

EU Non-PROLIFERATION CONSORTIUM

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A Middle East Zone free of Weapons of Mass Destruction – the subject of a Helsinki meeting projected for 2012

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Background paper

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Content

1.	Introduction.....	3
2.	The current stalemate in discussions with Iran	3
3.	A meeting in Helsinki?	3
4.	What concept of a zone free of nuclear weapons (leaving for the moment the other WMD and missiles aside) could be contemplated?	5
5.	Non-proliferation and the nuclear fuel cycle	5
6.	The Middle East and the nuclear fuel cycle.....	6
7.	A zone free of both nuclear weapons and fuel cycle installations.....	7

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Abbreviations

IAEA	International Atomic Energy Agency
NATO	North Atlantic Treaty Organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
P-5	The permanent members of the United Nations Security Council
P5+1	The permanent members of the United Nations Security Council and Germany
UN	United Nations
WMD	Weapons of Mass Destruction

1. Introduction

The 2010 Review Conference of the NPT urged that a meeting should be held on the subject of a Weapons of Mass Destruction-Free Zone in the Middle East, and the meeting is currently projected to take place in Helsinki in 2012. With public attention today riveted on Iran's nuclear programme and only rarely focused on the Israeli nuclear weapons, it would be peculiar if a meeting were to be concerned only with 'weapons' and were to ignore the concern that Iran's nuclear enrichment programme might result in a weapon.

Would it not be possible for the states in the Middle East – including Israel and Iran – to initiate a discussion about a regional agreement under which all states in the region committed themselves not only to be without nuclear and other weapons of mass destruction, but also without facilities for the enrichment of uranium or production of plutonium?

2. The current stalemate in discussions with Iran

It is understandable that at a moment when the Gulf is full of warships and the air is full of speculation about attacks on Iranian nuclear installations, talks aim at limited measures to lower tension. Yet it would be unwise to focus exclusively on short-term measures and neglect thinking about comprehensive approaches – the more so as the narrow path followed has so far not led to any success. The meetings that have taken place this year between the P5+1 and Iran in Baghdad and Moscow do not seem to have yielded any rapprochement. The P5+1 seem to have demanded substantial early Iranian concessions on the enrichment issue, while Iran has continued to hold that it will under no circumstances forego its programme of enrichment.

Staleminated discussions may be affected by changes in costs and benefits. Perceiving Iran as intransigent and unreasonable, the US and the other Western parties seem unwilling to significantly increase the benefits that Iran would gain from an agreement. Instead, they seek to increase the cost for Iran of no agreement by strengthening and tightening economic sanctions and by not excluding subversive and military action. If the various parties have any conciliatory cards up their sleeves, they might prefer not to put them on the table at this stage.

From the US side there have earlier been some suggestions that after a settlement of the controversy and restoration of confidence, enrichment in Iran might be envisaged long-term. The Russian government has talked about a 'step-by-step' approach. It has not been rejected by Iran, but the steps do not appear to have been defined. There have also been suggestions to build on earlier schemes concerning the supply of 20 per cent enriched uranium fuel. Recent accusations against Iran for sending weapons to the Assad government of Syria will add a new difficulty in any near-term talks between the P5+1 and Iran.

3. A meeting in Helsinki?

Nevertheless, the governments concerned in the Middle East region and non-governmental institutions in the region must give thought to the subject that the 2010 NPT Review Conference singled out for a meeting: a Middle East zone free of weapons of mass destruction and missiles to deliver them. Some things have already happened relating to this

meeting, but many issues need to be clarified and agreed before it is to take place. Helsinki has been chosen as the venue and a Finnish diplomat has been appointed 'facilitator'. The date of the conference seems likely to be towards the end of December and the duration contemplated seems to be less than a week.

The list of **participants** and the **agenda** need to be agreed **in advance** or else these matters could derail the conference at the outset. As we know from agreements about other weapon-free zones, it is above all the countries that form the region and that are ready to make commitments that should be present. In the case of the Middle East, the selection of most candidates for participation will not raise questions. In some cases there may be discussion.

Turkey has not traditionally been seen as a part of the Middle East. Yet as a state aspiring to use nuclear power and with significant influence in the area, Turkey's active participation in the conference – and potentially in a zone – could be important in practical terms. Its membership in the NATO alliance could be a complicating factor. A possible zone commitment to be free of nuclear weapons would hardly be incompatible with NATO guarantees of protection against nuclear attacks ('nuclear umbrella'). Even though the hosting of nuclear weapons under NATO has not been judged incompatible with the obligations under the NPT, the hosting of such weapons in a nuclear weapon-free zone would be a different matter. The idea of moving all NATO nuclear weapons to US territory has been under discussion within the alliance. However, it currently seems to be shelved.

It may have appeared almost axiomatic that the meeting requested by the 2010 NPT Review Conference would have to have the participation of both Iran and Israel. It is true that a zone agreement that either of these countries refused to join would have limited meaning and would probably not come into being. However, this is not the same as saying that the absence of one or both of these states at the meeting now projected would deprive it of meaning. Indeed, making the convocation of the meeting dependent upon their participation would be to make it hostage to conditions that either of them could advance. It might be wiser for the states that are willing to meet to do so and exchange ideas about concepts and features that they consider possible and desirable. It could be left to states that might choose not to take part in the meeting to consider under what conditions they might take part in subsequent sessions that may be scheduled.

At the present time it is not known whether Israel and Iran are prepared to participate in a meeting in 2012. At a juncture when the Israeli government wants to create the impression of its readiness to launch an armed attack against Iran, a positive response might look like a conciliatory step and therefore seems unlikely.

The Iranian government's logic might suggest a positive response, given that Iran does not have nuclear weapons, that it sees the possession of nuclear weapons as incompatible with its religious faith and principles, and that it has a declared positive attitude to global nuclear disarmament.

The absence of either Israel or Iran from the conference would have some significant drawbacks, but could also eliminate road blocks. It might be assumed that Israel would argue that only confidence arising from a Middle East peace agreement would make a zone viable, while Iran might argue that nuclear fuel cycle activities permitted under the NPT should not be discussed. Neither stance would help the search for early accommodation and compromise.

Whatever the participation in the Helsinki conference, it would seem important that like-minded regional states that do not have the strong vested interests that characterize Israel and Iran get together and define along which lines they think the zone should be established – taking into reasonable account the interest of Israel and Iran as they see and understand them. While initiatives and pressures by outsiders might well be negatively perceived, regional states that neither have nuclear weapons nor fuel cycle activities might stand a somewhat better chance of finding lines that they consider acceptable and of taking into account the security and other interests of all in the region. The Gulf States and the Gulf States Council may be the most suitable party for taking on this delicate task before, during and after a Helsinki conference.

It has been rightly noted by many commentators that the conference in Helsinki should not be seen as a one-time event. Indeed, it is likely to be convoked for a rather short period of time – perhaps a week or even less. This would hardly be more than what is needed to launch some ideas and agree to explore them in further meetings.

4. What concept of a zone free of nuclear weapons (leaving for the moment the other WMD and missiles aside) could be contemplated?

We are not starting with a blank page. The idea of a nuclear weapon-free zone in the Middle East was advanced by Iran and Egypt in 1974 in the General Assembly of the UN. It has been on the table since then and even had consensus support. Originally, the zone concept was clearly rooted in the view that Israel should be brought into the group of regional states that renounced nuclear weapons. While voicing its support for the concept, Israel has always stated that such a zone can materialize only when peace has been established in the region.

As is the case with the NPT, zonal treaties – as we know them – aim at eliminating nuclear weapons. However, while zonal treaties need to be compatible with the NPT, they may differ from that treaty in several respects, apart from their geographical limitation. For instance, the NPT becomes binding for each state when it adheres, irrespective of what other states do. All Arab states as well as Iran and Turkey have adhered to the NPT and are bound by it, but Israel has not adhered to it, is not bound by it, and is assumed to have many nuclear weapons.

The entry into force of a zonal treaty may – as in the case of the Tlatelolco Treaty – be made dependent upon all parties in a specific geographic region adhering. It may also contain many different features that do not figure in the NPT. It may have systems of verification that differ from or go beyond NPT-type IAEA inspection, for instance, allowing parties to demand challenge inspections, allowing national inspectors to participate in the verification process etc. A zonal treaty could also create a legal basis for active cooperation (MidEastAtom?) in the development and use of nuclear energy, for instance regarding jointly owned nuclear reactors for the generation of power, or the desalination of water, or for nuclear waste disposal sites.

5. Non-proliferation and the nuclear fuel cycle

While the zonal treaty for the Middle East has been on the international agenda for a long time, what has lately given it much attention has less to do with Israel's weapons than with

the concern that Iran is developing a fuel cycle programme, including the construction and operation of plants for the enrichment of uranium. Although Iran itself denies any intention to make nuclear weapons, many suspect that such assertions are not true. Whatever the reality, the programme is making Iran a 'near-nuclear weapon state' and it is feared that other states in the region might emulate Iran's example, which would raise tensions in the region further.

It is true, as often stressed by Iran, that the NPT raises no obstacles to states that want to build fuel cycle installations – such as enrichment plants – for the peaceful use of nuclear energy. Japan, with over 50 nuclear power plants in operation, has both enrichment and reprocessing plants linked to its large peaceful nuclear power capacity. Brazil, with only a few nuclear power plants, has also developed a capacity to enrich uranium. Unlike Iran, neither Japan nor Brazil has met international objections.

It is clear that there would be little support in the international community for any international agreement – whether in the shape of a separate convention or an amendment to the NPT – under which states would renounce enrichment or reprocessing activities (perhaps for a specific period of time) in the interest of avoiding that any one becomes a 'near-nuclear weapon state'. States such as Canada, Australia, Namibia, South Africa or Jordan with large uranium ore resources might want at least to keep the option open of not only mining the raw material but also of enriching it for export sales.

At the same time there is understandable scepticism concerning widespread construction of fuel cycle installations in the world, especially as the global capacity for enrichment and reprocessing seems ample to respond to needs expected in the near future. Not every petrol-consuming nation needs an oil refinery of its own and not every state that uses uranium as fuel for nuclear power reactors needs an enrichment plant of its own.

It is also clear that enrichment – or reprocessing – plants in sensitive regions may be likely to raise concern and even suspicion. Although the NPT in principle allows states to develop capacities for enrichment and reprocessing, it does not oblige them to use this freedom. They can – if they wish – commit themselves to limitations on it for longer or shorter periods of time. Thus, undoubtedly with a view to creating mutual confidence, North and South Korea agreed in their Denuclearization Declaration of 1991 to forego the construction of both enrichment and reprocessing plants. The declaration may no longer have legal relevance, but it provides an interesting precedent: states can agree among themselves to renounce some activities (in this case enrichment) which they can resort to and that could be misused. They are obviously free to make any such agreement without any time limitation or for a specified period of time. Although the parties alone will be bound by such an agreement, they may feel a need for guarantees from third states regarding the supply of fuel for nuclear power plants that they operate.

6. The Middle East and the nuclear fuel cycle

States in the Middle East region might find it worth considering whether there would be a benefit in agreeing on a zone free not only of nuclear and other weapons of mass destruction and missiles, but also of fuel cycle activities – notably enrichment and reprocessing plants.

Iran might initially respond that nothing could move the country from exercising its right under the NPT to make full use of nuclear energy, including the right to a programme for the enrichment of uranium. It is true that Iran does not seem to have been tempted to abandon

enrichment by offers of investments, support to become a member of the World Trade Organization, assistance to expand its civilian nuclear power programme, confirmation of the protection against armed attacks, etc. The outside world has had and still has difficulty in understanding this rigid attachment to a programme that can hardly be economical and that can hardly ensure long-term nuclear fuel independence. While many conclude that the ultimate aim of the programme is to make a nuclear weapon or at least to make Iran a near-nuclear weapon state, another explanation for the rigid position could be that continuation of the programme is above all a matter of national pride.

Starting from the premise that nothing could move Iran to abandon the enrichment programme, at the non-governmental level some experts have suggested acceptance of Iranian enrichment with maximum transparency, international inspection and perhaps international participation. While such arrangements could give reasonably early warning in case of an Iranian breakout, they could not physically prevent it. Inspectors could be thrown out and installations could be nationalized. While certainly not without value there would be limits to the confidence associated with such an arrangement. It might not be enough to discourage enrichment programmes among Iran's neighbours.

7. A zone free of both nuclear weapons and fuel cycle installations

A zonal agreement under which Iran would commit itself to completely suspend its uranium enrichment programme (and other fuel cycle services) for a specific and rather long period of time, under which other states in the region would commit themselves to forego enrichment for the same period, and under which Israel would commit itself to do away with its nuclear weapons, stocks of fissionable material and production capacity, might be a different matter. It would fit into Iran's declared wish to promote nuclear disarmament. Having been accused of being a country that threatens the non-proliferation regime and that deserves isolation, Iran would get credit for helping to consolidate non-proliferation in the region and even for helping to bring about tangible and long-sought nuclear disarmament.

Israel would undoubtedly initially reject any suggestion that would remove nuclear capacity that it has regarded as form of life insurance. Israel's ambition to remain the only de facto nuclear weapon state in the region has been displayed through the attack on Osiraq in 1981, the attack in 2007 on Syrian installations and by the threat of attacks on Iranian installations. Is this line of action considered sustainable, or is it possible that Israel could conclude that it might be better for its security if the country took the cost of doing away with its own – not acknowledged – nuclear weapons and capacity to make such weapons while gaining the benefit that no other state in the region would become even a near-nuclear weapon state?

There can be no illusions about the difficulties that would have to be resolved in designing and getting agreement about a zone as suggested above. However, the difficulties might be even greater in the construction of a zone renouncing only the weapons – leaving the fuel cycle untouched. It is implausible that Israel would go along with eliminating its nuclear weapons and leave Iranian enrichment untouched.

Many problems would have to be overcome. The supply of uranium fuel required for non-weapons related activities such as power plants would have to be assured and guaranteed by the outside world. Arrangements for effective inspection going beyond IAEA safeguards

8 EU NON-PROLIFERATION CONSORTIUM

would have to be drawn up. Security guarantees might be needed. Steps by P-5 states toward nuclear disarmament would facilitate regional action. The exact geographical scope of a zone would need to be defined.

'Weapons' are the explicit object of discussion at the projected Helsinki meeting. The Chemical Weapons Convention includes a definition of chemical weapons, but the NPT does not define nuclear weapons. It should be made clear that not only deployed nuclear weapons, but also non-deployed weapons, weapons-ready material and installations to make the material can be covered in a zone agreement. It seems politically inconceivable at the present time to focus on Israel's nuclear weapons and disregard Iran's enrichment, and it seems equally impossible to consider Iran's growing enrichment and near-nuclear weapon status and disregard that Israel has hundreds of nuclear warheads.