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# Dialogue on Middle East Biological, Nuclear, and Chemical Weapons Disarmament: Constraints and Opportunities

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## Abstract

Negotiations on the establishment of a Middle East zone free of biological, nuclear, and chemical weapons and their means of delivery are now at a critical phase after more than three decades of prenegotiations. This article examines the factors that have impeded negotiations in order to identify the key actors whose mutually reinforcing efforts are essential to its establishment. We argue that current efforts to negotiate a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems (WMDFZ) in the Middle East can learn much from the successful negotiation of other nuclear weapons free zones (NWFZs). Nevertheless, the circumstances in the Middle East are unique and require a more holistic approach. Success here will depend largely on a multidimensional perspective that brings together the energies and insights of a range of state and nonstate actors, not least civil society in the Middle East, where confidence and trust building is too complex and demanding a task to be seen as the preserve of political and geostrategic calculation. Enabling the societies and polities of the region to identify areas of mistrust and misunderstanding across strategic, political, but also cultural and religious divides in order to open up possibilities for dialogue and mutual respect holds the key to creating a favorable negotiating environment.

## Keywords

dialogue, track two/three, nuclear weapon free zones, disarmament, Middle East

The Conference further recognizes the important role played by civil society in contributing to the implementation of the 1995 Resolution and encourages all efforts in this regard.

—Consensus statement of the 2010 Nuclear Non-proliferation Treaty Review Conference

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The analysis developed in this article is premised on what is now a widely shared view of the contemporary structure and dynamics of governance. Although the sovereign state continues to function as an authoritative institution within the world system, the scope and efficacy of its action are increasingly constrained. For Manuel Castells, these constraints are the product of four distinct but interrelated political crises of efficiency, legitimacy, identity, and equity.<sup>1</sup> Joseph Camilleri and Jim Falk have pointed to a similar trend, which they characterize in terms of five limits: limits to empire, limits to sovereignty, limits to legitimacy, limits to growth, and limits to science and technology.<sup>2</sup> The net effect of these powerful constraining currents has been to produce a multidimensional governance framework, in which a multitiered system of public governance (comprising municipal, provincial, national, regional, and global tiers of governance) overlap and intersect with two other critically important arenas, the market and civil society.<sup>3</sup> Such a complex and still rapidly evolving system of intersecting tiers and arenas of governance assumes a different profile depending on time, place, and policy domain. The available evidence suggests that the Middle East is no exception to this generalized pattern in which the exercise of authority and influence is spread across many types of actors and forms of action.

In line with this analytical frame of reference, we argue that while the Middle East has reached the most advanced and critical phase yet in the evolution of the nuclear weapons free zone (NWFZ) proposal, the capacity of states to reconcile their competing interests and priorities remains limited. Of necessity, the denuclearization objective is constrained by the geopolitical context of the Middle East where divergent histories, alliances, and political systems have made for deeply entrenched fears, mistrust, and suspicion. As the site of nearly half of the world's armed conflicts since 1945, the Middle East remains one of the most heavily militarized in terms of the production, stockpiling, and transfer of conventional weapons.<sup>4</sup> Historically, conflicts in the region have resulted in significant deployments of WMD and related technologies. Iraq had recourse to chemical weapons during the 1980–88 Iran–Iraq war, and missiles were extensively used during the 1991 Gulf War, Operation Desert Fox in 1998, and the US-led invasion of Iraq in 2003.<sup>5</sup> Allowing for possible error in the absence of verifiable control regimes, it is estimated that eight states in the region presently possess some form of chemical, biological, radiological, or nuclear weapon (CBRN) capability as well as the means of delivery.<sup>6</sup> More than a third of states with missile range capabilities beyond 150 km are located in the Middle East.<sup>7</sup> Despite the existence of international regimes controlling all CBRNs, only about 30 percent of regional states are signatories, rendering the Middle East, in the words of one observer, “a poster child for the failure of global and regional non-proliferation efforts.”<sup>8</sup> Adding to the complexity, a dozen states in the region have signaled their intention to establish the nuclear fuel cycle as part of their energy strategies or are seriously entertaining the option.<sup>9</sup> As a consequence, the effectiveness of any confidence building and arms control program in the region is likely to depend on acceptance of and adherence to a rigorous safeguards and verification regime, thereby erecting yet another hurdle in the path of negotiation.<sup>10</sup>

In these circumstances, it is hardly surprising that regional states have found it difficult to bring a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems (WMD/FZ) proposal to fruition. Such headway as has been made to date is attributable in good measure to the role of extraregional currents and actors, specifically the United Nations (UN), a number of other global and regional institutions, and a range of treaties and other legal arrangements. However, multilateralism also has its limits. It is arguable that the five permanent members of the UN Security Council have interests and priorities of their own, which are just as likely to widen or deepen as to contain or heal the divisions that so strikingly typify the Middle East's political and geostrategic landscape.

It is therefore important to intrude into the analysis of Middle East security another variable, namely civil society. The authority to conduct international negotiations and conclude formal agreements remains clearly within the province of states, but civil society operating in highly variable

national and transnational contexts may be better placed to open previously blocked lines of communication, create a public groundswell in support of the denuclearization objective, and flesh out concepts and proposals for official consideration that are the product of intensive exchanges involving epistemic communities and other key stakeholders operating both within the Middle East and internationally.<sup>11</sup>

Set against this conceptual and historical backdrop, this article places the spotlight on four closely related questions: What has thus far been the trajectory of national and multilateral efforts to create a WMDFZ in the Middle East? What are the principal lessons to be drawn from these efforts and the experience of other NWFZs? What has been the function of civil society in promoting the denuclearization of the Middle East? How might we conceptualize possible future pathways for the attainment of this objective?

## Nuclear Weapon Free Zones and Their Relevance to the Middle East

We begin with a brief overview of what has already been accomplished through NWFZ initiatives in other regions and the relevant lessons and implications they suggest for the Middle East.

Zones free of nuclear weapons (NWFZs) seek to gradually limit and delegitimize nuclear weapons at a regional level. Such zones involve regional states, “in the free exercise of their sovereignty,”<sup>12</sup> entering into binding commitments not to develop and acquire nuclear weapons, thereby complementing universally applicable frameworks and instruments such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Model Nuclear Weapons Convention. As the 2006 Weapons of Mass Destruction Commission indicated, NWFZs fill several important “gaps” in the NPT regime, as well as “complement and reinforce” it.<sup>13</sup> Specifically, NWFZs preclude deployment of nuclear weapons on the specified territory of the zone, provide for legally binding negative security assurances by nuclear weapon states (NWSs) to zonal members, strengthen full-scope International Atomic Energy Agency (IAEA) safeguards governing exports from territories within the zone, and strengthen the emerging global norm against nuclear weapons.<sup>14</sup>

All five existing zones in populated regions have met the minimum NWFZ requirements as unanimously agreed in the 1999 UN Disarmament Commission guidelines on NWFZs.<sup>15</sup> These specify that such zones should “provide for the effective prohibition of the development, manufacturing, control, possession, testing, stationing or transporting” of nuclear weapons, and also preclude the stationing of nuclear weapons within the zone (an important difference from the NPT which does not prevent stationing). The five NWSs, for their part, are expected, through treaty protocols, to “assume in full their obligations” and “enter into binding legal commitments not to use or threaten to use nuclear weapons against the States that belong to the nuclear-weapon-free zone.”<sup>16</sup> By the end of 2011, 138 out of 193 UN member states had become bound by such treaties to reduce or constrain nuclear weapon proliferation, development, and stationing in their own regions (or other areas over which they have territorial claims or interests). The existing NWFZ treaties comprise the 1959 Antarctic Treaty (fourty-seven states with claims or interests in Antarctica), the 1967 Tlatelolco Treaty (thirty-three Latin American states), the 1985 Rarotonga Treaty (thirteen South Pacific states), the 1995 Bangkok Treaty (ten Southeast Asian states), the 1996 Pelindaba Treaty (thirty African states, with a further twenty-one signed but not yet ratified), and the 2006 Semipalatinsk Treaty (five Central Asian states).<sup>17</sup> In the case of the five zones in populated regions, 91 out of 193 states have signed and ratified NWFZ treaties applying to their regions, while a further 21 states have signed but not yet ratified (all of the latter within the African NWFZ).

NWFZ negotiations are not hostage to prior approval from NWSs.<sup>18</sup> Nor are they subject to the veto of one or two “hold-out” states (as has occurred in UN disarmament forums governed by consensus rules of procedure). Rather the negotiations involve regional groups or individual states exercising their own initiative by entering into binding treaties to prohibit nuclear weapons in the

territories under their jurisdiction, seeking international recognition and enjoining the NWS to provide legally binding negative security guarantees of nonuse or threat of use of nuclear weapons. It should be noted, however, that not all states within a region might initially be prepared to bring a regionally negotiated treaty into force for their own territories. It is significant that almost all of the existing NWFZs in populated regions have taken a number of years to achieve complete applicability within their respective regions.

The progressive spread of NWFZs to embrace a current majority of UN member states runs counter to some realist theoretical expectations that many more nations with the capacity to do so would acquire nuclear weapons in a context of seeking greater power and security in an “anarchic” international system. In fact, as Harald Muller and Andreas Schmidt note, the number of states that have embarked on nuclear weapons activities but then abandoned them is double the number of states that still conduct them, with twenty-six out of thirty-seven states that started nuclear weapon activities from 1945 to 2005 ceasing such activities and only eleven continuing.<sup>19</sup> While no single theoretical approach has yet satisfactorily explained the surprising extent of regional denuclearization, case studies already conducted suggest that a range of factors may contribute to regional denuclearization.<sup>20</sup> These include the role of nuclear-related crises experienced by a particular region; political and diplomatic leadership; regional and international norms and precedents influencing political leaderships; widespread state and civil society-led opposition to nuclear weapons testing and the environmental and human consequences of nuclear accidents and war; domestic political, economic, and civil society pressures shaping incumbent political leaderships and bureaucracies; conducive regional structures, forums and confidence building processes; and security perceptions.

While each of the established NWFZs addresses specific regional dynamics and circumstances, there is much to be learnt from the precedents they have created, and how and why they came to be negotiated, including generalizable lessons that might also have relevance for the Middle East. The 1959 Antarctic Treaty was agreed by the two superpower adversaries, the United States and Soviet Union, at the height of their Cold War conflict. The 1967 Latin American NWFZ treaty, the first to be negotiated in a heavily populated region, was successfully negotiated at a time when two of the largest and most important regional states, Brazil and Argentina, had suffered military coups and were actively seeking to keep their nuclear weapons’ options open. The 1996 African NWFZ was negotiated against the backdrop of intense conflict between the Apartheid regime in South Africa and most other African states. South Africa actually acquired nuclear weapons (abandoning them just before the end of the Apartheid regime), while Nigeria, Libya, and Egypt at various periods embarked on nuclear-weapon-related activities. The presence of deep-seated conflicts, we may reasonably conclude, greatly complicates the task of denuclearization, but it does not thereby deprive the exercise of its feasibility, let alone desirability.

While each of established zones offers relevant lessons, the Tlatelolco Treaty has the greatest relevance for the Middle East context in the sense of being negotiated between a diverse group of countries (some aligned closely to one or other of the NWSs), including members states with large nuclear industries, often located in a region that has experienced past tensions and rivalries between potential proliferators. Equally instructive is the changing political complexion of governments as occurred with the advent of military regimes in Brazil and Argentina in 1964. In Israel’s case, the internationalizing approach of Shimon Peres (1992–1996) soon gave way to the “backlash” nationalist approach of Benjamin Netanyahu. Ethel Solingen emphasizes the importance of taking account of such domestic factors in assessing the prospects for Middle Eastern denuclearization, concluding, for example, that within Israel, internationalizing forces, confronted with attacks from nationalist constituencies, will seek to “avoid arrangements that are not perceived to be robust, regionally-based, comprehensive (not narrowly nuclear) and regionally-inclusive.” Also, as noted by Solingen and other experts on proliferation,<sup>21</sup> Latin American verification and compliance arrangements have special relevance to the Middle East.

Further, the Latin American experience suggests possible ways in which to address the challenges posed by “hold-out” states unready to assume rigorous internationally and regionally verified denuclearization obligations. The Tlatelolco Treaty created a flexible entry into force mechanism that did not require all regional states to immediately bring the treaty into force in their territories. Under the treaty’s original Article 28 (now Article 29 in the amended treaty) states could waive the requirement of region-wide ratification as a way of bringing the treaty into force for their own territories. States such as Argentina and Brazil initially declined to bring the treaty into force but were eventually to do so in the early 1990s in the context of the kind of confidence-building and normative frameworks fostered by the Tlatelolco Treaty. This has clear applicability in the Middle East region, where some countries, especially Israel, may conceivably be prepared to sign up to a regional WMDFZ treaty framework but make bringing it into force conditional on reciprocal willingness of all other relevant regional states to similarly bring it into force.

Beyond the specific lessons of the Latin American experience, there is considerable evidence that civil society organizations, in particular epistemic communities, played important parts in both the prenegotiation and negotiation phases of the existing NWFZ treaties. In Brazil and Argentina, the advocacy of scientists was crucial in gathering momentum for the creation of an NWFZ and for acceptance of mutual inspections of nuclear facilities.<sup>22</sup> Similarly, the Antarctic Treaty emerged in part out of scientific cooperation associated with the International Geophysical Cooperation Year of 1957–58.<sup>23</sup> In the South Pacific, antinuclear groups, particularly in Fiji, Australia, and New Zealand, mobilized public opinion against nuclear testing and other nuclear activities in the region over two decades—a process that eventually led to the 1983–85 Rarotonga NWFZ Treaty negotiations.<sup>24</sup> In Southeast Asia, legal and international experts, including Mochtar Kusuma-Atmadja, Dean of Law at the Indonesian University and later Indonesian Foreign Minister, and international relations specialists at the Malaysian Institute of Strategic and International Studies, contributed importantly to the framing of the Southeast Asian NWFZ concept and its placement on regional agendas.<sup>25</sup> The Nuclear-Free Philippines Coalition (NFPC) national campaign secured an antinuclear clause in the Philippines Constitution and ended nuclear-weapon-related military basing arrangements in the country, one of the previous obstacles to Philippines’ agreement to establish a regional NWFZ.<sup>26</sup> In the case of the African and Central Asian NWFZs, both facilitated through UN mechanisms, law and arms control experts made similarly effective interventions. These included UNIDIR’s Jozef Goldblat who acted as a consultant in both sets of regional negotiations, and, in the case of the Central Asian NWFZ, arms control experts from the Kazakhstan Institute for Strategic Studies and the James Martin Center for Nonproliferation Studies at the Monterey Institute in California.<sup>27</sup>

Within many of the polities adopting regional nuclear free zones arrangements, local government initiatives to declare their municipalities as nuclear free zones also played a normative, educational, and at times organizational role. In New Zealand, municipalities began in 1980 to declare themselves nuclear free zones; by 1984, some two-thirds of the population were covered by such zones.<sup>28</sup> Similar locally declared nuclear free zones were established during the 1980s in many countries, including the United States, Britain, Japan, Europe, and Kazakhstan.<sup>29</sup>

It is worth noting that, while the existence of a regional security organization can help to generate and sustain the regional political will for establishing an NWFZ, the absence of such an organization need not be an insuperable barrier. Only two of the existing NWFZs were negotiated directly through the relevant regional organizations: the Rarotonga Treaty through the South Pacific Forum and the Bangkok Treaty through the Association of South East Asian Nations (ASEAN). By contrast, the Antarctic Treaty was negotiated through a specially convened conference of states with either territorial claims or interests in the region, and itself resulted in the formation of a regional organization, the Antarctic Treaty Organization. The Tlatelolco Treaty was negotiated outside the Organization of American States (OAS) and created its own regional body, Agency for the

Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL). The Pelindaba Treaty was negotiated through joint UN and Organization of African Unity (OAU) working groups; and the Semipalatinsk Treaty through an UN-chaired and auspiced working group. The absence of a permanent regional body in the Middle East may be viewed as a serious obstacle for establishing an NWFZ in the region. However, as the 1992–95 Middle East Arms Control and Regional Security (ACRS) Working Group (established as part of the Madrid Middle East peace process) showed, it is similarly feasible in the Middle East to create regional working groups or forums specifically aimed at addressing regional nuclear or proliferation issues.<sup>30</sup>

All of these precedents shed light on the potential obstacles to denuclearization as well as on ways of overcoming such obstacles in the Middle East context. There is no denying that the Middle East poses unusually daunting challenges by virtue of the character of its conflicts and the strategically pivotal role which the Middle East has come to play both regionally and globally. It is also the case that until recently civil society in much of the Arab world has been severely constrained in its access to media, its influence on educational, legal, and other institutions—in short its capacity to bring pressure to bear on governments. Though Israel and Iran present, each in its own way, a quite different social and political landscape, the opportunities for informed public consideration of policy options, especially when it comes to nuclear matters, have been similarly limited in scope or confined to a relatively small section of the population. To the extent that the policy discourse has been almost entirely mediated through the apparatus of state and international institutions, the net effect has been to keep the issue in a state of relatively high polarization and to allow the conflicts that beset the region to circumscribe the space within which denuclearization objectives and strategies can be explored with the necessary rigor and imagination. It is to this disjunction between state and civil society that we now turn our attention and explore how it has impacted on the progression of the WMDFZ concept.

### *The Genesis and Trajectory of the Middle East WMDFZ Proposal*

The establishment of an NWFZ covering the Middle East region was first formally proposed in 1974.<sup>31</sup> Put forward in the form of a resolution to the UN General Assembly by Iran, in coordination with Egypt, the proposal gained support from 128 states, with only Myanmar (Burma) and Israel abstaining.<sup>32</sup> Following the introduction of an Israeli counterproposal in 1980 favoring direct negotiation between states, Egypt revised the text of its proposal making it acceptable for the first time to all states—including Israel.<sup>33</sup> Remarkably, a UN General Assembly resolution in support of one NWFZ modality or another has since passed each year without a vote. A similarly worded resolution was passed every year at the annual IAEA General Conference since 1991.

Over time key proponents of the Middle East NWFZ concept took the view that the region's political, strategic, and cultural complexities required a different, more encompassing plurilateral framework comprising unilateral, bilateral, and multilateral trade-offs and agreements. Especially significant in this regard was Egypt's offer in 1989 to become a signatory to the Chemical Weapons Convention in return for security guarantees against the threat or use of other "weapons of mass destruction," including nuclear weapons.<sup>34</sup> The Mubarak Initiative subsequently extended the coverage of the proposed zone to include all biological, nuclear, and chemical (BNC) weapons,<sup>35</sup> later expanded to prohibit ballistic missiles with a range of over 150 km (WMDFZ).<sup>36</sup>

Arguably, however, the impetus for a Middle East WMDFZ was derived largely from the actions of extraregional powers and within the complex settings of multilateral fora. Following intensive lobbying by Iran and a coalition of Arab states, the establishment of a broader WMDFZ became a core commitment of the 1995 NPT Review and Extension Conference, thereby making it possible to extend indefinitely the NPT beyond its intended 25-year life without a vote. The resolution called

upon all states in the Middle East to work toward “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems” and to avoid any actions “that preclude the achievement of this objective.”<sup>37</sup> This resolution was built upon a second, lesser-known but no less important commitment to the creation of such a zone made by the US and UK governments in connection with their decision to launch the 1991 Gulf War.<sup>38</sup>

The Middle East WMDFZ concept has since gained the support of a wide range of international commissions and initiatives.<sup>39</sup> In 2005, the Weapons of Mass Destruction Commission headed by Hans Blix stressed the importance of regional NWFZs to global security, “particularly and most urgently in the Middle East.”<sup>40</sup> Similarly in November 2009, the Australia–Japan-sponsored International Commission on Nuclear Nonproliferation and Disarmament put the case even more bluntly, arguing that “serious movement” toward the creation of a WMDFZ in the Middle East would “make or break” the viability of the entire NPT regime.<sup>41</sup> It is against this backdrop that the 2010 NPT RevCon concluded with a unanimous statement calling for a special conference to be hosted and facilitated outside of the region by December 2012.

### *The Antecedents of the 2010 NPT RevCon Consensus Statement*

In the months leading up to the 2010 Review Conference, the Arab states made much of Paragraph 4 of the 1995 Resolution on the Middle East, which called on “all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their facilities under full-scope International Atomic Energy Agency safeguards.” Indeed, the members of the League of Arab States threatened to pull out of the NPT en masse should Israel declare its nuclear weapons’ program without first reaching an agreement with the IAEA that would subject all of Israel’s facilities to the Agency’s international standards of verification and inspection. In the years leading up to the 2010 RevCon, therefore, the Middle East WMDFZ proposal was among two or three key developments that were widely believed to prevent a similarly disastrous outcome as had occurred at the 2005 RevCon.<sup>42</sup> Whereas the IAEA preferred to pursue confidence-building measures with Israel, including the routine inspection of one of its two nuclear facilities,<sup>43</sup> the Arab League was unrelenting in its condemnation of Israel’s failure to accede to the NPT.<sup>44</sup>

Historically, the Arab States and Iran have viewed the IAEA as the most appropriate verification and monitoring organization to facilitate any WMDFZ, in opposition to the hybrid, tiered approach involving both regional and national measures as advocated by Israel.<sup>45</sup> At the 2008 IAEA General Conference, the United States and Israel were the only two states to vote against a proposal supported by 89 states, which called for a stringent regional verification regime.<sup>46</sup> Israel, for its part, reiterated its support for the establishment of a regional WMDFZ,<sup>47</sup> though a year earlier it had conveyed its “substantive reservations” regarding any zonal agreement that did not include ballistic missiles.<sup>48</sup> Not surprisingly, a number of states from within and outside the region took advantage of the 2010 RevCon to draw attention to the “double standards” which had led the international community to focus on Iran’s noncompliance with its international obligations, while largely ignoring the Israel’s nuclear capabilities.<sup>49</sup>

During the preparatory phases of the 2010 RevCon, state parties, notably Australia, Russia, France, Japan, and Spain and other extraregional actors were generally supportive of the WMDFZ proposal,<sup>50</sup> a position endorsed by the UN Security Council.<sup>51</sup>

Militating against this generally favorable climate of opinion was the rapidly escalating dispute surrounding Iran’s uranium enrichment program. In line with the *2010 Nuclear Posture Review*, the US Administration tended to place all responsibility for regional insecurity in the Middle East to the suspected Iranian program, while remaining silent on the presence of nuclear weapons in Israel or Turkey (one of five European nations that continue to host US tactical nuclear weapons allocated to

North Atlantic Treaty Organization [NATO]).<sup>52</sup> By contrast, China strongly opposed attempts to vilify either Israel or Iran, advocating instead that “parties pursue [a] peaceful solution to the Iranian nuclear issue through diplomatic negotiations.”<sup>53</sup> For their part, Iranian representatives continued to criticize the role of the United States, Israel, and the IAEA, describing Israel as the only state “with a dark record of attacking” IAEA-safeguarded nuclear facilities.<sup>54</sup>

Within Israel itself there were few signs of a serious debate within the policy-making elite or even the academy on the prospects of Israeli accession to the NPT,<sup>55</sup> a likely precondition to any establishment of a NWFZ. The Israeli government was content to propose “modest CBMs carefully selected so as not to detract from security margins of any regional state.”<sup>56</sup> For the Arab states and Iran, such bilateral arrangements with Israel could not be viewed as a prerequisite to the establishment of an NWFZ or a WMDFZ in the Middle East.<sup>57</sup> The UN Secretary-General Ban Ki-Moon reminded state parties that “disarmament and security should be pursued together; they are mutually reinforcing.”<sup>58</sup> Israel, however, remained adamant that “lasting peace agreements” with “democratic regimes” would need to precede any WMDFZ negotiations,<sup>59</sup> and that “the establishment of a NWFZ should emanate from the region” rather than the wider international community.<sup>60</sup>

Taking advantage of its position as chair of the Arab League, Egypt proposed at the 2010 RevCon that the UN “convene an international conference that genuinely aims, within a specific time frame, to establish a nuclear-weapon-free zone in the Middle East,”<sup>61</sup> a position that gained considerable support during these preparatory discussions.<sup>62</sup> The final text agreed to at the 2010 RevCon made special mention of Israel’s failure to accede to the NPT, while the United States, Russia, China, and Britain, with the support of the UN Secretary-General, undertook to convene an extraordinary conference in 2012 to advance the 1995 Resolution on the Middle East. For its part, the United States engaged in a subtle balancing act, on one hand exerting some pressure on Israel to join the NPT, and on the other expressing “deep regrets” that Israel had been singled out for criticism in the final 2010 RevCon document.<sup>63</sup>

What, then, of the role of civil society in achieving the 2010 “Resolution on the Middle East”? Though organized activity, at least within the region, was virtually nonexistent, public opinion appeared to indicate widespread support for an NWFZ or WMDFZ. A study conducted in 2007 by the Program for International Policy Attitudes found that 66 percent of Iranians considered the NPT regime a “good idea”; 53 percent supported the role of the IAEA, and 71 percent supported the establishment of an NWFZ in the Middle East, with 50 percent of those strongly supporting the idea.<sup>64</sup> Iranian respondents nevertheless regarded future prospects as poor: 48 percent believed that countries commonly had secret nuclear weapons programs, and 84 percent expected that in 50 years’ time more countries would possess nuclear weapons than was the case in 2007. A 2008 survey of 35,000 Iranians found that 70 percent supported “compromise on the nuclear issue.”<sup>65</sup> Recent surveys of Arab public opinion conducted prior to the Arab Spring indicated growing support for a just and lasting peace with Israel.<sup>66</sup>

A study of Jewish–Israeli public opinion conducted in November 2011 found that less than half of Israelis surveyed supported a preemptive strike on Iran, even though 90 percent expected Tehran to acquire a nuclear device.<sup>67</sup> Significantly, 65 percent thought it would be best if neither Iran nor Israel had nuclear weapons, while 60 percent favored international inspections of all nuclear facilities, and 64 percent supported the establishment of a NWFZ, even when it was explained that this would require Israel to dismantle its nuclear weapons. Encouraging these findings though might seem difficult questions remained unanswered: How strongly felt were these opinions? Were they likely to be translated into publicly visible activism? Were the actions and pronouncements of states within the region likely to be swayed either by dormant public opinion or by overt public advocacy?

### *State and Multilateral Efforts to Advance the 2010 Resolution on the Middle East*

Immediately following the 2010 NPT RevCon, successive US and Israeli statements explicitly called into question the viability of the 2012 conference. On May 28, 2010, National Security

Advisor General James L. Jones made it clear that notwithstanding its support for the final document, the United States had “serious reservations” about the 2012 regional conference. The United States, he explained, “will not permit a conference or actions that could jeopardise Israel’s national security.”<sup>68</sup> For its part the Israeli government strongly criticized the “deeply flawed and hypocritical” 2010 consensus statement, which, in its view, “not only fails to advance regional security but actually sets it back.”<sup>69</sup> Significantly, the UK Ambassador for Multilateral Arms Control and Disarmament, John Duncan, later suggested that Israel was unlikely to agree to attend in the absence of any purposeful “dialogue” in the intervening period.<sup>70</sup>

Regional enthusiasm for the proposed Middle East WMDFZ may have been underwhelming, yet the other key regional states—Iran and Egypt—were careful not to reject out-of-hand participation in the 2012 conference. Iran’s position was relatively muted. Although it refused to participate in the IAEA Forum in November 2011, it justified its decision by reference to what it described as continuing Israeli and US threats to launch a preemptive strike on its enrichment facilities.<sup>71</sup> It is likely that Iran’s response was shaped largely in response to intensifying economic sanctions imposed by UN Security Council resolutions since 2006,<sup>72</sup> as well as a series of cyber attacks and the assassination of several Iranian scientists.

A widely held view among the Arab states was that the establishment of a WMDFZ must be premised on the inalienable right of states to acquire and develop nuclear energy for peaceful purposes<sup>73</sup> as well as firm undertakings expressly prohibiting the targeting of nuclear facilities.<sup>74</sup> Long considered the leading exponent of the Arab position, Egypt was intent on treading cautiously. As a gesture of goodwill, it refrained from introducing the long-standing “Israel’s Nuclear Capabilities” resolution at the 2011 IAEA Conference.<sup>75</sup> However, Egypt did table its annual UN General Assembly resolutions relating to “The risk of nuclear proliferation in the Middle East”<sup>76</sup> and the “Establishment of a nuclear-weapon-free zone in the Middle East” at the 2010 and 2011 sessions.<sup>77</sup> At the UN General Assembly’s First Committee in October 2010, the Egyptian representative described Israel’s nonaccession to the NPT as “a significant obstacle facing the accession of Egypt to the two conventions [Chemical Weapons Convention and Biological and Toxic Weapons Convention] and the [ratification of the Comprehensive Test Ban Treaty], despite Egypt’s support for the objectives and principles of the three instruments.”<sup>78</sup> In May 2011, the Ministers of Foreign Affairs of the Non-aligned Movement—led by Egypt—“reiterated their support for the establishment of a WMDFZ.”<sup>79</sup> Similarly, Qatar and a number of other members of the Gulf Cooperation Council made statements supporting the WMDFZ as well as proposing a subregional NWFZ covering the six Gulf states.

Finland’s appointment on October 14, 2011, as host and facilitator of the 2012 conference significantly enhanced the prospects of the conference actually proceeding as planned.<sup>80</sup> The announcement was soon followed by an IAEA “Forum” in November 2011, which had been in the making for the best part of a decade.<sup>81</sup> Preceded by intensive consultation with each of the IAEA’s regional members between March and August 2011,<sup>82</sup> the Forum reviewed the theory and practice of NWFZs, attempting to draw “lessons” from existing zones that might be relevant to the Middle East.<sup>83</sup>

### *Civil Society Efforts in Support of the 2010 Resolution on the Middle East*

In the 15 years prior to the 2010 RevCon more than 30 civil society projects had brought together some 750 regional and extraregional officials, military officers, and security experts to discuss the prospects for disarmament and arms control in the Middle East. Many of these projects were partly or wholly funded by extraregional states, with relatively little participation by regional state or non-state actors. The rationale and efficacy of this contribution may be assessed by reference to five criteria: geographical location (regional/extraregional); primary drivers (initiators/supporters); types

of actors involved (state/nonstate) and the capacity in which they participated (official/personal); the initiative's form and modality (academic conference/workshop/confidential discussion); and, finally, the funding source (e.g., regional/extraregional; government/private sector/philanthropy). In November 2012, the US State Department announced that the proposed 2012 conference would not go ahead 'because of present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference'. However, the UN Secretary General and co-sponsors, Russia and UK, have continued to press for the conference to be held as soon as possible.<sup>109,110,111,112</sup>

Arguably the regional state with the most important and complex set of interests around these issues is Israel. While no significant public opposition to the possession of nuclear weapons has emerged in Israel,<sup>84</sup> a number of individuals and chapters of international nongovernmental organizations (NGOs) have maintained a low-profile critique of the nuclear deterrence strategy. A small group of "Israeli journalists, writers, philosophers and activists who oppose WMD," known as the Armageddon group, was recently formed "to put an end to [the] silence and deception" of Israel's nuclear policies. The group publishes a web site in Hebrew (only partly translated into English) funded by the UK Campaign for Nuclear Disarmament and hosted by a New Zealand Internet service.<sup>85</sup> The Israeli branch of Greenpeace, which has explicitly focused on the WMDFZ concept, hosted a sideline meeting at the 2010 NPT RevCon as part of a longer-term objective to formulate a WMDFZ proposal that would be consistent with Israel's national security interests.<sup>86</sup>

In May 2011, Tel Aviv University's Center for Iranian Studies and the Israeli branch of the Pugwash Conferences on Science and World Affairs hosted a track-two workshop on a regional WMDFZ. The workshop, jointly funded by the Norwegian government, the Carnegie Corporation of New York and the Israeli Academy of Social Sciences, brought together 30 participants, largely from Israeli civil society and government, to discuss *inter alia* the prospects for a regional WMDFZ.<sup>87</sup> The Tel Aviv workshop was the culmination of a concerted international effort by Pugwash,<sup>88</sup> which included the publication of a preconference white paper,<sup>89</sup> a special meeting in Farnham (UK) in October 2010, and a dedicated discussion at the Pugwash international conference in Berlin in July 2011.<sup>90</sup>

There has been relatively less activity involving Iranian and Arab civil society groups. For a brief period, the Arab Institute for Strategic Studies launched a blog on developments relating to the negotiation of a WMDFZ funded by the Norwegian government.<sup>91</sup> Elsewhere in the Arab world, a number of actors have come together to explore alternate NWFZ modalities, including a subregional zone covering the greater Gulf States of Iraq, Iran, Yemen, and the six Gulf states (Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman). First proposed in 2004 by the Gulf Research Center in Dubai, it rapidly gained endorsement by the Secretary-General of the Gulf Cooperation Council (GCC) at the Abu Dhabi Summit in December 2005.<sup>92</sup> More recently, the University of Georgetown in Qatar hosted a roundtable event on "Nuclear Non-proliferation in the Gulf," organized by the British American Security Information Council (BASIC) and funded by the UK Foreign Office and Qatar Ministry of Foreign Affairs. In Iran, initiatives dealing with the WMDFZ proposal have been rare, with the possible exception of occasional papers published by the Institute for Middle East Strategic Studies in Tehran.<sup>93</sup>

A far greater number of civil society initiatives have been funded, coordinated, and hosted by organizations outside the region. In July 2011, the Japanese group Peace Boat International convened a discussion on the WMDFZ proposal, with an emphasis on the humanitarian consequences of nuclear weapons and WMDs.<sup>94</sup> The main outcome of the widely reported event was a call for a civil society conference to be convened in parallel with the 2012 regional conference. In March, Peace Boat went on to host events in Greece before visiting Istanbul, Turkey, and then sailing into Cairo for an event hosted by the Egyptian Council of Foreign Affairs.

Of these initiatives only one has been partly funded by a Middle East state. Since 2006, the School of Oriental and African Studies (SOAS) at the University of London has convened a

one-day conference on the Middle East proposal, funded jointly by the Qatar Ministry of Foreign Affairs and the UK Foreign Office.<sup>95</sup> Participants have tended to be policy advisors, officials, and academics from mostly outside of the region. The conferences have resulted in special issues of *International Affairs* and *Palestine-Israel Journal* as well as several research papers and articles.<sup>96</sup>

On July 26, 2010, the European Union (EU) mandated the formation of a network of four specialist international security “think tanks” from the region to “encourage political and security-related dialogue” that would assist the EU to counter WMD proliferation. The resulting EU Nonproliferation Consortium convened a seminar on the Middle East WMDFZ concept in Brussels on July 6–7, 2011, with some 200 experts and diplomats drawn from the Middle East and the EU, as well as China, the United States, Russia, Argentina, Australia, Brazil, Canada, Japan, Norway, Switzerland, and Turkey, and a number of regional and international organizations.<sup>97</sup> The inaugural EU Consortium Conference held in Brussels in February 2012 featured a plenary session with presentations by government officials from the region and European experts.<sup>98</sup> Another noteworthy initiative has been the Academic Peace Orchestra Middle East (APOME) formed by the Frankfurt Peace Research Institute and funded by a number of European organizations, with the aim of preparing some 40 policy briefs for governments and the media in the period 2011–2014.<sup>99</sup> The Middle East expert team formed by the Centre for Nonproliferation Studies has sought to promote policy-focused research, training programs for Middle Eastern scholars and government officials, dialogue on regional and international arms control and nonproliferation, and the development and maintenance of databases.<sup>100</sup> Established under the auspices of Georgetown University’s School of Foreign Service in Qatar and funded by the Qatar Foundation, a predominantly regional group of scholars and former policy makers has produced a working paper in which they set out their findings and policy recommendations.<sup>101</sup>

### *Bridging Past and Future: A Dialogical Approach*

The preceding survey clearly points to a sustained and multidimensional effort to generate momentum needed to establish a Middle East WMD free zone, which suggests that the objective will remain high on the diplomatic agenda for some time to come. As we have seen, several factors, arising from the complex interplay of different actors and different fields of action, have contributed to this limited but positive outcome. Three factors are attributable largely though not exclusively to the role of state actors. First, the creation of six other NWFZs in variable contexts—four of them in the three decades since the Middle East proposal reached unanimous agreement. Second, the increasing convergence of views and interests on the part of key states, notably the five permanent members of the UN Security Council, in particular their common wish to salvage something of the legitimacy and viability of the Nuclear Non-Proliferation Treaty, and their common fear that nuclear proliferation in the region risks entangling them in a conflict over which they might have little effective control. And third, the in-principle endorsement of the NWFZ concept by all significant regional states, notably Egypt, Iran, and Israel.

However, it is equally apparent that the renewed momentum cannot be fully explained by reference to the interests and priorities of states. The complex web of institutional and legal arrangements, operating in global and regional settings and giving rise to closely interlinked formal and informal processes, has also played a part. Critical in this respect has been the NPT regime—in particular the five-year review mechanism—which has steadily, though unevenly, provided a space within which a range of voices can press for the denuclearization of the Middle East. The decision of the 2010 NPT Review Conference has undoubtedly given the proposal a much needed stimulus.

A third noteworthy contribution has come from civil society, largely in the form of extraregional track-two discussions which have brought varying levels and areas of expertise to bear on the modalities

of a Middle East WMDFZ, and the preparatory steps likely to facilitate its creation. These meetings have performed three distinct but closely related functions: (a) they have “filtered” the ideas, experiences, and insights gained from other NWFZs in ways that relate to the specific needs and circumstance of the Middle East; (b) they have helped to familiarize policy makers with the concept, its value, and implications; and (c) they have gone some way toward translating concepts into policy recommendations.<sup>102</sup>

Notwithstanding these helpful developments, the path ahead remains riddled with difficulty. The interests of the five permanent members of the UN Security Council diverge in significant ways, pitting the United States (often though not always with the support of its European allies) against Russia and China. A different but no less debilitating disjunction exists between regional states whose attitudes and perceptions tend to subordinate the issue of nuclear proliferation to more narrowly conceived political considerations. Tensions in the region are exacerbated by real or imaginary existential threats reflected in the nonrecognition of states (which lies at the heart of the Arab–Israeli conflict) and in the Sunni-Shia divide (that overlays the Saudi–Iranian rivalry and complicates a great many internal conflicts, not least in Iraq, Syria, and Bahrain). A third disjunction separates the approaches of western powers (primarily the United States and Western Europe) from those of the Iranian government and public opinion in much of the Arab world. Although for the former the primary objective is to institute a stable regional order, for the latter it is to challenge an order that consolidates and legitimizes Israeli military ascendancy.<sup>103</sup>

As for the role of civil society, the track-two approach, useful though it has been, bears the limitations imposed by virtue of its frame of reference, participation, and mode of operation. Most track-two consultations have been initiated by Western institutions (often research centers or think tanks located in the West), funded by Western governments or other Western sources, and on the whole premised on Western concepts of order and stability. This is not to call into question the utility of these initiatives but to draw attention to the shortcomings associated with overrepresentation of Western experts, and substantial regional underrepresentation, notably Iran, Iraq, Saudi Arabia, and Syria.<sup>104</sup> Moreover, the primary focus of these discussions has been to explore the technical and legal aspects of NWFZs, and as a corollary to neglect or marginalize some of the more serious obstacles to the endeavor, which are more likely to be illuminated by the insights of psychologists, sociologists, anthropologists, economists, historians, philosophers, and health specialists.

If civil society is to make a wide-ranging and sustainable contribution to the process, especially in the light of the tensions and volatility that presently characterize the Middle East, the approach taken needs to be self-consciously inclusive, multilayered, and dialogical. Inclusiveness implies comprehensive regional participation (cutting across the Sunni-Shia and Arab–Israeli divides) supplemented by extra-regional representation, with a view to giving voice to a wide spectrum of political views. A multilayered framework would in all probability reflect a hybrid model that combines elements of tracks two and three and is able to engage a critical mass of “opinion makers” and publicists drawn from across the political and sociocultural spectrum that is the Middle East. It would include not only experts of various kinds and policy makers attending in their personal capacities (track two) but also other key constituencies, in particular the media, education, arts and culture, the professions, business, religious organizations, and public interest groups, especially those focused on issues of peace and disarmament, democracy, human rights, gender, development, and environment (track three). A multilayered strategy would presuppose a network of dialogues conducted under different auspices at different times—some of relatively short duration, others ongoing; some with a wide-ranging agenda, others more sharply focused; some constituted nationally, others functioning within a wider regional or international domain. With overlapping membership across these different dialogues and interlinked lines of communication (spatial and virtual) such a network would allow for the cross-fertilization of ideas and perspectives.

It remains to say a word about the dialogical qualities to be cultivated by the proposed dialogues. At first sight, this may seem an exercise in tautology. How can dialogues be anything but dialogical? The reality is that too often what purport to be “dialogues” are conventionally organized gatherings

to which people are invited to present their views, with little or no attention to the cognitive, behavioral, or evaluative aspects of dialogical interaction. The overarching purpose of dialogue is to facilitate among participants a process of mutual listening, so that each can come to understand more clearly the perceptions and priorities of others as well as the constraints under which they operate.<sup>105</sup> Here particular stress must be placed on the need for sensitivity to cultural and civilizational difference and to avoid any impression that the dialogue assumes or privileges some kind of cultural or ideological homogeneity which must somehow be respected and integrated.<sup>106</sup> In dialogue interlocutors understand that they are engaged in a process in which discovery of the “other” is mirrored and reinforced by discovery of “self.” It is worth noting in this context that divergent interests and value preferences are evident as much within states as they are between them, hence the need for “agonistic dialogue” to involve the opposing constituencies and worldviews to be found within many polarized societies,<sup>107</sup> not least Egypt, Iran, and Israel. Considerable attention must therefore be given to the modalities of the dialogical process, in particular the drafting of guidelines, dissemination of information, structuring of programs, selection of venues, preparation of the physical and psychological environment, moderation of sessions, and choice of evaluation techniques. Given current levels of mistrust and the paucity of effective communication, third parties may have a crucial role to play in guiding the dialogical process, while still leaving the content of the dialogue firmly in the hands of the primary parties.

These benchmarks of dialogical engagement are likely to prove especially relevant to two closely related steps: identifying the key phases needed to establish a zone free of weapons of mass destruction in the Middle East; and articulating the key elements of the initial phase, which some have referred to as the declaratory phase.<sup>108</sup> The decision to convene an international conference has arguably set the declaratory phase in motion, that is, the phase during which the states and societies of the region are invited to declare their explicit support for the denuclearization objective and to articulate, individually and collectively, the basic principles that will guide the establishment of the zone and more generally the relations between participating states in the lead up to and following treaty ratification. This phase will last until an appropriate declaration of principles has gained the necessary agreement of all relevant regional and extraregional actors. Civil society’s role is likely to prove decisive in achieving such consensus.

The political, cultural, and diplomatico-strategic landscape of the Middle East will inevitably require that serious attention be given to a number of conflicts, many of which straddle the domestic and international domains. To address them head-on at an early stage within an exclusively state-centric enterprise runs the risk of aborting the entire WMDFZ project. To sweep them under the carpet will equally doom the project for it is not possible to press for the elimination of weapons of mass destruction from the Middle East while ignoring the conflicting interests that sustain the impetus toward their acquisition. A wiser strategy would be to make these conflicts, at least in the first instance, the subject of an intensive and sustained civil society dialogue, so long as the different tracks of the dialogue overlap and intersect, thereby providing an effective transmission belt.

What is envisaged here is the continuous, and no doubt fraught, interaction of three distinct but interlinked negotiating processes: one leading to the creation of a Middle East WMDFZ; another centered on a settlement of the Arab–Israeli conflict; and the third on the development of an inclusive and comprehensive regional security architecture that has the WMDFZ as one of its pillars and recognizes Iran’s legitimate security objectives. Each of these three processes, if properly managed, could be mutually reinforcing, but only the close and sustained involvement of civil society in its various manifestations in different national contexts is likely to give the project the psychological impetus and political legitimacy it requires. The obstacles are no doubt immense, but the energies released by the Arab uprisings, the signs of increasing Israeli disenchantment with the current impasse, and the undercurrents that permeate Iranian society, make such an undertaking more plausible than at any time over the last decade.

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