



12-31-2016

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Recommended Citation

Ghoname, Haidy Y. and Hall, Howard Lewis (2016) "Implementation of the 1995 Middle East Resolution: A Vital Lifeline to the Extension and Success of the Non-Proliferation Treaty," *International Journal of Nuclear Security*: Vol. 2: No. 3, Article 4. Available at: <http://dx.doi.org/10.7290/V74M92G6>

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Implementation of the 1995 Middle East Resolution: A Vital Lifeline to the Extension and Success of the Non-Proliferation Treaty

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Abstract

This study highlights the core non-proliferation dilemmas we face and suggests an effective mechanism for reviving the spirit and the hope of the Non-Proliferation Treaty. An indispensable key to the treaty calls for a rethinking of what we believe should be referred to as its four pillars: **disarmament, non-proliferation, peaceful uses of nuclear energy, and implementation of the 1995 Middle East Resolution**. We seek to contribute to the renaissance of the non-proliferation regime by addressing seven dilemmas that arise from the way various Non-Proliferation Treaty participants pursue the goals of the four pillars undergirding the treaty. This study highlights core problems, which we believe may bring about—sooner or later—dissolution of the treaty. That treaty may then come to be replaced with another more balanced, comprehensive, and fair treaty.

I. Introduction

The 2015 Review Conference on the Non-proliferation of Nuclear Weapons Treaty (NPT) began at the United Nations (UN) in New York City on April 27 and ran through May 22. This was the 45th anniversary of the NPT, but the conference appeared to be stifled by an atmosphere of frustration at the failure of participants in the treaty to carry out the provisions of the Final Documents of past review conferences. Particular frustrations focused on the failure to implement the 1995 Middle East Resolution (ME Res 1995) and related decisions adopted in the 2010 Final Document of the NPT Review Conference. In fact, there is growing concern about the fate of the treaty itself, particularly after the 2015 Review Conference as no one knows the outcomes and their impacts on the treaty, especially in the presence of several international and regional variables such as:

- Emergent political systems in the Middle East (ME). These include the new Egyptian leadership of President Sisi—characterized by popular, regional, and international support--and the new Tunisian President, El-Sebsi.
- The mounting security concerns by all Middle Eastern countries, in particular Egypt and neighboring countries, due to the continuation of Israel's nuclear ambiguity—especially in light of Israel's aging nuclear reactors (over 60 years old). Israel has neither requested assistance nor has submitted its nuclear facilities to inspection by the International Atomic Energy Agency (IAEA).

- Increasing global demand for nuclear power and some Arab states' resumption of nuclear programs for peaceful uses.
- Ongoing turmoil and chaos in Middle Eastern countries such as Libya, Yemen, Iraq, and Syria.
- The historically tentative agreement on nuclear programs—the Joint Comprehensive Plan of Action (JCPOA) between the West and the United States (US) on one side and Iran on the other—has drawn widespread skepticism toward achieving a final agreement. The US holds that a final agreement is contingent on a key inclusion: it is not to be used as a threat to Israel's national security.
- The recent Israeli election of the Likud party, led by Prime Minister Benjamin Netanyahu, constitutes an obstacle to the peace process and impedes agreement on the implementation of the ME Res 1995 to evacuate nuclear weapons from the region.

While a broader range of historical factors continues to influence the status of the NPT, these particular variables are among the greatest to impact its status not only regionally, but also internationally.

Here is a summary of the current status of the NPT's four pillars:

A. PILLAR ONE:

The Nuclear Disarmament Treaty is still hamstrung by inaction on the part of the nuclear weapon states (NWS). These states are not taking serious steps to implement the provisions of Article VI of the treaty or complying with the UN's unanimous resolution No. 1887 (2009) or other relevant resolutions. The NWS makes promises and claims growing interest in disarmament; however, they rarely display rapid or effective progress. Nuclear states still have nuclear arsenals, and they continue to develop new generations of nuclear weapons with greater efficiency and capabilities. For example, in 2010 in Prague, Barack Obama stressed that the US continues to commit to negotiations in good faith on effective measures to stop the nuclear arms race. However, the US, as well as China, is refusing to ratify the Comprehensive Nuclear-Test-Ban Treaty [1].

B. PILLAR TWO:

Nuclear Non-Proliferation: Despite the treaty, the number of countries possessing nuclear weapons has increased: North Korea, India, and Pakistan have acquired them, and others, like Israel, are widely believed (based on extensive evidence) either to have nuclear weapons or to have a near-ready nuclear weapons capability. Then there are countries, like Iran, that look to acquire nuclear weapons or intend to get advanced nuclear capabilities that could be converted to the production of nuclear weapons. These three scenarios are the inevitable result of a selective treaty applying unfair and unbalanced policy [2].

The treaty's strategy primarily serves the interests of the nuclear weapon states. To that end, the NWS are trying to define the Article X "right of withdrawal" provision, which gives the NPT states the right to withdraw from the treaty if they decide there is a vital threat or risk to their national security. By contrast, the Vienna Convention on the law of treaties (concluded on May 23, 1969) as well as the Charter of the UN not only give all treaty participants the right of withdrawal, but also provides license to withdraw if they present any pretext or justification for doing so. These could include an exegesis or an adjustment of the treaty, explicitly or implicitly, that they claim increases their burden or detracts from their rights [3]. That means the right to withdraw is not only a right but also a license.

C. PILLAR THREE:

The peaceful uses of nuclear energy: Nuclear and non-nuclear states conflict in their interests to acquire the knowledge and technologies needed to produce nuclear energy for peaceful uses. The NWS continues

to seek and impose strict rules on the nuclear fuel cycle and limit access to peaceful nuclear technology for energy. They attempt to do this either through the NPT or through the Nuclear Suppliers Group (NSG) to curtail weapons-related ambitions by the non-nuclear-weapon states (NNWS). But the NNWS have a right to peaceful nuclear technology to achieve sustainable development, as stipulated in Article IV of the treaty [4].

D. PILLAR FOUR:

The 1995 Resolution to free the Middle East from nuclear weapons: The implementation of this resolution continues to challenge the continuity of the NPT. Egypt led the fourteen Arab countries as they collectively resisted the indefinite extension of the NPT. This forced the three depositary states (the United States, the United Kingdom, and the Russian Federation) to reach a compromise by sponsoring a resolution on the Middle East to win Arab support for an extension. However, since that time, Arab states have suspended approval of the indefinite extension to negotiate two other resolutions: (1) establish a zone free of all weapons of mass destruction in the ME; and (2) strengthen the mechanism for reviewing implementation of NPT provisions, its principles, and objectives for nuclear non-proliferation and disarmament. (This would occur in three stages, taking place between review conferences. All of these preparatory committee stages are considered as a pre-conference) [5]. The NPT's indefinite extension, decided by consensus, is seen as closely linked to the ME Res 1995. Egypt, along with all Arab countries, regards implementation of the ME Res 1995 as vital—preliminary and indispensable—to all other progress in implementing the NPT [6].

Let us now examine seven dilemmas that arise as NPT participants pursue the goals of the four pillars that undergird the treaty by highlighting core problems that could bring about dissolution of the treaty. The NPT may come to be replaced with another more balanced, comprehensive, and fair treaty.

II. The Dilemmas

A. The Right of Possessing Nuclear Technology Versus Owning a Nuclear Plant

1. *Dilemma # 1: Control over the dual uses of nuclear technology, peaceful and belligerent.*

Major international and regional efforts have been exerted to address this problem. The NWS's ideas tend towards internationalization of the reprocessing fuel cycle in order to prevent NNWS from enriching uranium. Similarly, a related issue is development of international mechanisms to secure nuclear fuel supplies. Some states have proposed to establish a nuclear fuel bank under the mandate of the IAEA or regional bodies. The bank would be based on non-political and non-discriminatory standards.

Other countries that possess enrichment facilities have suggested transforming them into international facilities. In addition, some NWS promote the idea that by selling entire reactors (rather than individual components), NNWS would be less likely to learn about nuclear technology—even when those countries are seeking peaceful uses of nuclear energy. However, this approach would interfere with the sovereignty of states and contradict Article IV of the NPT.

In 2006, NWS forwarded more than four "multilateral" fuel cycle initiatives in a seeming attempt to monopolize the fuel supply and maintain control of nuclear technologies [7]:

1. On January 25, 2006, Russian President Vladimir Putin proposed the first of these initiatives: the Global Nuclear Power Infrastructure (GNPI). Putin's goal was to establish a network of

international service centers for the nuclear fuel cycle, which would include uranium enrichment. The IAEA would supervise this non-discriminating initiative.

2. In February 2006, the US announced a similar program called the Global Nuclear Energy Partnership (GNEP).
3. In June 2006, what came to be known as the six-nation proposal (France, Germany, the Netherlands, Russia, the United Kingdom, and the US) called for a Global Multilateral Permanent Mechanism for “Reliable Access to Nuclear Fuel” (RANF) under purview of the IAEA.
4. In September 2006, Japan submitted a complementary proposal to the six-nation proposal. This initiative would support the creation of "back-up arrangements to ensure the supply of fuel" within the IAEA framework.

On the Arab side, Prince Saud al-Faisal, under the initiative of the Saudi foreign minister, proposed the creation of a consortium of Arabic "regionals" that would autonomously manage the nuclear fuel cycle among Arab countries. Ambassador Mohamed Shaker of Egypt proposed the establishment of a regional nuclear fuel bank under the mandate of the IAEA.

The dual goals of these international proposals are to support peaceful uses of a nuclear fuel supply; they are inherently ensuring international control over the fuel cycle to prevent its conversion to military uses. On one hand, this set of proposals acts preventatively, but on the other hand, it interferes with state sovereignty and contradicts the provisions of Article IV of the NPT; this double standard gives the appearance of a structural monopoly that maintains control over nuclear fuel supplies and nuclear technology [8].

Essentially, it sets a tone among NNWS that the NPT is a discriminatory, multilateral international agreement, rather than a bargain between the five NWS and the non-nuclear states. However, the legitimate aims of the NPT are sustainable security and development of all NPT state parties, without exception, through mutual commitments.

Non-nuclear weapons states pledge not to acquire nuclear weapons; in return, the NWS commit to denuclearization as well as to helping the NNWS obtain nuclear technology for peaceful uses—recognizing this as an authentic and inalienable right. Such measures would balance the treaty.

Bear in mind, for example, how this philosophy has played out in the US. Historically, the US was the first country committed to help the world seek peaceful uses of nuclear energy. In 1953, President Dwight Eisenhower addressed the UN General Assembly, calling for implementation of the Atoms for Peace program. However, since that time, the US and the West, in general, have posed restrictions to the spread of this peaceful nuclear technology—principally by proposing comprehensive procedures for limiting and resisting the development of nuclear proliferation. These measures have been based on their growing fears about the spread of nuclear weapons. Thus, they have taken these steps:

- Changed and strengthened the rules and regulations of both the NSG and the Zangger Committee. These have included guidelines for the kind of sensitive materials and technologies that can be transferred across borders.
- Established export control regimes, negotiated the prohibition of the production of fissile materials worldwide, and changed the rules set by suppliers of nuclear materials in the NSG.
- Developed methods to reduce the front and back ends of the nuclear fuel cycle and reprocessing of spent fuel as well as cradle-to-grave methods for waste disposal [9].

- Improved means for safeguards.
- Restricted the legitimate use of centrifuges [10].
- Designed and manufactured nuclear-proliferation-resistant reactors to meet the needs of non-nuclear countries looking for sustainable development [11].

Surprisingly, US nuclear policies are breaching prevailing international standards for nuclear non-proliferation. The US and India signed a nuclear agreement on July 18, 2005 that supports India's development in the nuclear field even though India possesses nuclear weapons and has not signed the NPT. The NSG made an exception in their standards and rules for India at the request of the US. The irony is that the NSG had been formed in response to Indian test-detonations of nuclear weapons.

But the US-India nuclear agreement is a serious challenge to the international nuclear non-proliferation regime because it undermines the accountability, universality, and credibility of US nuclear nonproliferation efforts. It also contradicts Article I and III of the NPT. Furthermore, the US has set a pattern for this type of double-standard approach. A recently declassified document from 1987, published in March 2015, revealed evidence of nuclear cooperation with Israel, helping Israel acquire the ability to produce a thermonuclear bomb [12].

This unbalanced approach arouses Arab suspicions about the true goal of those standards because it seems to restrict only Arab states' access to nuclear technology for peaceful purposes. Regrettably, this unequal and discriminatory approach could give the Arab states a legal and logical justification for breaching the rules of the NPT or withdrawing from it.

The NNWS are seeking not only the possession of nuclear power plants, but also demand their legal right to possess technology for producing nuclear energy for every kind of peaceful use. Argentina and South Africa have confirmed that the restrictions should not be imposed on the NPT member states, which seek to acquire nuclear energy for peaceful use [13]. But regardless of the extent of credibility of their claims and the goals of both sides' actions (NWS, and NNWS), the result of these dynamics stifles the success of the NPT.

2. *A New Arab Trend*

However, collective responses are building an atmosphere of cooperation. While in the shadow of international and regional developments, no one can unfailingly know the fate of the NPT, but it is reasonable to make an informed prediction as to the likely outcomes of the 2015 Review Conference and other forthcoming conferences and to predict what may be accepted or rejected by member states, particularly Arab countries. Those countries and the alliances they have formed will have a huge—if not a definitive—influence on the fate on the NPT.

As an example, in March 2013 Egypt obtained the Arab and African endorsement for its membership as a non-permanent state in the UN Security Council. This occurred during the session (139) of the Arab League Council at the ministerial level, and it was confirmed by the 26th Arab League Summit in Sharm el-Sheikh on March 28, 2015 (as it had been earlier, in January 2015 during the African Union Summit) [14, 15]. As the President of the African Union stated, since Egypt is at the forefront of defenders of peace, the African continent will support Egyptian candidacy in the UN Security Council for non-permanent membership [16]. Obviously, this African-Arab alliance illustrates the formative impact Arab countries can have in building regional and international alliances.

Moreover, in Geneva in 2013, Egypt expressed its displeasure and disapproval at the NPT Second Preparatory Committee. At that event, the Egyptian delegation withdrew from the NPT Second PrepCom to protest the lack of progress toward convening a conference on a Middle East Weapons of Mass Destruction Free Zone (MEWMDFZ).

The states of the Non-Aligned Movement (NAM) and the Arab League also expressed dissatisfaction. They announced their corroboration with the Egyptian position due to the failure of the international community and the three co-sponsoring states (the U.S, Russia, and the United Kingdom) to apply and activate the provisions of the ME Res 1995. Such failure could affect the credibility and continuity of the NPT [17].

This new Arab trend of unity sends a strong message to the international community about what is regarded as a continued lack of seriousness in dealing with the issue of establishing a Middle East nuclear weapons free zone. Recall this is one of the pillars of the NPT and an essential part of the regional security in the Middle Eastern region as well as international security and stability. The former Egyptian Foreign Minister Mohamed Kamel Amr reaffirmed this trend when he expressed his shared frustration with inaction, reiterating that Egypt and other Arab countries will not wait forever for the implementation of the ME Res 1995. He declared that the three NPT co-sponsoring states must shoulder their responsibility to implement the resolution—and the UN Secretary General, as well as the IAEA, the Finnish Facilitator, the NGOs, and other supporters of a non-proliferation regime, must do the same.

The Kingdom of Saudi Arabia's corroborating statement was given by the Head of the Mission, H.E Abdallah Al-Mouallimi in New York in 2014 and in 2015 at the Third Preparatory Committee of the NPT and the NPT Review Conference, respectively. Al-Mouallimi stated that although the increase of global awareness about the dangers of nuclear weapons is cause for optimism, there remains a great need for the NWS to show good political will and give up the concept of relying on nuclear weapons and other weapons of mass destruction as tools for assuring their national security and establishing their importance. This, he said, is the only way to maintain global balance. He described how the NWS' seriousness in the implementation of other free zones contrasts with less serious efforts to establish a nuclear-free zone in the ME because of Israel's intransigence in the region. He stated that Israel resists any efforts towards progress by maintaining advanced nuclear military capabilities without any international control. As a result of these circumstances, Arab states do not see any significant success in the ME. Al-Mouallimi blamed the international community for not implementing the key part of the pillars of the NPT to establish a nuclear-free zone in the Middle East [18].

Similarly, all statements of Arab States, the Arab League, the interventions of heads of delegations of Arab countries, the statement of the Arab Group, and the Group of Non-Aligned Movement reinforced the same position: the vital importance of implementing the ME Res 1995 adopted by the 1995 NPT Review Conference. They stressed that the ME is still the glaring example of a treaty that failed to provide security to its parties because the ME is the only region that has not seen effective international efforts to establish a nuclear-free zone. The report of the Preparatory Committee and its recommendations presented to the 2015 Review Conference reflected the views and positions of many countries and stressed the importance of implementing the ME Res 1995. It emphasized the need to implement, without further delay, the Final Document Outcomes of both the 2000 and the 2010 NPT Review Conferences on the establishment of zones free of nuclear weapons and all other weapons of mass destruction in the Middle East. It called on Pakistan, Israel, and India to immediately and unconditionally joins the NPT as NNWS.

B. Defining the False Warning Bells and the Real Ones

1. Dilemma #2: Providing Arab countries with security AND development, not security OR development.

Why do NNWS, particularly Arab countries, keep their membership in the NPT despite the failure of its objectives and provisions even while their membership in the NPT threatens both their security and development?

In accordance with Article IV of the NPT—which stipulates that NPT state members may exploit nuclear energy for peaceful purposes—Arab states have expressed their essential need to seek a combination of new sources of energy such as renewable energy (hydropower, solar, and wind) as well as nuclear energy to meet their future needs. Nuclear technology and its applications are bound up in many interrelated areas such as medicine, agriculture, engineering and management of water resources, and water desalination.

For example, the United Arab Emirates (UAE) decided to establish a nuclear energy program in Abu Dhabi according to the international treaties. Also, Jordan, Syria, Egypt, Morocco, Kuwait, and Saudi Arabia expressed their interest in reviving and developing their nuclear power programs as a solution to face states' growing needs to generate electricity, produce desalinated water, and reduce reliance on diminishing hydrocarbon resources [19].

These are legitimate goals of NNWS, yet the NWS have regarded these intentions as warning bells in a region they see as prone to conflict and instability.

The NNWS, for their part, consider the real alarm to be what the NWS do with the nuclear technologies they possess. As a result of this alarm, they resent the NWS attitudes and actions that reduce NNWS capacity to learn about nuclear energy for peaceful uses. As we have discussed, the NWS block scientific and technological cooperation, arguing that some of these technologies can be converted for military purposes. However, NWS simultaneously appear to open wide the door to Israel without exceptions or conditions for the development of nuclear technological capabilities in civil and military fields. Bizarrely, in 2007 the Egyptian Foreign Minister Ahmed Aboul Gheit accused Israel of trying to prevent Egypt from obtaining nuclear technology for peaceful purposes. Scholars have claimed that Israel tries to pressure countries and companies exporting nuclear material to change current rules in ways that benefit Israel.

But when nuclear powers restrain, contain, and reduce NNWS access to nuclear technology for peaceful uses, they take a risky and unethical path. This could easily lead the NNWS to decline their NPT membership, which would provide neither security nor development.

Both goals—security and development—are the basis of NNWS survival; they go hand-in-hand. Both goals are the reason countries in the ME signed the treaty. In March 2007 at the Arab Summit in Riyadh, the Arab states emphasized that the peaceful use of nuclear energy is the inherent right of all NPT member states, and is also a right granted in other related treaties and conventions, in particular the statutes of the IAEA. They issued two complementary resolutions. The first one related to the development of peaceful uses of nuclear energy in Arab countries, and the second related to collective Arab cooperation in the areas of developing peaceful uses of nuclear energy (resolutions 383 and 384, respectively). This inherent and inalienable right has been reiterated regularly in the previous and forthcoming Arab Summits as well as in many regional and international forums. In sum, some countries will not see the advantage of continuing as a member in the NPT in the absence of accomplishing the attainable goals and objectives that provide and assure them with both security *and* development, not security *or* development.

C. The 1995 Middle East Resolution by Itself Is the “Regional Security System” & the “Foundation for Confidence-Building Measures”

1. *Dilemma #3: Arab countries may turn away from a treaty that is not protecting or developing them, and instead they may seek realizable gains. They may not accept any more “sedatives” for postponing the establishment of the ME Free Nuclear Weapons Zone.*

Arab countries' positions were united in the NPT Review Conference 2015 as they emphasized that implementation of the ME Res 1995 would, by itself, provide the “regional security system” and “the foundation for confidence-building measures.” We agree. Indeed, the overlapping and interrelated relations between the continuity of the indefinite extension of the NPT and its fate depend on implementation of the ME Res 1995. They do not depend upon implementing the Review Conference Outcomes of 2010 or upon holding another Helsinki Conference or other NPT review conferences. The fate of the NPT relies on actual, effective implementation of the ME Res 1995. This was again confirmed by the 26th Arab League Summit in Sharm el-Sheikh in March 28, 2015 when the Arab Presidents and delegates explained their visions for the future. They described the grave challenges to their security in the ME while emphasizing the importance of implementing the ME Res 1995 as the only way to ensure the stability of the region and maintain regional and national security. They put the responsibility on the international community (in particular, the three states that co-sponsored the ME Res 1995) of the severe consequences that would follow if the resolution was not soon implemented US[20]. The agreement of most Arab states on this issue is very clear. Another example is Egyptian President Abdel Fattah El-Sisi's statement at the opening session of the 26th Arab Summit in Sharm El-Sheikh, 2015. He said:

Our hearts and minds are open to just and comprehensive peace that achieves security and peace to all parties and which requires ending the Israeli occupation of the Palestinian territories through serious and fruitful negotiations that are based on international resolutions and the Arab Peace Initiative while stopping all Israeli settlement activities and continued violations of all religious sanctuaries.

We cannot talk about the challenges facing the Arab national security without confirming and asserting once again the inalienable principles of the Arab stance towards clearing the Middle East from nuclear weapons and all weapons of mass destruction. The Nuclear Non-Proliferation Treaty Review Conference will be held in April and May. This conference constitutes a genuine opportunity for the Arab countries to urge the international community to shoulder its responsibility and take accelerated practical and specific steps for implementing the resolution that was issued by the review conference in 1995 on creating an area free from nuclear weapons and all weapons of mass destruction in the Middle East [21].

Almost all Arab statements at the 26th Arab Summit followed the Egyptian trend. Saudi King Salman bin Abdel Aziz expressed deep concern in regard to nuclear weapons and other weapons of mass destruction. The Kingdom's stance is clear and firm: they, too, want a Middle East free of nuclear weapons and weapons of mass destruction. They called upon the international community to shoulder its responsibilities by issuing a UN Security Council resolution that adopts the 2002 Arab Peace Initiative and by naming a senior international envoy to find a way out of the current impasse to implement the ME Res 1995. What issued from the Arab summit is identical with most international public opinion and with the principles and resolutions of the UN: the need to expedite implementation of the ME Res 1995. In December 2014, the UN approved an Arab-backed resolution put forth by Egypt, "The Risk of Nuclear Proliferation in the Middle East." This resolution was adopted by a 161-5 vote [22]. It called on Israel to

"accede to [the NPT] treaty without further delay, not to develop, produce, test, or otherwise acquire nuclear weapons, to renounce possession of nuclear weapons," and put its nuclear facilities under the safeguard of the UN's IAEA. The resolution pushed for the establishment of a nuclear-weapons-free zone in the ME and lamented that US-backed efforts to convene talks had been abandoned in 2012 [23]. It includes paragraphs confirming that the 1995 Resolution is integral to the package deal to extend the treaty indefinitely and without a vote.

2. *Predictable Results of Inaction*

This UN resolution reflects a strong message to the international community: (1) Arab countries will not accept a continuation of the current unbalanced situation wherein nuclear weapons exist in non-Arab countries in the region; (2) they would review all their policies and commitments regarding disarmament and non-proliferation on the international scene if policies of procrastination and inactivity continued to ignore their rights.

Establishment of a zone free of nuclear weapons would be the only system that can ensure the maintenance of peace and security in the Middle East and build confidence among the countries of the region.

It is true that the Arab states endorsed the "indefinite extension of the treaty without vote," but this was based on carrying out the ME Res 1995. As we have shown, the Arab countries are united in their stances on the implementation of the ME Res 1995 for establishing a nuclear-free zone. They assigned a Committee of Senior Officials from all Arab countries to meet at the League of Arab States to consult, coordinate, and unify their efforts to decide on issues of disarmament and non-proliferation. The committee's purpose is also to prepare for participation in the Review Conferences and their committees, in particular the 2015 NPT Review Conference. Arab countries give the highest priority to the importance for implementing the ME Res 1995 because of its impact on regional and international security, but they appear to be losing patience with the sedate promises of the depositary states. Arab countries acted in good faith to declare their commitment to act positively in the Helsinki Conference 2012, and they withdrew the Arab and Egyptian two-draft resolutions on "Israeli nuclear capabilities" in the 56th session of the General Conference of the IAEA in September 2012. Before this step forward, in 2002 Saudi Arabia had launched the "Peace Arab Initiative." Israel could have seized the situation as an opportunity to create a widespread positive impact. Instead, they appeared to be rejecting the outstretched hand of peace from 22 Arab countries by not coming to the negotiating table. Unless the directives of the 1995 Resolution are soon carried out, Arab countries may see no other option but to take practical actions to protect their people and their national identity and national interests.

Research suggests that the reason why the Arab countries are insisting to expedite the ME Resolution 1995 is to close the nuclear security gap by establishing a zone free of nuclear weapons and all weapons of mass destruction in the Middle East.

D. Unbalanced nuclear nature in the Middle East

1. *Dilemma #4: Israel and a de facto policy.*

How does Israel's accession to the treaty affect the Arab countries that have coexisted for so long without joining? This question provokes and aggravates some NNWS, and it raises additional key questions such as: Is the main goal of the treaty to restrict the power of the Arab states to protect against Israel's possession of nuclear weapons that threaten regional and international peace? How will the international community convince NNWS to work on achieving NPT universality when Israel is being encouraged and empowered to remain outside the treaty while Arab countries are being pressured to comply? Why should Arab states remain members to the NPT when it clearly threatens their national security?

Arab countries are not co-equal and do not co-exist with Israel *as a nuclear-weapon state*. Israel's nuclear ambiguity, neither denying nor affirming that it has a nuclear arsenal [24], despite the widespread assumption of having built its first nuclear weapon in December 1966, has been a catalyst for Arab states to consistently vocalize concerns about the threat of reciprocity from Israel [25]. In every official and non-official international or regional forum, they have raised clear concern for Israel's arsenals. Accordingly, they have stressed that Israel must abandon its nuclear weapons and accede to the NPT without preconditions or delay to establish a Middle East free nuclear-weapons zone in accordance with related UN and Security Council resolutions [26]. Beginning in the 1960s, Egypt launched several initiatives to remove nuclear weapons from the Middle East. Egypt began related talks with Iran in 1975 and submitted a draft resolution to the General Assembly of the UN in December 1988 to carry out effective measures to achieve those initiatives [27]. In 1990, Egyptian President Hosni Mubarak announced the launch of a comprehensive initiative to evacuate all weapons of mass destruction from the Middle East, which led to the ME Res 1995 [28].

On reciprocity, why does Israel not accept its responsibility to coexist, in terms of nuclear capabilities and safeguards, with other countries in the Middle East when this condition would benefit the entire region? Israel's current approach appears to threaten regional and international peace and security and has been blamed for stimulating an arms race in the region and influencing many NNWS to follow the same approach as they conclude that the international community rewards states that possess nuclear weapons and operate outside the NPT.

If the balance of nuclear power is not achieved by creating a nuclear-weapon-free zone, then NNWS may reason they can achieve balance and security by seeking nuclear weapons in hopes of achieving a balance of power and relatively peaceful coexistence that exists now between nuclear states such as Pakistan and India in South Asia. Perhaps at such a moment, peaceful coexistence and stability will prevail in the region. But any peace achieved by the presence of more weapons of mass destruction is uneasy peace indeed.

The international community must understand the facts and the changes that have occurred in the Middle East and evaluate variables in a logical and humane way. A nuclear-weaponized ME results in a "zero-sum" for all, without exception. The best path to stability in the Middle East is peaceful co-existence among opposing countries. The solution is neither impossible nor difficult. Furthermore, freeing the region from nuclear weapons will bring to Israel (as well as other countries in the region) the security and stability it needs and deserves.

E. Preliminary Nuclear Agreement between Iran and the West

1. *Dilemma #5: Improved relations between Iran and the West may weaken the Arab position to demand implementation of the 1995 Middle East Resolution and to demand Israel's compliance with the NPT*

Nobody can yet predict the outcome of the initial agreement between Iran and the US/West; more time is needed to evaluate the agreement and its implications [29]. Will it result in a final, adequate agreement or will it only be an initial, futile agreement that consumes time through a never-ending negotiation process [30]? Generally, the agreement between the West and Iran may have Arab support for putting an end to the Iranian nuclear ambitions if Iran verifies its compliance with the deal.

Regrettably, though, the US and the West avoided engaging Arab nations for the negotiation between the West and Iran, but this does not mean it will remain this way, especially in light of the ongoing war in Yemen.

This war involves Yemeni rebels seeking to overthrow the legitimate Sunni government of Yemen. Arab coalition forces, which include Saudi Arabia and the Gulf states, as well as aerial and naval Egyptian forces, have joined the legitimate Yemeni Government in fighting these rebels who are loyal to the former regime group: Ali Abdullah Saleh and the Iranian-backed Shiite Houthi fighters (despite Iranian denials of involvement) [31].

2. *The Iran Nuclear Deal*

From the Iranian perspective, the agreement with the US/West is a barter; it allows for phased removal of sanctions against Iran, which abides by its commitment to abandon its nuclear ambitions. But Iranian strategy is to become the dominant force, the Persian Hegemon of the Middle East, expecting the US/West to support its strategy in return.

This barter could be difficult to achieve amidst an Arab awakening, which has seen the creation of a joint Arab military force (known as the Arab Army, simply a unified regional force) at the 2015 Arab Summit in Sharm El-Sheikh. The army aims to protect Arab states from any internal or external aggression including terrorist attacks, attempts, and foreign threats. And the current war in Yemen is the first opportunity for the Arab Army to exert its influence [32]. However, Iran was among the first countries to call for the establishment of a nuclear-free zone in the ME. Thus, the final agreement will likely strengthen regional efforts to push the international community to shoulder its obligations in an earnest way and support greater steps for implementing the ME Res 1995. Iranian Foreign Minister Javad Zarif echoed this possibility in his statement on behalf of the non-aligned countries at the 2015 NPT Review Conference 2015. He emphasized how Israel poses a serious and continuing threat to the security of neighboring and other states. He called for the complete prohibition of the transfer of all nuclear-related equipment, whether scientific or technological, to Israel. He urged the international community to pressure Israel to renounce possession of nuclear weapons and to accede the NPT without precondition and further delay. As such, achieving this preliminary nuclear agreement between the US/West will not affect the Arab and Iranian basic position on the necessity to implement Resolution 1995 to evacuate the Middle East of nuclear weapons.

F. The Nuclear Umbrella from the West Is an Adequate Warranty Wall of Safety and Security for Israel

1. *Dilemma #6: Would the granting of a US nuclear umbrella guarantee Arab countries a sufficient substitute for ridding the ME of nuclear weapons and Israel's acquiescence to the NPT?*

The idea of granting a nuclear umbrella to NNWS is not a new one; it emerged during the period of American-Russian polarization to provide security to non-nuclear allied states on both sides. This means that the nuclear umbrella is seen as an alternative to acquiring nuclear weapons. Sweden and Switzerland considered developing nuclear weapons but abandoned the idea in favor of an official policy of neutrality, joining ranks with Austria, Finland, and Ireland [33]. Other countries who ratified the NPT, such as Japan and South Korea, have claimed their assurance of defense by the West against any nuclear attack. Still, other countries chose to establish a nuclear-free zone, as in Central Asia where China recently signed the Protocol to the Central Asian Nuclear-Weapon-Free-Zone Treaty [34]. Similarly, the Treaty of Antarctica made the Antarctic region free of all conventional and nuclear military uses; the Tlatelolco treaty makes Latin America a region free of nuclear weapons; the Treaty of Rarotonga creates a nuclear-free region in the South Pacific; and the Bangkok Treaty establishes a nuclear-free zone in Southeast

Asia. The April 1996 Pelindaba Treaty proposes making Africa a nuclear-free zone, entered into force on the 15th of July 2009. However, its implementation and obligations are still pending [35]. So, even though it entered into force, it's not yet universally implemented.

In addition, the existence of strong incentives and tremendous pressure from the international community has persuaded countries such as South Africa, Brazil, Argentina, Belarus, Kazakhstan, and Ukraine to give up their nuclear weapons and to join the NPT Treaty [36]. For instance, Ukraine gave up its nuclear arsenal to the Republic of Russian Federation in 1994 for self-determination and independence. Given the existence of this type of negative security guarantee, given by a NWS such as the US to defend allied states such as Japan, South Korea, and Australia, it is reasonable to suggest that the US would grant a similar nuclear security umbrella to Israel [34]. A US nuclear umbrella would have dual benefits: (1) it will be used as a deterrent and defensive tool on behalf of Israel and provide a strong incentive for Israel to give up its nuclear weapons; (2) it would give Israel military and political superiority in the region while maintaining the country's tradition of military excellence. Most importantly, it would resolve the deadlock over the NPT and the implementation of the ME Res 1995. Successfully achieving such a solution obligates the UN and the West, led by the US as a strategic and security ally to Israel, to exercise more leverage tools to push Israel to voluntarily give up its nuclear arsenal.

Arab countries believe that the proposal suggested by former US Secretary of State Hillary Clinton is unacceptable and not a viable alternative. The proposal includes the extension of the US "defense umbrella" over the Middle East in response to the (potential) acquisition of a nuclear weapon by Iran or Israel. They believed that the proposal could benefit the region if and only if Israel gives up its nuclear weapons in accordance with the ME Res 1995 [37].

Furthermore, in early 2009, Arab states rejected the idea of an extension of the US nuclear umbrella over Arab countries in exchange for abandoning their legitimate demand that Israel accede to the NPT as a NNWS and place its nuclear facilities under the comprehensive IAEA safeguards. In the eyes of the Arab states, the proposal appeared to merely maintain the status quo in the ME. In an interview with Al-Ahram newspaper, just before his visit to Washington, former Egyptian President Hosni Mubarak said Egypt would not accept the idea nor the existence of regional nuclear-weapon powers, whether they be Israel or Iran, and that Egypt adheres to its position and its initiatives that have resulted in the ME Res 1995: to free the Middle East from nuclear weapons, and then to free the Middle East from weapons of mass destruction. Hence, the idea of extending the nuclear umbrella to the Arab states without having Israel give up its nuclear arsenals will likely always be rejected because it does not offer long-term security and sustainable development. Rather, it would only offer "sustainable dependency." Therefore it is important to consider the achievement of the 1995 Middle East Resolution as an indispensable cornerstone for building trust and cooperation and establishing peace and security among countries in the region because it embodies by itself a system of security and political assurance among countries in the region.

G. Suspending the Indefinite Extension of the NPT until the 1995 Middle East Resolution Is Implemented

1. *Dilemma #7: What are the sufficient mechanisms that would have been acceptable to the Arab nations for the success of the 2015 & upcoming NPT Review Conferences and the continuity of the non-proliferation regime?*

There should be no doubt that the successful implementation of the first segment of the NPT Indefinite Extension, begun in 1995, is required for the success of a second segment that would begin in 2015. The NPT has **two distinguished stations**: the extension of the 1995 Resolution and future outcomes of 2015 Review Conference.

The First Station: Indefinite Extension since 1995

This station provided a temporary transit by issuing the ME Res 1995 to free the ME of nuclear weapons, which is consistent with the goals and principles of the UN Charter to achieve international peace and security. In 1995 after twenty-five years of nuclear negotiation, the Arab NPT states saw no benefit in keeping their membership in the treaty as long as it did not appear to be moving toward its goal of international peace and security. At that point, the depositary NWS worked to find a way to break the deadlock and to continue the treaty in its current form by brokering an equal deal with Arab countries and issuing the ME Res 1995. Thus, they pledged to implement it if Arab states agreed to the indefinite extension of the treaty and encouraged other Arab states to join the treaty. The Arab states agreed to that deal by consensus, suspending the vote upon the NPT indefinite extension until the ME Res 1995 would be implemented. Hence, the ME Res 1995 remains the main pillar in the deal of the indefinite extension of the treaty—the factor that motivated countries in the region such as the United Arab Emirates (UAE) to join the treaty after previously rejecting it due to the Israeli nuclear threat. The deal in 1995 was not based on the promise of convening the Helsinki Conference or other upcoming conferences—a promise that the depositary states may offer in later review conferences. The main goal was the implementation of the ME Res 1995. Thus, any other promises to hold another conference must be accompanied by a bundle of mechanisms for its implementation to be carried out in a specified time frame under the umbrella of the UN.

The Second Station: Outcomes after 2015

Will the outcomes of the 2010 Review conference be accepted again in any upcoming NPT Review Conferences under the current political circumstances in the region? For NNWS, the unpleasant experience of the continuing breach of obligations towards Arab States and other NNWS makes them mindful of avoiding similar experiences in the future, "once bitten, twice shy."

In other words, new promises to hold a conference similar to the 2012 Helsinki Conference for an implementation of ME Res 1995 may not be persuasive unless the alternative conference is accompanied by the following feasible determinants:

- Set a specific time frame for the conference.
- Convene the conference under the UN umbrella and the UN Secretary General.
- Include specific operational steps for establishing a nuclear-weapons-free zone in the ME, such as a MENWFZ Treaty.
- All concerned parties participate, including Israel and Iran, in the conference.
- The UN and the Security Council accept their responsibility for implementing mechanisms to achieve the findings of the conference in a specified time frame adhered to by all concerned parties.

These mechanisms have been emphasized in the recent Arab summit in Sharm El-Sheikh, Egypt as mentioned above. Therefore, it is clear that the 2015 NPT Review conference was the best opportunity for NPT nuclear-weapons states, particularly the depositary countries (US, United Kingdom, and the Russian Federation), to enforce the ME Res 1995 and preserve the credibility, continuity, and universality of the treaty, and maintain the non-proliferation regime as a whole.

Projected Outcomes in the NPT Review Conferences

1. Because of the failure in achieving NNWS's demands, Arab states and other NNWS alliances, headed by Egypt, strongly object to the non-implementation of the ME Res 1995, which could undermine the adoption the Final Document of the conference by some states even if they agreed on a preliminary summary of the conference.
2. With the support of the Non Aligned Movement, African Union, League of Arab States, and some NWS, such as Russia and China, Egypt will propose an action plan accompanied by a new vision for how to implement the ME Res 1995. This action plan would also maintain the continuity of the NPT and non-proliferation regime, putting the responsibility of achieving this proposal upon the UNSG and Regional and International alliances within a certain period of time not exceeding 6 months.
3. Promises will be made to hold the deferred Helsinki Conference on the establishment of a nuclear-free zone in the ME with the aforementioned modifications to be acceptable to some NNWS.
4. Some states might request to freeze their membership of the NPT until the ME Res 1995 is implemented. In other words, the indefinite extension of the NPT would be frozen until the ME Res 1995 is realized.
5. Some states might call for a redrafting of the treaty in a manner consistent with and representative of the interests and security of all parties without differentiation. This call will be repeatedly raised—now and later—amidst the continued indifference by the US and the West to Israeli procrastination and the Arab and African states' demands.
6. The Arab States may reconsider their position on the indefinite extension of the treaty based primarily on the implementation of the ME Res 1995. The treaty will be taken up with elucidation and argument for the necessity and sufficiency of these conditions to be extended only for five years.

Sooner or later, there will be a substitution of a new treaty on nuclear disarmament and non-proliferation banning the production of fissile material for the purposes of making nuclear weapons and allowing countries to benefit from nuclear energy for peaceful purposes. At the same time, such a substitution would allow NNWS to partake in sustainable development and energy security, achieving collective security, stability, and prosperity of all countries without exception.

III. Conclusion

A. The Inextricable Fate of the NPT and the 1995 Middle East Resolution are Identical Twins

Based on these projected outcomes, it can be said that the fate of both the NPT and the ME Res 1995 are inevitably the same: compliance of the member states can cause complications to the universality of the treaty, potentially causing its dissolution and the substitution of another treaty. Like a shared umbilical cord, the NPT and the ME Res 1995 are equally critical to the future of the nuclear non-proliferation system.

B. No ME Res. 1995 = No indefinite extension of NPT = No existence of the NPT in ME

The above is not an exaggeration; rather, it is a simple observation from the point of view that in order for the ME Res 1995 to free the region from nuclear weapons, it plays a three dimensional role and sets a precedent for a standing, a subsequent, and a concurrent plan for the indefinite extension of the treaty[38].

- In terms of legal perspective, The Middle East Resolution 1995 can be viewed as a condition precedent: a prerequisite event or circumstance that must occur or arise before a stated obligation becomes binding. The ME Res 1995 must be implemented before a further indefinite extension can occur [39].
- A condition subsequent: an event or circumstance whose occurrence extinguishes or modifies an obligation. That means if an act or event is not certain to occur, such as the non-implementation of the Resolution 1995, the NPT itself and its parties discharge a duty of performance, which has already arisen, as well as causing the NPT to be voidable and able to be annulled [40].
- A condition concurrent: a condition that must be satisfied at the very time the obligation is owed, else the obligation is not owed at all. Depositary states should deliver all practical and accessible actions until the ME Res 1995 is implemented. Otherwise, the NPT is not extended indefinitely, whereupon this NPT "contract" shall become voidable [41].

Since the indefinite extension of the treaty and the implementation of the ME Res 1995 share an overlapping fate, this should be the focus rather than the NPT and the resolution implementation steps.

As this study highlights, seven central dilemmas challenge the fate of the NPT as its participants pursue the goals of its four pillars. The establishment of a ME free from nuclear weapons depends not only on the good intentions and political will of the Arab states nor does it depend solely on accomplishing a nuclear agreement between Iran and the West. It also—and perhaps most importantly—depends on Israel’s political will to collaborate with the international community to achieve security and nuclear cooperation in the region, which requires the international community’s commitment and, especially, the depositary states to bear their obligations to implement the ME Res 1995.

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