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## **THE MIDDLE EAST AS A WMD-FREE ZONE: A DRAFT TREATY**

**Explanatory note:** 40 years have elapsed since the first idea related to such a zone emerged. Unfortunately, the ME WMD FZ has not been created so far. A lot of meetings have been devoted to debating of the concept of the zone, its basic principles, etc., but not the relevant treaty.

As part of a package of decisions that resulted in the indefinite extension of the nuclear Nonproliferation Treaty (NPT), the 1995 NPT Review Conference 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”.

Among the many challenges facing the proposal to establish a WMD-free zone in the Middle East is the fact that there are no actual examples to emulate. Existing regional NFZ treaties deal only with nuclear weapons, while other categories of weapons of mass destruction (i.e. chemical and biological weapons and their delivery systems) are technically out of the scope and are reflected in the respective international Conventions.

There is a great demand to tackle a draft ME WMD FZ. It can stimulate discussion. It is a concrete proposal.

Herewith I attach such a draft. It has been created in private capacity, as an academic draft. Naturally, constructive amendments and improvements for the draft will be highly appreciated by the author.

The draft has a preamble and operational part consisting of 16 articles.

It engulfs 17 states in the region. The Parties to the Treaty undertake to dismantle and eliminate all weapons of mass destruction, including nuclear, chemical and biological weapons, **before December 31, 2020**.

There might be a disputable issue concerning the WMD delivery systems (missiles and aircraft) because they can perform dual functions – can carry conventional and the WMD munitions. It is doubtful that the regional states would agree to destroy their dual capable aircraft and dual capable missiles. Therefore, the attached draft Treaty prescribes to ban the use of such delivery systems, but not to limit their numbers or to eliminate them. **Prior to dismantlement** of weapons of mass destruction in the Middle East the

subscribing Parties undertake **not to use** weapons of mass destruction, including nuclear, chemical and biological weapons, **against each other**.

The Treaty is a legally binding, verifiable arrangement and of an unlimited duration.

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Draft

## **TREATY ON ESTABLISHMENT OF THE ZONE FREE FROM WEAPONS OF MASS DESTRUCTION IN THE MIDDLE EAST**

The High Contracting Parties,

*guided* by the goals of strengthening peace and strategic stability on a regional and global scale,

*proceeding from assumption* that the establishment of an effectively verifiable regional zones free of weapons of mass destruction, including nuclear, chemical and biological weapons, could produce positive impact upon the regional and global security and stability,

*taking into account* the call of the 1995 Treaty on the Nonproliferation of Nuclear Weapons Review Conference for “the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, and their delivery systems”,

*reaffirming* the importance of the Treaty on the Nonproliferation of Nuclear Weapons and the need for the implementation of all its provisions,

*bearing in mind* that the proposal on the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, has garnered broad international understanding and support,

*believing* that the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, and banning any potential use of their delivery systems will bring stability and trust in the densely populated area of the Middle East,

*also believing* that the Middle East zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, will protect countries in this area against possible nuclear, chemical and biological attacks on their territories,

*have agreed as follows:*

### **Article 1.**

For the purpose of this Treaty the area of the Middle East encompasses the territory of Bahrain, Cyprus, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syria, Turkey, United Arab Emirates and Yemen, their territorial waters and the airspace above their territories and their territorial waters.

**Article 2.**

For the purpose of this Treaty the definitions of weapons of mass destruction, including nuclear, chemical and biological weapons, have been reflected in the relevant bilateral agreements and international conventions.

**Article 3.**

For the purpose of this Treaty a delivery system capable of delivering nuclear, chemical and biological munitions includes any type of missile, military aircraft and any vehicle heavier than air that practically are capable to deliver nuclear, chemical and biological weapons at any distance.

**Article 4.**

Prior to dismantlement of weapons of mass destruction, including nuclear, chemical and biological weapons, in the Middle East as the zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, High Contracting Parties undertake not to use weapons of mass destruction, including nuclear, chemical and biological weapons, against each other.

**Article 5.**

Prior to dismantlement of weapons of mass destruction, including nuclear, chemical and biological weapons, in the Middle East as the zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, the High Contracting Parties pledge not to take, or assist, or encourage any action aimed at an armed attack against nuclear, chemical and biological installations belonging to any High Contracting Party located outside the Middle East as the zone free of weapons of mass destruction, including nuclear, chemical and biological weapons.

**Article 6.**

The High Contracting Parties located outside the Middle East as the zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, undertake not to use any type of weapons of mass destruction, including nuclear, chemical and biological weapons, against any High Contracting Party located in the Middle East as the zone free of weapons of mass destruction, including nuclear, chemical and biological weapons.

**Article 7.**

The High Contracting Parties located in the Middle East as the zone free of weapons of mass destruction, including nuclear, chemical and biological weapons, undertake to dismantle and eliminate all weapons of mass destruction, including nuclear, chemical and biological weapons before December 31, 2020.

**Article 8.**

The High Contracting Parties commit themselves not to possess, acquire, test, manufacture or use any weapons of mass destruction, including nuclear, chemical and biological weapons, after such weapons are being dismantled and eliminated by the date specified in Article 7.

**Article 9.**

For the verification of the implementation of this Treaty a Special Joint Verification Commission comprised of the States parties to this Treaty is to set up. It will produce annually a report on the process of the implementation of this Treaty to be subsequently distributed in the United Nations Organization and can send its inspections teams to any High Contracting Party participating in the Treaty.

**Article 10.**

The Treaty is subject to ratification by any High Contracting Party.

**Article 11.**

Nothing in this Treaty shall be interpreted as to prevent to any High Contracting Party to develop and use nuclear energy for peaceful purposes.

**Article 12.**

Nothing in this Treaty affects:

a) the High Contracting Parties' inalienable rights to individual and collective self-defense that is prescribed by Article 51 of the United Nations Charter; and,

b) the provisions of the United Nations Charter, including those which relate to the maintenance of international peace and security, and also the provisions that are set forth in the High Contracting Parties' joint agreements and declarations and that concern the importance of efforts to prevent a nuclear war and to eliminate a threat to peace.

**Article 13.**

This Treaty is of an unlimited duration.

**Article 14.**

Each High Contracting Party when exercising its state sovereignty has the right, upon the expiration of six months after the submission of a special notification of the other side that has been made beforehand to withdraw from this Treaty, if it will decide that the exclusive circumstances associated with it have placed its highest national interests under threat. This notification must contain a substantiated statement on the exclusive circumstances that the informing High Contracting Party views as having placed its highest national interests under threat.

**Article 15.**

This Treaty enters into force after the exchange of ratification instruments by the High Contracting Parties.

**Article 16.**

This Treaty will be subject to registration in accordance with Article 102 of the United Nations Charter.

Done at.....(the venue and date)

<http://orientalreview.org/2014/11/21/why-is-russia-going-to-skip-the-nuclear-security-summit-in-the-us/>

## **Why is Russia going to skip the Nuclear Security Summit in the US?**

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As has already been reported, Moscow has officially informed those countries that took part in the previous nuclear-security summits, held in Washington in 2010, Seoul in 2012, and the Hague in 2014, that it will not be able to participate in the preparations for the fourth summit, which is scheduled for 2016 in the US.

US President Barack Obama is spearheading those preparations.

*In the past, Russia has always been an advocate, as it continues to be today, for tightening nuclear security.* Since the first summit on this issue four years ago, she has worked tirelessly to prepare for and conduct subsequent high-level meetings of this type. **Moscow has also consistently sought to exploit various multilateral venues for negotiation and discussion in order to promote the summary findings of these forums, because she is aware of the importance of the practical implementation of those findings.**

Russian leaders have been upbeat about the outcomes of previous meetings, believing that the final communiques that were issued express common approaches to key aspects of international cooperation in this area and that important plans for joint work have been drafted. *A pivotal agreement was reached that authorized the leading UN agency dealing with nuclear issues – the IAEA – to play a central role in coordinating the efforts of the international community, since that agency possesses the necessary expertise as well as significant experience in nuclear security.*

But back in October of this year, Russian officials shared with the Americans their doubts about the potentially positive “added value” of this latest forum, which is slated to take place in the US in 2016. And the Russians have expressed similar thoughts to other summit participants.

**Reports and commentary periodically appear on this subject in the American media that only note Russia’s refusal to participate in the 2016 summit, without citing her motives or reasons, which is nothing more than a futile attempt to put pressure on the Russians, as well as a desire to expose her “unconstructive” approach to this problem and thus force some change in it.**

But it is important to highlight something truly fundamental here: Russia is not dismissing the need to examine and discuss this urgent and

vital issue of international magnitude. Indeed, the motives behind Moscow's refusal have an entirely different origin.

The Russian Foreign Ministry explained that its aversion to taking part in the preparations for the fourth summit, to be held in the US, has nothing to do with the Ukrainian crisis or even some other circumstances unrelated to this forum, but rather stems from the following:

**First** is the fact that as of now, *most of the political commitments made by the participants at the previous summits have been met, and great progress has already been made toward strengthening nuclear security.* Thus, from a practical point of view, the goals set by the summits' political agenda have been accomplished.

**Second** is the fact that the one-sided approach to preparing for a new, high-level event, as proposed by Washington, allows special rules for the United States, South Korea, and the Netherlands, because they were the organizers behind the previous summits on nuclear security. *The US has arbitrarily taken the position that this trio should be the ones to develop the final documents for the scheduled meeting, despite the blatant discrimination against the other participants, most of which will be excluded from taking part in this process.* This situation has caused the Russian Foreign Ministry serious concern. There is not, and cannot be, any just international precedent for having "primary" and "secondary" players that are responsible for the preparation of important multilateral documents.

**Third**, it is of no small concern to Russia that Washington plans for the established limited-membership working groups to prepare the guiding documents for such international organizations and initiatives as the UN, the IAEA, Interpol, the Global Initiative to Combat Nuclear Terrorism, and the Global Partnership. *The Russians feel that it is unacceptable and counterproductive to establish such a precedent of outside interference in the planning of the work of international organizations, which have more significant expertise and are founded on generally accepted democratic procedures.*

The Russian Foreign Ministry believes that when planning the work of international organizations, the proposed system for the summit preparations would mean discounting the opinions of states that are not ready to fully accede to the line dictated by the summit organizers, and that this may be exactly what we see from the Nuclear Security Summit scheduled to be held in the US in 2016.

**It is worth noting that the United States itself has still not ratified the relevant international treaties on this issue – neither the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities and its 2005 amendments nor the International Convention for the Suppression of Acts of Nuclear Terrorism. Nevertheless, Washington is trying to assume the role of the primary and privileged "player" in this area, although it has a feeble claim to any kind of "special" role, since this problem is multilateral and international. Also, to have certain rights, one must meet certain obligations, including compliance with the international agreements listed above.**

Given these factors, Russia cannot foresee any real prospect of taking part in the work to prepare for the 2016 Nuclear Security Summit. Nevertheless, Moscow expects Washington to inform Russia about the preparatory process.

***But Russia will not be sitting on her hands. As an alternative response, Moscow is ready to focus on strengthening cooperation within the IAEA, in particular, concerning the preparations for the next high-level conference on this issue to be held under that agency's auspices, which is also scheduled for 2016.***

## MULTILATERAL NUCLEAR ARMS CONTROL: IS IT FEASIBLE IN THE NEAR FUTURE?

It is impossible to attain a multilateral nuclear arms control in the near future because of 10 outstanding factors. These factors are related directly to nuclear weapons and to other types of non-nuclear arms that have substantial influence upon the entire global strategic equation.

### **1. Five factors that are related directly to nuclear weapons.**

**Factor one:** Over 2,000 nuclear explosive tests took place around the world over the last 69 years. About half of them were conducted by the United States before Washington halted nuclear testing in 1992. The CTBT is only a draft and has not been enacted since 1996 when it was signed. So far 183 nations have signed the Treaty and 163 have ratified it. But has not been ratified by the USA – a key nuclear power and included into 44 countries list whose ratification is needed – otherwise the treaty will never enter on force. The U.S. futile attempt to do so nearly 20 years ago without any more efforts is a serious reprimand to Washington's inability to display the concrete example in this domain.

**Factor two:** Remaining U.S. tactical nuclear stockpile in Europe in the form of a 480 nuclear free-fall B-61 bombs (some of them strategic) that can be delivered not only by sophisticated interceptor-bombers, but by heavy strategic bombers as well. This issue is being aggravated by the current and future modernization programs of these munitions.

**Factor three:** A long-standing and persistent violation of the INF Treaty by the USA while testing existing missile defense system used in intercepting “the intermediate-range ballistic missiles” with the range 3.000-5.500 km.

**Factor four:** conservatism of the U.S. nuclear doctrine that stipulates preemptive and preventive first nuclear strikes against a number of states, including the Russian Federation.

**Factor five:** Four *de facto* nuclear states are still outside the NPT.

### **2. Five factors that are related to non-nuclear arms; they can be summarized in the following group.**

**Factor one:** Continuation of fielding of the missile defense by the U.S. very close to Russian territory and aimed at its strategic nuclear capabilities. The situation will be worsened by the possibility that the number of the U.S. BMD interceptors will outnumber Russian strategic ICBMs and SLBMs. The result: international strategic stability will vanish in the haze.

**Factor two:** a looming weaponization of outer space – a sphere where there is no prohibition on placement of weapon, except the WMD.

**Factor three:** inability to produce a draft CFE-2;

**Factor four:** NATO expansion further East; deployment of additional conventional forces in Eastern and Southern Europe, including setting up 8 military bases and NATO increasing military activity that – according to Jens Stoltenberg - has intensified by 5 times as much. Continuation of NATO Baltic Air Policing operation 24 hours a day near Russian borders where NATO DCA capable to deliver TNW are used.

**Factor five:** conventional (and nuclear) striking systems within the US “Prompt Global Strike” (currently at R&D and testing stages).

**Suggestion:** A special Russo-US summit on key arms control issues is badly needed. But not with the current US President who is focusing on substantial arms build-up.