

# The On-going Challenge of Non-conventional Weapons in the Middle East

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Non-conventional weapons – biological, chemical, nuclear and ballistic missiles – continue to pose challenges to Middle Eastern security. Not only are they present, or believed to be present, in the region, but some of those weapon categories have actually been used in war. Internal political instability in many Middle Eastern countries and the opening of new geopolitical fissures in some sub-regions over the past few years have rekindled fears about possible nuclear weapon proliferation and regional competition in longer-range ballistic missiles. The recurrent use of chemical weapons (CWs) against civilians in the Syrian civil war carries echoes of Iraq's chemical attacks against Iranian troops and its Kurdish minority during the 1980s. The region, however, faces a deep-seated paradox: Arab governments and Iran almost singularly focus on removing Israel's nuclear capacity, whereas all actual use of unconventional weapons in the Middle East targeted fellow Arabs or Muslims.

The Final Document of the 2010 Review Conference of the Nuclear Non-Proliferation Treaty (NPT) calls for a "conference in 2012, to be attended by all states of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region, and with the full support and engagement of the nuclear-weapon states."<sup>1</sup> As of March 2014, the meeting had still not been convened due to widely diverging views on its format and purpose within the

region. In addition, the domestic upheavals that roil many Arab countries and the questions about the true purpose of Iran's nuclear programme have not been conducive to region-wide disarmament talks. Syria's surprise accession to the Chemical Weapons Convention (CWC) after a series of CW attacks outside Damascus in August 2013 and the subsequent dismantlement of its chemical warfare capacity under international supervision have altered security calculations and affect the rationale for the regional negotiations.

## Status of Non-conventional Weapons in the Middle East

Four international agreements govern non-conventional weapons in the Middle East: the 1925 Geneva Protocol, which prohibits the use in armed conflict of chemical and biological weapons (CBWs); the Biological and Toxin Weapons Convention (BTWC) and the CWC, which prohibit the development, acquisition, stockpiling and use of biological and chemical weapons respectively; and the NPT, which forbids non-nuclear weapon states to acquire nuclear weapons in exchange for access to nuclear technology for peaceful purposes and orders the five recognised nuclear-weapon states to pursue disarmament in good faith. The 1996 Comprehensive Test Ban Treaty (CTBT) has not yet entered into force, but as with the other international agreements, the vast majority of Middle Eastern states have deposited their instrument of ratification. Table 8 offers an overview of participation by Middle Eastern states in those agreements.

\* This article was completed in March 2014.

<sup>1</sup> 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, NPT/CONF.2010/50 (Vol. I), Section IV: "The Middle East, particularly implementation of the 1995 Resolution on the Middle East," para. 7(a).

TABLE 8		Treaty Participation in the Middle East				
	Geneva Protocol	BTWC	CWC	NPT*	CTBT	
Algeria	08/01/1992	22/07/2001	29/04/1997	12/01/1995	11/07/2003	
Bahrain	20/10/1988	28/10/1988	29/04/1997	03/11/1988	12/04/2004	
Egypt	06/12/1928	[Signed: 10/04/1972]		26/02/1981	[Signed: 14/10/1996]	
Iran	03/08/1929	22/08/1973	03/12/1997	02/02/1970	[Signed: 24/09/1996]	
Iraq	07/04/1931	19/06/1991	12/02/2009	29/10/1969	26/09/2013	
Israel	22/01/1969		[Signed: 13/01/1993]		[Signed: 25/09/1996]	
Jordan	10/10/1976	30/05/1975	28/11/1997	11/02/1970	25/08/1998	
Kuwait	03/01/1971	18/07/1972	28/06/1997	17/11/1989	06/05/2003	
Lebanon	03/03/1969	26/03/1975	20/12/2008	15/07/1970	11/11/2008	
Libya	17/10/1971	19/01/1982	05/02/2004	26/05/1975	06/01/2004	
Morocco	27/07/1970	21/03/2002	29/04/1997	27/11/1970	17/04/2000	
Oman		31/03/1992	29/04/1997	23/01/1997	13/06/2003	
Qatar	18/04/1976	17/04/1975	03/10/1997	03/04/1989	03/03/1997	
Saudi Arabia	10/01/1971	24/05/1972	29/04/1997	03/10/1988		
Syria	11/09/1968	[Signed: 14/04/1972]	14/10/2013	24/09/1969		
Tunisia	15/05/1967	18/05/1973	29/04/1997	26/02/1970	23/09/2004	
UAE		19/06/2008	28/12/2000	26/09/1995	18/09/2000	
Yemen**	26/01/1971	01/06/1979	01/11/2000	14/05/1986	[Signed: 30/09/1996]	

\* Date indicates first deposit of instrument of ratification or accession with one of the three depositary states.  
 \*\* NPT ratification date of North Yemen before unification. South Yemen ratified on 26 January 1989.

A look at the status of the different treaties would seem to indicate that the ambition to rid the Middle East of non-conventional weaponry could be achieved by having the few outsiders join the respective treaties. As the Geneva Protocol belongs to the laws of war and the CTBT has yet to enter into force, the focus can be narrowed to a mere two countries: Egypt (BTWC and CWC) and Israel (BTWC, CWC and NPT). Unfortunately, the situation is politically and psychologically more complicated.

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### Everything Is Connected to Everything Else

Disarmament requires a security environment that is conducive to its objective: the organisation of inter-state security by means other than the weapon category to be eliminated. Such alternatives may include the deployment of weaponry not included in international prohibitions or diplomatic interaction. Even if this precondition materialises, the arms to be eliminated have to be in a functionally equivalent relationship among the key security actors, i.e., they must play a more or less similar role in the respective military doctrines. Those arms can belong to the same weapon category (e.g., strategic nuclear missiles in the US-Russian bilateral START agreement) or they can be dissimilar (e.g., nuclear and chemical weapons if both serve strategic deterrence purposes).<sup>2</sup> On the surface, the disarmament question in the Middle East appears straightforward: Arab countries will totally renounce CBWs if Israel relinquishes its nuclear arsenal. The position evolved from Egypt's original proposal in 1974 to create a Nuclear Weapon Free Zone (NWFZ) to an acceptance that any regional agreement should include security incentives

<sup>2</sup> ZANDERS, Jean Pascal and FRENCH, Elisabeth M. "Article XI of the Chemical Weapons Convention: Between Irrelevance and Indispensability," *Contemporary Security Policy*, Vol. 20, No. 1 (1999), pp. 64–69.

for Israel. In the course of the Arms Control & Regional Security Working Group (ACRS) meetings (1992–96), the country consolidated the proposal. Egypt thus laid the foundation for the call to eliminate all non-conventional weapons from the Middle East, first in the final document of the 1995 NPT Review Conference, and later in the aforementioned 2010 final document.

However, the linkage of Israel's nuclear weapons to CW capacities held by Arab states (between the 1970s and 2013 this would have included Egypt, Libya, Iraq and Syria at various times), as suggested by the principle of functional equivalence, has always been tenuous at best. First, given its policy of opacity, Israel has never acknowledged possession of nuclear, biological or chemical weapons. Regarding the latter two categories, it has repeatedly reiterated that it will not be the first country to introduce them into the region. Given that Israel has never issued a specific nuclear threat to any adversary (in contrast to its policies of assured retaliation for any aggression and pre-emptive military strikes to neutralise emerging existential threats), there exists no declared doctrinal function for its nuclear weapons, even though most analysts accept their role as a deterrent of last resort. Second, questions can be raised about Israel's role in Arab motivations to acquire chemical stockpiles. In every case, an Arab state has used them against another Arab or Islamic state (Egypt in Yemen during the 1960s; Iraq against Iran between 1982 and 1988; Libya allegedly in Chad in 1987) or against its own population (Iraq against the Kurds in the 1980s; Syria in the civil war in 2013). Only Syria's CW arsenal could have served a doctrinal function of strategic and existential deterrence from the 1990s onwards, but in view of its accession to the CWC in 2013 and the current international operations to eliminate its chemical warfare capacity, this functionally equivalent doctrinal relationship – if it ever existed – has all but dissipated.<sup>3</sup>

Israel's basic quest concerns recognition of its right to exist by the other Middle Eastern states. The hostility is

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reflected in treaty reservations by several Arab governments stating that their adherence to the treaty does not imply recognition of the State of Israel. Iran likewise formally declares at BTWC or CWC meetings that Israel's participation as an observer or the presence of an Israeli NGO cannot be construed as a recognition of the State of Israel. The Palestinian political authorities, irrespective of the faction they belong to, also repeatedly question or steadfastly refuse to recognise the permanency of Israel in the region in spite of the 1993 and 1995 Oslo Accords with the Palestine Liberation Organisation. Israel consequently demands a variety of formal security guarantees from each partner as a precondition to entering into any form of disarmament or arms control colloquy.

### The Need for a New Security Discourse

History proves that formal international accords require the mutual recognition of the interlocutors as equal partners. It was no accident that the first formal ban on the use of poison in war was signed between France and Germany in 1675, less than 30 years after the Peace of Westphalia, which had ushered in the international system of equal entities, the sovereign states.<sup>4</sup> The international community's ability to destroy Syria's CWs resulted to a large extent from the requirement to set aside personalised animosities and involve the Syrian Arab Republic as an equal partner (which it has to be as a party to the CWC). Reintegrating Libya into the international fabric was key to the elimination of its CWs and nuclear activities. The current discussions to enhance nuclear transparency in Iran are founded on similar principles.

<sup>3</sup> Syria also maintained a policy of opacity regarding its CWs. However, under the CWC it declared a stockpile of 1,300 metric tonnes of predominantly precursor chemicals rather than final warfare agents, which suggests that the deterrent capacity of its chemical warfare arsenal in a rapidly escalating existential crisis might have been severely limited in view of the multiple days needed to prepare the agents and fill them into the missile warheads and other munitions.

<sup>4</sup> ZANDERS, Jean Pascal. "International Norms against Chemical and Biological Warfare: An Ambiguous Legacy," *Journal of Conflict & Security Law*, Vol. 8, No. 2 (2003), pp. 394; 403–404.

Engaging the Middle Eastern partners in a disarmament or arms control dialogue will require a solid dose of *Realpolitik*, in which everybody will need to overcome personal grievances and tendencies towards demonising adversaries, and perhaps, as the Syrian case illustrates, defer justice until such time as primary security goals and patterns of dialogue have been attained. This is a complex and emotionally charged process, which can only be achieved if decision-makers and social entrepreneurs determine that weapon control is a primary objective. Direct engagement based on mutual recognition as equal partners can offer a pathway to resolving other outstanding issues (even though reality will dictate that not every grievance can be settled).

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In the field of disarmament, the need to de-link nuclear weapons from the other weapon categories is imperative. Not simply because of “functional equivalence” imperatives, but because the original motives for their coupling have evolved. Given its preoccupation with removing Israel’s nuclear arsenal from the regional security equation, Egypt also branched the possibility of withdrawing from the CBW as a coercive lever. Already at the Paris conference convened by France in January 1989 to restore the

authority of the Geneva Protocol in the wake of the Iran-Iraq war and accelerate the CWC negotiations, Egypt threatened with a united Arab boycott of the future convention unless Israel became a party to the NPT. The Arab League formally adopted this position after finalisation of the CWC in 1992. It did not hold, however, as most Arab states joined the treaty within the first years of its entry into force (a reflection of the fact that economic and other interests dominate the policy preferences of countries on the periphery of the Arab–Israeli conflict). Today Egypt remains the sole country upholding the position. Nobody in the region now possesses CWs to offset Israel’s nuclear weapons.

There is an urgent need to move from declaratory politics to designing feasible strategies and testing their implementation. For example, it is easy to state that Israel should join the NPT and rescind its nuclear capacity. However, as Israel cannot become an NPT party while possessing such weapons, the critical policy choice is whether to insist on formal declarations of possession and the composition of the arsenal, followed by international oversight of its dismantlement, or whether to accord Israel continuation of its policy of opacity while disarming it. In the latter case, Israel could follow South Africa’s example of unilateral disarmament, after which it could accede to the NPT and have the International Atomic Energy Agency confirm the dismantlement through inspections. Knowing that Israel seeks to address its existential security threats first, removing reservations to arms control agreements that deny recognition of Israel could be a first small step that would open pathways to further dialogue. Multinational technical and scientific collaboration in the field to test and ameliorate verification proposals will gradually improve common understandings and make solutions politically acceptable, as the US and USSR experienced while discussing bilateral arms control treaties in the late 1980s. The key issue is to decide on the first small steps to be taken now to eventually enable significant progress tomorrow.