities and their rejection of Iran's hegemonic tendencies and interventions have been underscored by the Wikileaks documents released in late November 2010. Even before the Wikileaks revelations, this trend was evident in open sources as well; Egyptian statements of concern in this vein, in particular after Operation Cast Lead, appeared openly in the media.[11] Nevertheless, Israel normally takes center stage when there is open multilateral discussion on the topic.

WMDFZ conference in 2012: Return to a Regional Perspective?

The idea for a WMDFZ conference in 2012 can be viewed as an opportunity to bring arms control and regional security efforts back to the region. It should be recalled, however, that when Egypt conducted a campaign to have this idea included in the NPT Review Conference (RevCon) final document in May 2010, Egyptian officials were not thinking in these terms. Rather, Egypt was aiming to single out Israel and to press it in the nuclear realm. Egypt correctly assessed that once the Obama administration embraced a nuclear disarmament agenda it would be relatively vulnerable to Egypt's threat to hold the entire RevCon hostage to its push for "equal treatment" in the nuclear realm. Egypt demanded equality, but in effect it was demanding that Israel be subjected to direct and unrelenting pressure in the nuclear realm.

The US was vulnerable to the Egyptian agenda even though it had made clear and unequivocal expressions of commitment to maintaining Israel's strategic edge in order to ensure the state's survival in a hostile and unaccepting regional environment. The sources of US vulnerability at that particular point of time were two-fold. Firstly, the administration desperately wanted the RevCon to be declared a success in order to add another feather to its disarmament cap. But Obama was also normatively constrained by the disarmament agenda he had embraced; i.e., by supporting nuclear disarmament equally and across-the-board, it was difficult for his administration to simultaneously put forward the case for unequal treatment in the case of Israel, even if there were good reasons for this different approach.[12]

This dynamic of pressure and attempted blackmail was certainly not an auspicious starting place for discussing the idea of a WMDFZ conference in the Middle East, especially from Israel's point of view. Nevertheless, once the idea of a conference was placed on the agenda, it needed to be considered seriously and carefully. A number of points can be raised in this regard. First, the focus of such discussion must clearly be all WMD – nuclear, chemical, biological, and their means of delivery – and not nuclear weapons alone. If the Egyptians draw the legitimacy for their idea from the 1995 RevCon Resolution on the Middle East, then there is no doubt that WMD are the relevant topic. Indeed, it was Hosni Mubarak himself who first formulated an initiative for pursuing a WMDFZ in the Middle East, in April 1990.

But the laconic clauses of the 1995 Resolution are problematic, as they do not provide a guide for conducting regional talks. Moreover, the NPT cannot serve as the frame of reference for such regional talks, not least because Israel is not a member. A more relevant point of reference and possible guide is the four-year experience of actual discussion on arms control and regional security that was carried out in the framework of the ACRS working group (one of the five working groups that made up the multilateral track of the Madrid peace process) from early 1992 to late 1995.[13] Learning from the experience of this dialogue is essential in order to gain insight into what can be achieved through such talks and what problems are likely to plague any future regional dialogue.[14] Important insights include the following points. The ACRS process demonstrated and underscored the logic of working step-by-step on these issues through a process of gradual confidence-building. As such, thinking about this conference must reflect from the outset the understanding that arms control and regional security in the Middle East will be a very long-term process. There are no shortcuts to be taken in a region that is characterized by such severely conflictual relationships in almost every direction. Moreover, once a process becomes regional, a full range of regional dynamics is very likely to come into play, including power politics, historic and other inter-state rivalries, and questions of regional leadership. These dynamics must also be taken into account, since if they are not recognized and dealt with they could negatively impact any arms control goals that are set for the talks.

In addition to the specific empirical experience and lessons of ACRS, the conference scheduled for 2012 is an opportunity to revisit the concept of a regional security dialogue in the Middle East more broadly speaking. Scholars following events since the early 1990s and conceptualizing about regional processes in the Middle East may have important insights to offer the organizers of a new round of discussions.[15]

One idea that has been debated in this context is whether the best framework for regional security dialogue is the broader Middle East or smaller sub-regional formats; another important issue regards the role of external parties in the process. In regards to smaller sub-regional formats, the main idea that has been raised and explored is to begin discussion of WMD and regional security in the Gulf specifically rather than the wider Middle East. The Gulf Cooperation Council (GCC) states have at times expressed support for this option over the years, which underscores that their foremost concern in the WMD realm is Iran. The rationale for any regional approach is the concept of "regional security complexes," which refers to the fact that states that take part in such regional discussion are particularly relevant to one another in terms of their security interests and concerns – indeed, their relations are normally characterized by security interdependence.[16] This would seem to hold true in the Gulf region to a higher degree than in the broader Middle East, which according to the ACRS framework spans from the Gulf to the Maghreb. Another idea often raised by Egypt in the post-ACRS period was to begin regional security dialogue with the core Middle Eastern states – Israel, Egypt, Jordan at least – and then invite others to join in the understandings. Israel was very wary of such ideas, as they would leave outside the fold states that posed a serious threat to its security.

As for the role of external actors, this depends on their own willingness to assume an active role in regional talks, as well as the degree to which they are accepted in this role by regional states. Due to its delicate international position, Israel would be wary of external parties viewed

to be predisposed to assume positions that challenge Israel's core security interests.

Finally, a major difference between the ACRS context and the idea for a WMDFZ conference in 2012 is the role of Iran, a state that is moving toward a military capability in the nuclear realm while deceiving the international community about its intentions, as well as not complying with the commitment it took upon itself when it joined the NPT to remain non-nuclear. Iran was not invited to ACRS, but the next section considers the complex question of Iran's inclusion in a WMDFZ conference in 2012.

IV. Iran in the Context of a WMDFZ conference

Iran – In or Out?

From Israel's perspective, the nature and implications of Iran's participation are an important question to be clarified in terms of the scope and logic of the 2012 conference. How would Iran fit into a regional dialogue on security and WMD? Iran is obviously a critical component of the threat perception matrix in the Middle East. Several years ago, when thinking about restarting an ACRS-like process was more of a theoretical exercise, there were two options for pursuing a regional security dialogue in the Middle East: with or without (and most likely as a counter to) Iran. At the time, it seemed that, if Israel were to take part, there was no chance at all of including Iran in such a framework. As such, the option of a dialogue without Iran – while also not on the table – was theoretically more realistic in the sense that at least there was a common interest in confronting Iran's nuclear and hegemonic ambitions that all participants could adhere to and use as a starting point for discussion.[17]

Today, the situation has changed, and there is no option of holding the WMDFZ conference without Iran. In any case, the Arab states have demonstrated that they are not willing to move forward on a regional dialogue agenda together with Israel and in opposition to Iran, even if there is a clear common interest. The main reason for their reluctance seems to have little, if anything, to do with the Israeli-Palestinian issue; rather, it is grounded in the fact that while their interest in stopping Iran is strong, their fear of antagonizing Iran through steps taken to isolate it is stronger. It is they who will be left to face a nuclear Iran alone if all efforts to stop the country fail. But the more important reason as to why the option of regional diplomacy without Iran is off the table is that once the framework has been announced, especially one with the expressed aim of discussing a WMDFZ, it is impossible to make any progress without Iran at the table as a full and active participant, given its WMD capabilities and the threat that it poses to many of its neighbors.

At the same time, a discussion on a WMDFZ for the Middle East initiated with the active participation of Iran cannot be construed as an alternative to the determined international efforts that have been ongoing for almost a decade to halt Iran's nuclear ambitions and activities. International efforts to stop Iran must continue in a separate, parallel track to regional dialogue, because conflating the two could end up derailing the determination that has been gathered to make Iran back down. Iran's nuclear activities have been deemed a violation of its safeguards obligations per the international commitment that it made to remain nonnuclear. If it was accepted that Iran's nuclear ambitions would not be singled out for determined international action outside the regional frame, instead merely constituting one of the discussion points in the context of a regional dialogue, this would have serious implications for abiding by international treaty commitments generally speaking. Moreover, it would specifically devalue the NPT and the nonproliferation regime. Iran's nuclear ambitions, of course, would also be part of the regional discussion; the point is that the regional format cannot *replace* other efforts.

Israel, Iran, and a WMDFZ regional process

There have been some attempts as of late to propose that it would actually be in Israel's interest to deal with Iran's nuclear ambitions through a regional process focused on creating a NWFZ. In a recent op-ed, Shibley Telhami and Steven Kull argued that, for Israel, the option of pursuing a NWFZ is preferable to bombing Iran or resigning itself to

nuclear Iran.[18] They claim that a NWFZ is a more feasible option than commonly viewed, and provide as the first piece of evidence the results of opinion polls of Israelis, which seemed to indicate that the Israeli public favors ridding the Middle East of nuclear weapons and supports both Israel and Iran not having them.[19]

However, these rather surprising results– whereby approximately two thirds of Israelis favored both Iran and Israel becoming non-nuclear and supported the establishment of a NWFZ– need to be scrutinized in light of the particular manner in which the questions were posed, and what Israelis might have been thinking when asked the questions. The question on Iran and Israel is a prime example of how results can be misconstrued because of the way a question is formulated. It appears that respondents were given a choice between only two options – either both states would have nuclear weapons or neither would. When forced to make this choice, the prospect of Iran attaining nuclear weapons might have seemed so frightening for many Israelis that they chose the option of neither rather than both. But this is a poorly formulated question if the goal is to understand the positions of the Israeli public on either the implications of Iran going nuclear or the value they attach to Israel's assumed nuclear capability. The question neutralizes crucial issues such as the ability to ensure that Iran has no weapons, which is at the heart of the current crisis with Iran. It would have been interesting to see the results if Israelis were asked directly about the security value they attribute to Israel's nuclear deterrent.

The question regarding a NWFZ is similarly problematic in its formulation. Reports that two thirds of Israelis support a NWFZ ignore the conditions that were included when the question was asked; namely, that there would be full inspections of all relevant facilities of which the effectiveness *would be fully demonstrated to all countries involved*. Once again, this is the very crux of the problem that is faced in the real world – these conditions are very far from being met. Moreover, the question conveniently forgets to remind people that there are other WMD that could seriously threaten Israel's security, such as the fears in 1991 with regard to Iraq's chemical weapons.

Beyond the issue of polls and public opinion, the strategic logic behind the conclusion of the Telhami and Kull article comes up short.[20] A NWFZ for the Middle East is certainly not something that can be readily attained and should not be considered as a substitute for dealing with Iran. If allowed to replace continued international efforts that pinpoint Iran, the more likely result would be a lose-lose situation for the region and the broader international community: it would provide Iran with relatively pressure-free time to reach its WMD goals, and the NWFZ would still remain a distant one. The Iranian and Israeli nuclear programs have more differences than similarities. Israel was never a motivation for Iran to go nuclear; therefore, it cannot be construed as the solution. Moreover, Iran rejects Israel's place in the Middle East on a regular basis and has demonstrated that it is not trustworthy in the nuclear realm. It is hard to imagine why Israel would agree to entrust its security to a regional dialogue with such an adversary, especially when the proper route for confronting Iran lies elsewhere.

V. Security Architecture for the Middle East

The idea of creating some kind of regional security architecture in the Middle East seems intuitively appealing. The assumption is that a primary concern of states in the region is the negative implications of their common security dilemma. The logic is that if mutual threat perceptions are at the heart of the poor regional relations that dominate the Middle East, then these relations could be significantly improved if states' security concerns were directly addressed. The negative effects of security dilemmas, characteristic of a self-help anarchical international system, can be reduced if channels of communication are established; confidence-building and dialogue are vehicles for easing tensions and creating reassurance. As noted, during the ACRS talks, Confidence and Security Building Measures (CSBMs) were a major focus, and significant progress[21] was made in four categories of CSBMs: in the maritime realm, and regarding prenotification of military exercises, the setting up a regional communications network, and the establishment of regional security centers in the Middle East. The

ideas were in the main incorporated from the European experience, but any idea that meets the criteria of both being security relevant while not impinging on core security interests and of being something that all sides can agree enhances their mutual security can apply.[22]

There is a lot of merit in trying to create such a system, but its value rests on the assumption that there is indeed a common interest to cooperate in the regional context, and that what is precluding fruitful and mutually reinforcing cooperation is hostility and lack of trust that either side would not take advantage of the situation. This logic prevailed at the time of the ACRS talks, when it seemed that security concerns topped the agenda for all participants. Therefore, initial progress on CSBMs was made in the years the talks were active.

However, the inclusion of Iran in a regional dynamic challenges the logic of the security framework in two ways. The first has to do with Iran itself, the other with the way the Arab states relate to Iran and Israel. As far as Iran itself is concerned, the problem is that it does not project the sense that its regional agenda is focused primarily on how to secure its borders from external threats, with an eye to maintaining the status quo. To the contrary, it projects the sense that, when considering its place in the Middle East, its primary concern is how to enhance its regional status, very often at the expense of others. Iran's hegemonic ambitions for the region will have seriously adverse implications for most other states, including blatant attempts by Iran to meddle in other states' internal affairs. In conceptual terms, it could be argued that the neo-realist perspective, which for the past 30-some years has brought security calculations to the fore as the primary variable for understanding and explaining international relations, may be less relevant to explaining Iran's approach than Hans Morgenthau's earlier realist theory that put the major impetus on states' plays for power and influence.[23]

For all of these reasons, it is difficult to envision CSBMs that would include Iran. Israel is of course subjected to the harshest rhetoric of all, with its presence in the region regularly rejected by the Islamic regime. Recognizing Israel's right to exist in the region would certainly be a necessary starting point. Nevertheless, pessimism with regard to CSBMs is not because of the hostility per se, but rather due to of Iran's lack of interest in discussing mutual security concerns in the region, least of all with Israel. This is simply not the main issue for Iran, and absent an even minimal common interest to cooperate there can be no basis for an agreement, even on CSBMs.

The additional constraint to this type of regional dialogue that includes Iran is the aforementioned tendency of Arab states, when speaking in public, to minimize the threat they perceive from Iran and emphasize that Israel is an at least equal, if not greater, security challenge. The problem is that there are indications that this is not an accurate portrayal of the threat perception of many Arab states. The very fact that most have lived with an assumed nuclear Israel for decades without seeking to develop their own nuclear arsenal is testimony to the fact that they have learned that Israel will not bring this capability into play unless it senses a challenge to its very existence. In reaction to Iran's nuclear advances, however, there is now region-wide talk about the inability to accept this new reality without trying to counter it. Saudi Arabia has been the most open about its need to acquire a nuclear capability if Iran becomes a nuclear state.[24] Clearly this scenario is viewed as a serious threat in a way that Israel's nuclear deterrent is not. But Arab officials behave as if it is "politically incorrect" to criticize Iran without treating Israel in an equal manner, even if this could result in undermining their own interest in stopping Iran.

Overall developments in Arab states over the course of 2011 – the so-called "Arab Spring" dynamic – also do not augur well for regional dialogue on creating a security architecture. The very identity of some of the interlocutors is not known, as in Syria and Egypt. Moreover, in Egypt the internal turmoil has already had very negative influences on cooperation with Israelis, expressed even in some Track II initiatives that have faced problems due to the changing and uncertain domestic atmosphere.

VI. Conclusion

What can realistically be expected from a WMDFZ conference?

The challenges and constraints to progress in discussing the WMDFZ option are enormous, and there is clearly much that needs to be worked out as far as creating a common basis for dialogue. Before moving to questions regarding the sequencing of topics, possible verification measures, and roadmaps to regional disarmament, important preliminary issues need to be sorted out. These relate to the importance of addressing and working on improving the regional context in the Middle East and incorporating this into the talks in a serious manner, figuring out the basis for Iran's participation in light of its nuclear ambitions and the ongoing international efforts to stop it, the logic of pursuing a regional security architecture when it is not clear that security concerns are the crux of the matter for all regional participants, and understanding the evolving positions in some of the key governments that will take part in a regional WMDFZ dynamic.

The key to regional dialogue is the presence of at least a minimal common interest that all relevant parties have a desire and ability to work on. Finding and articulating that common interest is the major challenge for any regional arms control dynamic in the Middle East. However, it is the wide gulf between the positions of the different states, rather than commonalities, that has primarily been exposed in many unofficial discussions on the WMDFZ idea over the course of 2011. Many in Arab states focus their attention on Israel and the nuclear realm to the exclusion of almost anything else, including Iran. They demand Israel's adherence to the NPT in the first stage, and if they relate to regional relations it is only in order to further castigate Israel for its behavior toward the Palestinians. Normally, no other expressions of poor regional relations are raised, and the plight of all other groups in the region, such as the Kurds and their aspirations for self-determination, are completely ignored. For its part, Israel wants to address regional relations, and underscores that disarmament is an unachievable goal as long as the atmosphere remains hostile and there is little to no basis for believing that others will uphold the commitments they have already made.

This means that creating channels of communication and working on mutual understanding and confidence is the absolutely necessary first stage, and it will take time. However, to even begin working on these issues, all states must agree that they have something to gain in security terms, and it is currently highly doubtful whether this is the case for Iran. If Iran were to clarify that it wants to participate in a genuine manner – and not for the purpose of sidelining international efforts directed against its military nuclear program – there would be much room for ingenuity as far as thinking of new ideas for CSBMs that adhere to their basic logic. Some ideas were raised at a recent Track II initiative in Geneva that touched upon possible discussion of a WMD No-First-Use understanding, an agreement that might be focused on long-range delivery systems, or perhaps agreements on non-aggression in certain scenarios. Furthermore, the states could come up with additional ideas as part of a brainstorming process. However, without a tremendous amount of progress in this regard, more ambitious goals will remain elusive.

Endnotes

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[1]Named for Israel's former prime minister Menachem Begin, who took the decision to bomb Iraq's nuclear facility Osirak in June 1981, just prior to becoming operational.

[2]The case of Syria is not as clear as the others, but there is strong evidence that it was erecting an undeclared, North Korea-style nuclear facility that was bombed by Israel in 2007. Moreover, in the summer of 2008, the IAEA visited the site and found suspicious material. Syria has since (three and a half years) refused inspectors further entry to the site.

[3]See Gary Milhollin, "Hans the Timid", *Wall Street Journal*, November 26, 2002. Blix himself focuses only on his much later assessment in 2003 when WMD were not found in Iraq: "Hans Blix Slams Bush, Blair over Iraq War", *Sydney Morning Herald*, July 28, 2010.

[4]Avner Cohen, *Israel and the Bomb* (NY: Columbia Univ. press, 1998) pp. 336-337.

[5]See Emily B. Landau, "Being Clear about Ambiguity" *Haaretz*, May 13, 2010.

[6]See Ariel E. Levite and Emily B. Landau, *Israel's Nuclear Image: Arab Perceptions of Israel's Nuclear Posture* (Tel Aviv University: Papyrus Publishing House, 1994) (Hebrew) pp. 77-78.

[7]See Gerald Steinberg, "The Complexities of the Middle East", in Richard Dean Burns (ed.), *The Encyclopedia of Arms Control and Disarmament* (Charles Scribner's Sons, 1992).

[8]E.g., see Alon Bar, "Israel and the CTBT", *Strategic Assessment*, Vol. 13, no. 2, August 2010.

[9]Yossi Melman, "Interview, Atomic Energy official David Danieli: A Nuclear Weapons-free Middle East?" *Haaretz*, September 28, 2010.

[10]This is not to say that there have not been a few unfortunate and irresponsible statements made throughout the years by parties in Israel. The statement reportedly made by Avigdor Lieberman in 2001 when he was on the margins of Israel's political map about bombing the Aswan Dam in Egypt is regularly raised by Egyptians to underscore the threat. But even in this very unfortunate case, the statement was made in a deterrence context – namely, if Egypt and Israel were to be engaged militarily – which was an extremely unlikely scenario at the time.

[11]See for example a statement made by Foreign Minister Ahmad Abu Al-Gheit on April 30, 2010: "An Iranian nuclear power entails a threat of nuclear proliferation in the Middle East. Therefore, we will not go along with this. We want Iran to refrain from forcing the Arabs to engage in a [nuclear arms] race with it. We should take into consideration – and don't forget this, because some do – that Iran aspires to influence the region in ways that do not coincide with the Arabs' priorities and interests." http://www.memri.org/report/en/0/0/0/0/0/0/4124.htm
See also Mubarak on the "Laylat el-qadr" speech, September 6, 2010: "Today's ceremony [Laylat al-Qadr -- the Night of Destiny] coincides with hard times facing the Arab and Islamic world, including the situation in Afghanistan, Pakistan, Iraq, Lebanon, Sudan and Somalia in addition to new threats looming in the gulf area endangering stability and putting the whole Middle East in jeopardy." http://www.upi.com/Top_News/World-News/2010/09/06/Mubarak-seeks-regional-calm/UPI-57311283772607/

[12]What the Obama administration was experiencing at the hands of Egypt is captured by the concept of "rhetorical entrapment." For more on how states use other states' adherence to certain norms as a means of pressuring or shaming them to adopt behavior in line with those norms, see Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union", *International Organization* (55:1, Winter 2001) p. 47.

[13]For sources on ACRS see: Bruce Jentleson, *The Middle East Arms Control and Regional Security (ACRS) Talks: Progress, Problems and Prospects* IGCC Policy Paper, no. 26 (Univ. of California: IGCC, 1996); Bruce Jentleson and Dalia Dassa Kaye, "Security Status: Explaining Regional Security Cooperation and Its Limits in the Middle East" *Security Studies* (8:1, 1998) pp.204-238; Peter Jones, "Negotiating Regional Security and Arms Control in the Middle East: The ACRS Experience and Beyond", *Journal of Strategic Studies* (26:3, 2003) pp. 137-154; and Emily B. Landau, *Arms Control in the Middle East: Cooperative Security Dialogue and Regional Constraints* (Brighton: Sussex Academic Press and JCSS, 2006).

[14]See for example Peter Jones, "Arms Control in the Middle East: Is it Time to Renew ACRS?" Disarmament Forum (2, 2005), and Emily B. Landau, "ACRS: what worked, what didn't, and what could be relevant for the region today" *Disarmament Forum* (2, 2008).

[15]See in this regard: Michael D. Yaffe, "The Gulf and a New Middle East Security System" *Middle East Policy Council Journal* (Vol. XI, No. 3, Fall 2004); Gawdat Bahgat, "Security in the Persian Gulf: Two Conflicting Models" *Defense and Security Analysis* (24:3, 2008) pp. 237-245; and Peter Jones, "Structuring Middle East Security," *Survival* (51:6, 2009) pp. 105-122.

[16]See Barry Buzan and Ole Waever, *Regions and Powers: The Structure of International Security*, (Cambridge Studies in International Relations, Cambridge University Press, 2003).

[17]Emily B. Landau, "ACRS: what worked, what didn't, and what could be relevant for the region today" *Disarmament Forum* (2, 2008) pp. 17-18.

[18]Shibley Telhami and Steven Kull, "Preventing a Nuclear Iran, Peacefully", *New York Times*, January 15, 2012. Significantly, these authors ignore Israel's true third choice, which is to support international efforts to stop Iran.

[19]A summary report on the "2011 Public Opinion Poll of Jewish and Arab Citizens of Israel", released December 1, 2011, can be found at: http://www.brookings.edu/reports/2011/1201_israel_poll_telhami.aspx.

[20]See Emily B. Landau, "Placing WMD in Context ", *Arms Control Today*, September 2011, and especially Emily B. Landau and Shimon Stein, "Worthy, but Unworkable", *Haaretz*, February 3, 2012.

[21]In light of the regional conditions that prevailed at the time, the progress made in the realm of CSBMs was quite amazing. Many of the close to 25 participants in ACRS interviewed by the author for her research concurred with this positive assessment. See Emily B. Landau, *Arms Control in the Middle East*, 2006.

[22]For the guiding principles of CSBMs, see Ariel Levite and Emily Landau, "Confidence and Security Building Measures in the Middle East", *Journal of Strategic Studies* (20:1, 1997) pp. 143-171.

[23]The neorealist theory was formulated by Kenneth N. Waltz in *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979). Morgenthau's classic realism can be found in *Politics Among Nations* (NY: Knopf, 1973), 5th edition.

[24]See for example: "Saudis 'eye Pakistani nukes' to face Iran", *UPI*, September 15, 2011.

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