
Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Non-proliferation and the Middle East

Working paper submitted by the United States of America

1. The Middle East has long been an important subject of discussion in NPT forums. The 1995 NPT Review Conference, for instance, adopted a resolution on the Middle East, which, inter alia, endorsed the aims and objectives of the Middle East peace process, recognized that efforts contribute to a Middle East free of weapons of mass destruction (WMD) and reaffirmed the importance of achieving universal adherence to the NPT.
2. Iran's continued pursuit of a nuclear weapons capability undercuts the Treaty and risks sparking a regional reaction that could further strain the NPT and could doom hopes for universal adherence to the Treaty. Discussions at the 2004 NPT Preparatory Committee meeting and the 2005 Review Conference focused in large part upon the non-compliance challenges facing the NPT and the nuclear non-proliferation regime from the secret, two-decade-long Iranian nuclear programme that was first publicly revealed in 2002.
3. In addition, revelations about the existence of an illicit nuclear proliferation network run by A. Q. Khan, which, although fortunately now defunct, provided fissile material production technology and nuclear weapons-related design information to both Libya and Iran, help underscore the dangers of proliferation in the Middle East.
4. Today, Iran's efforts to develop a nuclear weapons capability present a tremendous challenge to peace and stability in the Middle East, to hopes of achieving NPT universality, to efforts to prevent a regional nuclear arms race and to the prospects of fulfilling the disarmament objectives expressed in the preamble and article VI of the Treaty.
5. For these and other reasons, the Middle East will continue to be an important and legitimate focus of discussions during the current NPT review cycle, which will culminate in the Review Conference of 2010.



Seeking a Middle East free of Weapons of Mass Destruction

6. The United States remains committed to the goal of a Middle East free of all WMD. To that end, the United States has focused on three priorities:

1. Non-proliferation compliance

7. All States parties should work to ensure that all States in the region are in full compliance with their NPT obligations, and the international community should strive for full compliance in the region with other non-proliferation commitments. NPT compliance is a critical part of the foundation upon which all other efforts to achieve a WMD-free Middle East must be built. Without certainty that existing obligations under the NPT, as well as other non-proliferation obligations, are rigorously observed, there would be little point in seeking additional ones. Indeed, a failure to identify and respond to non-proliferation compliance could lead to the emergence of nuclear arms races among regional States that would make it more difficult than ever, and perhaps impossible, to achieve a WMD-free Middle East.

8. The case of Iran demonstrates this point. For years, Iran has been pursuing an effort to manufacture nuclear weapons, and has sought and received assistance in this effort, in violation of article II of the NPT. It has also violated article III, as well as its safeguards agreement with the International Atomic Energy Agency (IAEA). The Iranian regime still refuses to cooperate fully with IAEA and refuses to suspend its pursuit of a nuclear weapons capability despite being required to suspend its efforts to produce fissile materials by the United Nations Security Council. Iran's non-compliance and ongoing pursuit of a nuclear weapons capability severely undercuts prospects for a WMD-free region.

9. Accordingly, it is incumbent upon all States parties to the NPT to remain vigilant against those who would undercut the objectives of the Treaty by pretending to comply while violating its terms. NPT States parties should recognize and respond to the development of nuclear weapons under cover of a purportedly peaceful nuclear programme, such as by seeking, as the Iranian regime does today, to produce fissile material for use in nuclear weapons by means of technology it claims is exclusively for civilian nuclear fuel-cycle work.

10. All States parties should cooperate promptly and effectively in enforcing compliance not only with safeguards obligations under article III, and, as members of IAEA, agreements with the Agency, but also with the core non-proliferation requirements of the NPT, articles I and II (article IV reinforces the non-proliferation obligations of States parties by noting that the inalienable right of States parties to pursue the use of nuclear energy for peaceful purposes must be exercised in conformity with articles I and II of the Treaty). NPT States parties need to take appropriate action so that violators will quickly return to compliance and States that might contemplate violations in the future will know that such a course of action entails more costs and risks than benefits.

11. It should also be remembered that non-proliferation compliance also requires compliance with Security Council resolutions adopted under Chapter VII of the Charter of the United Nations to respond to proliferation concerns or to reinforce and strengthen the non-proliferation regime. Such resolutions include not only resolution 1540 (2004), which requires all States to prohibit and prevent the

proliferation of WMD, institute effective export controls and enhance security for nuclear materials in their territory, but also resolutions 1696 (2006), 1737 (2006) and 1747 (2007). These resolutions are particularly salient to the Middle East because they require the Iranian regime to cooperate with IAEA and to suspend its enrichment activities (which contribute to Iran's ability to produce fissile material usable in nuclear weapons) and, with regard to the latter two resolutions, because they impose sanctions upon Iran for its refusal to comply with these requirements. These Chapter VII resolutions require all States Members of the United Nations to carry out the decisions that impose measures designed to respond to the serious proliferation risks presented by Iran's nuclear programme.

2. Non-proliferation regimes

12. The United States continues to seek broad acceptance by all Middle East States of international non-proliferation and disarmament norms and encourages all States in the region to join the NPT and adhere to other international non-proliferation treaties and regimes. NPT universality, as expressed in the Middle East resolution adopted by the 1995 Review Conference, is an important goal and remains an objective of United States policy. Adherence of all States in the Middle East to other non-proliferation agreements is also very important, because failure to control chemical and biological weapons can make it much harder to achieve agreement upon nuclear non-proliferation rules.

13. Countries in the region that have not acceded to the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BWC) should do so promptly. Such accession is important for the inherent benefits that adherence to these conventions provides to States parties and to international peace and security. Such steps also make it both easier for other States to contemplate NPT accession and more likely that they will in fact do so.

14. In addition to universal adherence to the NPT, CWC and BWC, the United States also seeks broader acceptance of other key non-proliferation norms by States in the Middle East, including: ratification and implementation of full-scope safeguards agreements with IAEA; entry into force and full implementation of IAEA Additional Protocols; adherence to the Nuclear Suppliers Group, Missile Technology Control Regime, Australia Group and Wassenaar Agreement guidelines; and subscription to the International Code of Conduct against Ballistic Missile Proliferation.

15. The United States also contributes to such goals by continuing to expand efforts to train and equip export control officials in countries throughout the Middle East so that the commitments of Governments to non-proliferation objectives can be fully and effectively implemented under national export control and regulatory systems.

3. Support for regional peace

16. The United States continues to support efforts to end violence in the region and remains committed to a WMD-free Middle East within the context of a stable, comprehensive regional peace. This was a cardinal priority of the 1995 Middle East resolution, which in its very first operative paragraph "endorses[ed] the aims and

objectives of the Middle East peace process and recognize[d] that efforts in this regard, as well as other efforts”, contribute to achieving a Middle East free of nuclear weapons as well as other weapons of mass destruction.

17. No effort to free the Middle East of WMD can succeed, or be maintained over time, independently of the political and security circumstances and dynamics of its region. As the 1995 resolution itself recognized, in fact, support for a WMD-free Middle East should entail supporting and contributing to regional peace efforts and refraining from actions that inflame regional tensions.

18. Achievement of a comprehensive, just and lasting peace in the Middle East remains a key United States foreign policy goal, and movement towards such a peace offers the best prospect for establishing a region free of WMD and advancing towards universality of the NPT.

19. The United States continues to engage intensively with Israel, the Palestinians and other regional States in an effort to make progress towards peace and to realize President Bush’s vision of two States, Israel and Palestine, living side by side in peace and security. The United States urges all NPT States parties to contribute to the success of this peace process and to the realization of this vision.

Conclusion

20. The situation in the Middle East presents significant challenges to the NPT and to the non-proliferation regime and it will be an important subject of discussion during the current NPT review cycle. As it emphasized in connection with the 2004 Preparatory Committee and 2005 Review Conference, the United States remains committed to the goal of a WMD-free Middle East. During the current NPT review cycle it will be important to address the proliferation problems in this region and to make progress towards the achievement of a comprehensive regional peace.