

## **Nuclear Weapon Free Zone in the Middle East**

### **What is happening at NPT Conference in New York?**

#### **An article by an expert**

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NEW YORK (IDN) — Finally, at long last, the postponed 2020 [Tenth Non-Proliferation Treaty \(NPT\) Review Conference](#) commenced its work at United Nations headquarters in New York on August 1, 2022. Under the able Presidency of [Ambassador Gustavo Zlauvinen](#) of Argentina, the review conference is expected to complete its work on August 26.

If all goes well, a Final Document would be adopted on the review of the implementation of the NPT and the commitments agreed at the review conferences held in 1995, 2000 and 2010—there was no agreement in 2005 and 2010 as the conferences ended in disarray over disagreements on nuclear disarmament and the Middle East.

In addition, the Final Document also would include recommendation for the implementation of the Treaty and agreed commitments of previous review conferences over the next review period for consideration at the Eleventh NPT Review Conference expected to be held in 2026.

However, at this stage it is still too early to forecast whether Conference President Zlauvinen would be able to utilize his considerable diplomatic skills to hammer through a consensus final document that adequately addresses the contentious matters of nuclear disarmament, nuclear risk reduction, non-proliferation, export controls, safeguards on naval nuclear propulsion, nuclear safety and security (including of nuclear power plants in Ukraine as the Russian invasion continues), cooperation in the peaceful uses of nuclear technologies and related issues.

Additional linked problem areas are that of “regional issues”: the implementation of the 1995 NPT Review and Extension Conference ([1995 NPTREC](#)) [Resolution](#) on establishing a zone free of nuclear and other weapons of mass destruction, and their means of delivery, in the region of the Middle East (MENWFZ/WMDZFZ); and the nuclear activities of North Korea.

For my part, I have been trying over the past several years to get the NPT States Parties to move the review conference to Vienna—its natural venue given that the International Atomic Energy Agency ([IAEA](#)) responsible for NPT non-proliferation verification (safeguards) and for facilitating technical cooperation in the peaceful uses of nuclear energy has its headquarters in Vienna.

As well, the nuclear-test ban treaty organization ([CTBTO](#)) also is located in Vienna. The NPT review conference has its integral technical connections to Vienna, not to New York! The [application of IAEA safeguards in the Middle East](#) as well as globally and [IAEA technical cooperation projects](#) for the peaceful uses of nuclear energy and applications in the [Middle East](#) and worldwide, all are based in Vienna; as is the [verification of a nuclear-weapons test ban](#).

This discussion focuses on the Middle East zone free of nuclear and other weapons of mass destruction (MENWFZ/WMDZFZ) and it reviews concept of a nuclear-weapon-free zone and

the various principal forums where this matter is discussed; and concludes with the recommendation that States of the region proceed first to establish a nuclear-weapon-free zone. Extending the scope to cover biological and chemical weapons could follow at a later stage.

### **Nuclear-weapon-free zones**

It should be recalled that the original concept of establishing [nuclear-weapon-free zones](#) (NWFZs) was conceived with a view to preventing the emergence of new nuclear-weapon possessor States. Efforts to ensure the absence of nuclear weapons in other populated parts of the world have led to five regional denuclearization agreements—the 1967 [Treaty of Tlatelolco](#) covering Latin America, the 1985 [Treaty of Rarotonga](#) covering the South Pacific, the 1995 [Treaty of Bangkok](#) covering Southeast Asia, the 1996 [Pelindaba Treaty](#) covering Africa, and the 2006 [Central Asian NWFZ treaty](#), all are in force.

And, [Mongolia](#) declared itself to be a nuclear-weapon-free space that was approved by the Great Hural in 2000 and endorsed by UNGA in 2002. Thus, the entire southern hemisphere below the Equator is covered by NWFZ treaties, as is a portion of the northern hemisphere in the Asian landmass.

Also, certain uninhabited areas of the globe and outer space have been formally denuclearized. They include Antarctica under the 1959 [Antarctic Treaty](#); outer space, the moon, and other celestial bodies under the 1967 [Outer Space Treaty](#) and the 1979 [Moon Agreement](#); and the seabed, the ocean floor, and the subsoil thereof under the 1971 [Seabed Treaty](#).

General Assembly resolution [3472 B \(1970\)](#) defines a Nuclear-Weapon-Free Zone, *inter alia*, as:

1. Any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby:
2. The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;
3. The initiative for the creation of a nuclear-weapon-free zone should come from States within the region and participation must be voluntary;
4. Whenever a zone is intended for a region, the participation of all militarily significant States, and preferably all States in that region, would enhance the effectiveness of the zone; and
5. An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute establishing a nuclear-weapon-free zone.

NWFZs ban the production, testing and stationing of nuclear weapons, permit peaceful uses, include verification provisions and in some cases establish an institutional set up; and require security assurances from nuclear-weapon States. In the case of the African zone, Article 7 of the [Pelindaba Treaty](#) *inter alia* provides for the “Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture” and for the verification of the “processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production”.

## **Middle East Nuclear-Weapon-Free Zone**

In terms of new NWFZs, the Middle East remains an old unfulfilled obligation. First, jointly proposed by Egypt and Iran in 1974 through a General Assembly resolution, the concept was broadened in 1990 through the Mubarak Initiative to cover all weapons of mass destruction (WMD). It is too early to get to a final agreement on the details of a treaty on the NWFZ/WMDFFZ; however, keeping to basics it is possible to identify practical measures and elements—as is endeavoured in draft elements proposed at the [second session of the UN Middle East Conference](#) and a draft treaty text prepared by [The Middle East Treaty Organization](#) and also by [Egypt](#) in its working paper for the upcoming third session [UN Middle East Conference](#) in November 2022.

Given space limits, I will refrain from recalling the history of the efforts to set up a NWFZ/WMDFFZ in the region of the Middle East; hence I will focus on some of the most recent developments.

Traditionally, Egypt has taken the lead in promoting efforts for the implementation of the 1990 NPTREC Resolution on the Middle East in the NPT review process, as well as at the IAEA General Conference and at the First Committee of the UN General Assembly on the establishment of a NWFZ in the region of the Middle East.

## **The Non-Proliferation Treaty and the Middle East Nuclear-Weapon-Free Zone**

Article VII of the NPT affirmed the right of States to establish NWFZs in their respective territories and the 1990 NPT Review and Extension Conference (NPTREC) expressed the conviction that regional denuclearization measures enhance global and regional peace and security. At the 1990 NPTREC, the NPT was extended indefinitely without a vote based on an [integral interlinked package](#) of three Decisions and the “[Resolution](#) on establishing a zone free of nuclear and other weapons of mass destruction as well as delivery systems in the region of the Middle East”.

The [2000 NPT Review Conference](#) reiterated the importance of the [1990 Resolution](#), and the [2010 Review Conference](#) mandated that a conference be held on such a zone by 2012. The [2010 NPT Review Conference](#) came to an inglorious end over disagreements on the modalities of convening a conference on the Middle East zone following the unsuccessful efforts by the UN Coordinator Under-Secretary Jaakko Laajava of Finland with his “multilateral consultations” held during 2013-2014 involving the States of the region of the Middle East.

During the 2017, 2018 and 2019 sessions of the Preparatory Committee (PrepCom) for the Tenth NPT Review Conference, the lack of implementation of the 1990 NPTREC Resolution and the postponement of the 2012 Middle East Conference were noted by States of the region of the Middle East, and other States; but no progress was discernible. The 22 December 2018 United Nations General Assembly decision ([Y3/546](#)), discussed in a later section below, to convene UN mandated conferences on the Middle East zone starting from 2019 was described as an “illegitimate decision” by the delegate of the United States at the 2019 session of the NPT PrepCom—this denunciation by a NPT depositary and co-sponsor of the 1990 Resolution shocked everyone present and highlighted the difficulties in making progress.

At the [NPT Review Conference](#) the Middle East zone issue, including the implementation of the [1990 NPREC Resolution](#), is discussed in Main Committee II (on nuclear non-proliferation and IAEA safeguards) and also under “specific issues” in a “subsidiary body” of the committee.

At the Tenth NPT Review Conference (August 2022), MC.II is chaired by [Ambassador Dominika Krois](#), Permanent Representative of Poland to the IAEA; and SB.II is chaired by [Ambassador Annika Markovic](#), Permanent Representative of Sweden to the IAEA. Their negotiations will be challenging and frustrating given the track record at previous NPT review conferences of major divergences in the position of the Arab States and that of the US and the EU.

[Statements on the Middle East](#) already have been made in MC.II last week and four [working papers](#) submitted by States Parties ([China](#), [Group of Arab States](#), [Non-Aligned States](#), and [Russian Federation](#), respectively) to guide the Chair in preparing its committee’s report to the review conference. In practice, the hard-nosed negotiations on the MENWFZ/WMDfz are not carried out in MC.II but in the margins of SB.II involving Egypt principally (on behalf of the Arab States) and the United States (indirectly also representing Israel’s interests, as Israel has refused to accede to the NPT). If these protagonists can chisel out some agreement, then it is presented before MC.II which usually rubber stamps it perhaps with some adjustments to bring Iran onboard; and then it goes to the Conference President for incorporation into a final document for adoption by the review conference.

The gauntlet has been thrown at the current NPT review conference, as the Arab States in their [working paper](#) have turned up the heat on Israel and its principal supporters, the United States and the European Union.

Specifically, the Arab States, “*Urge Israel to accede to the Treaty as a non-nuclear-weapon State, place all its facilities under the IAEA comprehensive safeguards regime, eliminate its entire stockpile of nuclear weapons and ratify the Comprehensive Nuclear-Test-Ban Treaty*”.

Furthermore, the Arab States, “*Call upon all States parties to put pressure on Israel and compel it to comply with internationally binding resolutions and accede to the Treaty; reiterate the call that the IAEA made upon Israel in 1991 to comply with Security Council resolution [487 \(1981\)](#), which provides that all Israeli nuclear facilities must be placed under the IAEA comprehensive safeguards regime; and call for the elimination of all weapons of mass destruction, in particular nuclear weapons, with a view to achieving the objective set out in paragraph 14 of Security Council resolution [687 \(1991\)](#), which was adopted under Chapter VII of the Charter of the United Nations, and in keeping with the relevant General Assembly resolutions*”.

Clearly, the calls by the Arab States on Israel to renounce its nuclear weapons will be difficult if not impossible for the US and the European Union to stomach and portend some protracted heated discussions with a distinct potential for being unable to bridge differences sufficiently in order to secure a final document of the Tenth NPT Review Conference?

Regarding the general question of how to deal with the Middle East issue at the Tenth NPT Review Conference currently underway, it is my understanding that the following points, *inter alia*, are generally relevant from the perspectives of most if not all NPT States of the region of the Middle East:

١. the ١٩٩٥ NPTREC Resolution on the Middle East zone now can be considered as the fourth pillar of the NPT;
٢. the NPT review process remains the primary focus for the implementation of the [١٩٩٥ Resolution](#) and the UN Conferences are *not* an alternative to the NPT process but should be regarded as parallel and complementary;
٣. there seems to be no intention to turn the Middle East issue into a stumbling block towards the success of the ٢٠٢٢ NPT Review Conference and the NPT States of the region want the review conference to be successful in agreeing on substantive actions across the three pillars of the NPT – nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy, as well as on the regional issue of the Middle East and to practically advance the implementation of the ١٩٩٥ NPTREC Resolution;
٤. for the NPT States of the region, the Middle East zone issue remains within the NPT process and the Tenth NPT Review Conference would have to reaffirm and recognize this reality;
٥. the UN Conference outcomes cannot alleviate pressure on the NPT Review Conference process dealing with the “specific regional issue” of the Middle East zone in Main Committee II as the UN Conference cannot usurp the implementation of the ١٩٩٥ NPTREC Resolution as it is part of the NPT extension decision package and the *acquis* of the Treaty;
٦. the NPT States of the region believe in collective not selective security and this calls for the universalization of the NPT and the cessation of granting privileges and nuclear cooperation to States not party to the Treaty;
٧. regarding the three co-sponsors of the ١٩٩٥ NPTREC Resolution: the UK has voiced support for the vision of a MEWMDFZ; the Russian Federation endorsed the convening of the UN Conference and attended the ٢٠١٩ and ٢٠٢١ sessions which it regards as easing pressure at the Tenth NPT Review Conference, while the US continues to boycott the proceedings;
٨. the ٢٠١٨ UN General Assembly decision garnered the votes of a majority of UN Member States;
٩. the UN Middle East Conference shall be open to all States and it is important for these States to fully engage and facilitate the modalities and procedural aspects;
١٠. the assertion is incorrect that Israel was not consulted in advance on the ٢٠١٨ resolution at UNGA, in fact it was consulted in advance of the decision; and
١١. the November ٢٠٢٢ session of the UN Middle East Conference will provide another opportunity to all States to meet and discuss zone matters, express views, all decisions shall be by consensus, it will be another opportunity for direct consultations among the States of the region of the Middle East on the implementation of the ١٩٩٥ NPTREC Middle East Resolution, and to decide when and how to negotiate a future Middle East nuclear and weapons of mass destruction zone treaty, in accordance with UN General Assembly and UN Disarmament Commission principles and criteria.

### **United Nations Conference on the Middle East NWFZ/WMDFZ**

Given the infighting and discord among States in the NPT review process in previous years over many issues concerning the MENWFZ, it seemed for a while that the air had gone out of the balloon to achieve a zone. The facilitator of the aborted “٢٠١٢” Middle East conference was roundly and unfairly criticized by all sides for their failure to line up their ducks on the matter.



Following the ill-fated process for the aborted 2012 Middle East conference, and the abject failure of the 2010 NPT Review Conference; the Arab States took stock in 2016 and initiated a new conference process in the UN General Assembly.

In December 2018, the UNGA plenary meeting adopted by voting ([103 Yes: 3 \(Israel, Micronesia, US\) No: 41](#) abstentions) decision [53/046](#) co-sponsored by Algeria, Bahrain, Comoros, Djibouti, Egypt,\* Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen and State of Palestine on [Convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction](#).

The 2018 UNGA decision called on the UN Secretary General to:

- convene a conference for the duration of one week to be held no later than 2019 dealing with the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction;
- the conference shall take as its terms of reference the 1990 NPTREC resolution;
- the conference shall aim at elaborating a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region;
- all decisions emanating from the conference shall be taken by consensus by the States of the region;
- all States of the Middle East, the three co-sponsors of the 1990 resolution on the Middle East, the other two nuclear-weapon States and the relevant international organisations (IAEA, OPCW, BTWC ISU) to participate; and
- the Secretary-General to convene annual sessions of the conference for a duration of one week at United Nations Headquarters until the conference concludes the elaboration a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region.

Accordingly, Under-Secretary General and High Representative for Disarmament Izumi Nakamitsu and the Office for Disarmament Affairs made the preparations for the conference. The first session of the conference was held at UN headquarters on 18 to 22 November 2019; with the Conference President Ambassador Sima Sami Bahous, Permanent Representative of Jordan to the United Nations. Israel did not attend the first session of the conference and according to sources worked to undermine the conference; and the US also did not attend.

The November 2019 Middle East Conference adopted a [“Political declaration on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction”](#). The Declaration, *inter alia*, “Welcome[d] all initiatives, resolutions, decisions and recommendations on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction”. The session also managed to adopt a number of important decisions laying the institutional and procedural aspects of the following sessions including the decision-making modalities. Nonetheless, the first session failed to set up any intersessional or technical work on the attributes of a Middle East zone.

The 2020 Middle East Conference was [postponed](#) on an exceptional basis to be held no later than November this year – it was from [29 November to 3 December 2021](#). The President was [Ambassador Mansour Ayyad Sheikh Al-Otaibi](#) of Kuwait, Permanent Representative to

the United Nations in New York. Reports noted that neither Israel nor the United States attended the second session of the UN Middle East Conference.

### *The 2021 Session of the Middle East Conference*

As already indicated above, the 2020 UN Middle East Conference had to be [postponed](#) on an exceptional basis to be held no later than November 2021. It was held from [19 November to 3 December 2021](#) with [Ambassador Mansour Ayyad Sheikh Al-Otaibi of Kuwait](#), Permanent Representative to the United Nations in New York, serving as President. The second session adopted some procedural decisions including to set up an intersessional working group.

Working Papers submitted by [Egypt](#), Russian Federation and Syria are listed on the conference website. Typically, Egypt's working paper proposes various elements of a future treaty, but the paper is devoid of providing any guidance or recommendations on the process through the conference on how to achieve a treaty. The Russian Federation's working paper too lacks any specifics on the modalities for achieving a zone, but notes that "Russia is ready to provide comprehensive expert and political support ... any steps related to such a sensitive matter as the establishment of the world's first zone free of all types of weapons of mass destruction can be taken only following the adoption of phased decisions by consensus, with the participation of all countries of the region".

The second session made progress and provisionally adopted several elements for a future treaty, as noted below. This, in my view, constituted remarkable initial progress in that the Arab States devised their own elements rather than accept or adopt ideas and concepts floated by experts and others from outside the region of the Middle East,

The second session adopted provisionally several elements for a future treaty ([A/CONF.236/2021/4](#)):

#### *Principles and objectives of a Middle East zone free of nuclear weapons and other weapons of mass destruction*

16. The primary objectives of the treaty should include that of enhancing regional and international peace and security through the complete elimination and prohibition of nuclear weapons and other weapons of mass destruction in the region of the Middle East.
17. The Middle East zone treaty should be established on the basis of: article VII of the Treaty on the Non-Proliferation of Nuclear Weapons; the resolution on the Middle East, which was adopted as an integral part of the outcomes the 1990 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; the relevant paragraphs of the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; and the guidelines adopted by the Disarmament Commission in its report of 30 April 1999 on establishing nuclear-weapon-free zones.
18. Members of the Conference reaffirmed the importance of the accession of Israel to the Treaty on the Non-Proliferation of Nuclear Weapons and the placement of all its nuclear facilities under comprehensive IAEA safeguards, as reflected in the final document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and stressed that the resolution on the Middle East

was an integral part of the package that led to the indefinite extension of the Non-Proliferation Treaty during the 1990 Review and Extension Conference. They urged all members of the Conference and the three co-sponsors of the resolution to ensure its early implementation. They also called upon all members of the Conference and observers to take part in future sessions of the Conference on the establishment of a Middle East zone free of weapons of mass destruction and to contribute to the realization of its objective.

19. The obligations of all the members of the treaty should be clearly defined and legally binding, and the members of the treaty should fully comply with such obligations.
20. Nothing in the treaty should be interpreted as affecting the inalienable right of all members of the treaty to develop research, produce and use nuclear, chemical and biological materials, equipment and technology for peaceful purposes, in conformity with article IV of the Non-Proliferation Treaty, article XI of the Chemical Weapons Convention and article X of the Biological Weapons Convention. All members of the treaty should have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear, chemical and biological materials, equipment and technology for peaceful purposes. Each member's choices and decisions in the field of the peaceful uses of nuclear, chemical and biological materials, equipment and technology should be respected.
21. The treaty should recognize the catastrophic humanitarian and environmental consequences that would result from any use of nuclear, chemical or biological weapons and the need to prevent such horrors from occurring again. It should also affirm that any use or threat of use by any State was unacceptable.
22. The preamble to the treaty could reaffirm support for the primary international treaties addressing weapons of mass destruction, such as the Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention.
23. A point was raised that that treaty should not be linked to the Middle East peace process.

*Core obligations related to nuclear, chemical and biological weapons, including verification*

24. The treaty should include obligations that its members not: research, develop, manufacture, test, stockpile, acquire, possess or have any control over nuclear weapons or any other nuclear explosive device, as well as any chemical or biological weapons; seek or receive assistance in any of the above; or assist in or encourage such actions by any other party.
25. The treaty should include prohibitions on the development, production, stockpiling, testing, transfer, transit, receipt, storage, installation or any other form of possession of any nuclear weapon or nuclear explosive device, as well as other weapons of mass destruction, on the territory of members of the treaty or any territories under their jurisdiction. It was suggested that those prohibitions be extended to the territorial sea or archipelagic waters of members of the treaty.
26. The treaty should also prohibit any transit of nuclear materials or other waste removed from nuclear weapons through the territory of members of the treaty or any territories under their jurisdiction.
27. The treaty should also require members of the treaty to prohibit and prevent in their respective territories the diversion of nuclear, chemical and biological materials for prohibited military purposes.



- ٢٨. The treaty should also prohibit any transit, through the territory of members of the treaty or any territories under their jurisdiction, of nuclear materials or other waste removed from nuclear weapons.
- ٢٩. The treaty's provisions should be non-discriminatory and provide the same rights and obligations to each of its members.
- ٣٠. With respect to verification, the treaty should avoid duplicating other existing international arrangements and could rely on existing instruments, including the comprehensive safeguards of IAEA and the verification regime of the Organisation for the Prohibition of Chemical Weapons.
- ٣١. It was also suggested that the members of the treaty consider a regional verification mechanism to supplement existing multilateral verification regimes.
- ٣٢. The voluntary nature of adherence to the additional protocol of IAEA and that it could not be considered as a condition for the supply of nuclear technology for peaceful purposes were emphasized.

#### *Definition of clarifications, consultations and cooperation*

- ٣٣. The inclusion of clear definitions of key terms employed in the treaty and its protocols contributes to the effective implementation of the treaty.
- ٣٤. Non-prohibited purposes should be clearly defined to include industrial, agricultural, research, medical, pharmaceutical or any measures linked to the prevention of nuclear, chemical or biological incidents.
- ٣٥. With regard to the definition of the territory covered by the treaty, it was suggested that it cover all land holdings, internal waters, territorial seas and archipelagic waters.
- ٣٦. Clarifications, consultations and cooperation served as effective tools that contribute to effective implementation.

#### *Peaceful uses and international cooperation*

- ٣٧. It was emphasized that the treaty should uphold the right to develop and use nuclear, chemical and biological materials, equipment and technologies for peaceful purposes. That included the reaffirmation of the inalienable right of members of the treaty to develop research, production and use of nuclear energy, as well chemical and biological materials and equipment and technology for peaceful purposes, without discrimination.
- ٣٨. The treaty should facilitate and provide for the fullest possible exchange of equipment and materials and scientific and technological information for peaceful uses. The point was made in that regard that the treaty should actively promote the peaceful uses of nuclear energy, especially given the environmentally friendly nature of nuclear power.
- ٣٩. It was emphasized that the application of comprehensive safeguards would not in any way hamper legitimate peaceful uses or their developmental benefits or infringe on the sovereign decisions of members of the treaty in that regard.
- ٤٠. The treaty should promote the exchange of information and cooperation to ensure that nuclear, chemical and biological materials and technologies did not fall into the hands of criminal organizations.
- ٤١. The treaty should emphasize the importance of the peaceful uses of nuclear, chemical and biological materials and technologies in the industrial, agricultural, research, medical and pharmaceutical fields, any measures linked to the prevention of nuclear,

chemical or biological incidents or any other peaceful uses that were proven to be essential.

- εϣ. In the treaty, developed countries could be called upon to play a key role in sharing their knowledge and exchanging equipment, materials and scientific and technological information for peaceful uses.
- εϣ. The view was expressed that any measures imposed that would hinder civil cooperation projects with developing countries should be avoided, and that the treaty should ensure that under no circumstances would international cooperation on the peaceful use of nuclear energy and other related technologies be hindered, in accordance with article IV of the Non-Proliferation Treaty.

#### *Institutional arrangements, entry into force and dispute settlement*

- εε. There were several proposals for the establishment and the functions of various bodies associated with the treaty, such as a meeting of members of the treaty, a secretariat and a review conference on the treaty. Those bodies could oversee the implementation of the treaty, address cases of non-compliance, coordinate exchanges of information among members of the treaty and convene periodic sessions, as well as any other matters pursuant to and consistent with the provisions of the treaty.
- εο. The treaty should include the designation of a national authority that would act as a national focal point that would be responsible for both national implementation and liaising with the treaty implementation body and other national focal points.

#### *Protocols, including negative security assurances*

- εϛ. The treaty should be respected by and have the full cooperation of nuclear-weapon States. It should also include protocols containing legally binding obligations that nuclear-weapon States not use or threaten to use nuclear weapons against members of the treaty; not deploy or station nuclear weapons within the zone; and not provide any assistance to any countries in any acts prohibited by the treaty.

#### *Other relevant issues*

- εϣ. Treaty provisions should include the following: peaceful settlement of disputes, amendments, duration, withdrawal, annexes, signature, ratification, accession, entry into force, reservations, depositary and authentic texts.
- εϠ. It was suggested that the treaty remain in force indefinitely.
- εϡ. On the basis of lessons learned from other nuclear-weapon-free zone treaties, the treaty should establish a minimum period of notification of withdrawal of 12 months.
- οο. It was proposed that the Secretary-General of the United Nations be designated as the depositary of the treaty.
- ο1. In addition to the deliberations reflected in the paragraphs above, the Conference agreed to continue its discussion on but not limited to the following issues:

- (a) Accession by members of the Conference to relevant multilateral legal instruments related to weapons of mass destruction;
- (b) Conditions for entry into force of the treaty;
- (c) Verification mechanism for biological weapons;

(d) Other verification measures and the Model Protocol Additional to the Agreements between States and the International Atomic Energy Agency for the Application of Safeguards;

The draft elements of a future MENWFZ/WMDZFZ noted above are an excellent start and apparently will be reviewed and further refined in the intersessional committee.

#### *UN Middle East Conference Intersessional Technical Work*

In my view, ٢٥ years after the adoption of the ١٩٩٥ NPTREC Resolution, it is finally time for the NPT States of the region of the Middle East to bite the bullet, put words into actions, end procrastination, and utilize the “intersessional working committee” set up by the ٢٠٢١ Middle East Conference to further develop possible elements of a future zonal treaty and its implementing organization – and report progress at future sessions and at the NPT review process. As the Middle East zonal treaty is to cover nuclear and other weapons of mass destruction, it would be advisable for the intersessional working committee” to establish and agree on the technical mandate of a sequential open-ended sub-committee process, as follows:

(١) Sub-Committee “A” on nuclear weapons and verification based in Vienna, to start work immediately;

(٢) Sub-Committee “B” on chemical weapons and verification based in The Hague to start work at a future date to be determined; and

(٣) Sub-Committee “C” on biological weapons and verification based in Geneva, to start work at a future date to be determined.

The mandate of the sub-committee on nuclear issues could be to elaborate *inter alia* the verification modalities, definitions of prohibited and permitted peaceful activities, institutional arrangements, the structure and powers of a regional zonal organization to support the implementation of the MENWFZ, among other technical matters. Representatives of States of the region of the Middle East accredited to the IAEA, along with assistance from subject experts from civil society, especially The [Middle East Treaty Organization \(METO\)](#), could carry out technical work based on mandate from the UN Conference. The sub-committee on nuclear issues would be required to submit factual technical reports on the authority of its Chair to the ٢٠٢٣ and subsequent sessions of the UN Middle East Conference and to the NPT review process; as well as to the IAEA for information. The mandates for sub-committees “B” and “C” would be elaborated at some future date to be determined.

Unless such a sub-committee process is established and implemented, the annual sessions of the UN Middle East Conference will remain essentially a talk shop on political issues, further delay progress on implementation of the ١٩٩٥ NPTREC Resolution and on developing the elements of a future NWFZ treaty, continue to be a distraction in the NPT review process, as well as not making use of the technical expertise of the IAEA as well as of significant expertise in the civil society community, such as for example the [Middle East Treaty Organization \(METO\)](#).

**The International Atomic Energy Agency the Middle East Nuclear-Weapon-Free Zone**

Earlier in [2000](#), the IAEA General Conference adopted a [Decision](#) calling on the IAEA Director General to convene a “[Forum on Experience of NWFZs Relevant for the Middle East](#)”. On joining the IAEA in [2002](#), the Director General assigned to me the task to make the arrangements for holding this Forum.

During the course of the summers of [2002-2004](#), through “proximity consultations”, I was able to get acceptance of *all* the IAEA Member States of the region of the Middle East on the [Agenda](#). This [Agenda](#) on a “[Forum on the Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone \(NWFZ\) in the Middle East](#)”, *inter alia* included discussion on: “Principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements: (i) geographic delineation; (ii) scope; (iii) verification; (iv) security assurances; and (v) other issues, such as the role of extra-regional States, the nature of the arrangements (politically/legally binding), the role of international governmental and non-governmental organizations and the public at large in promoting and supporting the arrangements; and the potential relevance of such experience in the context of the Middle East”.

Unfortunately, due to disagreement with the IAEA Secretariat over the handling of the Iran nuclear file by one State of the region of the Middle East, the Forum itself was convened only in [November 2011](#) (after the Agency’s new administration succumbed to pressure to release a report on “[Possible Military Dimensions to Iran’s Nuclear Programme](#)”). Representatives from all five nuclear-weapon-free zones and Mongolia attended and made presentations at the IAEA Forum. The-then administration of the Agency acceded to pressure from certain Member States to ensure that the Forum was a one-off event and that there would not be any follow-up activities.

The NPT States of the region of the Middle East too were short-sighted and delinquent in not ensuring that the Forum would become an annual IAEA event to discuss and formulate various modalities for nuclear verification and peaceful uses of nuclear energy under a nuclear-weapon-free zone to be established in the region of the Middle East.

This apparent non-serious attitude by the States of the region of the Middle East, and by other NPT Member States of the IAEA, as well as the lack of any initiative by the Agency’s Secretariat, has ensured that there continues to be no serious or even casual consideration at the Agency of the matter of safeguards and verification, verification of elimination of nuclear weapons, cooperation in peaceful uses of nuclear technology, possible nuclear energy parks and related matters relevant for a Middle East nuclear-weapon-free zone; other than ritualistic statements and a toothless resolution at the annual IAEA General Conference.

Every year since [1991](#), as at the [2021](#) IAEA General Conference, a resolution is adopted under the imposing title of, “[Application of IAEA safeguards in the Middle East](#)”, that mechanistically *inter alia*, “Requests the Director General to pursue further consultations with the States of the region of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in [IAEA] resolution [GC\(XXXVII\)/RES/122 \[1993\]](#)”.

The IAEA Secretariat every year dutifully recycles its previous report, entitled “[Application of IAEA Safeguards in the Middle East](#)”, updated to reflect any changes in the conclusion of NPT safeguards agreements and additional protocols in the region of the Middle East. The

Report's "Section B: Application of Full-Scope Agency Safeguards", recycles essentially word for word the text from my time – but provides no evidence of what efforts the Secretariat has taken in this regard, nor is any correspondence or engagement with regional States referred to. "Section C" of the IAEA report outlines the Agency's contributions to the NPT review process and its background document provided to the first session of the UN Middle East Conference—I could not find an IAEA report to the 2021 session on the website of the UN Conference.

The [latest Agency](#) report states that the Agency "will continue to consult and work with the States of the Middle East region to find the common ground required to develop the model agreements as a necessary step towards the establishment of a Middle East NWFZ"—again no evidence of such consultations is referenced.

This lack of initiative by the IAEA Secretariat is not surprising, as the Agency's Board of Governors, the States of the region of the Middle East, and other Member States, themselves demonstrate no drive nor urgency in doing any technical work on nuclear verification, nuclear safety and security, and peaceful uses of nuclear energy to support a future nuclear-weapon-free zone in the region of the Middle East. On the contrary, some Member States actively work to ensure that no such work will be carried out by the IAEA Secretariat and prevent the Secretariat from preparing any report on the nuclear programme and activities of the only NPT hold-out State in the region of the Middle East, even if based on open sources.

In deference to the mythical "spirit of Vienna", the NPT States of the region of the Middle East then demure from pushing the matter in return for adoption by consensus of the aforementioned annual IAEA General Conference resolution on the "Application of Safeguards in the Middle East"—that in effect is a hollow resolution.

The NPT Member States of the IAEA from the region of the Middle East now need to reassess the utility of their ritualistic annual resolution on the "Application of Safeguards in the Middle East", that has no follow-up actions and has not achieved any measurable results in recent years. One reason for this inaction is the sustained opposition of the Western Group of States including the European Union, as well as Israel, to exclude any technical work at the Agency on nuclear verification modalities for a future Middle East nuclear-weapon-free zone. Critics charge that such inaction by the NPT Member States of the IAEA from the region of the Middle East is counter-productive to the goal of establishing a MENWFZ and reflects the view that these States in fact are not interested in establishing a zone but merely go through the motions of calling for one.

In my view, at the 2022 IAEA General Conference in September, the NPT States from the region of the Middle East should request the Director General to set up technical experts working group to prepare a technical report on possible verification modalities and on peaceful applications of nuclear energy for a future regional nuclear-weapon-free zone. Such reports were prepared by the IAEA in the past, such as the 1989 "[Modalities of Application of Agency Safeguards in the Middle East](#)" that included a "[Technical Study on Different Modalities of the Application of Safeguards in the Middle East](#)". This could now be updated and expanded in light of advances in verification technologies and procedures, and in peaceful uses of nuclear energy.

## **The Middle East Treaty Organization**

The [Middle East Treaty Organization](#) (METO) for a zone free of WMD in the Middle East represents a civil society initiative that was launched and sustained by Sharon Dolev of the Israeli Disarmament Movement and has attracted support from experts from States of the region of the Middle East as well as from other countries. The sponsorship of METO events by Ireland, the Parliament of Scotland, as well as support from other governmental and non-governmental sponsors and supporters is testament to the wide interest in The METO Project and in advancing the cause of a Middle East NWFZ/WMDfZ.

As a civil society initiative to assist and motivate regional policy makers, METO has prepared draft elements of a possible zonal treaty, provided capacity-building training and has engaged in outreach to promote a regional treaty on elimination of nuclear and other weapons of mass destruction in the region of the Middle East.

[METO's Draft Treaty](#) is an evolving series of texts and work in progress developed through a collaborative and inclusive process. This includes off-the-record roundtable discussions with experts and diplomats addressing specific technical and political issues related to the establishment of a Middle East NWFZ/WMDfZ. The [METO Draft Treaty](#) has two different but interrelated versions as food-for-thought especially for diplomats, experts and civil society from the region of the Middle East.

## **Conclusions**

In summary, this assessment has proposed that the NPT States Parties of the region of the Middle East, through the intersessional working committee of the UN Middle East Conference, utilize the expertise and experience of the IAEA and METO to work collaboratively to prepare technical studies on possible nuclear verification modalities, as well on applications of peaceful uses of nuclear energy. As well, as similar inputs from the OPCW on chemical weapons and from the ISU on biological weapons, could be invited.

To be realistic and to achieve progress, it is clear that work must first progress on the elements of a nuclear-weapon-free zone in the Middle East, as there is ample experience to draw upon from the five existing NWFZs and from the NPT review process; and there are agreed [international principles](#) and [criteria](#) to establish NWFZs. Expanding the scope of a Middle East NWFZ to that of a WMD-free zone can only be a second order priority. Not everyone may support such a step-wise process, but in my view given the nearly 50-year long “elusive” quest to rid the region of the Middle East from nuclear weapons, the only realistic way forward is to focus on the most important category of WMD—that is nuclear weapons, as there can be no defences against them and they have the unique potential to end all forms of life on planet Earth, unlike biological and chemical weapons which are “lesser” types of WMD!

To conclude, I personally hope that at the Tenth NPT Review Conference currently underway, the NPT States of the region of the Middle East, and other States as well as international organizations in attendance, can discuss the various aspects of a potential future Middle East NWFZ that could garner the support of all States of the region; and request the IAEA to commence the technical work of elaborating nuclear safeguards and verification concepts.

These efforts need to be joined not by sceptics nor naysayers but by optimists and those who are serious about promoting the cause of the thus far “elusive” Middle East free of nuclear



weapons in the first instance and eventually of all other weapons mass destruction, and of the region's transformation into a region of peace, justice, security and development—the peoples of the region and of the world deserve no less.

The logic is irrefutable that given the essential and leading role of the IAEA in the implementation of all three pillars of the NPT—verification of nuclear non-proliferation, verification and/or monitoring on nuclear disarmament, and cooperation in the peaceful uses of nuclear technologies—the Tenth NPT Review Conference must decide that the Eleventh and subsequent review conferences be held in Vienna.

As I along with another delegate at the 2000 NPT Review Conference sowed the seed that led to the first session of the preparatory committee to be moved to Vienna from 2004 onwards; I remain hopeful that bold and visionary NPT delegates can see the wisdom and practicality of convening future NPT review conferences in Vienna. One of the many benefits of doing so would include drawing upon the unparalleled technical and legal skills and experience of the IAEA in moving forward the essential concepts and parameters of a Middle East region free from the burden of nuclear weapons.

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