

The Middle East as a NWFZ or WMDFZ application

by

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The combination of political conflicts and nuclear programmes of size in the Middle East provides both the political incentives and a technological basis for nuclear weapon proliferation in the region. This has been understood for long time. This has also been considered unfortunate for long time. The current conflict pattern in the Middle East, while attracting the involvement of major powers, is regional. The possible ambitions of the countries in the area to acquire nuclear weapons have their roots in this regional context.

Political efforts to change this situation have focussed on the possibility to establish a nuclear-weapon-free zone in the area. Back in 1974, Iran supported by Egypt raised the issue in the UN General Assembly{1}. Since that time, the UN General Assembly has every year adopted a resolution recommending the establishment of a nuclear-weapon-free zone in the Middle East (NWFZME). Since 1980, this annual resolution has been adopted by consensus, i.e. with the support of all Arab states, Iran and Israel.{2}

In 1990, President Mubarak of Egypt proposed the establishment of a zone free of weapons of mass destruction in the Middle East (WMDFZME){3}. The proposal was not intended to replace the earlier idea of a nuclear-weapon-free zone in the area but rather to be pursued in parallel to the earlier proposal.{4}

Today, the expansion of the Middle East zone concept to include all weapons of mass destruction and also their means of delivery has been politically accepted. In May 1995, the Review and Extension Conference of the NPT parties adopted a resolution on the Middle East recognizing that the current peace process contributes to “a Middle East zone free of nuclear weapons as well as other weapons of mass destruction” and calling upon all states in the Middle East to take practical steps towards “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems“.{5}

The United Nation's Expert Study

In the fall of 1988, the annual resolution then initiated by Egypt, also requested the Secretary General to “undertake a study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East“{6}. The report{7} was prepared before Iraq's invasion of Kuwait in August 1990, but submitted to the General Assembly after that invasion. It was, however, welcomed and adopted by consensus that same year{8}.

The UN report was later followed up by these authors also taking into account the Mubarak plan{9}. The issue of establishing a nuclear-weapon-free zone in the Middle East has also been researched by the Egyptian scholar and diplomat Mahmoud Karem{10}. Important analytical contributions were made in 1997 by Shai Feldman and Abdullah Toukan{11}. The effect of a comprehensive test ban on nuclear proliferation risks in the Middle East, including Iran, Iraq, and Israel has been analyzed by Eric Arnett{12}. Most recently, a NWFZ in the Middle East has been discussed by Ibrahim Karawan{13} and Gerald Steinberg{14}.

The UN report which is still politically valid as a background document, did not propose explicit language for a zone treaty. But it did suggest a catalogue of measures in order to serve as confidence-building measures and as steps to prepare for a régime that would finally become a nuclear-weapon-free zone.

Obviously, the establishment of a nuclear-weapon-free zone would require cooperation among not only the prospective zonal states but also between them and nuclear weapon states and other outside states.

Among confidence-building measures recommended by the report were a regional nuclear test ban, the application of IAEA safeguards on nuclear facilities in the area not covered at present, accession to the Non-Proliferation Treaty (NPT) by states currently non-parties, and providing for transparency regarding all major nuclear projects in the area.

International safeguard issues involved were explored by the International Atomic Energy Agency (IAEA){15}.

The UN report further suggested that nuclear-weapon powers could extend negative nuclear security assurances to prospective zonal states and commit themselves not to station nuclear weapons in the area. Any outside state could declare past, current, and future supply of nuclear material and equipment to recipients in the prospective zonal area in order to put light on projects now creating suspicion that they may have a military role.

The report recommends that outside support for peaceful nuclear activities in the area would be more appropriate if multilateral or regional character. The institution of international facilities for nuclear waste disposal would help to ensure against diversion of fissionable material to military purposes.

Finally, the UN report observes the view widely held in the Middle East that verification procedures much more far-reaching than those implemented up to then under the NPT would be necessary.

Shared views

Although negotiations to overcome the conflicts in the Middle East have proved to be difficult, the consultations undertaken when preparing the UN report in the summer of 1990 showed a surprising degree of common view on fundamental matters among many of the states in the area; Arab states as well as Iran and Israel. These views were recorded before Iraq's invasion of Kuwait, the adoption of the Comprehensive Test Ban Treaty and the new strengthened IAEA safeguard procedures{16}, the indefinite extension of the duration in force of the NPT and the adoption of modernized security guarantees by the UN Security Council{17} in 1995. Among the shared views were

- * The process to establish a NWFZME or a WMDFZME would take several years;
- * The geographical concept suggested in the report was generally accepted;
- * Positive security assurances beyond those outlined by the Security Council in its Resolution 255 (1968){18} would be necessary. If a zonal state would be subject of aggression, guarantors should assist the victim, punish the aggressor and provide recovery support as necessary. It is intriguing to notice that such far-reaching guarantees did apply just a few months later in order to liberate Kuwait after it had been annexed by Iraq.
- * Verification procedures much more far-reaching than those prescribed under the NPT{19} would be necessary. The IAEA operations later undertaken in Iraq under a Security Council mandate{20} show what will be necessary. In addition, Israel indicated a need for bilateral verification rights similar to those prescribed in several arms control agreements adopted within the Conference on Security and Cooperation in Europe (CSCE){21}, in order not to be outvoted within international bodies deciding by majority rule.
- * Initial confidence-building measures would be an effective method to support the process of establishing a NWFZME.
- * Although Israel was generally considered a nuclear weapon state{22}, a view neither encouraged nor denied by Israel itself{23}, nuclear weapons were considered political rather than war-fighting instruments. Chemical weapons were on the other hand considered operative instruments of warfighting, as they could easily be manufactured, were known to exist, had been used in recent years in the Middle East.

Because of the above-mentioned common views, a nuclear-weapon-free zone or a Mubarak-zone in the Middle East could be considered a realistic project, although the establishment of such a zone would most probably take some time.

The Geographical Middle East Concept

The Middle East is a wellknown and traditional geographical concept used in everyday political discussion. Defining the geographical extension of the Middle East for arms control application is not trivial, however.

Different definitions have for a long time been used for different purposes. One was introduced in 1989 by the International Atomic Energy Agency (IAEA) when discussing the application of safeguards in relation to the Non-Proliferation Treaty (NPT) or a nuclear-weapon-free zone in the area, i. e. "the area extending from the Libyan Arab Jamahiria in the West, to the Islamic Republic of Iran in the East, and from Syria in the North to the People's Democratic Republic of Yemen in the South"{24}. The UN study referred to above found the IAEA concept somewhat limited for its purpose and suggested an area that eventually could encompass "all states members of the League of Arab States (LAS{25}), the Islamic Republic of Iran and Israel".

A definition adequate for legal application of a NWFZME or a WMDFZME regime may or may not coincide with those used earlier for different purposes. Such a definition should encompass all states with a primary security relevance to each other. On the other hand, an ambition to include all states with any security relevance to each other would easily result in a Middle East concept that would include most of the Old World.

The area should thus at least include the actors central to the specific conflicts of the Middle East. The most publicized is the Arab - Israeli conflict. But there are also other conflicts involving many of the same states as demonstrated by the recent examples of the Iran - Iraq war, the Gulf War, and the Polisario conflict.

As a project definition must be based on the current political geography, it seems relevant, for the purpose of this paper, to define the basic Middle East area according to the UN formula mentioned above. But it should also be understood that the application of a zone regime may begin in a smaller area of a few core states and later expand to

finally encompass the entire basic area. It might also be feasible to expand the zone area to include some adjacent sea areas.

A recent and most important factor is the establishment, in April 1996, of a nuclear-weapon-free zone in Africa{26}. By that about half the prospective Middle East zone is by treaty already nuclear-weapon-free and subject to nuclear-weapon power guarantees.

The recommended UN definition excludes Turkey, Cyprus and Malta. But Turkey is a NATO member and all three states are participating in the CSBM regime of the Conference on Security and Cooperation in Europe (CSCE). Today, all nuclear weapons but some 15 airborne bombs deployed on Turkey's territory by the USA have been withdrawn{27}. Cyprus and Malta do not host any such weapons, although there are two British military bases on Cyprus. Given these facts, those countries may best be thought of as neighbours to a future Middle East arms control zone, from which it would be reasonable to expect commitments to respect and support a zonal regime.

Afghanistan and Pakistan border Iran to the east and their inclusion in a Middle East regime has sometimes been suggested as desirable. However, their main interests focus in other directions and their contribution to a Middle East regime may be best defined as neighbour state commitments.

The same can be said about the newly independent states, former Soviet republics, of Armenia, Azerbaijan, and Turkmenistan also bordering the prospective basic area.

Djibouti, Comoros, Somalia and the Sudan are members states of the League of Arab States. While there may be substantial reasons for including the Sudan at an early stage, geography clearly makes Djibouti, Comoros and Somalia peripheral. The current problems in Somalia also excludes that country from consideration for the time being.

On the western part of the North African coast, there are a few tiny enclaves of Spain which may be included in the basic area – Spain itself being outside for the same reason as Turkey – and be treated as dependencies under a separate protocol (compare Protocol III of the Treaty of Pelindaba).

With those understandings, a definition of the Middle East would be self-contained, include all essential states, and give the area politically established limits.

Several sea areas may be considered for inclusion in a basic Middle East area. Both the Red Sea and the Persian Gulf would be enclosed within the area. Prospective parts of the basic area have coasts in the Mediterranean, the Atlantic, and the north western Indian Ocean. The proposed area is adjacent to a few international straits subject, according to the Law of the Sea{28}, to the régime of transit passage, i. e. the straits of Gibraltar, Bab al Mandab, and Hormuz.

The Law of the Sea does currently not apply to the Caspian Sea which used to be divided between Iran and the Soviet Union. As the Iranian part would probably be the only part to be included in a Middle East regime, a division of the Soviet part of the sea between the four new states of Azerbaijan, Kazakhstan, Russia, and Turkmenistan, would not matter. It has been suggested by some of the coastal states to the Caspian Sea, however, that the Convention on the Law of the Sea should apply also to this lake then introducing new legal concepts such as territorial waters.

Also important in this respect is the Suez Canal, an international waterway crossing through Egyptian territory open “in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag” according to the Constantinople Convention{29}. Only a ship flying the flag of a state at war with Egypt can be prevented from passing the Canal. Aircraft are not referred to as they did not exist at the time. The Constantinople Convention is also referred to in the Egypt - Israel Peace Treaty of 1978, which provides, i. a. that the Strait of Tiran and the Gulf of Aqaba are “international waterways open to all nations”.

It should also be recognized that application of a Middle East zonal regime in adjacent sea areas would require a separate discussion not only of the local political and military implications but also of the legal consequences. Therefore, maritime arrangements should be prescribed in separate protocols.

Objectives and Measures

There would be three measures of central importance for the achievement of the objectives of a zone free of weapons of mass destruction in the general case. These are

- * the non-possession of prohibited weapons by zonal States,
- * the non-stationing of prohibited weapons by any State within the geographical area of application of the zone, and
- * the non-use or non-threat of use of prohibited weapons throughout the zone or against targets within the zone.

The meaning of these measures might seem clear enough. However, their legal representation could be complicated, as shown e.g. by the definition of “nuclear weapon” in the Tlatelolco Treaty (Art. 5) and by the definition of chemical weapons in the Chemical Weapons Convention (Art. II). The UN Security Council resolution on Iraq{30}, adopted following the 1991 Gulf war, includes definition type specifications on weapons of mass destruction. Besides nuclear (Op. 12), chemical, and biological weapons (Op. 8a), the resolution also addresses “ballistic missiles with a range greater than 150 kilometers” (Op. 8b).

The non-possession measure would apply to zonal states. Its codification could be much simplified if relying on the concepts of the NPT (Article II), the BWC, and the CWC. If the zone encompasses only territories of states

parties to the NPT, the BWC, and the CWC, most of the non-possession requirement would be fulfilled. Only non-possession of long range missiles might require special regulation in detail in the absence of a comprehensive treaty on such missiles. If the zone is to encompass states which are not parties to one or several of these treaties or states which are nuclear weapon states, a special régime must be defined. The same would be true in the special case that only a part of a state will be included in the zone.

The non-stationing measure would primarily apply to the territories of zonal states with the exception that zonal states could not by agreement among themselves restrict or prohibit innocent passage (or transit passage) by vessels of nuclear-weapon states and other extra-zonal states with prohibited weapons onboard in their territorial and archipelagic waters.

Non-stationing measures applying to international land and sea areas would require special legal arrangements.

Related to the non-stationing measure is “transit” of prohibited weapons through zonal territory — an issue primarily related to nuclear weapons. The transit concept would include “innocent” transit over a limited period of time of otherwise prohibited weapons by an extra-zonal state, on land, by air or in internal waters including calls at ports by ships or landing of aircraft carrying such weapons. Universal adherence to the BWC and the CWC would limit consideration of transit to nuclear weapons and missiles.

The transit issue was extensively discussed when the nuclear-weapon-free zone in Latin American was negotiated. The problem was solved by not being solved. Transit was left to the individual zonal states to permit or deny in each case{31}. The South Pacific zone has a similar transit regime as has the African and the South East Asian zones.

A zonal treaty should prescribe if transit would be generally prohibited or arranged in a way similar to the Tlatelolco formula. Transit through zonal high sea areas or through territories which are dependencies of extra-zonal states could not be permitted without making the zonal régime of such areas an illusion{32}.

While “innocent transit” has been considered tolerable under all zone régimes so far, “hostile transit” would probably not be accepted, i. e. passage of delivery vehicles with prohibited weapons across zonal territory towards targets beyond the zone. This rule would apply to seaborne and airborne manned or unmanned vehicles and to ballistic missiles in so far as they penetrate zonal air space, while crossing overhead zonal territory in international space could not be prohibited by agreement among the zonal states{33}.

The special transit issue of ships and aircraft which may carry nuclear weapons onboard and call at ports or land at airports in zonal states has been particularly sticky because nuclear weapon powers usually “neither confirm nor deny the presence or absence of nuclear weapons onboard specific ships or aircraft at specific times”{34}. A political problem of considerable dimension some years ago, the neither confirming nor denying issue has lost most of its former importance following the withdrawal by nuclear-weapon powers of sub-strategic nuclear weapons from naval ships.

The non-use measure would be a commitment by states controlling prohibited weapons. Legally, this provision has been given the form of a separate protocol to existing zone agreements.

Consideration of the non-use measure should be made against the background of the recent UN Security Council resolution taking note of both existing negative nuclear assurances and the positive assurances where the five nuclear-weapon states undertake to provide “immediate assistance, in accordance with the UN Charter, to any non-nuclear-weapon state party to the NPT that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used” (Op. 7){35}.

Also noted must be the ongoing negotiations on general negative security assurances at the Conference on Disarmament in Geneva and the assistance and support to victims of biological and chemical warfare effects prescribed by the BWC and the CWC. All five nuclear-weapon states have made unilateral declarations that they would not attack or threaten to attack with nuclear weapons states that do not possess such weapons themselves or host those of others on their territories. These declarations are not coordinated and include some conditions and reservations{36} linked to the question whether a state can be a member of a nuclear-weapon-free zone and be an ally or partner of a nuclear-weapon state simultaneously. Theoretically, that may be possible provided, however, that the two sets of commitments are not contradictory. Whether that would be politically desirable is another question.

Also significant in this regard are the provisions for assistance to and support of states victims of biological and chemical weapons effects as outlined in the BWC and the CWC.

No general policy commitments related to long range missile attack or surprise attack exist within the international community. For a zonal agreement, such guarantees must thus be drafted from scratch. A zone free of weapons of mass destruction prohibition also on long range missiles from the zone would obviously lose much of its meaning if not matched by a non-use measure covering such missiles.

Linked to the non-use measure has been the idea mentioned above that this measure should be complemented by a “thinning-out” arrangement in areas adjacent to the proposed zone where nuclear weapons are deployed. The “thinning-out” idea implies that such weapons should be withdrawn that are targeted against the zone or that have short ranges and are deployed very close to the zone, thus making them usable primarily against the zone. If such weapons are not withdrawn, non-use commitments would be less credible.{37}

Treaty design

A treaty establishing a zone free of weapons of mass destruction in the Middle East should preferably be based on the global treaties prohibiting atomic, biological, and chemical weapons (NPT, BWT, and CWT) and thus share

the general objectives of those treaties, i. e. the complete renunciation of those weapons, except that the nuclear weapons of the five nuclear weapon states will remain until nuclear disarmament is completed. In addition, a zone agreement should prescribe regional application of the non-possession, the non-stationing, and the non-use measures, and institute a verification machinery.

Furthermore, the Mubarak plan outlined when presented three general components:

- (a) All weapons of mass destruction in the Middle East should be prohibited;
- (b) All states of the region should make equal and reciprocal commitments in this regard;
- (c) Verification measures and modalities should be established to ascertain complete compliance by the states in the region;

The Mubarak proposal also pointed to certain terms to be taken into account:

- (d) A qualitative as well as quantitative symmetry of the military capabilities of individual states of the Middle East. Assymetries cannot prevail in a region striving for a juste and comprehensive peace;
- (e) Increased security at lower levels of armament. Security must be attained through political deliberations and disarmament rather than the force of arms;
- (f) Arms limitation and disarmament agreements should consider equal rights and responsibilities, and states should equally issue legally binding commitments in the field of disarmament.

The obvious way of designing a draft treaty on a zone free of weapons of mass destruction is to begin drawing on the application of general arms control treaties in the area. In case there are states in the area which are both non-parties to such treaties and essential for the operation of a zone, such states should, as part of the establishment process of the zone, be requested to subscribe to all those treaties. The situation as regards the global treaties was at the time of writing as follows:

Among the 23 states in the region, as defined above, 19 were parties to the 1925 Geneva Protocol prohibiting use of chemical and bacteriological warfare, while 4 were not: Mauretania, Oman, Somalia, and United Arab Emirates.

All states in the region but Israel were parties to the Non-Proliferation Treaty.

12 states in the prospective Middle East zone were parties to the Biological Weapons Convention, while 11 were not: Algeria, Comoros, Djibouti, Egypt (signatory), Israel, Mauritania, Morocco (signatory), Somalia (signatory), the Sudan, Syria (signatory), and United Arab Emirates (signatory).

The entry into force process of the Chemical Weapons Convention is currently under way. 16 states within the prospective zone have signed the convention; among them, 10 have become parties. 7 states have not signed: Egypt, Iraq, Lebanon, Libya, Somalia, the Sudan, and Syria.

Among the 23 states in the region, all but Jordan are coastal states. Among the latter, 12 were not parties to the 1971 Sea-Bed Treaty {38}, i. e. Bahrain, Comoros, Djibouti, Egypt, Israel, Kuwait, Mauretania, Oman, Somalia, the Sudan (signatory), Syria, and the United Arab Emirates. Their accession to the treaty would be a desirable contribution as long as one nuclear-weapon-power, France, is not bound by the treaty.

Also basic for drafting the non-use provisions of a Middle East zone agreement would be the security guarantees provided to NPT parties by the UN Security Council resolution S/RES/984 (1995) as well as the unilateral negative guarantees extended by the five nuclear-weapon powers. The Biological and Chemical Conventions include non-use provisions.

The establishment of a WMD/FZME building on a general subscription in the region to the global treaties must be complemented by several other provisions.

One important such addition would be special commitments not to possess or deploy ballistic and cruise missiles with ranges exceeding 300 (or 150) kilometers.

Two special guarantee protocols would be desirable. The nuclear weapon powers would be invited to sign one of them to commit themselves not to use or threaten to use weapons of mass destruction against zonal states — the Biological and Chemical Conventions include non-use provisions. Neighbouring states would be invited to sign the other to commit themselves to support the zone régime and to assist in its implementation particularly as regards border policies. In addition, both protocols should include a commitment not to direct prohibited missiles against targets in the zone. The guarantee protocols might also define possible restrictions applying to sea areas adjacent to the zone.

Special provisions prohibiting nuclear weapon testing, dumping of radioactive waste, and attacks on nuclear facilities containing large amounts of radioactive material could be included in the zonal legal instruments in harmony with the African zone treaty.

As a Middle East zone area would have neighbours around almost its entire periphery, it might be desirable to invite neighbouring states, e. g. Afghanistan, Armenia, Azerbaijan, Cyprus, Greece, Italy, Malta, Pakistan, Spain, Turkey, Turkmenistan, and perhaps others, to assume special commitments to respect and support the régime. Neighbouring states in Africa could be engaged based on the fact that the African Nuclear-Weapon-Free Zone and a Middle East zone would not only be each other's neighbours but partly overlap. Therefore, a protocol common to both zone treaties on mutual respect and collective support and signed by the authorities of the two zones could provide for mutual neighbouring state functions.

Special organizations for implementation and supervision of the zone arrangements would have to be instituted.

A verification machinery could be based on those of the general arms restriction treaties applying in the region as complemented by special verification rights similar to those operating according to other zonal treaties and the OSCE régime.

An organization for cooperation in the field of nuclear energy production for peaceful purposes in the region, similar to Euratom and ABACC, could contribute substantially to confidence-building in the region. This aspect has been analysed by Dr Mustafa Kibaruglo{39}.

The Middle East After the South Asian Tests

As a first order generalization, one can say that the nuclear tests by India and Pakistan in May 1998 have had much less effect in the Middle East, and perhaps also in other areas, than might have been feared or expected. The Nuclear Non-Proliferation Treaty (NPT) and the broader non-proliferation regime still stand, perhaps dented but far from demolished. There has been no “domino effect“ in the Middle East, certainly not in the short run. It can even be argued that the Treaty and the associated regime will be stronger and more solid a year later than they were before the South Asian explosions. Spurred by the tests, supporters of the NPT, both nuclear and non-nuclear, have been studying ways to strengthen the export controls and other preventive measures that the Indian and Pakistani governments circumvented or overrode.

Judgments about long-term consequences are more hazardous, but for the near term one may reasonably argue that the tests have not changed things very much either in South Asia or in adjacent areas such as the Middle East or former Soviet Central Asia. It was, after all, widely accepted in expert and popular opinion that both India and Pakistan were “nuclear-capable,“ able to put together at least a small number of weapons very quickly. India had detonated a nuclear explosive device in 1974, and few people were deceived by the label of “peaceful“ that Indian officials tirelessly attached to it. Twenty-four years of additional costly research work (none of which even purported to relate to civil uses of nuclear explosions) clearly had given India an improved understanding of nuclear weapon designing.

There may have been more reason to doubt Pakistan’s capacity to put together a weapon, and the elimination of those doubts is one significant consequence of the tests. It has resonated through the Middle East in the exhilaration expressed at this scientific achievement of an Islamic nation.

That welcome for the Pakistani tests has, however, generally been confined to the popular level. Elites and government officials throughout the Middle East have been at pains to debunk the notion of an Islamic Bomb, as have the Pakistanis themselves. Arab officials well understand that neither Pakistan’s weapons nor its technology will be available to any other government, not for use against Israel or for use against regional or extra-regional adversaries of any Middle Eastern country.

Whether this is as well understood in Iran as it should be is an interesting and important question. Some of the most bitterly anti-Israel, anti-Western elements in Iran may imagine that their sentiments are shared by significant individuals in Pakistan and may attempt to secure help there for their own nuclear weapons program. They are almost certainly wrong about the possibility of getting aid on an ideological basis; Pakistani elites are not deeply anti-Israel or anti-Western. On the other hand, monetary inducements just might draw some knowledgeable individuals from Pakistan, as from the former Soviet Union or elsewhere, and it will be incumbent on the Pakistani authorities to guard against any “leakage“ from their weapons program.

In the Middle East, attitudes and positions on nuclear weapons and other weapons of mass destruction have not, at least at this point, altered in significant ways. Those governments that clearly would like to have nuclear weapons, notably Iran and Iraq, have presumably drawn some comfort from the fact that India and Pakistan “went nuclear“ without drawing a military reaction, but both of those governments are a long way from themselves crossing the nuclear threshold, and the South Asian tests will be merely one event in the long history of the nuclear age by the time that either Iraq or Iran is ready - if either ever is - to itself step over that line.

In cataloguing Middle East attitudes to the new (but not so new) situation, one naturally turns first to Israel. Officials there lost no time in making clear that there was “no change“ in Israeli policies. Israel puts a high value on its nuclear ambiguity and seems to understand the costs it would pay if it followed the South Asian example. These costs would be high even if all it did was to declare that it has nuclear weapons, and they would be mountainous if Israel actually tested. Even the strong supporters of Israel in the United States would have great difficulty protecting it from the economic consequences of the mandatory sanctions that U.S. law has now imposed on India and Pakistan. And the political damages would likely be even more serious.

“What would be gained by an Israeli declaration or a test?“ the Israelis ask themselves. The answer is clear: “Nothing.“ The deterrent value of their ambiguity is not less than that of a demonstrated weapon capability; the veil is by now so transparent that their potential adversaries all assume that Israel has weapons at the ready. If anything, their Arab neighbors tend to exaggerate the Israeli potential.

The only Arab states with the economic and scientific resources to mount a nuclear weapons program in the near term are Iraq and Egypt. Did the South Asian tests trigger Saddam’s recent confrontation with UNSCOM? There is, of course, no way to penetrate the policy-making process in Baghdad; one can only speculate. Saddam’s advisors could well have assessed the U.S. reaction to the tests to be weak; a number of American observers did and said so. Moreover, even before the South Asian tests there was Washington comment about a supposed growing reluctance

in the White House to use force, whether in Iraq or Kosovo or elsewhere. Whether it was that that looked to Saddam like his opportunity to rid himself of UNSCOM, only future historians will ever know. That is in any case a secondary question. The fundamental facts are clear: Saddam wants nuclear weapons and will pursue them until his power comes to an end. He has not been inspired by the South Asian example, nor would he have given up his effort if the US had done the unthinkable and turned their cruise missiles on Indian nuclear sites.

Egyptian reactions will be more interesting and in the long run more significant, but as yet they are not easy to make out. Certainly there are today, as there always have been, a small number of Egyptian intellectuals and scientists who believe that Egypt, as the leader of the Arab nation, should have the weapon that seems to confer status as a major power. And yet the government from the early sixties onward unambiguously chose to play a leading role in the global effort to halt proliferation. This was no doubt in part a belated effort to prevent Israel from going nuclear. But it also seems to have reflected a genuine acceptance of the arguments that persuaded Sweden, Germany, Japan, and almost the entire non-aligned group (except Pakistan and India) to forgo the nuclear option. Recently, some Egyptians have muttered about perhaps leaving the NPT at the next review conference in 2000, citing the failure of the nuclear powers to make significant progress toward nuclear disarmament or toward bringing Israel into the NPT. Those who grumble this way will now have an additional argument in the failure to block Indian or Pakistani tests. This appears, however, to be a minority view, and it is likely to remain so.

In the light of these developments, what are the prospects for a nuclear-weapon-free zone in the area, or a zone free of all weapons of mass destruction? These authors would say: no worse than before the South Asian tests, quickly adding that "no worse" does not mean "good." The realization of such a zone has always been a long-range prospect, not an operational, current matter. The deplorable state of the Israeli-Palestinian Peace Process is much more of a negative factor for this or any other regional arms control possibilities than is a far-off development like that in South Asia.

The Middle East desperately needs arms control over the full range from minor confidence building to major achievements like the elimination of entire weapon systems. No progress can, however, be hoped for in these areas until there has been a major improvement in the tone of Arab-Israeli relations, and that can come only when the Peace Process recovers the momentum that it lost a couple of years ago.

FOOTNOTES*****

- {1} UN Document A/RES/3263 (XXIX).
- {2} A recent resolution on the matter was adopted by the UN General Assembly on 4 December 1998, UN Document A/RES/53/74.
- {3} Document CD/989, 20 April 1990.
- {4} The Mubarak plan has recently been described by Mohamed Shaker in Prospects for Establishing a Zone Free of Weapons of Mass Destruction in the Middle East, Director's Series on Proliferation, No. 6 Oct. 1994, Lawrence Livermore National Laboratory (UCRL-LR-114070-6). Compare also M. M. Zahran, Towards Establishing a Mass-Destruction-Weapon-Free-Zone in the Middle East, Institute for Diplomatic Studies, Ministry of Foreign Affairs of Egypt, October 1992.
- {5} Document NPT/CONF. 1995/32/RES/1.
- {6} UN Document A/RES/43/65.
- {7} UN Document A/45/435; UN Sales No.E.91.IX.3.
- {8} UN Document A/RES/45/52, op.8.
- {9} J. Prawitz, J. F. Leonard, A Zone Free of Weapons of Mass Destruction in the Middle East, Document UNIDIR/96/24 (UN Sales No. GV.E.96.0.19).
- {10} M. Karem, A Nuclear-Weapon-Free Zone in the Middle East: Problems and Prospects. Greenwood Press. New York. 1988. The same author has later published A Nuclear-Weapon-Free Zone in the Middle East: A Historical Overview of the Patterns of Involvement of the United Nations in T. Rauf (Ed.), Regional Approaches to Curbing Nuclear Proliferation in the Middle East and South Asia, Aurora Papers 16. Canadian Centre for Global Security. December 1992.
- {11} S. Feldman, Nuclear Weapons and Arms Control in the Middle East, MIT Press, Cambridge MA, 1997; S. Feldman, A. Toukan, Bridging the Gap: A Future Security Architecture for the Middle East, Carnegie, Rowman & Littlefield Publishers, Lanham MD, 1997.

- {12} E. Arnett, *Nuclear Weapons After the Comprehensive Test Ban: Implications for Modernization and Proliferation*, SIPRI, Oxford University Press, 1996.
- {13} I. A. Karawan, *The Case for a Nuclear-Weapon-Free Zone in the Middle East*, in R. Thakur (Ed.), *Nuclear-Weapon-Free Zones*, MacMillan Press Ltd, 1998, pp 184-193.
- {14} G. M. Steinberg, *The Obstacles to a Middle East Nuclear-Weapon-Free Zone*, in R. Thakur (Ed.), *Nuclear-Weapon-Free Zones*, MacMillan Press Ltd, 1998, pp 194-209.
- {15} The Proceedings of the Workshop in Vienna 4-7 may 1993 on “Modalities for the Application of Safeguards in a Future Nuclear-Weapon-Free Zone in the Middle East“ including the presentations made is available from the International Atomic Energy Agency, Division of External Relations, in Vienna.
- {16} Recent experiences, primarily in Iraq and North Korea, has provoked a revision of the IAEA safeguards system to make it more effective, resulting in the so called 93+2 upgrade now codified in a model Protocol to be added to current safeguards agreements: Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards (IAEA Document INFCIRC/540). Compare also J. Prawitz, *NWFZs: Their Added Value in a Strengthened International Safeguards System*, paper submitted for publication in July 1998.
- {17} In April 1995, the UN Security Council adopted a modernized resolution taking note of both existing negative nuclear assurances and the positive assurances where the five nuclear-weapon states undertake to provide “immediate assistance, in accordance with the UN Charter, to any non-nuclear-weapon state party to the NPT that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used“. UN Document S/RES/984 (1995), unanimously adopted on 11 April 1995, Op. 7.
- {18} UN Document S/RES/255 (1968) was adopted in conjunction with the adoption a few days earlier of the NPT by the General Assembly.
- {19} IAEA Document INFCIRC/153.
- {20} UN Document S/RES/687 (1991), 3 April 1991.
- {21} The Helsinki Final Act (1975), The Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe (1986); the Vienna Documents 1990, 1992, and 1994 of the Negotiations on Confidence- and Security-Building Measures; the Treaty on Conventional Armed Forces in Europe (CFE); the Concluding Act of the Negotiation on Personnel Strength on Conventional Armed Forces in Europe (CFE-1A); and the Treaty on Open Skies. At the CSCE Summit meeting in Budapest 5 - 6 December 1994, the CSCE was renamed the Organization for Security and Cooperation in Europe (OSCE).
- {22} For a recent account of Israel’s nuclear industry, see D. Albright, F. Berkhout, W. Walker, *Plutonium and Highly Enriched Uranium: World Inventories, Capabilities, and Policies*, SIPRI, Oxford University Press, 1997, Part IV Material Inventories and Production Capabilities in Threshold States, pp 257-264.
- {23} This policy of deliberate ambiguity has been said to serve Israel’s security interests in three ways: firstly, in times of gloom, it gives hope to the Israelis; secondly, it may caution the enemies of Israel; and thirdly, it relieves other states from the delicate burden of taking an explicit position on the matter. As reported by Dr S. Freier in C. Atterling Wedar, S. Hellman, K. Söder, (Eds.), *Towards a Nuclear-Weapon-Free World. Swedish Initiatives*. (ISBN 91-972128-0-6) Stockholm 1993. p 181.
- {24} Technical Study on Different Modalities of Application of Safeguards in the Middle East. Document IAEA-GC (XXXIII)/887, 29 August 1989. (On 22 May 1990, the People’s Democratic Republic of Yemen and Yemen merged to form a single state with the name “Yemen“). A similar definition was suggested in the 1975 UN study *Comprehensive Study on the Question of Nuclear-Weapon-Free Zones in all its Aspects*. United Nations Document A/10027/Add. 1, (UN Sales No. E.76.1.7). para 72.
- {25} The League of Arab States has 22 member states: 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.

- {26} The African Nuclear-Weapon-Free Zone Treaty (The Pelindaba Treaty) signed at an OAU meeting in Cairo on 11 April 1997. For text, see SIPRI Yearbook 1996, Oxford University Press, 1996, pp 593-601.
- {27} W. M. Arkin, *Taking Stock: Worldwide Nuclear Deployments* 1998, NRDC March 1998.
- {28} United Nations Convention on the Law of the Sea (UN Sales No. E.83.V.5), signed on 10 December 1982 and entered into force on 14 November 1994.
- {29} Convention Respecting Free Navigation of Suez Canal of 29 October 1888.
- {30} UN Document S/RES/687 (1991). The resolution “takes note“ that destruction of the weapons specified in the resolution “represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery (emphazise added) and the objective of a global ban on chemical weapons“ (Op. 14).
- {31} Document COPREDAL/76 p. 8, or UN document A/6663.
- {32} The fact that three nuclear-weapon powers, France, the UK, and the USA, are parties to Protocol I of the Tlatelolco Treaty for their dependencies in Latin America and the Caribbean poses this problem which has not been raised or referred to politically, however.
- {33} The problem of drawing a line between the territorial airspace, subject to national jurisdiction of the underlying state, and the international outer space where the underlying state would have no responsibilities, has been on the agenda of the United Nation’s Committee on the Peaceful Uses of Outer Space for very many years. Many difficult issues must be taken into account when defining such a line. Without a final solution, a reasonable assumption would be to assume that the line would be drawn at approximately 100.000 meters above the sea level.
- {34} For an account of the consequences of these policies, see i. e. J. Prawitz, *The “Neither Confirming nor Denying“ Policy at Sea* in J. Goldblat, (Ed.), *Maritime Security: The Building of Confidence*. Document UNIDIR/92/89 (Sales No. GV.E.92.0.31).
- {35} UN Document S/RES/984 (1995).
- {36} The content of these unilaterally declared guarantees are summarized in *Compilation of Basic Documents relating to the Question of Effective International Arrangements to Assure Non-Nuclear-Weapon States against the Use of Nuclear Weapons* (UN document CD/SA/WP.15, 16 March 1993) and in *Developments with regard to effective arrangements to assure non-nuclear-weapon states against the use or threat of use of nuclear weapons* (Document NPT/CONF.1995/PC.III/6, 12 July 1994). Compare also *The United Nations DISARMAMENT YEARBOOK VOL. 14:1989* pp 179 - 180. Neither the “Basic Provisions of the Military Doctrine of the Russian Federation“ adopted on 2 November 1993 (Decree No. 1833), nor the “National Security Concept of the Russian Federation“ adopted on 17 December 1997 (Decree No. 1300) include the USSR no-first-use declaration of 12 June 1982, however.
- {37} The “thinning out“ idea was first suggested by A. Thunborg in 1975 in relation to the proposed nuclear-weapon-free zone in the Nordic area, in *Nuclear Weapons and the Nordic Countries Today – A Swedish Commentary*, A Special Issue of *Ulkopolitiikka* 1975, pp 34-38.
- {38} Treaty on the Prohibition on the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (The Sea-Bed Treaty; UN Document A/RES/2660 (XXV), Annex) entered into force on 18 May 1972. The treaty has 93 parties including all nuclear-weapon states but France.
- {39} M. Kibaruglo, *EURATOM & ABACC: Safeguard Models for the Middle East?* in J. Prawitz, J. F. Leonard, *A Zone Free of Weapons of Mass Destruction in the Middle East* (Annex), Document UNIDIR/96/24 (UN Sales No. GV.E.96.0.19), pp 93-123.