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EXTERNAL ACTORS IN NUCLEAR WEAPON FREE ZONES: LESSONS FOR THE MIDDLE EAST

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Abstract

This paper aims to examine the role of external powers towards nuclear weapons free zones (NWFZs) and to find lessons learned that can be useful in light of the proposal to establish a similar arrangement in the Middle East. The nuclear weapons states (NWS) are called to play a role in the process, being in a position to provide negative security assurances to the prospective zone. Nonetheless, their resistance to do so in the past can be a problem for the Middle East.

A comparative analysis of the previous NWFZs showed that some obstacles encountered in the past are posed to be problematic for regional denuclearization: freedom of the seas, transit rights, military bases and existing security arrangements. While on the one hand Middle Eastern states should recognize the need for flexibility in negotiating the treaty, on the other, the NWS would be well advised to provide their support to the effort. A thorough reexamination of the NWS approach to negative security assurances is needed, both globally and regionally, where they can be a basis to reach an agreement.

Introduction[1]

Eliminating the fear of a nuclear weapons exchange or of an atomic arms race is a long-held goal in the Middle East. The proposal to establish a nuclear weapon free zone (NWFZ) in the region has been on the floor of the international community for some 35 years now, although substantial breakthrough has yet to materialize. Various elements apparently point to the fact that such aim is nothing but a utopia: the Middle East is one of the most conflict-ridden areas of the world, dominated by a security dilemma that led to heavy armaments both conventional and not. Deeply-rooted hostility and lack of trust complement this, undermining possible steps forward.

The failure to achieve progress on both arms control and the peace process are elements of a vicious circle that needs to be broken if regional security is to be established. Even if security among the parties should be a prerequisite of arms control agreements and not one of its results, nothing precludes the fact that the two dossiers proceed in parallel. The status quo is unstable and its prevailing alternative strategies could be even worse.[2]

It is thus necessary to rethink the incentives of regional states and ensure that they can break out of the impasse and build a framework where all parties gain security. This task is even more urgent given that in 2012 there shall be a conference mandated by the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Object of the conference will be to discuss the establishment of a zone free of nuclear and other weapons of mass destruction in the Middle East and all regional states should attend, including Israel, together with relevant global actors.[3]

Nuclear weapon free zones created in the past proved an effective tool to build regional security through the adoption of non proliferation norms rather than by reinforcing the security dilemmas. A similar approach, thus, sounds appealing for the Middle East, where nuclear proliferation has not been adequately tackled by the global regime based on the NPT. Therefore, it is necessary to better understand the NWFZ process, in a way to find lessons learned that can be useful for the upcoming Middle East debate. The nuclear powers are

[1] As this work is to be still considered as a work in progress, comments and critiques are the most welcome. Please write to robertamulas@ymail.com

[2] Claudia Baumgart and Harald Müller, "A nuclear weapon-free zone in the Middle East: A pie in the sky?," *The Washington Quarterly*, Vol. 28, Issue 1 (Winter 2004-5), pp. 45-58.

[3] 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final *Document* (NPT/CONF.2010/50), New York, 2010.

required to play a special role in this process as they would be the ones in a position to provide the region with negative security assurances.

After briefly outlining the concept behind NWFZ, I will look at what these frameworks require on the part of the nuclear weapons states (NWS), namely the pledge not to use nuclear weapons against areas committed not to hold them. Comparing past experiences, I will try to understand when and why the NWS have not been supportive of the regional denuclearization regimes. This will help to devise a map of contentious elements that prevented the full application of existing NWFZ treaties and that should be considered in the Middle East case.

On the other side, this analysis will also try to shed some light on the shortcomings of the NWS approach to the issue of NWFZ and negative security assurances in general. On the assumption that international norms are powerful determinants of non proliferation and denuclearization, I will evaluate the record of NWS with regard to security assurances.[4] The position of the United States will be examined more at length, given its paramount importance in the Middle East and its potential to be the key external player in the event of a negotiation of a zone free of nuclear weapons in the region.

[4] Harald Müller and Andreas Schmidt, "The little-known story of deproliferation: Why states give up nuclear weapons activities," in William Potter and Gaukhar Mukhatzhanova (eds.), *Forecasting Nuclear Proliferation in the 21st Century* (Stanford, California: Stanford University Press, 2010), pp. 124-158.

Framing the discussion: the Middle East, NWFZs and external actors

This paper does not aim to consider the wide range of obstacles behind the implementation of the Middle East zone, but rather to concentrate on what role the external actors can play and how that affects the prospects for the zone. In this section I will try to provide a framework to understand the problems that I am going to tackle. I will first refer to the literature on the Middle East denuclearization proposal, to frame where we stand and what is the state of the art. Then, I will turn to a brief overview of the main theoretical contributions on nuclear acquisition, in order to embed the issue of nuclear restraint and reversal in a wider context. Finally, I will highlight some of the characteristics of the regional denuclearization approach, addressing the role that in such agreements is played by the NWS.

Middle East proliferation picture

The proposal to rid the Middle East of nuclear weapons dates back to 1974, when Egypt and Iran introduced a resolution to that effect in the agenda of the United Nations general Assembly. From then on, the item has been discussed every year and, since 1980, it gets approved by consensus, including the vote of Israel, the only country in the region not party to the NPT and with an alleged nuclear arsenal.[5] In parallel, the issue started to attract the attention of researchers, with the important early contributions of Mahmoud Karem[6] and of a UN report issued in 1991.[7] At the same time the proposal was also redefined, when Egyptian President Hosni Mubarak called for the elimination of all weapons of mass destruction (WMD) and their means of delivery in the Middle East. With 1995, the issue was taken upon by the NPT Review and Extension Conference, where it was decided that progress should be made in the NPT context, despite the absence of Israel. Although this was followed by the accession to the treaty of all Arab states, the lack of progress led to frustrations on their part.

[5] The Israeli government neither denies nor confirms its nuclear weapon possession. In this essay I follow the widespread assumption that Israel does have a nuclear arsenal. (Avner Cohen and Marvin Miller, "Bringing Israel's bomb out of the basement," *Foreign Affairs*, Vol. 89, Issue 5, September/October 2010 and Shlomo Ben Ami, "Nuclear weapons in the Middle East: The Israeli perspective," International Commission on Nuclear Non-Proliferation and Disarmament Research Paper, September 2009.)

[6] Mahmoud Karem, *A Nuclear-Weapon-Free Zone in the Middle East: Problems and Prospects* (New York: Greenwood Press, 1988).

[7] Department of Disarmament Affairs, Report to the Secretary General, "Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-Weapon-Free Zone in the Middle East," *Disarmament Study Series* no. 22, A/45/435 (New York: United Nations, 1991).

At the 2010 summit, then, they insisted for more concrete steps and obtained the mandate for the 2012 conference.

The obstacles that a prospective Middle Eastern NWFZ or WMD free zone face are many. They are deeply entrenched in the complicated net of conflicts and mutual hostility that dominates the region, from the Arab-Israeli dispute to inter-Arab rivalries and the enmity between Iran and most of its neighbors. Not only the region has been ridden with conflict, but it has also been a hot spot for proliferation of weapons of mass destruction, making their elimination more needed and difficult at the same time. As noted by Parrish and du Preez, the establishment of a NWFZ in the Middle East is an especially daunting question because it would have to involve the dismantlement of the alleged Israeli nuclear weapon program.[8]

The nuclear weapons of Israel are the most obvious stumbling block and finding ways to convince Jerusalem to give up such capability will not be easy, as it is considered the ultimate protection against annihilation. Another concern regards Iran, who was found in breach of the IAEA safeguards and failed to give satisfying assurances that its drive for nuclear technology was only peaceful. Whereas it is unclear if the leadership in Tehran is convinced about pursuing weapons, it is certainly equipping itself with at least a virtual capability to "break out" in case it so decided.[9] Furthermore, fears grow that major Arab states might be willing to pursue a nuclear weapon (or capability thereof) in response to actions by Iran or Israel. The concern is even more concrete as many states in the region are embarking on nuclear projects for electricity production, following the global trend of nuclear renaissance.[10]

Various issues have been given consideration by the literature:

Regional vs. global: Egypt is especially vocal in its demand that Israel disarm and accede to the NPT as a NNWS, something that came out during arms control discussions in the framework of the Madrid Process, in the early 1990s.[11] The position of the Jewish state is that the various failures of the system, which proved unable to stop or detect the nuclear activities of Iraq, Libya, Iran and Syria, make the NPT a bad solution for the region.

[8] Scott Parrish and Jean du Preez, "Nuclear-weapon-free zones: Still a useful disarmament and nonproliferation tool?", *Weapons of Mass Destruction Commission*, Paper no. 6.
[9] Anatol Lieven, "Confidence-building measures: Lessons for the Middle East," *International Relations*, Vol. 22, No. 3, 2008, pp. 369-374.
[10] Mark Fitzpatrick, "Will nuclear energy plans in the Middle East become nuclear weapons strategies?" *International Relations*, Vol. 22, No. 3, 2008, pp. 381-385
[11] Shai Feldman, *Nuclear Weapons and Arms Control in the Middle East* (Cambridge, MA: MIT Press, 1997).

Discrimination: As highlighted by Ibrahim Karawan, Arab states are also not satisfied by the nonproliferation regime because of its discriminatory character.[12] A regional approach could thus provide a good answer, as it would not coincide with the NPT and would be non-discriminatory, with nuclear weapons forbidden to all parties.

Conditionality: Israel's accession to the NPT has also been put as a condition to access or ratification of other international disarmament agreements such as the African NWFZ, the Comprehensive Test Ban Treaty (CTBT), the anti-biological and anti-chemical weapons conventions as well as the Additional Protocol. Other states in the region have taken similar steps either to hold a bargaining chip in the face of Israel or to maintain a strategic deterrent vis-à-vis the Jewish state.[13]

Sequencing: Previous NWFZ have always been negotiated among states that talked to each other and were in the process of establishing some framework of regional cooperation beyond arms control. This is obviously not the case in the Middle East. Thus, the long-held position of Israel, which opposes negotiating the zone in the absence of regional peace and recognition of the Jewish state.[14]

The NWFZ approach

In the 1960s it was a common belief that by the next decade many more countries would have joined the nuclear club, bringing the total number to 20 or more. This dire prospect was avoided and in 1968 the Treaty on the Non Proliferation of Nuclear Weapons (NPT) was signed, freezing the number of allowed militarily nuclear states to five: the United States, the former Soviet Union, France, China and the United Kingdom. While all the other signatories committed not to acquire or receive atomic weapons, they were granted the promise of disarmament by the NWS as well as access to the peaceful uses of nuclear fission. Even with strains and weaknesses, the NPT survives to these days and was indefinitely extended in 1995, it is the most universal treaty with its 189 parties and it proved quite effective in curbing proliferation. Not only that, but some states also signed regional agreements to upgrade their nonproliferation commitment.

[12] Ibrahim Karawan, "The case for a nuclear-weapon-free zone in the Middle East," in Ramesh Thakur (ed.), *Nuclear Weapons-Free Zones* (New York: Palgrave, 1998).
[13] Nabil Fahmy, "The Middle East nuclear paradigm and prospects," International Commission on Nuclear Non-Proliferation and Disarmament, Regional Meeting, Cairo, September 2009.
[14] Gerald Steinberg, "Realism, politics and culture in Middle East arms control negotiations," International Negotiation, Vol. 10, 2005.

There are at the moment five nuclear weapon free zones (NWFZ) in force in inhabited parts of the world, most of them in the Southern hemisphere. They cover Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga), Southeast Asia (Treaty of Bangkok), Africa (Treaty of Pelindaba) and Central Asia (Treaty of Semipalatinsk).[15] Although each originated from different situations and change in some provisions, all treaties share three norms: non-possession, non-stationing and non-use (or threat of use) of nuclear weapons within the zone of applicability. As argued by Jozef Goldblat, NWFZs contribute to curbing proliferation to the extent that the motivation to seek nuclear weapons derives from regional considerations.[16] NWFZs are regarded as an extremely useful tool of the non proliferation regime that can be adequately crafted to meet regional peculiarities while advancing the global norm against the spread of nuclear weapons.[17] Moreover, they fill areas left unregulated by the NPT, such as banning the deployment and testing of nuclear weapons, while also fostering broader regional cooperation.[18]

Moreover, as noted by Ramesh Thakur, NWFZ are legal mechanisms for non-proliferation but they also work as political stepping stones towards disarmament.[19] In fact, excluding the treaties of Rarotonga and Bangkok, all other zones have been established among parties that held some nuclear aspirations or capabilities. The African zone includes South Africa, which had for years a covert nuclear program and a small atomic arsenal. In Latin America both Brazil and Argentina possessed an extensive nuclear infrastructure and were not too far from producing weapons. Finally, in the most recent agreement of Central Asia, Kazakhstan hosted 1,410 deployed nuclear weapons when the Soviet Union collapsed in 1991. All of these countries represent success stories of effective denuclearization and it is significant that they all are now part of NWFZ.

There is no theory specifically addressing the elements that promote NWFZs, but a variety of scholars contributed to explain nuclear acquisition, restraint and reversal. While the structure of the international system is the factor chosen by some, other approaches concentrate on

[15] Also Mongolia declared its non nuclear weapon status, while treaties were established to sanction the denuclearization of the Antarctic and of the Seas bed.
[16] Jozef Goldblat, "Nuclear-weapon-free zones: A history and assessment," *The Nonproliferation Review*, Spring-Summer 1997, p. 30.
[17] James Leonard and Jan Prawitz, „The Middle East as a NWFZ or WMDFZ application," Excerpts from Pacifica Review, Vol. 11, No. 3, Oct. 1999.
[18] Scott Parrish and Jean du Preez, "Nuclear-weapon-free zones: Still a useful disarmament and nonproliferation tool?", *Weapons of Mass Destruction Commission*, Paper no. 6.
[19] Ramesh Thakur, "Stepping stones to a nuclear-weapon-free world," in R. Thakur (ed.), *Nuclear Weapons-Free Zones* (New York: Palgrave, 1998), p.3.

domestic concerns, bureaucracy and leaders' psychologies and still others focus on the spread of norms.[20]

The neorealist prediction that nuclear weapons would be the weapon of choice of states subject to an external threat has not been vindicated by reality, as almost all countries refrained from going nuclear. Yet, security has been a powerful motivation leading to nuclear reversal of South Africa and Libya.[21] On the other hand, neoliberal interpretations pointed out to the role of international institutions such as the NPT in mitigating security dilemmas. States sensible to the benefits that accrue to the well-behaving members of the international system would then be less likely to proliferate. Prestige, nonetheless, is another powerful determinant of weapons possession, even though its interpretation widely depends from national factors.

As argued by Etel Solingen, democratic structures are also usually associated with denuclearization instances, as they foster liberal, outward-looking coalitions that tend to value the cost rather than the benefit of nuclear weapons or ambiguity, as was the case in Brazil and Argentina[22] Yet, it is also true that the further spread of the norm against nuclear acquisition tended to put more constraints on states seeking a military option and that more and more countries aimed to be considered as well-behaving parties of the international community. On the assumptions outlined by Müller and Schmidt, norms are powerful determinants of nuclear acquisition, combined with the degree of democracy of political systems. Pariah states, thus, are more likely to proliferate:

> "an isolation from the international community that makes an existential security threat even more ominous and, at the same time, reduces the effect of the norms that the international community propagates. Isolated, autocratic regimes, in addition, are prone to paranoid attitudes that push them even more in the direction of nuclear weapons."[23]

The insights added by each perspective are useful, even if none of the theories sketched above seems to provide an answer to all cases of nuclear acquisition or restraint.

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[20] For an overview of the contemporary debate on nuclear acquisition, see Scott Sagan, "The causes of nuclear weapons proliferation," *Annual Review of Political Science*, Vol. 14, 2011, pp. 225-244, Tanya Ogilivie-White, "Is there a theory of nuclear proliferation? An analysis of the contemporary debate," *The Nonproliferation Review*, Fall 1996, pp. 43-57 and Jacques Hymans, "Theories of nuclear proliferation: The state of the field," *The Nonproliferation Review*, Vol. 13, No. 3, 2006, pp. 455-465.

[21] Sara Kristine Eriksen and Linda Mari Holøien, "From proliferation to peace: Establishing WMD-Free Zone in the Middle East," Nonproliferation Review, Vol. 17, No. 2, July 2010.

[22] Etel Solingen, "Middle East denuclearization? Lessons from Latin America's Southern Cone", *Review of International Studies* (2001), 27.

[23] Müller and Schmidt, *op. cit.*, pp. 152-3.

Introducing the external actors

It is well understood that until the regional countries do not see NWFZ to be in their best interest, such proposals will lead nowhere. Superpower commitments were insufficient to persuade North Korea, Iraq, Pakistan, or Israel to abandon their nuclear weapons programs and they played no role in the decision of Egypt, Argentina, Brazil, or South Africa to reverse ambiguous nuclear stances.[24] What external powers can do is therefore limited. Although the decision to go nuclear is ultimately a national one that can be fully understood through an analysis of its domestic deliberation, I will argue that there is a role that can be played by external powers. These, and especially the nuclear weapons states have an impact on the perception of security and prestige in regional settings where their influence extends. It is time to reflect on how they can have a positive role in the process.

The NWS hold a special responsibility in the process that should lead to the denuclearization of the Middle East, as the United States, Russia and the United Kingdom are the supporters of the 1995 resolution. Moreover, I argue that external powers can help the regional states to see a benefit in the zone under discussion. This is particularly true for the Middle East, where the superpowers played an important role in the conflict formation: through arms supplies they altered the distribution of power, they – and particularly the United States – directly intervened in inter-state conflicts and in some cases they contributed to the threat inflaming such rivalries.[25] Washington's position will be analyzed in more detail, because of its particular relevance being a de-facto regional power, with its extensive network of bases and of security guarantees to various regional actors.

All the NWFZ now in existence include legally-binding requirements for extra-regional states. Most prominent among them are the commitments of the nuclear weapons states to respect the status of the zones (i.e. no stationing) and not to use or threaten to use their nuclear arsenals against them. This latter undertaking is commonly referred to as negative security assurance (NSA) and is contained in attached protocols that are open for the signature of the five nuclear-weapons states recognized by the Non-Proliferation Treaty. Although each with a specific wording, they all contain the same basic provision against the use (or threat) of nuclear weapons against the parties to the zone.

[24] Solingen, *op. cit.*, p. 385
[25] Barry Buzan and Ole Waever, *Regions and Powers: The Structure of International Security* (Cambridge: Cambridge University Press, 2003), p. 216.

External actors and NWFZ: past problems and challenges for the Middle East

Building on the literature reviewed in the previous part, in this section I will focus more directly on the question of this research: what is the role of external actors in the NWFZ process? As mentioned before, negative security assurances are the mechanism through which the NWS can help the full implementation of NWFZs. Therefore, I will give a brief overview of the negative security assurances that have been provided and then I will turn to the comparative analysis of NWFZs. By looking at the pattern of signature of the NSA protocols attached to the NWFZ treaties, I will try to identify the obstacles which prevented NWS signature or ratification.

Negative security assurances: a brief overview

Negative security assurances are a contentious issue in the disarmament arena, contributing to the never ending quarrels between non-nuclear (NNWS) and nuclear weapons states (NWS). The former complained since the beginning of the nuclear era about their vulnerability and demanded to be ensured against nuclear attacks. While with the signature of the NPT the NWS promised to take action in defense of states threatened with nuclear weapons (positive security assurances) the first step in granting negative security assurances (NSA) was taken in 1978, when the NWS issued unilateral, non-binding statements, which also included exceptions. This was a consequence of the UN General Assembly's First Special Session on Disarmament, which noted that "effective arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons could strengthen the security of those States and international peace and security."[26]

At the NPT Review and Extension Conference, which took place in 1995 further progress was made. To secure the successful extension of the treaty the five NWS reiterated their assurances in unilateral declarations that were subsequently endorsed by a unanimous resolution of the Security Council (984).[27] The exceptions were somehow more limited this

[26] United Nations General Assembly, *Final document of the tenth special session of the United Nations General Assembly* (SSOD-I, Special Session on Disarmament I), New York: United Nations, 1978.
[27] United Nations Security Council, *Resolution 984 on security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons* (S/RES/984), 11 April 1995.

time, but only China gave unconditional assurances to non-nuclear weapon states, as a part of its policy of no-first use (NFU).

The unilateral declarations have been valued as positive albeit insufficient steps forward, as such pledges are political in nature, thus not implying any legal obligation on the part of the NWS. The Nonaligned Movement and various other NNWS pushed for the establishment of legally-binding negative security assurances through the negotiation of a multilateral treaty, with a proposal that is routinely discussed but is still stalling at the Conference of Disarmament since 1980.

In the meanwhile, legally binding NSA have been implemented in the context of the NWFZ treaties, through their protocols. This regional approach has been recommended by some authors as a more promising way to extend NSA. Aside from being legally-binding instead of providing just a political commitment, the protocols bear some validity even through their mere signature (without ratification). The Vienna Convention on the Law of the Treaties, in fact, compels the parties not to act in a manner that would "defeat the object and purpose" of that instrument. [28]

Signing and ratifying the protocols is thus an important act from the perspective of the zone parties, but it presents problems on the part of the NWS. These states have had difficulty to constrain their military options and to weaken their commitment to allies. As argued by one of the most prominent nuclear experts:

> "it often appears as if NWS proclaim their support for the concept of NWFZs, but in practice have a hard time finding any zones that they actually like… More generally, in order for the NWFZs to have the maximum positive impact, it is vital for the NWS to conclude the relevant protocols to the zones and to refrain from issuing signing statements that attach conditions to their Negative Security Assurances."[29]

The NWS are of course not obliged to lend support to the NWFZ treaties, as all international agreements are subject to each state's willingness to accept any commitment. Nonetheless, at a time when the vision of a world without nuclear weapons receives support not only from experts and civil society but also by the same NWS, it would appear as a contradiction to retain the ability to use nuclear weapons against states that refused this capability.

[28] Leonard S. Spector and Aubrie Ohlde, "Negative security assurances: Revisiting the nuclear-weapon-free zone option," *Arms Control Association*, April 2005.

[29] William Potter, Remarks by Professor William C. Potter to the Second International Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free-Zones and Mongolia (United Nations, April 30, 2010), *James Martin Center for Nonproliferation Studies*, http://cns.miis.edu/activities/pdfs/100503_potter_remarks_nwfz_conf.pdf

Criteria for nuclear weapon free zones

There are some elements that render such acceptance more likely and we should explore them in order to understand what could constitute an obstacle to a NWFZ (or WMD free zone) treaty for the Middle East region. As far away as this objective might be, it is still useful to look at the past to imagine what obstacles might lay ahead.

An indication of what lies behind the refusal to support NWFZs can be found in the guidelines for acceptable NWFZs. In 1975, the UN General Assembly produced a set of criteria that are recommended for the establishment of nuclear-weapon free zones:[30] The United States, not satisfied by the UN list, set its own criteria which should provide a hint of when it will support NWFZs.[31] The two lists are highlighted in the table below.

United Nations	**United States**
Zones can be as **small** as one county	Initiative comes **from region** concerned
Effectively assures nuclear free status	**Participation** of all important states
Initiative from within the **region**	Adequate **verification** of compliance
All militarily significant states should **participate**	Does not disturb existing **security arrangements** to the detriment of regional and international security
Effective **verification** system	**Effectively** prohibits nuclear explosive devices
Promote development through **cooperation** in nuclear power	Respects rights recognized by **international law** (freedom of navigation in the high seas, international airspace, in straits, and the right of innocent passage in territorial waters)
Unlimited duration	Upholds right of parties to grant or deny **transit** privileges (port calls and overflights)

As we can see, most of the provisions are shared, but the basic difference between the UN and the US guidelines lies in three elements: the protection of the security arrangements that might include states in the region, the possibility to request transit privileges and the respect of international law concerning navigation, airspace and innocent passage.

[30] United Nations General Assembly, 2437th Meeting, Resolution 3472 B (XXX), *Comprehensive study of nuclear-weapon-free zones in all its aspects* (A/RES/3472(XXX)[B]), 11 December 1975.
[31] "Remarks of U. S. Delegation to the Central Asian Nuclear Weapon Free Zone Conference," Tashkent, Uzbekistan, September 15-16, 1997, in *Nuclear Threat Initiative,* http://www.nti.org/db/nisprofs/shared/canwfz/usstate.htm

The United States pointed out that NWFZ treaties are meant to enhance regional and international security and cannot therefore undermine or conflict with previous agreements that support international security and stability. Washington considers, furthermore, that the treaties should not impede the sovereign right of states to allow or deny innocent passage of territorial waters and airspace by foreign vessels or aircraft, or visitation by such vessels and aircraft to airfields and ports, as this does not amount to deployment or stationing of nuclear explosive devices. Finally, the last requirement is that NWFZ do not conflict with international law, thus not seek to impose limits and obligations to areas over which no treaty party enjoys sovereignty, such as international waters.[32]

Lessons learned: obstacles to NSA

Precisely these are the elements that proved to be the main obstacles to NWS support of NWFZ treaties. While accepting the commitments not to station and to threaten or use nuclear weapons, the NWS wanted to avoid constraining their options. The different behavior of NWS vis-à-vis NWSFZ protocols will be reviewed in light of the UN and US criteria. The table below illustrates the pattern of signature and ratification of the NSA protocol for each of the NWFZ treaties.

Table 1: Status of signature and ratification by nuclear weapons states of negative security assurances protocols to the treaties establishing nuclear weapon free zones

	China	France	Russia	United Kingdom	United States
Treaty of Tlaletlolco (Latin America and the Caribbean)	1973 1974	1973 1974	1978 1979	1967 1969	1968 1971
Treaty of Rarotonga (South Pacific)	1987 1988	1996 1996	1986 1988	1996 1997	1996
Treaty of Bangkok (Southeast Asia)					
Treaty of Pelindaba (Africa)	1996 1996	1996 1997	1996 2011	1996 2001	1996
Treaty of Semipalatinsk (Central Asia)					

Freedom of the seas – Firstly, this means maintaining the right to pass through international waters and airspace with vessels or aircrafts that might be armed with nuclear weapons. Freedom of the seas presented a problem already in the Tlatelolco Treaty, whose area of application covered ample portions of the Atlantic and Pacific Oceans. All the NWS stated

[32] *Ibid.*.

that they would not accept restrictions of their freedom of navigation in the high seas, thus demonstrating that they can modify the NWFZ provisions when they interpret them against international law.[33] While all the NWS ratified the protocol granting NSA to Latin America, the opposite happened with the Treaty of Bangkok. It stipulated that not only the land and territorial waters of Southeast Asia should be denuclearized, but also the exclusive economic zone (EEZ) of the parties, corresponding to 200 miles from the coast. This was considered too restrictive by the NWS and the United States in particular expressed concerns that signing the protocol would undermine the free-passage of its vessels and interfere with the UN Law of the Seas Convention.[34]

Transit rights – the right of NWFZ states to grant or deny the transit of foreign ships and aircrafts in their ports and airfields posed yet another question. It was a contentious issue even in the Tlatelolco Treaty, fostering opposition between the United States, which pushed for retention of such right, and China and the Soviet Union, who were of the opinion that allowing transit would be contrary to the treaty's objectives. In the Treaty of Rarotonga, on the other hand, the drafting team wanted a document that would stand the greatest possibility of being endorsed by the NWS. "The Australian negotiators took every care to ensure that the treaty upheld the right of individual member states to permit port calls by nuclear-armed vessels."[35] Their intention was to make a clear distinction between stationing (both by parties to the treaty and external actors) and the respect of sovereign rights to continue collective security arrangements with external powers.[36] This depends from a lack of definition of what constitutes nuclear stationing: under all present NWFZ, a NWS is allowed to visit the ports and airfields of allies and friends, subject to their agreement. Since the NWS refuse to deny or confirm the presence of nuclear weapons on their ships or aircrafts, it means that such armaments can actually be present on the territory of NWFZ. As Goldblat points out, it is not clear how these visits actually differ from stationing, since the treaty puts no limits to their duration or frequency.[37]

[33] UNIDIR (ed.), *Building a Weapons of Mass Destruction Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences*, (Geneva: United Nations, UNIDIR, 2004), p. 58.
[34] Appendix E: Nuclear-weapon-free zones in Rodney W. Jones, Mark G. McDonough with Toby F. Dalton and Gregory D. Koblentz, *Tracking Nuclear Proliferation: A guide in maps and charts* (Washington, DC: Carnegie Endowment for International Peace, 1998), p. 303.
[35] Michael Hamel-Green, "The South Pacific – The Treaty of Rarotonga," in R. Thakur (ed.), *Nuclear Weapons-Free Zones* (New York: Palgrave, 1998), p. 64.
[36] David Sadleir, "Rarotonga: in the footsteps of Tlatelolco", *Australian Foreign Affairs Record*, Vol. 57, No. 9 (1987), pp. 492-495.
[37] Goldblat, *op. cit.*, p. 23.

Russia and China had signed and ratified Protocol II of the Rarotonga Treaty in the 1980s, a few years after the entry into force of the treaty. It is noticeable that in this case China submitted an understanding that it might reconsider its obligations in case a NWS or a party took action in gross violation of the treaty or protocols that changed the status of the zone. Russia wanted to state a similar exception, aside from the usual cold war clause, but in the end ratified without further references.

Testing – Even with their transit rights, security arrangements and freedom of the seas requirements being met, the United States withheld support of the South Pacific zone for over ten years, in a show of solidarity with France that also involved the United Kingdom. The three Western NWS, in fact, only signed the protocol in 1996, after the French decision to stop testing nuclear weapons in the area and to start abiding by the Comprehensive Test Ban Treaty (CTBT).[38] As it was argued under the Clinton administration, other reasons prevented the US from joining the protocol, namely an unwillingness to constrain an eventual resumption of testing and to encourage the spread of NWFZ to other areas, especially Europe.[39]

Bases – The Treaty of Pelindaba, that establishes the African nuclear weapons free zone, was opened for signature in 1996 but only entered into force in 2009. All NWS have signed the NSA protocol to the treaty, but the United States has not ratified it and Russia did so only recently. In line with the Rarotonga Treaty, Pelindaba respects the freedom of the seas and transit criteria. The contentious issue in this case is the presence of a US military base in the treaty area. The Diego Garcia island, which hosts the base, is part of the Chagos Archipelago, whose sovereignty is contested by the United Kingdom and Mauritius. Although the treaty explicitly states that the issue should be solved outside the framework of the NWFZ, both the United Kingdom and the United States noted that they do not consider the application of the zone to extend to the island. As a result Russia deemed that the treaty does not meet the requirement of nuclear-weapon-free territories and withheld ratification until 2011.[40]

Security arrangements – With regard to the Semipalatinsk Treaty, covering the five former Soviet Central Asian republics, the outstanding issue preventing NWS approval has been the existence of previous security arrangements. The United States, together with the other two

[38] Jones et al., *op. cit.*, p. 302.
[39] Robert Bell, Press Briefing by Bell on South Pacific Nuke Free Zone, The White House, *Office of the Press Secretary*, March 22, 1996.
[40] Noel Stott, "Nuclear Non-Proliferation in the Middle East: Lessons from the Treaty of Pelindaba", from the proceedings of the conference Prospects for Nuclear Non-Proliferation and Disarmament: Beyond the 2010 NPT Review Conference and the Nuclear Security Summit, Cairo (Egypt), 19-21 October 2010.

Western NWS, objected to the drafting and tried to dissuade the Central Asian states from signing the treaty. In their view the problem is that the zone does not affect obligations under existing security agreements and thus endorses the continued operation of the 1992 Tashkent Treaty. This binds Russia to Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan and requires the parties to provide each other assistance in case of aggression, including military action.[41] In what appears to be a contradiction, the respect of existing security arrangements, a principle included in the US criteria, seems to be upheld when it regards alliances involving Washington but not Moscow.[42] None of the NWS has until now signed the protocol to the Central Asian NWFZ.

Some movement on the ratification front is starting to emerge. In March 2011 the Russian Duma ratified the protocol to the Pelindaba Treaty, extending NSA to the African continent, although with a reservation not to apply to Diego Garcia.[43] The United States followed suit, submitting the instruments of ratification of the Treaties of Rarotonga and Pelindaba to the Senate.[44] The move, announced at the 2010 Review Conference of the NPT, was made true in May 2011.[45]

[41] Marco Roscini, "Something old, something new: The 2006 Semipalatinsk Treaty on a nuclear weapon-free zone in Central Asia," *Chinese Journal of International Law*, Vol. 7, No. 3, 2008, p. 620.
[42] Scott Parrish and William Potter, "Central Asian states establish nuclear-weapon-free zone despite US opposition," *CNS Research Story*, September 8, 2006
[43] NTI, "Russia ratifies African nuke-free zone pact," *Global Security Newswire*, March 14, 2011.
[44] NTI, "Nuke-free zone pacts submitted to U.S. Senate," *Global Security Newswire*, May 3, 2011.
[45] U.S. Department of State, "U.S. opening statement announcements at the NPT Review Conference," *Office of the Spokesman,* May 3, 2010.

Providing security to the Middle East: how external actors can help

The final section will be devoted to the application to the Middle East of what outlined above. The lessons learned from the previous NWFZ experiences seem relevant for the Middle Eastern region as well. Moreover, given the paramount importance of one external actor – the United States – in regional and in nonproliferation politics, more attention will be given to its case. I will try to outline the ups and downs in the security guarantees it extended to the region and some more lessons will be drawn.

Middle East: minimalistic approaches win

It is understood that external states have a right to grant or withhold approval of NWFZ. But extending legally binding security guarantees to states that forswear the pursuit of nuclear weapons is a viable way to undermine the possible incentives to build nuclear weapons as well as to limit the role of existing atomic arsenals. Security Council Resolution 984 "recognizes the legitimate interest of all non-nuclear-weapon States under the NPT to receive security assurances."[46] Regarding the Middle East, the UN also stressed that the willingness of nuclear powers to provide such assurances could give regional states the "necessary encouragement to face the risks a zone would inevitably entail."[47]

Given that the nuclear states in some cases have not been willing to extend legally-binding security guarantees, flexibility will be needed on the part of the zone negotiators in order to ensure NWS approval for the NSA protocol rather than imperiling their acceptability by setting unachievable aims. The trend evidenced by previous experiences shows that the NWS will not accept reduction of their freedom of the seas exceeding the territorial waters of zonal countries. Consequently, the proposed Middle East zone would probably have to accept the right of navigation of foreign ships – possibly carrying nuclear weapons – in the sea areas beyond their jurisdiction as well as in the international straits (straits of Gibraltar, Bab al Mandab and Hormuz) and in the Suez Canal.[48]

[46] United Nations Security Council, *Resolution 984, op. cit.*.
[47] Department of Disarmament Affairs, *op. cit.*, p. 30.
[48] *Ibid.*, p. 16-17.

Moreover, the issue of transit rights will also be a contentious one, as the NWS will probably insist to keep the possibility to visit the ports and airfields of regional states, subject to their consent. Opposition is to be expected from some capitals of the Middle East, where concerns would remain over a NWFZ with nuclear weapons actually present near their borders. A reconsideration of nuclear stationing is well overdue, but, as problematic as it remains, it should be recognized that all treaties share the transit provision.

Closely related are the questions of bases and existing security arrangements. Unlike the Semipalatinsk Treaty, in the Middle East case the three Western NWS should have no objection as they are the external actors holding security arrangements with countries included in the perspective zone. Although the United States are the most involved in the security of the region, both the United Kingdom and France have defense agreements with several Gulf States aside from providing them with arms and military training and assistance.[49] As a further signal of commitment to their security, Paris opened a military base in the United Arab Emirates in 2009.[50]

Especially for what concerns the Gulf, the US presence is not only virtual (alliance or friendship commitments) but also factual (military bases and involvement in regional scenarios in Iraq and Afghanistan). In the 1990s the United States were able to extend a wide network of bases and forces to the Gulf, in a move that was beneficial both to their interests and to the strategic concerns of zonal states.[51] In Kuwait the US holds major air and staging forces for its operations in Iraq. Bahrain hosts the Fifth Fleet of the US Navy, while in Qatar there are the forward headquarters of the US Central Command as well as an important airbase. Other facilities for support, prepositioning and other tasks are also present in the United Arab Emirates and in Oman.[52]

With its 150,000 troops housed in the region, extensive arms sales and a commitment to the security of Israel and of the Gulf, the US is also influencing heavily the balance of power.[53] Washington has been a security partner of Saudi Arabia since 1945, but only after the 1970s it

[49] Emile Hokayem, "Extended deterrence in the Gulf: A bridge too far?," *Perspectives on Extended Deterrence*, Foundation pour la Recherche Stratégique, Recherches et Documents, N° 03/2010.
[50] Bruno Tetrais, "Security guarantees and extended deterrence in the Gulf region: A European perspective," *Strategic Insights*, Vol. III, Issue 5 (December 2009).
[51] James Russell, "Regional threats and security strategy: The troubling case of today's Middle East," *Strategic Studies Institute*, November 20, 2007, p. 13-14.
[52] Anthony Cordesman, "The Gulf military balance in 2010: An overview," *Center for Strategic and International Studies*, Working Draft, April 22, 2010.
[53] Anoushiravan Ehteshami, "Iranian perspectives on the global elimination of nuclear weapons," *Palestine-Israel Journal*, Vol. 16, No. 34, 2010.

assumed greater responsibility as a consequence of the British withdrawal from the region. With the Carter Doctrine of 1980 Washington spelled out the importance it attaches to the protection of the Gulf, going as far as military intervention. Nonetheless, the extent of the US guarantees to regional security was maintained ambiguous in an effort to preserve flexibility.[54]

Aside from the commitment to Saudi Arabia, Israel, Egypt, Jordan, Bahrain and Kuwait all have the relevant status of major non-NATO allies. Although it is not clear to what extent these agreements imply the use or threat of nuclear weapons in defense of the lesser allies, it is certainly an element that a potential attacker would take in consideration. As argued by various scholars, any alliance with a nuclear power has a nuclear component, even when this is not spelled out clearly as in the case of the Middle East.[55]

NSA exceptions

Aside from refusing to lend support to the protocols of some NWFZ, the nuclear powers have also set conditions to the ones they approved. The second meeting of the parties to NWFZs, in fact, encouraged the NWS to withdraw the reservations that have been attached to their signature (or ratification) of the protocols.[56] Analyzing when and why the NWS have restricted NSA calls into question the broader issue of the role and purpose of nuclear weapons, that is not to be tackled in this paper. [57]

While only China completely abandoned the option to target NWFZs with nuclear arms, all other NWS introduced some exceptions to their NSAs, both in the unilateral declarations and by making reservations to the protocols. The most common exception is the so-called **"cold war clause,"** which allows a nuclear response to a NNWS attack if such attack is conducted

[54] Hokayem, *op. cit.*.
[55] James Russell, "Extended deterrence, security guarantees and nuclear weapons: US strategic and policy conundrums in the Gulf," *Perspectives on Extended Deterrence*, Foundation pour la Recherche Stratégique, Recherches et Documents, N° 03/2010; for two contrasting arguments on the role of extended deterrence in the Middle East, see Ariel Levite, "Reflections on extended deterrence in the Middle East," *Perspectives on Extended Deterrence*, Foundation pour la Recherche Stratégique, Recherches et Documents, N° 03/2010 and George Perkovich, "Extended deterrence on the way to a nuclear-free world," International Commission on Nuclear Non-Proliferation and Disarmament Research Paper, May 2009.
[56] Second Conference of Nuclear-Weapon-Free Zones and Mongolia, *Outcome Document*, New York, 30 April 2010.
[57] For a discussion of the no first use policy – which only China adopted – in the future of the United States' nuclear doctrine see the debate sparked on *Survival* by Scott Sagan in "The case for no first use: An exchange," *Survival*, vol. 51, no. 5, October-November 2009, pp. 17-46.

in alliance or association with a NWS. Whereas some think that this is a relic of the cold war and states should eliminate it, such opinion is not universal.[58]

Another interesting issue is that the United States, shortly after stepping up its NSA (through the joint 1995 declaration and the signing of the Pelindaba protocol) also introduced a new exception to their NSA policy. "The negative security assurances given by the Carter administration have been made elastic by the Clinton and George W. Bush administrations in order to accommodate the competing demands of discouraging nuclear proliferation and deterring chemical and biological attack."[59]

On the same day when the US signed the Pelindaba treaty, the White House declared that the protocol "will not limit options available to the United States in response to an attack by a party using **weapons of mass destruction**."[60] While based on the legal norm of belligerent reprisals, the new norm widened the possible targets of the US atomic arsenal. As noted by Bunn, the new exception makes a mockery of the existing and planned commitments to NWFZ treaties, it can undermine US leadership role in nonproliferation efforts, and it "injudiciously extends the importance of nuclear weapons."[61]

The same trend was brought even further by the George W. Bush administration, whose policy of preventive war allowed strikes against states that might be contemplating (even in a distant future) a WMD attack against the US or its allies.[62] During the Bush years, nuclear weapons were also given other roles in the national security strategy towards the region: to reassure allies of the commitment to their security and to dissuade competition from potential rivals. It also implied that "the strategic deterrent was committed to the defense of Israel."[63]

The erosion of the US NSA is being partially reversed by President Barak Obama, who not only espoused the view of a world completely free of nuclear weapons, but also decided to take steps in order to reduce the size and role of the American arsenal. The 2010 Nuclear Posture Review (NPR), in fact, reduces the role of nuclear weapons to only "extreme

[58] For example Jeffrey Lewis, "African nuclear weapon free zone," *Arms Control Wonk*, 17 August 2009, http://lewis.armscontrolwonk.com/archive/2429/african-nuclear-weapons-free-zone
[59] Kurt Guthe, Ten Continuities in US Nuclear Weapons Policy, Strategy, Plan and Forces, *National Institute for Public Policy*, September 2008.
[60] Mike McCurry and Robert Bell, Press Briefing, The White House, *Office of the Press Secretary*, April 11, 1996.
[61] George Bunn, "Expanding nuclear options: Is the U.S. negating its non-use pledges?," *Arms Control Today*, May/June 1996
[62] George Bunn and Jean du Preez, "More than just words: The value of U.S. non-nuclear-use promises," *Arms Control Today*, July/August 2007.
[63] Russell, "Extended deterrence, security guarantees and nuclear weapons," *op. cit.*.

circumstances" to defend the vital interests of the US or its allies and partners. It also commits not to use or threaten to use nuclear weapons against states that are parties to the NPT and in **compliance** with their nuclear nonproliferation obligations.[64]

This reverses previous policies that allowed nuclear use against WMD threats, but falls short of limiting the role of atomic weapons to deterrence. The United States, in fact, reserve the right to respond with nuclear weapons against a non-nuclear attack by a non-complying party to the NPT, in what can be considered as a veiled reference to Iran, the only country now in breach of its nonproliferation duties. There is a precedent of linking compliance to the extension of NSA in the 1995 declarations and the new declaratory policy is an improvement in that it uses norms rather than threats to define the exceptions.[65] Nonetheless, it can still be perceived as a problematic element in Tehran, where tension with Washington remains high.

A special role for the United States: spoiler or game changer?

Another element that would prove problematic in the Middle East proposal is the reliance on extended deterrence to protect its allies and partners in the region. Although such a policy does not explicitly include a nuclear threat, it is clear that any defense arrangement with a NWS has a nuclear component, regardless of its declaratory policy.[66] In addition, in July 2009, Hillary Clinton went as far as referring to the possible extension of a "defense umbrella" over the region.[67] Extended deterrence is considered crucial for non-proliferation because it helps to reassure US allies of its commitment, thus eliminating their need for an independent nuclear deterrent, though this was not effective in the case of Israel. On the other side, it fueled a threat perception in Iran which might be playing a role in its desire to acquire nuclear weapons or the capability thereof.

The US found itself in the uneasy position of having to reassure the Gulf countries of its support, while also minimizing the negative effects on those that are excluded by such guarantees, specifically Iran. Unfortunately, much more emphasis was laid in the extension of

[64] *2010 Nuclear Posture Review Report*, United States Department of Defense, 6 April 2010, p. 15.
[65] United Nations Security Council, *Letter dated 6 April 1995 from the Chargé d'affaires a.i. of the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General* (S/1995/263), 6 April 1995 and United Nations Security Council, *Letter dated 6 April 1995 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General* (S/1995/262), 6 April 1995.
[66] Perkovich, *op. cit.*, p. 3.
[67] Hokayem, *op. cit.*.

the security cover than in the provision of incentives to end a perceived aggressive behavior. The 2010 NPR explicitly retained the option of resort to nuclear threat in the face of an Iranian conventional attack. This was a signal to nervous Gulf Arab states that the US remained committed to their defense.[68]

Nonetheless, as argued by Stephen Walt,

> "excluding Iran in this fashion – which amounts to saying that Iran is still a nuclear target even when it has no weapons its own – merely gives them additional incentives to pursue a nuclear weapons option. In particular, declaring that we reserve the right of "first use" against Iran *now* (when it has no weapons at all), sounds like a good way to convince them that their own deterrent might be a pretty nice thing to have."[69]

Threats of nuclear retaliation on behalf of allies might be a good way to deter Iran from using nuclear weapons against other regional states, but fail in dissuading it from acquiring a nuclear weapon. There is a deep need to find a way to bring Iran in, convincing it of the benefits of accepting international obligations and reassuring the world of its peaceful intention while safeguarding its security.

Extending defense assurances to selected countries appears to be a sub-optimal way of supplying security, as it rewards some countries while threatening others. A better option would be the establishment of a framework that minimizes the security dilemma by entrusting the nonproliferation regime with the protection of the non-nuclear status of the region. A regional undiscriminatory approach might have more possibilities of reassuring the whole region of the commitment of external powers to the increased security of all. The regional approach would also certainly prove problematic because of unresolved disputes at this level, ranging from the Iranian confrontation with Israel and support for anti-Israeli organization to the entrenched hostility with important Arab states.

[68] "U.S. Nuclear and Extended Deterrence: Considerations and Challenges," Brookings, Arms Control Series, Paper 3, May 2010, p. 39.
[69] Stephen Walt, "Nuclear posture review (or nuclear public relations)", *ForeignPolicy.com*, April 6, 2010.

Conclusions

Eliminating the fear of a nuclear weapons exchange or of an atomic arms race is a long-held goal in the Middle East. The proposal to establish a nuclear weapon free zone (NWFZ) in the region has been on the agenda of the international community for over 35 years. However substantial breakthrough has yet to materialize. Various elements apparently point to the fact that such an aim is nothing short of utopia: the Middle East region is one of the most conflict-ridden areas of the world, dominated by a security dilemma that led to heavy armaments, both conventional and otherwise. Deeply-rooted hostility and lack of trust complement this, undermining possible steps forward. The failure to achieve progress on both arms control and the peace process are elements of a vicious circle that needs to be broken if regional security is to be established.

It is unclear what will be the fallout of recent events in the Middle East. Will autocracy give way to democracy and, with it, to increased proliferation-aversion? Or will freedom encourage further criticism of Israel's nuclear policy? While nuclear opacity is being challenged by scholars and journalists, the proliferation clock keeps ticking in the Middle East, where Iran continues enriching uranium despite the Security Council resolutions and Syria grows as a bigger concern.[70] The current situation is untenable and progress in freeing the Middle East from nuclear threats is long overdue.

The frustration of Arab countries should not be disregarded: they signed the NPT hoping to be able to put a check on Israel's nuclear capabilities, but they were sidelined. Although it is not obvious that Arab countries would withdraw from the NPT in case of a lack of progress on the NWFZ dossier, it still remains a possibility. If that happened, not only Israel but also the United States would find themselves in a more delicate position. In any case, the Obama administration seems well-guided in its effort to boost multilateral mechanisms, including the NPT, especially if compared to previous administrations.

Its increased support of existing NWFZs is also a welcome step, which should raise US' credibility at the 2012 NPT-mandated conference on the Middle East. Being crucial in the establishment and implementation of NWFZs, negative security assurances are a legitimate

[70] Avner Cohen, "Israel's nuclear future: Iran, opacity and the vision of global zero," *Palestine-Israel Journal*, Vol. 16, No. 34, 2010.

demand on the part of states assuming non-proliferation obligations that exceed the NPT. A legal commitment by the nuclear powers not to use or threaten to use nuclear weapons against NWFZs is part and parcel of all regional denuclearization Treaties. In the case of the Middle East, given the strategic framework in place, it is unimaginable that regional member countries would adhere to such a zone in the absence of a clear undertaking in that sense by the nuclear weapons states (NWS).

The crucial role of security interests in the Middle East is an important stumbling block for the external nuclear powers, and the United States in particular, who will probably prove reluctant to support a treaty that could restrict its freedom of action to safeguard interests in the area.[71] Yet, a NWFZ is a cheaper and better way to extend security than the present situation. The United States is committed to the protection of its Middle Eastern allies (although to what degree it is not clear) but this same stance creates a threat to those who are unprotected. The importance of declaratory policy cannot be overestimated, yet the sense of isolation felt by Iran is rooted in its strategic situation.

The analysis of past NWFZ experiments shows that there are some issues that are likely to prevent the adherence of NWS to the negative security assurance protocols. Given that it is extremely important for states parties to NWFZ to receive a legal commitment in that regard, it is imperative to craft treaties that will command support. Freedom of navigation is outside the boundaries of possible achievements, as states have no right to prevent others from using the high seas for their purposes, even carrying nuclear weapons. NWS will also most likely resist efforts to limit regional states' ability to award them transit rights of their territories, including port visits and airflight landing. Security arrangements of NWS to regional states are also a complicating factor, since they imply the possibility of resorting to nuclear weapons in defense of their allies or partners. This seems like the most delicate issue for the prospective Middle East zone, but also one that could be used to find areas of agreement.

Therefore, more should be done at various levels to increase the chances of success of a regional denuclearization agreement in the Middle East. First of all, regional states should recognize that past NWFZs made substantial concessions to the NWS, especially in cases where negative security assurances were extended. They should thus avoid limitations that have no prospect of gaining NWS acceptance, unless they aim to produce a document that

[71] Scott Parrish and Jean du Preez, "Nuclear-weapon-free zones: Still a useful disarmament and nonproliferation tool?", *Weapons of Mass Destruction Commission*, Paper no. 6, p. 5.

cannot be accepted by them. On the other hand, the NWS should forcibly support the creation of a NWFZ. Not only a denuclearized Middle East responds to their interests in the region, but it would also represent a possible way to solve the Iranian dispute. Finally, if progress is to be made on the latter, it is of outmost importance to ease the security threat perceived by Tehran. External actors can play that role, with a special responsibility going to the US, both for the resistance to limit its nuclear options and for its regional involvement. This is not to say that Iran should be given guarantees without expecting anything in return. I consider that negative security assurances could provide a basis for the advancement of the agreement. Especially with regard to Iran, this could constitute a central element of a grand bargain to resolve the confrontation around its nuclear program. It is possible to explore ways of linking an extension of US negative security assurances to the Islamic Republic in exchange for enhanced verification of its nuclear infrastructure, including, but not limited to, the Additional Protocol.

External security providers should come to realize that if states commit not to pursue nuclear weapons, it is their right to be spared the risk of a nuclear attack. In the Middle East such a pledge could help in building a security framework that enhances the security of all through the mutual renunciation to the "ultimate weapon."

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