

EU Non-PROLIFERATION CONSORTIUM

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Building confidence towards a MEW MDFZ via a Chemical Weapons ban

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Background paper

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Abbreviations

BW	Biological Weapons
CW	Chemical Weapons
CWC	Chemical Weapons Convention
CWFZ	Chemical Weapons-Free Zone
GCC	Gulf Cooperation Council
IAEA	International Atomic Energy Agency
MEW MDFZ	Middle East Weapons of Mass Destruction Free Zone
MoU	Memorandum of Understanding
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OPCW	Organization for the Prohibition of Chemical Weapons
WMD	Weapons of Mass Destruction
W MDFZ	Weapons of Mass Destruction-Free Zone

1. Introduction

It is no surprise that the road to the establishment of a Middle East WMD-Free Zone (hereafter MEWMDFZ) has been a rocky one so far – and the process has only just started. This is largely due to the suspicion that exists in the region; there is not enough trust or as a result, a sufficiently strong sense of the security dividend that would flow from a WMDFZ. One way to overcome the deficit of trust would be to capitalise on regional endorsement of the Chemical Weapons Convention (CWC) as a first step towards a general WMD-Free Zone in the region.

This paper will examine how states in the region could agree to work towards a zone free of chemical weapons as an incremental step towards a MEWMDFZ. Although many have argued against the idea of breaking up WMDs,¹ the regional landscape at the moment is such that the best way to get to a complete MEWMDFZ is by taking it one step at a time. In fact, the only way towards building the levels of trust necessary is by selecting an issue which is important enough that is meaningful to all parties, yet realistic enough that an agreement could potentially be reached. That is, phasing weapons out by category.

The problem is identifying what category of weapons should be tackled first which would serve countries in the region as both a positive outcome they can present to their domestic population as well as a tangible step closer to a general WMDFZ. This paper will argue that ridding the region of chemical weapons should be the first place to start. History has shown that chemical weapons are the most widely used and proliferated weapons of mass destruction, and the current crisis in Syria demonstrates the risk of ignoring the threat posed by chemical weapons. In addition, the Middle East has already clearly validated the international norm against these weapons by largely adhering to both the Geneva protocol and the Chemical Weapons Convention (CWC).² For these reasons, the fastest road to a MEWMDFZ is to begin with eradicating chemical weapons from the region.

This paper will begin by outlining the reasons why an “all or nothing” approach to a WMDFZ in the Middle East will not work. Instead, trust must be incrementally built in the region by tackling one WMD at a time and gradually establishing a complete MEWMDFZ. The essay will then examine why addressing chemical weapons should be the first step and examine ways to come to an agreement banning chemical weapons in the region.

2. Challenges in the Middle East

The Middle East is plagued by suspicion, sectarian tensions, rivalry and hostility. Firstly, the level of trust between Israel and Iran is so low that the goal of establishing a complete WMDFZ in the Middle East is almost fantasy. In addition, the Arab Spring, which began almost two years ago, has highlighted some of these tensions and exacerbated regional instability. The changes in government in some countries and the instability in others have

¹ In particular Egypt. See Carmen Wunderlich et al., *Non-Aligned Reformers and Revolutionaries*. Egypt, South Africa, Iran and North Korea, in: Harald Müller/ Carmen Wunderlich (eds.), *2013. Norm Dynamics in Multilateral Arms Control: Interests, Conflicts, and Justice*. Athens: University of Georgia Press, (forthcoming) for a selection of statements from Egyptian officials to this effect.

² David Santoro, *Status of non-proliferation treaties, agreements and other related instruments in the Middle East*, EU Seminar to promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East – background paper (July 2011), p. 5-6.

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diverted the attention of policy makers towards internal issues rather than towards the goal of establishing a WMDFZ in the Middle East. In this context, the critical players in this region are not prepared to take the initial steps first, which are necessary to making a WMDFZ agreement possible.

Israel is unwilling to take part in a process which is likely to single it out as the only nuclear-state in the region requiring the dismantlement of its programme. Its fears are not unfounded. In fact, the more general Middle East WMDFZ (as opposed to just a nuclear weapons-free zone) process was kicked off internationally in a document that did just that. The 1995 Resolution on the Middle East that was adopted during the NPT review conference not only called for “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems”, but also for “all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full scope International Atomic Energy Agency safeguards”.³ This clearly pointed the finger at Israel. To add insult to injury, the 2010 NPT review conference repeated the encouragement for nuclear states to join the NPT and specifically mentioned Israel in the section on the Middle East.⁴ Israel has made it clear that in its view, a Middle East WMDFZ can only be achieved if the process originates and culminates in a regional process and begins by addressing tensions and conflicts in the Middle East.⁵ Indeed, Israel is adamant that its security concerns must be addressed prior to any discussion of such a zone. Given Arab insistence on Israel’s nuclear weapons, it is not unsurprising that the Israelis have shown reticence towards the 2012 conference.⁶

But Israel is not alone. Although Iran is one of the pioneers of the Middle East WMDFZ, co-sponsoring the idea with Egypt in 1974, it has shown some reservations to the current process. Iran took exception to the 1995 resolution idea of extending the nuclear-weapons free-zone to all WMDs and their delivery systems, stating that the extension of the agenda had inevitably complicated the process and made the end goal more ‘elusive’.⁷ In the current environment of mistrust, Iran is unlikely to take steps to slow its nuclear programme down. This is because Iran, along with all the Arab states, insists that such a zone cannot be established until Israel signs the NPT and places its programme under IAEA supervision, though Iran is aware that unilateral Israeli disarmament is unlikely (if not impossible). Iran’s stated support for a Middle East nuclear-weapons free zone is in line with its objective of stripping Israel of its most powerful weapon. Naturally, Israel is aware of this, which explains its scepticism towards the MEWMDFZ.

Although the general desire to achieve a Middle East WMDFZ is strong amongst Arab states, the political will to achieve it has considerably diminished. This was the case for the Gulf Arabs. Following revelations about Iran’s nuclear programme in 2002, the Gulf

³ Resolution on the Middle East, NPT/CONF.1995/32/RES/1, <http://www.fas.org/nuke/control/npt/text/resoluti.htm>

⁴ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document, NPT/CONF.2010/50 (Vol. I), p. 29, [http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20\(VOL.I\)](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50%20(VOL.I)).

⁵ Shaul Chorev (Head, Israel Atomic Energy Commission), Statement to the 56th General Conference of the International Atomic Energy Agency (September 2012), <http://iaec.gov.il/About/SpeakerPosts/Documents/IAEA%20statement%20Sep2012.pdf>.

⁶ *Israel rejects U.S.-backed Arab plan for conference on nuclear-free Mideast*, Haaretz (20 September 2012).

⁷ Nasser Saghafi-Ameri, *A Nuclear Free Zone in the Middle East : An Iranian Perspective*, Institute for Middle East Strategic Studies (12 June 2012).

Cooperation Council (GCC) states, initially second-tier players in this process, began to work together to facilitate the establishment of a zone.⁸ But it became apparent that they faced competing priorities, and limits on time and resources available to devote to the issue. The long-lasting political and strategic considerations in the Middle East, such as diverging threat perceptions and the absence of a common security agenda, exacerbate the impediments. Establishing a WMDFZ as a whole today is aiming too high.

A step-by-step approach is the most feasible way of “changing military capabilities in the direction of less threatening postures (which) is one of the most convincing ways to signal good intentions and build the necessary confidence to change political relations”.⁹ In other words, the incentive for states in the region is the security dividend they get from constraining their own strategic options. Without building greater levels of trust, states will remain sceptical that the security dividend will materialize.

3. Why focus on chemical weapons?

The Arab states in particular have not made it a secret that the goal of a MEWMDFZ is first and foremost to confront the spread of nuclear weapons in their region.¹⁰ But as established, this is unlikely to occur anytime soon. In order to make progress on the WMDFZ in the Middle East, other WMD categories must be tackled first. Chemical weapons should be addressed first because of the nature of their properties as well as the stigma that surrounds them.

Chemical weapons are defined as “toxic chemicals and their precursors” fitted into “munitions or devices” to cause “death or other harm”.¹¹ These weapons, often called “the poor man’s bomb”, require a relatively low investment and are capable of causing significant psychological and physical effects, as well as disrupting agricultural production and slowing advances on the battlefield. Chemical weapons are also effective weapons of fear, because of their indiscriminate nature and their unpredictability. Although chemical weapons carry many risks, and are subject to topography and weather patterns, other properties make them an attractive equalizer for states looking to build a deterrent capability in a region characterised by asymmetrical military capabilities.

All states in the Middle East have signed and ratified the 1993 Chemical Weapons Convention (CWC), with the exception of Israel, Syria and Egypt. Such wide acceptance of the norm against chemical weapons in the region provides a valuable starting point for the development of a zone free of CW.¹² But despite the endorsement, accession and compliance

⁸ Dina Esfandiary, Elham Fakhro, and Becca Wasser, Obstacles for the Gulf States, in: *Arms Control Today*, (September 2011).

⁹ See Harald Muller and Claudia Baumgart-Ochse, *A weapons of mass destruction-free zone in the Middle East: an incremental approach*, EU non-proliferation consortium background paper, for a more detailed explanation of the benefits of a step-by-step approach to a MEWMDFZ.

¹⁰ Dr. Hossam Eldeen Aly, Objectives and Approaches of Arab States, in: *Preparing for a Constructive 2012 Conference on the Middle East Weapons of Mass Destruction Free Zone*, NYU-Center on International Cooperation, (April 2012), p. 9, http://www.cic.nyu.edu/engagement/docs/wmd_book.pdf.

¹¹ Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), Article 1.

¹² Almost all states in the Middle East are also party to the 1925 Geneva Protocol. For more information on non-proliferation treaties in the Middle East see David Santoro, *Status of non-proliferation treaties, agreements and other related*

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with the CWC has at times been patchy. Iraq and Libya joined relatively recently. They had active chemical weapons programmes, which have either been dismantled or are in the process of being eliminated. In addition, Iran is alleged to have a CW programme. The fact that a number of countries in the region have either shown interest in or developed chemical weapons programmes makes their eradication as a first step towards a WMDFZ in the Middle East a worthwhile endeavour.

The World Wars are the only theatre in which chemical weapons have been more widely used than in the Middle East in the 20th century. The Egyptians employed chemical weapons in the North Yemen Civil War, and the Iraqis used them against Iran's 'human wave' attacks in the Iran-Iraq war in the 1980s as well as against the Kurds. The vivid regional memory of chemical weapons use can be a spur to developing such a zone. There is an added domestic benefit for signatories to any agreement to ban CW from the region, as respective leaders would be able to announce to their people, with some justification, that they have removed a potential tool of terror from the arsenals of regional adversaries. This is important given that states in the region – on both the Arab and Israeli side - are particularly concerned with ways to avoid looking weak when it comes to disarmament.

Furthermore, the on-going crisis in Syria, a known chemical weapons state, has highlighted the importance of chemical weapons by focusing the attention of the international community on the threat of their use in the region, and on the difficulty in securing them.¹³ Assad's programme is shrouded in secrecy: very little is known about the size of Syria's chemical weapons stockpiles or their exact locations. While the civil war has increased the risk of loss of control over facilities and weapons, the lack of actionable and sufficiently complete intelligence and the limits on resources available to devote to the issue have conspired to leave the rest of the world with a small number of equally unattractive options.

4. Why not biological weapons?

There are two key reasons why BW are not as good a candidate as CW when it comes to achieving the first step of an incremental approach to MEWMDFZ: they are not as important militarily, or politically. The reason this makes CW more important is that an agreement on chemical weapons would provide better publicity for signatories, both domestically and within the region, and would also have a significantly greater impact on the level of security in the region, thereby boosting confidence and trust to levels sufficient to begin the process.

BW are dangerous weapons of disruption that deliver toxins and microorganisms to deliberately inflict disease among people, animals, and agriculture.¹⁴ But BW have limited military utility because of their properties: compared to other WMDs, BW are harder to detect, but also harder to control. Most agents are contagious, spreading through individuals rapidly and making targeted attacks using BW virtually impossible. The ability of organisms to infect rapidly and effectively is subject to many conditions, which means it cannot be

instruments in the Middle East, EU Seminar to promote confidence building and in support of a process aimed at establishing a zone free of WMD and means of delivery in the Middle East, background paper, (July 2011).

¹³ For more information on the threat posed by Syria's chemical weapons and the options available for securing them see *Unease grows over Syria's chemical weapons*, IISS Strategic Comment (August 2012), <http://www.iiss.org/publications/strategic-comments/past-issues/volume-18-2012/august/unease-grows-over-syrias-chemical-weapons/>.

¹⁴ *Introduction to biological weapons*, Federation of American Scientists.

relied upon in a military setting. The possibility that biological agents could infect one's own troops makes them a risky choice.¹⁵ Because BW have limited military applications, addressing their threat as a confidence building measure towards the enormous goal of a MEW MDFZ is simply insufficient.

It is also the case that an agreement on biological weapons in the Middle East would carry significantly less political weight than an equivalent agreement on CW. It would be a less potent message to bring home to domestic audiences, especially given the region's experience with chemical weapons. It would also be a less profound step towards enduring improvement in regional trust – the only way towards a general MEW MDFZ.

5. Practical roadmap to a Middle East CWFZ

In order to come to an agreement on banning chemical weapons in the region, states will have to begin by verifying current holdings. That is, finding out who has them and how much is stockpiled. Although many will express scepticism at the idea, accounting for regional stockpiles of chemical weapons will be easier than doing so for nuclear weapons. States like Egypt could be incentivised to increase transparency of their disavowal of CW if they were offered assurances that Israel and Iran would do the same. Although convincing the region to be transparent with their chemical weapons will still be difficult, it will be infinitely easier than getting both Israel and Iran to tell us more about their nuclear programmes.

The main challenge is that Arabs who are not yet bound by the CWC (or BWC) have linked their ratification to Israeli nuclear disarmament. Syria's chemical weapons programme is a clear example of this.¹⁶ If the process begins with CW, with a view to achieving a total MEW MDFZ, as part of a genuine global agenda issue (not just as part of the NPT process), then the political pressure to comply may be enough to induce even those who are more sceptical. In addition, positive incentives could be explored as another way for states like Syria (who will likely be the most reticent) to join the movement. In addition, a zone free of CW would of course be negotiated while discussing nuclear disarmament as well so that it is clear that other WMDs would be addressed next.

The next step to a phasing out of chemical weapons in the Middle East would include a MoU to eliminate stockpiles in the context of a generally signed agreement among those who have CW. This would be followed by a MoU for non-development of CW for everyone in the region. To ensure countries are eligible to sign, verification, perhaps by an organisation such as the Verification or Inspectorate Divisions of the Organisation for the Prohibition of Chemical Weapons (OPCW) would follow. Finally, the states in the Middle East would sign an agreement banning chemical weapons in the region as a first step to building trust and moving towards establishing a MEW MDFZ.

¹⁵ For more information on the military utility of BW, see Kathryn McLaughlin and Kathryn Nixdorff (Eds), *BWPP Biological Weapons Reader*, Geneva: BioWeapons Prevention Project (2009), p. 10-11, http://www.bwpp.org/documents/BWPP%20BW%20Reader_final+.pdf

¹⁶ For more information on the place of WMD programmes in Syria's security policy see Michael Elleman, Dina Esfandiary, Emile Hokayem, *Syria's Proliferation Challenge and the European Union's Response*, Non-Proliferation Papers, No.20 (July 2012), p. 2-3, <http://www.sipri.org/research/disarmament/eu-consortium/publications/Nonproliferation-paper-20>.

6. Conclusion

The goal of establishing a MEWDMFZ has existed for many years but very little has been accomplished to make it happen. The changes the region has witnessed in the past two years have made this endeavour both more important and less likely. It has also become clear that tackling the zone as a whole, with the aim to ban all WMDs and simultaneously address all security concerns has become unrealistic. Aiming to build confidence between states in the region through the incremental phasing out of WMDs is the only available option. Starting with CW will ensure that the region has set an achievable goal that is still significant enough, both nationally and regionally, to ensure that trust is built and the region is one step closer to a WMDFZ.