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THE MIDDLE EAST ARMS CONTROL AGENDA: 1994-1995

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Introduction

The agenda for arms control in the Middle East is heading towards a collision of timetables. On one hand, during the past two years, some of the region's states have been engaged in a remarkable and unprecedented effort to launch a regional arms control process. Led by Israel, Egypt and Jordan, the multilateral talks on Arms Control and Regional Security (ACRS) launched in Moscow in early 1992, have made considerable progress. Indeed, by the beginning of the third year of their talks, the ACRS participants succeeded in negotiating a draft "declaratory statement." The document accorded the various parties' priorities by addressing their future political relations, the need to establish mutual confidence, and their commitment to arms reductions, including the transformation of the Middle East to a zone free of weapons of mass destruction.[1] Thus, following a period of mutual adjustment to their different and somewhat conflicting priorities, the parties to the ACRS talks acknowledged not only the significance of addressing the proliferation of weapons in the region but also the enormous sensitivity of the issues involved. Hence, they adopted a cautious "go-slow" approach, based on the gradual building of mutual confidence and successful conflict resolution, so that a regional environment more conducive to eventual arms reductions might be created.

At the same time, at the region's doorstep is a global arms control agenda dictating a much more urgent timetable. During 1994

the Chemical Weapons Convention needs to be ratified and major decisions regarding the possible extension or extinction of the 1968 Nuclear Nonproliferation Treaty would have to be made before the NPT Review Conference is convened in 1995. Also, discussions are to be launched regarding the US-proposed Comprehensive Test Ban Treaty, and a convention banning the further production of nuclear weapons-grade material. Finally, the possibility that the UN Arms Transfers Register might be expanded to include additional categories and activities, is likely to be introduced and discussed. For some of the region's states, the issues involved in these treaties affect the very foundations of their national security. Yet these states would have to formulate their positions with respect to these treaties during the coming months. At this point, it is difficult to ascertain how this 'collision of timetables' would be resolved.

Multilateral Arms Control Talks

Initial seeds of the future application of confidence building and arms reduction measures in the Middle East have been planted during 1992-1993. The Middle East multi-lateral conference held in Moscow in January 1992 for the purpose of addressing the region's problems, led to the convening of the multi-lateral working group on Arms Control and Regional Security (ACRS) in the Middle East. Israel and some 12 Arab countries -- Egypt, Jordan, Saudi Arabia, Morocco, Algeria, Oman, Tunisia, and the United Arab Emirates -- are taking part in these talks. As of May 1993, the Palestinians

have joined the working group as well.

During the initial rounds of discussions held within this framework in Washington and Moscow, the talks were plagued by fundamental disagreements on priorities, primarily between Israel and Egypt. The latter attributed the highest priority to arresting the proliferation of nuclear weapons in the Middle East and, within this context, to focusing on Israel's nuclear weapons first. Accordingly, Egypt called for an early consensus regarding the end-products of a Middle East arms control process, and pressed Israel, directly as well as indirectly, to commit itself to de-nuclearization.[2]

Within this context, Egyptian spokesmen -- including Foreign Minister Amr Musa in a March 1993 interview with Defense News -- urged that Israel adopt a long list of declaratory, political, and legally-binding measures, expressing Israeli willingness to transform the Middle East into a nuclear-weapons-free-zone and to sign the 1968 Nuclear Non-Proliferation Treaty.[3] Repeatedly, these spokesmen emphasized that Egypt would not be able to accept Israeli possession of nuclear weapons as an indefinite proposition.

Explaining their approach, Egyptian officials and scholars stressed that the ACRS process should deal first with nuclear arms, because they comprise the most destructive and, hence, the most destabilizing weapons. They stressed that while they are satisfied that Israel's present government can control such weapons responsibly, they cannot be confident that this would similarly apply to any future Israeli government. Finally, they emphasized

that Egypt cannot voice its opposition effectively against the nuclear ambitions of Iran and Iraq as long as Israel's nuclear program is ignored.

Conversely, Israel stressed the prevailing profound mistrust and the impact of conventional weapons with which all Middle East wars have been waged and which have taxed the region's nations heavily in human lives and financial resources, and the resulting importance of addressing the asymmetries of the conventional forces in the region. Israel's approach also implied that sensitive issues involving the various parties' central strategic systems should be implemented only after these parties develop a minimum measure of self-confidence and mutual trust.[4] Accordingly, Israel proposed the application of a wide range of regional confidence building measures designed to prevent mis-perceptions, mis-assessments, and unintended escalation, and to reduce mutual fears of surprise attack. Behind this approach was Israel's conviction that during the long and uncertain transition to reconciliation in the Middle East, and until the stability of peace will be assured, Israel should continue to maintain a credible deterrent.

The working group's September 1992 meeting held in Moscow settled these conflicting agendas by adopting a US-proposed compromise, incorporating both Israeli and Egyptian priorities.[5] In effect, the US urged a joint effort to define long-term objectives ('a vision') for the process, but argued that progress toward the realization of these goals must be build "brick by

brick," through the gradual growth of mutual confidence.[6] Thus, the early implementation of regional confidence building measures was stressed. Within this framework, the parties were requested to indicate their attitude toward a long list of confidence building measures, submitted by their American and Russian co-sponsors.[7]

At the closing of the Moscow talks, the parties agreed to present the following meeting of the working group suggested definitions of the desired end-results of the process, as well as lists of confidence building measures that might be implemented initially. Consequently, between September 1992 and May 1993, Israel and Jordan launched an internal effort to define ultimate purposes for the region's arms control process.[8] In Egypt a definition already existed in the form of the April 1990 Mubarak initiative. The initiative called for the transformation of the Middle East into a zone free of all weapons of mass destruction (WMD). Variations on this theme were also expressed in a document distributed earlier by the chairman of Egypt's delegation, Nabil Fahmy.

Following complex internal negotiations during late 1992, the Israeli government produced a draft defining its approach to the end-goals of arms control in the Middle East. The essence of the approach was made public in the framework of a speech delivered by Foreign Minister Shimon Peres on January 13, 1993, to the international conference convened in Paris to sign the Chemical Weapons Convention. In effect, Israel adopted the Mubarak Initiative, but made it clear that the establishment of a WMD-free-

zone in the Middle East requires the prior establishment of peace and the application of mutual verification measures.[9] It was clear that the two conditions are closely related. Thus, for example, Israeli and Syrian inspectors are unlikely to be allowed to examine sensitive sites in each other's territory except in the context of peaceful relations between the two countries.

In emphasizing the second condition, Israel had adopted the approach taken earlier by the US and the Soviet Union in the framework of East-West arms control. The two superpowers refrained from delegating to third parties or international agencies the responsibility for verifying compliance with agreements reached. Rather, they insisted that these agreements will be subjected to mutual and reciprocal verification procedures, through the employment of National Technical Means (NTMs) as well as on-site inspections.

Thus, the Israeli position stressed an evolutionary approach, in which the materialization of the ultimate objectives is seen as conditional upon the prior establishment of peace and complete reconciliation among all the region's states. Indeed, Israel's formulation differed from the Mubarak initiative in three additional respects: first, it incorporated ballistic missiles into the definition of mass destruction weapons; second, it stressed the importance of reducing the arsenals of conventional weapons in the region.

At the multilateral working group meeting held in Washington in May 1993, draft definitions of the 'visionary goals' were

presented by Israel, Egypt, Jordan and Oman, and a number of proposals for confidence building measures were discussed.[10] One proposal developed called for cooperation between the Israeli and Arab navies of Egypt, Jordan, Saudi Arabia, Lebanon and the Gulf states to avoid incidents at sea. The proposal focused particularly on the Red Sea as a possible laboratory for the implementation of Arab-Israeli CBMs.[11]

Subsequently, an agreement was reached in Washington to the effect that inter-sessional meetings by sub-working groups will be held, each entrusted with a particular task. External sponsors were nominated to escort the parties through the complexities of these tasks. Thus, the US and the Russia were to co-sponsor the effort to define both the ultimate purposes of a Middle East arms control process as well as a set of declaratory confidence building measures; Canada was asked to sponsor the effort to explore maritime confidence building measures and the means of avoiding incidents at sea; Turkey was nominated to co-sponsor the effort to explore alternative methods of exchanging military information and pre-notification of military exercises and large-scale military movements; and finally, the Netherlands were asked to lead an effort to examine the utility and functioning of a crisis communication network.

Within this context, all the region's parties were urged to reach beyond their short lists of arms control specialists and to send to these meetings military officers who, in the future, might be instructed by their governments to help implement confidence

building measures. In July 1993 Egypt hosted the members of the ACRS working group for a workshop devoted to verification.[12] This was the first meeting of its kind conducted in the region itself. The seminar included presentations and discussions held in Cairo as well as a visit to the Sinai -- where verification measures applied in the framework of the 1979 Israel-Egypt peace agreement were observed.

Subsequently, two of the ACRS sub-working groups were convened in September 1993: a meeting on maritime confidence building measures was held in Nova Scotia, and a seminar on crisis communication was held in the Hague. In early October, the first meeting on the exchange of military information was held in Turkey. Within this period, the parties involved were also invited to observe inspections of a Royal Air Force base in Britain and a NATO exercise in Denmark, both conducted in the framework of CSCE.

Finally, in mid-October, meetings on the ultimate goals of the process and on declaratory confidence building measures were held in Vienna. These comprised the only truly confrontational talks held within the 'inter-sessional' framework, with Egypt's representatives stressing the urgent need for nuclear arms control, while Israel's representatives emphasized political accommodation and the need to apply an evolutionary confidence-building approach.

The array of inter-sessional activities conducted in mid-1993 was impressive and significant. Only a few years earlier, the willingness of a large number of Arab states to cooperate with Israel in examining alternative region-wide confidence building

measures was considered a dream. Moreover, such cooperative examinations themselves comprised an important confidence building measure, since they provided excellent opportunities for a growing number of Israeli and Arab military personnel and government officials to inter-act informally with one another and to develop an understanding for each other's perceptions and security concerns. Thus, the cumulative effect of these developments must be considered -- especially by Middle East standards -- a dramatic breakthrough.

The next ACRS plenary meeting took place in Moscow on November 3-4, 1993. After surveying the previous 'inter-sessional' workshops, difficult negotiations regarding the future course of the process took place. Again, Egypt emphasized the need to implement nuclear disarmament, while Israel stressed the importance of conflict-resolution and confidence-building.[13] Tension rose as a consequence of the intensity with which these two principle parties adhered to their positions. Some Arab delegations were unhappy about the degree of coordination and prior consultation exercised by Egypt's representatives. The latter subsequently complained that the time constraints imposed by the co-sponsors in Moscow made a dispassionate review of the issues nearly impossible. And, the two co-sponsors were unhappy about the extent of posturing exercised by 'some parties.'

Nevertheless, the Moscow meeting ended in an important agreement to divide the ACRS future activities into two 'baskets': first, a 'conceptual basket' in the framework of which an effort

would be made to agree on the principles that would guide the future relations of the region's states, on the ultimate objectives ascribed by the parties to the arms control process, and on a set of declaratory measures which may provide the parties with effective mutual reassurances. In this context, the parties were also expected to define the region's boundaries, to articulate their threat perceptions, to elaborate generic verification methods, to design crisis prevention mechanisms, and to produce menus of confidence building measures.

By contrast, the 'operational basket' was designed to comprise various practical mechanisms for increasing transparency and reducing the danger of unintended escalation. These included maritime confidence building measures and mechanisms to prevent incidents at sea; procedures for military-to-military contacts and the exchange of military information; arrangements for pre-notification of major military exercises and movements; and, the establishment of a regional communications network. Indeed, by mid-January 1994, representatives of the parties to the ACRS talks met in the Hague (Netherlands) and decided to establish a Middle East communication network. This was to be done by employing the CSCE network located there, and was to comprise the 'flag project' of the 'operational basket.'[14]

The first meeting of the ACRS 'conceptual basket' talks took place in Cairo in early February, 1994. While witnessing some tough negotiations, the Cairo meeting was successful in producing a draft declaration of principles on peace and security in the

Middle East. The document accorded the various parties' priorities by addressing their future political relations, the need to establish mutual confidence, and their commitment to arms reductions, including the transformation of the Middle East to a zone free of weapons of mass destruction.[15] The document comprised an enormous achievement: while remaining at the level of generalities, it contains the first multi-lateral Arab-Israeli agreement on the principles which should guide inter-state relations in the Middle East. The meeting concluded by referring the document for approval to the various governments taking part in the ACRS talks.

If the Cairo document will comprise the basis for the entrance of future participants in the ACRS talks, such as Syria -- and, in the more distant future, possibly Iran and Iraq as well -- it might eventually assume the same importance attributed to the 1974 Helsinki Final Act in the history of US-Soviet relations. Yet by early 1994 Syria remained resistant to joining the process and continued to insist that greater progress in Israeli-Syrian bi-lateral talks must first be achieved.[16] At the same time, some of the region's key proliferation concerns -- Iraq, Iran, and Libya -- have not even been invited to take part in these multi-lateral discussions. Thus, at this writing, even the limited gains made in establishing the basis for a regional arms control process remained confined to only parts of the Middle East.

Regional Implications of Global Efforts

As noted already, during 1994-95, Middle East states would have to formulate their positions with respect to a number of arms control treaties. These old, new and proposed treaties and measures comprise the global arms control agenda. The agenda includes the Chemical Weapons Convention which needs to be ratified; the 1995 NPT Review Conference which needs to determine whether the 1968 Nuclear Nonproliferation Treaty would be extended indefinitely or for a fixed period or periods of time; and, two US-proposed treaties that need to be negotiated: the Comprehensive Test Ban Treaty (CTBT), and a convention banning the further production of nuclear weapons-grade material. In addition, suggestions are likely to be raised to the effect that the UN Arms Transfers Register should be expanded to include additional categories and activities. While the CTBT, proposed by the Clinton administration in mid-1993, is unlikely to present major difficulties to any of the region's states, the other four treaties and measures will require them to make some difficult choices.

(a) The Nuclear Nonproliferation Treaty

Article X-2 of the Nuclear Non-Proliferation Treaty (NPT) signed in 1968 stipulates that 25 years since becoming effective in 1970, its members should meet to determine whether it should be extended indefinitely or for a fixed period or periods. This issue and the questions related to it will comprise the agenda of the NPT Review Conference scheduled to meet in 1995.

In recent years, the NPT has come under increasing criticism. Most frequent have been complaints about the treaty's discriminatory nature, pointing the asymmetry of the obligations undertaken by nuclear weapon states and non-nuclear weapon states. While the latter assume clear obligations not to acquire nuclear weapons, the former are merely required to enter negotiations leading to the elimination of their nuclear arsenals "in good faith." Indeed, it was pointed out often that throughout the first 20 years since the treaty became effective, the nuclear weapon states have been in clear violation of its stipulations: judging from the intensity of the nuclear arms race which they conducted, they could hardly have been said to be negotiating nuclear disarmament "in good faith."

A second focus of criticism has been the treaty's schizophrenic nature. That is, it is characterized by constant tension between two inherently contradictory purposes: preventing the proliferation of nuclear weapons and encouraging the peaceful use of nuclear technology. The problem from the treaty's inception has been the dual-use nature of nuclear technology; peaceful and weapons-related nuclear technologies are related and convertible. Thus, while Japan's post-war nuclear program has been strictly peaceful, it is now widely considered to be able to transform its capability to an enormous nuclear arsenal almost overnight.

As the example of Japan illustrates, a related weakness of the NPT is that within its framework, a country can develop an advanced nuclear capability 'for peaceful purposes' and then withdraw its

treaty membership with or without providing the stipulated three-month advanced notice. North Korea has already threatened to exercise this right, leaving the withdrawing state with the facilities and source material required to assemble nuclear weapons quickly.

A final central focus of the NPT's weakness is its reliance on the inadequate verification mechanisms and procedures of the International Atomic Energy Agency (IAEA). Like the NPT, the IAEA is also torn between two somewhat contradictory missions: encouraging the use of 'peaceful' nuclear technology and discouraging the spread of nuclear weapons. Until recently, it has limited its inspections and application of safeguards to nuclear facilities which have been declared as such by the member states. It has given much prior notice to the relevant governments before launching inspections, thus leaving them ample opportunity to conceal forbidden activities. Thus, it refrained from conducting 'short notice' and 'challenge' inspections of sites where the conduct of weapons-related nuclear activities was suspected.

The IAEA is also regarded as chronically under-funded and hence under-staffed to perform its global mission. It is also accused of having mis-allocated its sparse resources between safeguarding the vast number of nuclear facilities of advanced industrial countries such as Germany and Japan, and countries which are of more immediate nuclear proliferation concern, such as Iraq, Iran, South Africa, and North Korea. The cumulative effect of these shortcomings has been to allow Iraq to develop an advanced

nuclear weapons program under the framework of the NPT and under the eyes of the inadequate IAEA inspection mechanism. Calls for strengthening IAEA have been widespread, but the organization has recently announced a further 12 percent cutback in its activities as a consequence of budgetary constraints.

The NPT regime has gained increasingly wide membership. In recent years, its global application received a significant boost by the separate decisions of France, China, and South Africa to sign the treaty. More recently, Algeria also declared its intention to join. In the case of South Africa this involved a further decision to liquidate its nuclear program.

Yet the treaty's application remains short of universal. Important states widely believed to possess nuclear arsenals, notably India, Pakistan, and Israel, remain outside the treaty framework. The common reference to these states as 'undeclared nuclear powers' also makes the NPT's definition of nuclear weapon states seem outdated, thus challenging the potency of the regime.

Israel continued to resist suggestions that it sign the NPT, although it supported global nonproliferation efforts in the nuclear realms. Largely, its position seemed to be guided by the notion that until Middle East peace is achieved and stabilized, Israel should avoid any measure which might lead to an erosion of its ambiguous nuclear option. In addition, Israel did not regard the NPT as a significant barrier to nuclear proliferation, and the dimensions of the nuclear programs developed by NPT signatories such as Iraq and North Korea illustrated Israel's concerns.

In recent years, Israel had not experienced significant pressure to sign the NPT.[17] Indeed, during the past two years US officials urged Israel to do so in only a small number of occasions.[18] One such instance was a press briefing given by US Assistant Secretary of State Robert Galluci.[19] On the contrary, a study released in October 1993 by the US Congress Office of Technology Assessment cautioned against pressing Israel "to give up its nuclear weapons," arguing that such pressure might "endanger Israel's survival."[20]

More important, on January 16, 1994, in a joint press conference with Syria's President Hafez al-Assad, US President Bill Clinton was asked whether Israel's refusal to sign the NPT did not contradict the concept of peace toward which Clinton was striving. The President responded that "the best way to arrest the proliferation of mass destruction weapons -- which includes not only nuclear weapons but chemical and biological weapons as well -- and to slow the conventional arms race in the Middle East is the successful conclusion of the [peace] process."[21]

Preparations for the convening of the 1995 NPT Review Conference will present a number of dilemmas to Middle East states. The difficult dilemma of the Arab states that are signatories of the NPT would be whether to vote for the indefinite extension of the treaty despite the fact that Israel has not signed -- and by 1995 will not yet likely to sign -- the NPT. Within this context, one possibility is that the Arab states would vote for the extension of the treaty for a fixed period, stating that if by that

time Israel would sign the treaty -- they would support indefinite extension.

A second dilemma concerns the future status of the aforementioned "undeclared" nuclear states -- India, Pakistan, and Israel. Some distinguished international scholars and former statesmen have called for the incorporation of these states within the NPT framework in order to constrain them from contributing to further proliferation.[22] Yet granting these parties NPT membership as 'nuclear states' requires that the Treaty's definition of such states be altered. Led by the US, supporters of the NPT might be reluctant to do this, fearing that once a single facet of the treaty is amended -- the entire treaty would become open to an endless re-negotiation process, as parties will present the many objections they have developed over the years regarding different facets of the treaty.

From Israel's perspective, the main question is whether obtaining an official 'nuclear' status would serve its interests. In this context, one Israeli concern will be that such a change might accelerate the proliferation of nuclear weapons in the Middle East by placing Arab governments under new domestic pressures to produce a response to Israel's now explicit nuclear capacity. Israel might also fear that its adoption of an overt nuclear posture would grant legitimacy to Arab efforts to acquire nuclear weapons, thus making it more difficult to dissuade nuclear technology suppliers from transferring such technology to Arab states. And, Israel will be concerned that an 'official' nuclear

status might trigger the application of some US nonproliferation legislation nearly automatically, thus threatening important facets of US military, economic, and technological assistance to Israel.

From the Arab states' perspective, the possible ramifications of the proposed change are equally monumental. Most important, the proposed amendment to the NPT would make Israel's perceived nuclear capability unambiguous and legitimate. Granting such recognition to Israel's advanced nuclear capability while continuing to apply the NPT's nonproliferation clauses to all Arab countries would require that the latter accept that the present disparities in nuclear capabilities in the Middle East would remain indefinitely. The Arab states are most likely to view such a change as unacceptable from a strategic, political, and technological-cultural standpoint.

(b) The Chemical Weapons Convention

The Chemical Weapons Convention (CWC), signed in Paris on January 13, 1993, bans any acquisition, production, storage, and use of chemical agents. Like the INF Treaty, it is unique in that it calls for the eventual elimination of an entire category of weapons. The treaty includes the most intrusive verification measures ever adopted to assure treaty compliance. It created a potentially powerful mechanism -- the Organization for the Prohibition of Chemical Weapons (OPCW) -- solely devoted to implementing and verifying compliance. And, its future inspectors

were granted unprecedented authority to conduct short-notice as well as challenge inspections.

By September 1992, the new Labor-lead Israeli government decided to sign the CWC unconditionally. Israel's previous Likud-lead government made clear that its ratification of the treaty would be made conditional upon prior universal Arab adherence to the regime and the implementation of adequate verification measures. By contrast, Egypt urged all Arab states to refrain from signing the CWC until Israel would commit itself to signing the 1968 Nuclear Non-Proliferation Treaty (NPT).[23] Indeed, under Cairo's orchestration, this linkage was adopted by the Arab League. US officials have made their displeasure with Egypt's position clear but failed to persuade the Mubarak government to abandon this linkage.[24]

Meanwhile, many members of Arab League have abandoned the linkage. By mid-1993, a large number of these states have joined the CWC: Saudi Arabia, Algeria, Morocco, Tunisia, Mauritania, Qatar, Kuwait, the United Arab Emirates, Oman, and Yemen. Somewhat surprisingly, Iran also decided to join the CWC. Having suffered a number of Iraqi chemical attacks in the mid-1980s during the later stages of the Iran-Iraq war, Iran publicly welcomed the conclusion of the treaty.[25] Indeed, since signing the CWC, Iran has taken an active part in the process of its implementation, particularly in the framework of the Asian group of the OPCW.

Partly due to the high profile Iranian activity in this framework, the Asian group of the OPCW refused to grant Israel

membership in the group. At the same time, largely due to Britain's opposition, Israel was also refused alternative membership in the "Western" group, which also includes Canada, New Zealand, and Australia.[26] Thus, Israel found itself by the end of 1993 the only signatory of CWC that did not belong to any of its regional groupings. This was important because as is the case with UN institutions, most management posts at the OPCW were to be granted according to regional groupings.

Yet the CWC is unlikely to have a significant immediate effect in the Middle East, although its 'base-line' transparency requirements apply immediately following ratification. The convention will become effective no earlier than 1995, and the region's states will not be expected to destroy their inventories of chemical weapons before the year 2005. Indeed, in some cases the convention allows a further five-year delay in implementation. Although Egypt's efforts to create a united Arab refusal to sign the CWC have failed -- all Gulf and Maghreb states have meanwhile signed the treaty -- the continued refusal of the Arab states surrounding Israel to sign will limit the treaty's impact on the proliferation of chemical weapons in the Middle East.

The 1995 deadline for the ratification of the CWC is likely to present Middle East states with a number of dilemmas. From the perspective of Israel's neighbors, the main question is whether they should continue to resist signing and ratifying the treaty. Given the fact that Israel's reluctance to sign the NPT is tolerated by the international community, the linkage created by

the Egyptian-led Arab group between Israel's membership in the NPT and their membership in CWC will only leave them outside the CWC framework.

On the other hand, a number of Arab states have adopted the view that given the Israelis' vulnerability -- particularly their psychological vulnerability resulting from their experience with holocaust -- chemically-tipped ballistic missiles can provide them a form of counter-deterrence that might balance Israel's perceived nuclear superiority. This may lead such states to judge that as long as Israel continues to resist de-nuclearization, they should refrain from giving up the chemical weapons option. The implication of such judgement is that as long as Israel remains outside the NPT framework, these Arab states will opt to remain outside the CWC framework.

Ratification of the CWC presents Israel with a number of dilemmas as well. The first question is whether it should ratify the CWC despite the fact that non of its immediate neighbors has done so. Under such circumstances, such ratification may provide Israel's Arab neighbors a one-sided advantage. By using Arab signatories from the Gulf to demand the implementation of "challenge inspections" in Israeli facilities, they may gain access to such facilities without exposing their own facilities to similar "transparency."

A second issue is whether Israel should condition its ratification of the CWC on the prior definition of clear limits on the conduct of inspections. The purpose of such limits would be to

assure that inspections conducted by the OPCW are not abused to gain access to non-chemical facilities. Primarily, Israel might fear that the "challenge inspections" conducted within the CWC framework would be abused in an effort to make Israel's nuclear complex in Dimona transparent.

Finally, Israel would have to determine whether it should ratify the CWC despite the fact that it continues to be prevented from membership in its natural grouping at the OPCW -- the Asia group of the OPCW. If Israel's membership in the OPCW's "western group" is not settled by the deadline for the CWC's ratification, this dilemma would be all-the-more stark. But the issue would remain a difficult one even if only the first question remains open. Israel's continued rejection by members of the Asia group implies an unwillingness to grant it full legitimacy. Under these circumstances, it is even less clear that Israel should take the aforementioned risks of asymmetric transparency involved in its membership in the CWC.

(c) A Convention 'Capping' the Production of Weapons-Grade Material.

The difficulties entailed in applying the more ambitious objectives of nuclear arms control in the Middle East -- such as universal adherence to the NPT, the application of IAEA safeguards to all nuclear facilities in the region, and\or the transformation of the Middle East into a Nuclear Weapons Free Zone -- have lead the Bush administration to propose an interim objective: the

application of a freeze on the production of weapons-grade materials in the Middle East. The proposal -- announced on May 29, 1991, in the framework of the 'Bush Initiative' on arms control in the Middle East -- called upon the "regional states to implement a verifiable freeze on the production and acquisition of weapons-usable nuclear material (enriched uranium or separated plutonium."[27]

In July 1992, the Bush administration announced a global arms control initiative that included a call for the application of the ban on the production of fissile material to other regions as well. The initiative singled out the Middle East and a number of other regions as primary focuses of non-proliferation concerns, where emphasis on the application of the ban should be placed.

Finally, in September 1993, President Bill Clinton took the Bush proposal a step further. In a statement of his administration's approach to arms control, Clinton called for the institutionalization of the weapons-grade production cut-off in the framework of a global treaty. Thus, the initiative committed the US to "propose a multilateral convention prohibiting the production of highly enriched uranium or plutonium for nuclear explosive purposes or outside of international safeguards." It contained a separate promise that the US would "encourage more restrictive regional arrangements to constrain fissile material production in regions of instability and high proliferation risks."[28]

The principle strength of all three 'capping' proposals is their realistic approach. Recognizing that under prevailing

political and strategic circumstances some states will continue to refrain from rolling-back their nuclear capabilities, the proposed bans will at least freeze such capacities at their present levels. Thus they comprise a 'next best' alternative to unrestrained nuclear arms-racing. Since this can accord with the interests of nuclear weapon states, non-nuclear weapon states and undeclared nuclear weapon states alike, the proposed cut-off treaty might also enjoy universal participation -- another dimension of its potential attractiveness.

Yet the latter advantage of the suggested ban also harbors its fundamental weakness -- it promises to institutionalize the existing three-level nuclear cast system. As such, it is likely to be labeled as discriminatory by the same non-nuclear states like Mexico, who have repeatedly called 'foul play' with respect to the NPT. Moreover, the proposed ban presents serious verification dilemmas that comprise a serious threat to the future viability of the NPT. If the 'undeclared' nuclear status of states like India and Pakistan is not to be violated, the absence of present and future uranium enrichment and plutonium reprocessing must be verified without making past activities transparent. If such discriminatory verification procedures are technically impossible, the 'capping' proposal cannot be implemented without destroying the NPT facade that recognizes only five nuclear weapon states.

In contrast to the proposals advanced in this realm by the Bush administration, the Clinton initiative contains a number of somewhat complicating qualifications. First, the formulation

describing the suggested convention implies that the production of plutonium or highly enriched uranium would be permitted if such production is subject to international safeguards or is unrelated to nuclear explosive purposes. As such, the convention will suffer the same weaknesses of the 1968 Nuclear Non-Proliferation Treaty: under its framework a country would be able to produce such weapons-grade material under international safeguards, and would be able to escape such safeguards once it would deem necessary or advantageous to develop a military nuclear capability. By that time it may be in possession of a large quantity of plutonium or highly enriched uranium with which nuclear warheads could be produced.

Second, the formulation describing the suggested convention also implies that for a state to be found in non-compliance with the convention, it would be necessary to demonstrate not only that it produced plutonium or enriched uranium, but also that the production of these materials was intended "for nuclear explosive purposes." Yet conclusive evidence regarding such intentions will not be found easily. Hence, verifying non-compliance with the suggested convention will not be easy.

In the Middle East, the proposed "capping" convention will entail dilemmas that are somewhat similar to those involved in the aforementioned proposal to amend the NPT by formalizing the nuclear status of India, Pakistan, and Israel. From the Arab perspective, the main objection is likely to be that such a "freeze" would make Israel's perceived nuclear superiority permanent and legitimized.

In Israel, two very different concerns might be raised. The first, is that verifying the proposed convention would be difficult, hence leaving open the same danger of non-compliance suffered by the NPT. The second is that the convention would be enforced by an extremely intrusive verification system, similar to the one adopted for the CWC. In the latter case verification of present and future activities might "spill-over" to past activities, the resulting in a level of "transparency" that might make Israel's nuclear status unambiguous, yet under worst political conditions than those implied in the proposed institutionalized incorporation of Israel within the NPT as a "nuclear state."

(d) The Conventional Arms Transfers Register

Another global non-proliferation measure worth noting is the UN Arms Transfer Register, established by the General Assembly in December 1991. The creation of the register was suggested by Britain's Prime Minister John Major in the aftermath of the 1991 Gulf War, and won endorsement by the G-7. The resolution establishing the Register requires arms exporters and importers to inform the UN of all transfers of major weapon platforms, and defines seven categories of weapons that must be registered.

The Register does not contain a mechanism for verifying the parties' compliance with its reporting requirements other than through an examination of its cross listings. Indeed, the "transparency" achieved through its mechanism was merely designed to add an "embarrassment dimension" to such transfers, hoping that

the political costs entailed would increase correspondingly. Once the Register became effective in April 1993, and following internal debates in both countries, Israel and, later, Egypt, both submitted to the UN lists of arms transfers in which they were engaged.[29] At least in Israel's case, the list was quite short, since most of the weapons it exports comprise systems and subsystems that are not within the categories required for reporting to the register.[30] At this writing, most other states in the Middle East have not yet fully complied with the Register's requirements.[31]

As could be expected, Arab spokesmen argued that the UN register places the Arab states at a disadvantage vis-a-vis Israel, since their armament is nearly totally dependent on exports while Israel produces much of its weaponry endogenously. This has recently lead Egyptians to urge that the scope of the Register be expanded to include indigenous arms production.

The proposed amendment would confront Israel with an interesting dilemma. On one hand, since its aggressive arms exports policy induces it to advertise most of its endogenously produced weapons anyway, expanding the Register's reporting requirements would not necessarily expose Israel to new risks. This is particularly the case since the Register does not include a verification mechanism that might expose Israel to one-sided "transparency." On the other hand, given that Israel enjoys the most advanced indigenous production capability in the region, it is not clear what reciprocity it would be able to expect from its neighbors if it consented to the proposed expansion of the Register

scope.

Prologue

A long-standing truism about the prospects for arms control in the Middle East was that since the region's states are engulfed in unresolvable conflicts, they are unlikely to adopt voluntary arms control measures. Moreover, some Arab states have repeatedly rejected the application of regional confidence building measures, arguing that this would grant Israel recognition and legitimacy. They stressed that such CBMs would be unacceptable unless the Arab-Israeli conflict is first resolved. Hence the widespread conclusion that in the Middle East, arms control measures that depend on the recipients' cooperation are unlikely to be adopted -- let alone to function effectively -- and that, consequently, the odds of arresting proliferation in the region would depend on the suppliers' willingness to apply effective export controls.

Developments in the Middle East in recent years seem to both confirm and defy this common wisdom. On one hand the pariah states of the Persian Gulf -- Iran and Iraq -- continue to remain outside the multi-lateral arms control talks. This is likely to prove a continuing limitation on the ability to arrest the proliferation of arms in the Arab-Israeli conflict area as well. Libya also remains outside the regional arms control process; and, so far, Saudi Arabia has also shown very limited interest in this realm. In addition, major disagreements over priorities in the arms control continue to plague Arab-Israeli relations.

On the other hand, an increasing number of Arab states seem to have abandoned their long-standing rejection of regional confidence-building measures in the absence of a prior resolution of the Arab-Israeli conflict. In the framework of the ACRS talks, a large number of these states have been engaged with Israel in a common effort to explore the possibilities of applying various forms of regional confidence building measures in the Middle East. Indeed, if the regional CBMs examined in the framework of the ACRS talks will be applied, and if the progress recently achieved toward Israeli-Palestinian reconciliation will prove in 1994-95 a path-breaker towards a comprehensive resolution of the Arab-Israeli dispute, the political climate in the Middle East may sufficiently improve to allow serious consideration for applying arms reduction measures by the region's states.

One key to the relative success of the ACRS process has been the willingness of the participating Middle East states to adopt a cautious "go-slow" approach. This, however, may soon collide with developments in the global arms control agenda that may require the region's states to formulate responses on a more urgent basis. These include the 1995 NPT Review Conference, the ratification of the Chemical Weapons Convention, the negotiation of the US-proposed Comprehensive Test Ban Treaty, and the convention banning the further production of nuclear weapons-grade material, and finally, the possible expansion of the scope of the UN Arms Transfers Register. The dilemmas involved in determining these responses are considerable, because the issues involved may affect these states'

basic security. At this point, it is difficult to ascertain how this 'collision of timetables' would be resolved.

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END NOTES

1. Aluf Ben "Arms control working group meeting will end today with joint declaration of principles." Ha'aretz, February 3, 1994; Aluf Ben "Draft declaration of principles formulated in arms control talks." Ha'aretz, February 6, 1994.

2. Egypt's Foreign Minister Amr Musa quoted by MENA from Cairo January 28, 1993. See DR ME/1600 January 30, 1993, p. A/7.

3. "One On One." Interview with Amr Musa, Egyptian Foreign Minister. Defense News February 1-7, 1993. See also Aluf Ben "Egypt demanding that Israel declare its willingness to place its nuclear facilities under international safeguards." Ha'aretz February 5, 1993.

4. Aluf Ben "Jerusalem's priorities in demilitarizing the Middle East: nuclear weapons -- last." Ha'aretz November 29, 1993.

5. "Multi-lateral arms control committee talks in Moscow ended." Ha'aretz September 18, 1992; Aluf Ben "Summary of arms control talks: compromise between Israel and Egypt." Ha'aretz September 20, 1992.

6. Aluf Ben "Arms control talks: Discussion of operating joint communication center in Gulf of Eilat." Ha'aretz September 14, 1992.

7. Aluf Ben "Cornerstone for building trust." Ha'aretz January 26, 1993.

8. Aluf Ben "Cornerstone for building trust." Ha'aretz January 26, 1993.

9. David Makovsky "Peres to seek mutual verification of arms ban with Arabs." Jerusalem Post January 13, 1993; Nitzan Hurewitz "Peres proposes to the Arab states to establish a WMD-free zone in the Middle East." Ha'aretz January 14, 1993; Aluf Ben "Cornerstone for building trust." Ha'aretz January 26, 1993.

10. Aluf Ben "Israel asked to react to proposal to freeze production of fissile material." Ha'aretz April 4, 1993; Aluf Ben "Israel and the Arab states will discuss confidence building

measures." Ha'aretz, May 11, 1993; "Israeli sources: progress achieved in the arms control committee." Ha'aretz, May 20, 1993; "Israeli sources: arms control talks progressing faster than expected." Ha'aretz, May 21, 1993; Aluf Ben "Israel obtained all its objectives at the US arms control meeting." Ha'aretz May 23, 1993.

11. Some reports referred to this proposal as having originated in Washington. See Ze'ev Schiff "A test in the red sea." Ha'aretz September 8, 1992; Other reports claim that the Israeli Navy conceived the proposal. See Emanuel Rosen "Navy proposing cooperation with Arab navies." Ma'ariv January 26, 1993.

12. Aluf Ben "Israeli representatives will participate in an arms control seminar in Cairo." Ha'aretz July 9, 1993; "Middle East arms control workshop opens." Jerusalem Post July 12, 1993.

13. Aluf Ben "Agreement in the arms control talks on establishing regional communication center for the Middle East." Ha'aretz November 9, 1993.

14. Aluf Ben "Agreement in the arms control talks on establishing regional communication center for the Middle East." Ha'aretz November 9, 1993.

15. Aluf Ben "Arms control working group meeting will end today with joint declaration of principles." Ha'aretz, February 3, 1994; Aluf Ben "Draft declaration of principles formulated in arms control talks." Ha'aretz, February 6, 1994.

16. See statement by Syria's Foreign Minister Faruq al-Shar'a. Cited by Syrian Arab Republic Radio January 28, 1993. In DR ME/1599 January 29, 1993, p. A/13.

17. Aluf Ben "The understanding with the US is a central pillar of Israel's nuclear policy." Ha'aretz, September 29, 1993.

18. Aluf Ben "US urging Israel to join the Biological Weapons Convention." Ha'aretz August 4, 1993.

19. Aluf Ben "Christopher's assistant: Israel must join the Nuclear Nonproliferation Treaty." Ha'aretz, July 25, 1993.

20. Aluf Ben "American pressure on Israel to give up its nuclear weapons may endanger its survival." Ha'aretz October 17, 1993.

21. See transcript of the Clinton-Assad joint press conference held following their meeting in Geneva on January 16, 1994, translated and printed in Yediot Aharonot, January 17, 1994, p. 5.

22. McGeorge Bundy, William J. Crowe, Jr., and Sidney Drell Reducing Nuclear Danger: The Road Away from the Brink (New York: Council on Foreign Relations Book, 1993) pp. 67-72.

23. Al-Ahram press agency in Arabic January 3, 1993. In DR ME/1578 January 5, 1993, p. A/3; See also MENA from Damascus in Arabic, January 13, 1993. In DR ME/1587 January 15, 1993, p. A/13.

24. 'Abd-al-Sattar Abu-Husayn "US Pressure on Egypt To Sign Treaty on Chemical Weapons." Al-Sha'b November 25, 1992, p. 1. See FBIS-NES-92-231 December 1, 1992 p. 8. See also Ori Nir "Pressure on Arab states to join treaty banning chemical weapons." Ha'aretz December 9, 1992.

25. Voice of the Islamic Republic of Teheran, January 7, 1993. See DR ME/1582, January 9, 1993; p. A/9; Voice of the Islamic Republic of Teheran, January 14, 1993. See DR ME/1588, January 16, 1993, p. A/14.

26. "In bad faith over Israel." The London Times April 12, 1993.

27. "Fact Sheet on Middle East Arms Control Initiative." Release from the White House Office of the Press Secretary, Kennebunkport, Maine, May 29, 1991.

28. "UN Nonproliferation and Export Control Policy." White House Fact Sheet issued on September 27 on President Clinton's address to the UN General Assembly.

29. Aluf Ben "Israel gave UN first report on weapons purchases and sales." Ha'aretz July 28, 1993.

30. Aluf Ben "Jerusalem reporting arms exports for the first time: in 1992 it sold 5 APCs and 40 missiles." Ha'aretz November 16, 1993.

31. David Hughes "UN Tracking Weapons Deliveries." Aviation Week and Space Technology November 22, 1993.