**The potential for organizations established by nuclear-weapon-free zones to contribute to regional peace, stability and other political objectives**

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**I. Same but Different**

It is neither new nor provocative to observe that the notion of a WMD Free Zone in the Middle East is – in the words of Sir Humphrey in Yes Minister[[1]](#footnote-1) – ‘very courageous’. The proposals for the Zone are building on a long history of nuclear weapons free zones but doing so in the context of a highly fractured region riven with violent conflict and historical grievances and – if that were not difficult enough – adding in chemical and biological weapons into the mix.

But there are good reasons for this. The region has a history of obfuscation and deception when it comes to nuclear weapons programmes. The one state in the region widely accepted to have developed a full nuclear weapons capacity – Israel – does not declare itself as a nuclear weapons possessor. Rather, it keeps it status highly secret and, at the same time, does not deny the many analyses and accusations that point to the likelihood of a fully-fledged nuclear weapons programme. Other states – such as Libya and Syria – have flirted with the idea of developing a military nuclear programme. Iraq went much further down that road, developing an advanced capability in the 1980s only to have it dismantled by the IAEA and UNSCOM following the 1991 conflict and the Ceasefire UNSC Resolution 687[[2]](#footnote-2). The decades-long concerns over Iran’s nuclear energy programme and the current state of the JCPOA[[3]](#footnote-3) coupled with Saudi Arabia’s more recent statements[[4]](#footnote-4) suggesting a possible nuclear capability ahead do little to inspire confidence in prospects for going forward.

Including the elimination of chemical and biological weapons in the Zone was – and remains – a good idea in principle. The use of chemical weapons in the region is a repeating tragedy. From their use in Yemen, the Kurdish regions of Iraq and Iran, and to more recent use in Iraq and Syria by state and non-state actors has been horrific. And to fully comprehend their legacy in the region, we must never forget the use of chemical weapons in the gas chambers of the Third Reich and the impact that had on the creation and collective memory of Israel. Failure to deal with these abhorrent weapons in the Middle East is a failure to deal with the inhumanity of military use of chemicals and undermines the strenuous efforts by the OPCW and the CWC for global elimination.

Given the history of chemical and nuclear weapons programmes in the region, the threat of biological weapons use cannot be taken lightly. The current pandemic of COVID-19, the outbreaks of MERS and past pandemics including the 1918 influenza and the 1980s-1990s HIV devastation, not to forget the ever-present danger of Ebola on the borders have increased focused attention on biosecurity in the region, including the risk of inadvertent or deliberate release of communicable emerging diseases.

**II. Inspiration**

When we compare the extant nuclear weapon free zones, there are some similarities across them on which a Middle East WMD free zone can build. Each is inspirational, each took enormous amounts of effort and each was challenged by specific regional security issues which seemed insurmountable at the time.

The Treaty of Tlatelolco[[5]](#footnote-5) was negotiated at a time when countries in Latin America were in a constant turmoil of tension, conflict and war. The Nuclear Weapons Free Zone did not solve these problems, but it did address some of the most worrying aspects of regional security – such as the growing nuclear capabilities of Brazil and Argentina and the aftermath of the Cuban missile crisis. The process of negotiation and the adoption of the Treaty in themselves was a process of discovery, honesty and relationship-building. It wasn’t easy (REF) but it was worthwhile and led to many positive offshoots such as the clever mechanism for entry-into-force[[6]](#footnote-6) and ABACC[[7]](#footnote-7). At heart of the Zone’s success is OPANAL. Established to facilitate the treaty’s functioning, OPANAL has proved itself to be an effective mechanism for a wide range of activities that build confidence and trust in the region.

The Treaty of Rarotonga[[8]](#footnote-8) that created the nuclear weapon free zone in the South Pacific was negotiated at a time when nuclear weapons tests were being conducted on the islands of the Pacific Ocean and nuclear weapons were being taken into ports and harbours against the wishes of most of the region’s populations and governments[[9]](#footnote-9). The institutional arranges for the Treaty are different to that of Tlatelolco and have adapted over time to new political drivers and new risks in the region.

The South East Asian Zone (SEANWFZ) [[10]](#footnote-10)was established by the Treaty of Bangkok and is implemented by the SEANWFZ Commission, assisted by the SEANWFZ Executive Committee and its Working Group. The region perhaps manages political tension well in that it has a wider forum for discussing security issues – the ASEAN Regional Forum (ARF) – and ASEAN itself as a mechanism for discussing and moving forward on larger concerns including trade and human rights issues. Having said that however, the Zone exists in one of the most militarized regions of the world and is constantly aware of its nuclear neighbours – China, the US, Russia and North Korea – and the various states of tension and conflict between each of these. It also exists on the border of the US-Japan, US-South Korea and US-Australia nuclear alliances which affects the limits of the Treaty – particularly around issues of transit, harbour/port visits and the US policy of neither confirm nor deny (NCND) in regard to the present of nuclear weapons on its vessels.

The Central Asian Nuclear Weapon Free Zone[[11]](#footnote-11) was agreed in a very different political climate today and has undergone a number of stresses to its integrity but it remains a trailblazer in terms of the requirement for the Additional Protocol and full participation in the CTBT. The Treaty did not establish an organization to monitor implementation and or provide compliance assistance, instead the states of the Zone hold ‘annual meetings of their representatives, on a rotating basis, as well as extraordinary meetings, at the request of any Party, in order to review compliance with this Treaty or other matters related to its implementation’[[12]](#footnote-12).

The Treaty of Pelindaba[[13]](#footnote-13) that establishes a nuclear weapon free African continent was negotiated at a time of considerable hope for the elimination of nuclear weapons, with South Africa emerging from decades of apartheid, eliminating its developed nuclear weapons programme and joining the nuclear Non-Proliferation Treaty (NPT) which was then extended indefinitely. However, it would be a mistake to imagine that it was an easy negotiation. Many of the countries in Africa were in a state of violent conflict with neighbours, thus hampering diplomacy and progress. And although the Treaty was signed in Cairo, Egypt – along with other African Arab states - has yet to ratify out of concern that ratification might tie its hands further in negotiating the Middle East WMD free zone. The organizational arrangements however - specifically the African Commission on Nuclear Energy (AFCONE)[[14]](#footnote-14) - are of most interest to the Middle East zone proposals - primarily because the arrangements are a) the most recent and have learned lessons from the other NWFZs and b) include several Arab states which will have a strong incentives to prevent contradictions between the two zones and reduce future duplication of effort in implementing both treaties.

**III. Unique but Connected**

Institutional arrangements for what might eventually become a WMD Free Zone in the Middle East have to work for all the countries in the region to help provide confidence in the works of the Zone. They will also do well if they at least don’t contradict or undermine the arrangements already in place for the Pelindaba Treaty under the auspices of AFCONE.

In a much earlier paper (when hopes were somewhat higher than they are today) Nabil Fahmy and I proposed a “Commission on Nuclear Energy in the Middle East” (CONEME)[[15]](#footnote-15) as an organization with the responsibility for monitoring and assisting with compliance of a MEWMDFZ. All of the states of the region would be represented in the governing bodies. CONEME would be empowered with gathering its own information, interacting with and transmitting reports to the IAEA. For routine inspections we proposed that states would depend primarily on IAEA safeguards. We also suggested joint inspections with the IAEA, (involving, for example, three stages: pre-inspection, inspection in situ and post-inspection) – an idea inspired by ABAAC. Indeed, as the Rarotonga Treaty permits, the organization could be granted the right of a special inspection by a team of suitably qualified, vetted inspectors. We also proposed, as in the Pelindaba and Bangkok Treaties, that the organization would have the right to establish its own inspection mechanisms and be empowered to conduct – for the purposes of mutual confidence-building or to resolve an ambiguous situation – fact-finding, technical visits and inspections, as is permitted in the Treaty of Bangkok.

This framework could also be adapted for the chemical and biological weapons commitments also. It has long been assumed that, as part of the MEWNDFZ, all states in the region would join the CWC and BWC. Working with the OPCW in a manner described above for the IAEA, would be practical. The OPCW has worked effectively with other organizations in the Middle East over the use of chemical weapons in the region. This has been controversial, but the OPCW has stood its ground and kept its integrity despite the pressures to bend to the political insistences of several countries. The BWC is a much harder issue, given that the Convention has no verification mechanism. However, the confidence-building measures and the technical processes now encapsulated in the BWC are areas that could lend themselves to a special focus by the organization via assisting and encouraging states in the region to participate with their own expertise and specialist knowledge. In addition, following on from recent outbreaks of disease, it may be possible to establish a system for regional joint border controls that could focus on biosecurity more generally rather than on bioweapons specifically.

The OPANAL initiative[[16]](#footnote-16) to hold international conferences of nuclear-weapon-free zones – although not always easy to convene – could be a venue for sharing experiences and assisting in the setting up of an organization such as CONEME. As time goes on, the Middle East Zone could likewise feedback unique information and learning from its experiences that will help other Zones to develop and be sustained and the same regions could build on these experiences in for example, implementing CWC and BWC and increasing regional biosecurity measures.

**IV. Visions, strategies and tactics**

Such arrangements however could do more than just implement and monitor the MEWMDFZ. If we can imagine a ME Zone, we can imagine a moment in the future – however fragile – when it might be possible to set aside grievances, differences, conflict and fear in the region for the greater good of the whole. A moment where common sense outweighs decades of emotion and a decision can be made to be pragmatic and move forward for the sake of future generations. As unrealistic as it may sound today, it has happened in other regions, and it could happen here.

So, if a Zone can be negotiated, could a wider framework for developing peaceful modes of cooperation be part of that? A spin-off from that? Or something that would remain an aspiration? Or, indeed, could this be set up in advance of the Zone – perhaps by a group of like-minded states in the region – to assist in creating an atmosphere of peace and security cooperation that could help lead to a Zone?

The best outcome of course would be a negotiation of a WMD Free Zone with all states in the region that establishes a regional organization to assist implementation and monitor compliance in collaboration with all the states parties and the relevant international organizations. This could lead – or be supported by – a regional security forum in the region, that could be held under UN auspices or created through a regional process[[17]](#footnote-17).

This would be the ideal. However, the problem is that for the current security and political environment in the region, both a WMD Free Zone and a regional security organization remain elusive for the foreseeable future. Putting our all our regional security eggs into these improbable baskets is falling into the old trap of making the best the enemy of the good. In the meantime, perhaps some practical frameworks that would help prepare for the zone could be established. These would help build confidence, establish trust and achieve useful outcomes in their own right and prepare the way for the best outcomes, namely the WMD Free Zone and a collaborative regional security organization or framework.

Such practical frameworks could start, for example, with enhanced collaboration over border controls. Shared borders and ports are vital points of control for both sides of a border or for countries in the region. Under various UN regimes, such as UNSC Resolution 1540, national legislation for preventing the spread of illicit commodities, including CBRN have been supported widely in the region. Although far from leak-proof, working and effective border controls are in everybody’s interests. The World Customs Organization (WCO[[18]](#footnote-18)) has been developing the concept[[19]](#footnote-19) of ‘coordinated border controls’[[20]](#footnote-20) in regions for which there are a number of potential models with varying degrees of regional cohesion (from low cohesion whereby the regional network is based on the bilateral border arrangement and loosely coordinated depending on need to full integrated regional border system) . Such collaboration is vital and already exists in across many borders in the regions. Coordinating the national border agencies in a way that focused on specific issues for which there is a strong regional agreement – for example on bio security, particularly in the light of COVID-19, MERS and Ebola – could provide a regional framework on which to build regional cooperation for regional security.

Another way forward would be to to build on the EU Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative (CoE)[[21]](#footnote-21) that strengthen the institutional capacity of countries outside Europe to mitigate CBRN risks – be they deliberate, inadvertent or accidental in nature. The CoE has a network in the Middle East, North Africa and Gulf regions and is centred around a worldwide network of local experts and collaborating partners with the aim of ‘strengthening regional security by increasing local ownership, local expertise and by ensuring long-term sustainability’. Harnessing the expertise that has been developed by the CoE through training and sustained technical support, the EU could help develop a more coordinated network across the region that would both enhance the work of the CoE and develop a framework for CBRN risk mitigation throughout the whole region.

Each of these networks – the regional coordinated border framework and the CBRN risk mitigation network - could work together and build a security framework that is based on risk reduction for issues that are of great and common concern in the region. Biosecurity is clearly one issue that would be of considerable interest in the current climate – how to develop a common framework for risk mitigation and border security for infectious diseases could be the basis for a common project in the Middle East that would serve the peoples of the region going forward, provide the basis for coordinated working and feed into one of the most difficult aspects of a WMD Free Zone, once the states in the region are ready to negotiate.

1. Yes Minister, BBC, https://en.wikipedia.org/wiki/Yes\_Minister [↑](#footnote-ref-1)
2. UN Security Council Resolution 687 (1991), https://www.un.org/Depts/unmovic/documents/687.pdf [↑](#footnote-ref-2)
3. Joint Comprehensive Plan of Action, 14 July 2015, http://eeas.europa.eu/archives/docs/statements-eeas/docs/iran\_agreement/iran\_joint-comprehensive-plan-of-action\_en.pdf [↑](#footnote-ref-3)
4. Reif, K., Saudi Arabia Threatens to Seek Nuclear Weapons, Arms Control Today, June 2018

https://www.armscontrol.org/act/2018-06/news/saudi-arabia-threatens-seek-nuclear-weapons [↑](#footnote-ref-4)
5. Treaty of Tlatelolco, https://www.opanal.org/en/treaty-of-tlatelolco/ [↑](#footnote-ref-5)
6. Latin America Nuclear Weapons Free Zone Treaty (Treaty of Tlatelolco), https://www.armscontrol.org/treaties/latin-america-nuclear-weapons-free-zone-treaty [↑](#footnote-ref-6)
7. ABACC, https://www.abacc.org.br/es/ [↑](#footnote-ref-7)
8. Treaty of Rarotonga, https://www.nti.org/learn/treaties-and-regimes/south-pacific-nuclear-free-zone-spnfz-treaty-rarotonga/ [↑](#footnote-ref-8)
9. Hamel-Greene, M., Regional Arms Control in the South Pacific: Island State Responses to Australia's Nuclear Free Zone Initiative, The Contemporary Pacific, Volume 3, Number I, Spring I99I, 59-84, https://core.ac.uk/download/pdf/5097963.pdf [↑](#footnote-ref-9)
10. Treaty on the Southeast Asia Nuclear Weapon-Free Zone, https://asean.org/?static\_post=treaty-on-the-southeast-asia-nuclear-weapon-free-zone [↑](#footnote-ref-10)
11. The Central Asia Nuclear Weapon Free Zone (CANWFZ) https://www.nti.org/learn/treaties-and-regimes/central-asia-nuclear-weapon-free-zone-canwz/ [↑](#footnote-ref-11)
12. Treaty on a Nuclear-Weapon-Free Zone in Central Asia (CANWFZ), http://disarmament.un.org/treaties/t/canwfz/text [↑](#footnote-ref-12)
13. The Pelindaba Treaty https://www.afcone.org/pelindaba-treaty/ [↑](#footnote-ref-13)
14. The African Commission on Nuclear Energy AFCONE https://www.afcone.org [↑](#footnote-ref-14)
15. N. Fahmy & P. Lewis, Disarmament Forum 2011 [↑](#footnote-ref-15)
16. XVI Session of OPANAL General Conference (Lima, Peru, November 30, 1999) Resolution CG/Res 338 http://www.opanal.org/wp-content/uploads/2015/12/CG16res388i.pdf [↑](#footnote-ref-16)
17. Kane, C., Murauskaite, E., Regional Security Dialogue in the Middle East: Changes, Challenges and Opportunities, Routledge (June 2014), https://www.routledge.com/Regional-Security-Dialogue-in-the-Middle-East-Changes-Challenges-and/Kane-Murauskaite/p/book/9781138018495 [↑](#footnote-ref-17)
18. The following countries are members of the World Customs Organization: Algeria, Bahrain, Egypt, Iraq, Iran, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen. http://www.wcoomd.org/-/media/wco/public/global/pdf/about-us/wco-members/list-of-members-with-membership-date.pdf?db=web [↑](#footnote-ref-18)
19. Inter-Agency Forum on Coordinated Border Management, World Customs Organization, http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/wto-atf/working-documents/cbm-flyer-mb-v5.pdf?la=en [↑](#footnote-ref-19)
20. Aniszewski, S., Coordinated Border Management – a concept paper (June 2009), WCO Research Paper No. 2, http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/research/research-paper-series/cbm.pdf?db=web [↑](#footnote-ref-20)
21. https://ec.europa.eu/jrc/en/research-topic/chemical-biological-radiological-and-nuclear-hazards/cbrn-risk-mitigation-centres-of-excellence [↑](#footnote-ref-21)