

The Middle East challenge to the Nuclear Weapons Ban Treaty

El desafío de Próximo Oriente ante el tratado de prohibición de armas nucleares

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Abstract

The historic approval in July 2017 of a treaty banning nuclear arms, despite the complex nature of such an agreement, could represent a significant stride towards the worldwide elimination of these weapons. In addition, it reinforced the conviction that NWFZs (Nuclear Weapons Free Zones) can contribute to the success of complex regional disarmament processes, as in the Middle East. This study aims to present an exploratory analysis of the Middle Eastern vote and the respective political views exhibited by the countries of the region during the United Nations treaty negotiations, from the treaty-drafting negotiations to the final vote. In an uncertain global context of re-emergent deterrence policies, a review of the possible limitation of nuclear weapons through a regional case offers an interesting insight into the state of current international affairs.

Keywords: Nuclear Weapons Ban Treaty/ Middle East/ Nuclear Deterrence/ NWFZ/ International Diplomacy/

Resumen

La histórica aprobación en julio de 2017 de un tratado para la prohibición de armas nucleares, incluso si está lleno de complejidades, puede representar un avance hacia su eliminación mundial. Además, el tratado refuerza el papel central de las Zonas Libres de Armamento Nuclear (ZLAN) como pasos decisivos en los procesos de desarme regional como en el caso de Próximo Oriente. En este documento se presenta un análisis de las opiniones políticas de los países de la región así como de los parámetros de su votación final. En un contexto de incertidumbre global, con dinámicas de disuasión renovadas, examinar la posible limitación del uso de armas nucleares a través de un estudio regional, ofrece una interesante visión del estado actual de las relaciones internacionales.

Palabras clave: Tratado de Prohibición de Armas Nucleares/ Próximo Oriente/ Disuasión Nuclear/ ZLAN/ Diplomacia Internacional/

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List of Abbreviations

CTBT: Comprehensive Nuclear-Test-Ban Treaty

INF: Intermediate-Range Nuclear Forces

JCPOA: Joint Comprehensive Plan of Action

NPT: Nuclear Non-Proliferation Treaty

NWFZ: Nuclear Weapons Free Zone

TPNW: Treaty on the Prohibition of Nuclear Weapons

WMD: Weapons of Mass Destruction

WMDFZ: Weapons of Mass Destruction Free Zone

Treaty on the Prohibition of Nuclear Weapons: a breakthrough in nuclear politics?

For decades, the prospect of a world free from nuclear arms may have appeared little more than a remote possibility, yet it has remained an option in contrast to the rationale of deterrence which, since the Cold War era, have prevailed in the dynamics of international relations. Alternatives to Weapons of Mass Destruction (WMD) have emerged since 1968, with the signature of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). From then on, within the context of the NPT review conferences and certainly not without sparking diplomatic disagreements, the Nuclear Weapons Free Zone (NWFZ) has remained a central nuclear disarmament proposal for different conflict regions such as the Middle East.

In the context of a year of stagnant diplomacy, the Nuclear Weapons Ban Treaty certainly marked political progress. However, the possibility of its future enforcement requires true commitment from both existing nuclear countries and non-nuclear states. Accordingly, there is a shared responsibility for any possible future treaty implementation which goes beyond the merely regional borders that this article explores. Moreover, as with any political proposition that includes the Middle East, there is an ambiguity that comes attached to Israel's current nuclear deterrence dynamic, though today this could equally be said of the ongoing ambiguity of Iran's nuclear policy. The list of countries that have previously explored nuclear based strategies could easily be expanded to include other nations in the region which, at different historical moments, have embraced nuclear deterrence strategies, demonstrating that nuclear deterrence is an inevitable consequence of the Arab-Israeli conflict. In other words, for decades the Middle East has had a particular reliance on deterrence (Aly, 1999; Rajmil, 2015) which makes the implementation of any future nuclear ban particularly challenging.

Within this complicated scenario, a historical turning point took place on 7 July, 2017, when the United Nations voted, with a total of 122 votes in favour, one vote against and one abstention, to adopt a legally binding instrument banning Nuclear Weapons and striving for their total elimination. Opened for signing and ratification in September 2017, the protocol aspires to become a legally binding instrument which will transform the Earth into a nuclear-free world. The Treaty on the Prohibition of Nuclear Weapons (TPNW) or Nuclear Weapons Ban Treaty states in its text that "each State party would never, under any circumstances, develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other explosive devices"(TPNW, 2017:3).

The nuclear ban treaty is indeed a diplomatic achievement on nuclear limitation, and sets its sights on the need to find alternatives to nuclear deterrence. None of the countries currently believed to be nuclear states were present at the vote, however, that constitutes a procedural shortcoming, irrespective of the moral aspect: how can decisions be made on nuclear global matters if nuclear states are not present in the negotiating room? This question extends beyond the TPNW to any legal instrument dealing with nuclear arms limitation. In sum, beyond the merely technical difficulties behind TPNW legal arguments, the moral and ethical dilemmas make it difficult not to divide public and political support towards the treaty. Moreover, current international defence policies are steering in the opposite direction from the non-proliferation regime, obstructing the possible future ratification and entry into force of any regulatory diplomatic nuclear agreement.

Taking the above into consideration, this article examines the topic from an alternative point of view and analyses the TPNW from a regional perspective, presenting a bottom-up approach. By focusing on the Middle East, but relating it to the global implications of the TPNW, a complete review of the political importance of nuclear weapons is offered.

In the case of the Middle East, the treaty could represent a complementary diplomatic path beyond that of traditional nuclear diplomatic negotiations. In order to understand arms control negotiations in the region, there is a need to reference the 1991 Gulf War, which sought to consolidate nuclear deterrence as one of the main obstacles to the region's future stability (Stein, 1992). Afterwards and since 1995, nuclear diplomacy in the region has mainly been developed within the framework of the NPT review conferences, with the Nuclear Weapons Free Zone as the central proposal for debate, without any final agreement being achieved. It was during the 1995 NPT Review Conference that nuclear proliferation was addressed as a deeper international concern on nuclear deterrence as a worldwide problem. This analysis, though focused on the TPNW, does not lack the proper regional context and places the Nuclear Weapons Ban Treaty within the ongoing working scheme of the politics of the region. Deterrence, along with the NPT Review Conferences framework, still dominates Middle Eastern nuclear diplomacy and it is still unclear what role the TPNW will play, especially in terms of the approaching 2020 NPT Review Conference (currently postponed due to the Covid-19 international health pandemic). Accordingly, the Nuclear Weapons Ban Treaty needs to be portrayed as a legal reinforcement tool but within the existing reality of deterrence and the main NPT negotiating framework.

One of the main conjectures of this work is that, despite being different normative tools, the nuclear ban treaty is a complementary element which seeks to mount pressure to establish a NWFZ, a not so new proposal already debated at NPT review conferences. This is clearly stated in the TPNW text as: "the conviction that the establishment of the internationally recognized nuclear-weapons-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament" (TPNW, 2017:2).

It is clear that, beyond regional acceptance of the TPNW, the path towards the total elimination of nuclear weapons will be a very long and difficult process. In this respect, as the treaty states, the establishment of NWFZs could be a conclusive step towards a peaceful global disarmament process. This is the main reason why, in this article, special attention is paid to the NWFZ proposal in connection with the regional views of the TPNW framework. Moreover, as the global nuclear weapon free areas map shows, is a realizable option which has been already proven in different areas [fig.1]. Succeeding in the final abolition of nuclear arms will not be a simple process.

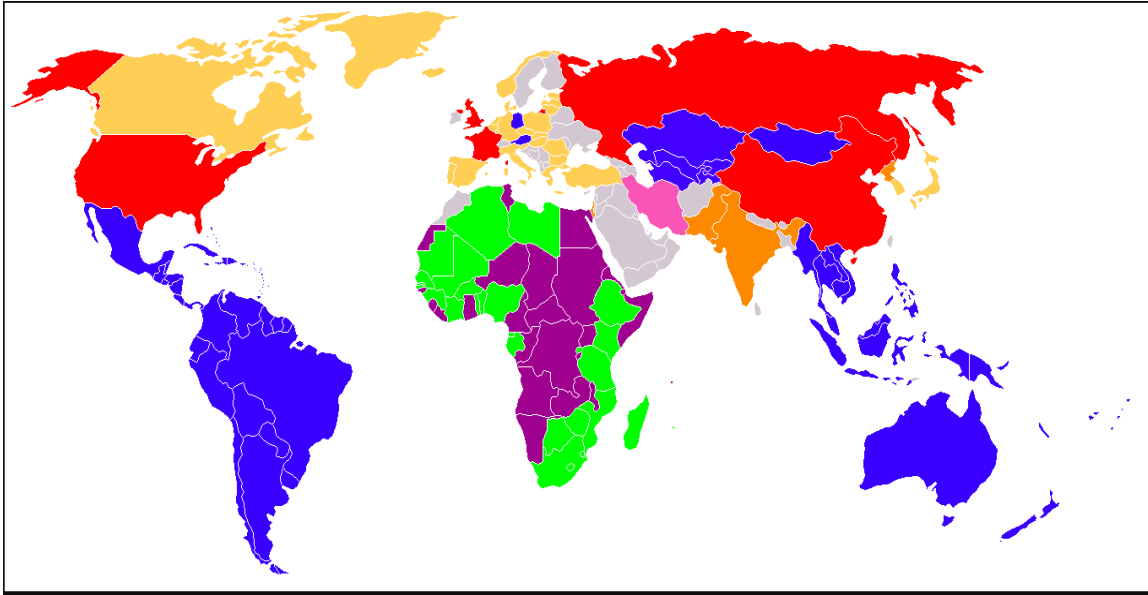


Figure 1. Map of the world with different kinds of nuclear proliferation and nuclear-weapon-free zones¹.

This study will demonstrate views on nuclear deterrence differ among the countries of the Middle East. Beyond the region, there is a global dissonance of perspectives on nuclear deterrence. This became clear only hours after the announcement of the UN diplomatic agreement. The United States, Britain and France issued a joint press statement indicating their disagreement with the Nuclear Weapons Ban Treaty: “We do not intend to sign, ratify or ever become party to it. [...] A purported ban on nuclear weapons that does not address the security concerns that continue to make nuclear deterrence necessary cannot result in the elimination of a single nuclear weapon and will not enhance any country’s security, nor international peace and security¹.” This highlights the relevance of the Middle East as a source of international security instability and a key factor to understanding the importance of TPNW for the denuclearization of the region, which sooner or later will require international endorsement.

This study wants to contribute to the academic and societal debate on the danger to use nuclear deterrence. In addition, it aims to present an exploratory analysis, primarily based on a qualitative methodology of Middle Eastern political insights into the treaty. This is done by developing a number of research objectives. The first of these is to review the diplomatic positions expressed

¹Map of the world with different kinds of nuclear proliferation and nuclear-weapon-free zones as defined by [United Nations Resolution 3472 from 1975](#).

Nuclear-weapon-free zones by international treaty, including territories that belong to a Nuclear Weapons State that has agreed the territory is subject to a zone

Nuclear weapons states and territories belonging to them that are not in any NWFZ

Nuclear sharing (US nuclear arsenal stationed there for host country use in wartime)

None of the above (but party to the [Non Proliferation Treaty \(NPT\)](#))

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Available at https://en.wikipedia.org/wiki/Treaty_on_the_Non-Proliferation_of_Nuclear_Weapons#/media/File:Nwzf.svg

¹Joint Press Statement from the Permanent Representatives to the United Nations of the United States, United Kingdom and France” issued on the 7th July 2017, available at <https://usun.state.gov/remarks/7892>

by the countries of the Middle East during the negotiations and subsequent approval of TPNW in order to determine the degree of diplomatic cohesion within the region with respect to nuclear weapons. The qualitative methodology used will be based mainly on an analysis of the different UN countries' votes and the speeches given by representatives of Middle Eastern countries. The second is an examination of the additional political and legal challenges that come with the region's unique concept of deterrence and their relation to deployment of the ban treaty in the Middle East, with the focus on the idea of the Nuclear Weapons Free Zone. The third aim of this paper is to reaffirm the existing inconsistency between nuclear deterrence and nuclear weapons banning in the Middle East.

From the NPT scheme, a NWFZ in the Middle East to a global TPNW

A general reliance on deterrence, extended deterrence and nuclear deterrence has been one of the main pillars of defence policies and national security strategies for decades in the Middle East (Rosen, 1977). At a diplomatic level, this has been used within the NPT review conferences, which are a good measure of both regional and international dependence on nuclear deterrence. The Nuclear Weapons Ban Treaty is significant because it broke away from the traditional type of diplomacy used in the nuclear realm and established a different scenario with different dynamics. The TPNW mapped an alternative route to the denuclearization of the world by setting up a new, but complementary, diplomatic scheme to limit nuclear arms beyond traditional arms control initiatives such as the NPT and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

Rather than portraying the Nuclear Weapons Ban Treaty as the only solution, it should be seen as a diplomatic alternative to encourage the international community to break the type of stagnation experienced during the 2015 NPT Review Conference, for example. Furthermore, the Nuclear Weapons Ban Treaty should be placed into the context of the current renewal of an international cold war scenario, in which new potential nuclear actors have emerged in addition to the traditional US-Russia rivalry. If the risk involved in the possibility of a nuclear disaster is fully understood, the importance of having an additional nuclear limitation legal instrument such as the TPNW would be properly appreciated. In 2020, according to the nuclear scientist community, which produces annual updates on the level of risk of a real nuclear confrontation through the metaphor of the Doomsday Clock, the world is just 100 seconds away from "midnight" [global catastrophe]².

Having briefly introduced the high risk nuclear weapons entail, it is easier to situate the regional focus of the study and the further analytical development it presents. Although this study is focusing on the case of the Middle East. The article draws the assumption that the region is interconnected to global dynamics that will directly and indirectly influence the successful implementation of the Nuclear Weapons Ban Treaty.

It is important to note that this paper considers the conceptual distinction between the Weapons of Mass Destruction Free Zone (WMDFZ), the Nuclear Weapons Free Zone (NWFZ), the Non-Proliferation Treaty (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the Treaty on the Prohibition of Nuclear Weapons (TPNW) or Nuclear Weapons Ban Treaty. This needs to be considered as the article theoretical framework in order to avoid misleading conclusions when presenting the regional analysis. Historically, there has not been disagreement on the widely held Middle Eastern conviction that a NWFZ could enhance the stability of the region, but differences arise as to how this could be achieved (Aboul-Enein, 2017:3). To an extent, as will be analysed in

²2020 yearly statement done by the Science and Security Board Bulletin of the Atomic Scientists community. Available at <https://thebulletin.org/wp-content/uploads/2020/01/2020-Doomsday-Clock-statement.pdf> [accessed on January 2020].

greater depth with the presentation of the TPNW voting pattern across the region, the same holds true in the case of the Nuclear Weapons Ban Treaty. Overall, the aim of the new legal instrument to ban nuclear weapons is generally accepted in the Middle East, but the differences arise when it comes to the procedures and implementations that should be followed, and in which legal order.

During the TPNW negotiations, specific Middle East positions and policy guidelines were also expressed. Some of these were merely continuity reflections of the policy views already expressed by government representatives during the last NPT Review Conferences of 2010 and 2015. However, as the fundamental aim of this work is to focus on Middle Eastern perspectives of the new Nuclear Weapons Ban Treaty in order to understand its global consequences, the NPT Review Conferences need to be introduced as a point of departure for regulations, for contextual reasons and as points of general knowledge rather than as actual study objective. Likewise, as previously mentioned, it is crucially important to relate the TPNW to the NWFZ proposal. This has been proven to be particularly useful when assessing the current challenges of the region to the implementation of the Nuclear Weapons Ban Treaty.

Of particular interest is the 1995 NPT Review Conference, as it is widely considered the central turning point on diplomatic initiatives specifically dealing with the nuclear status of the Middle East. The conference already stated the non-contradiction between the NPT treaty and any further regional agreement, this being one of the main premises endorsed by defendants of nuclear weapons banning in reference to the new weapons ban treaty. The 1995 NPT review conference was important as it already adopted a resolution on the Middle East whereby it reaffirmed the philosophy of the NPT treaty and underscored the importance of its article VII, which does not exclude the establishment of a NWFZ: “[...] the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories³.”

The conference resolution on the Middle East clearly fostered willingness to establish a NWFZ and the uniqueness of the region. Furthermore, it established a general framework for NPT review conferences to follow, with respect to three main axes:

- 1- “Endorses the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.”
- 2- “Reaffirms the importance of the early realization of universal adherence to the Treaty, and calls upon all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards” .
- 3- “Calls upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective⁴.”

Accordingly, since the 1995 NPT Review Conference, a common pattern in non-proliferation proposals was developed, one which accepted that regionalism is a logic that provides a

³“1995 Review and extension conference of the NPT of Nuclear Weapons” Final Document. NPT CONF. 1995/32, from June 1995, pp 13-14 quoting the Treaty On the Non-Proliferation Of Nuclear Weapons, signed at Washington, London, and Moscow, 1st of July of 1968, which entered into force on the 5th March 5 of 1970.

⁴ Ibid

framework within which regional actors can communicate common concerns, share knowledge and expertise, and coordinate actions (Fawcett, 2013:12), as in the case of the Middle East.

Equally worthy of mention is the 2010 NPT Review Conference, which set up further steps to implement a NWFZ in the Middle East as it reaffirmed international efforts to achieve the disarmament of the region on its final document: “The Conference underscores the importance of the establishment of nuclear weapon-free zones where they do not exist, especially in the Middle East⁵”. It was also during the 2010 NPT review conference that one of the key concepts for studying the implementation of a NWFZ was introduced: Negative Security Assurances (NSA) for NWFZ members. This idea will be explored later on while presenting the ongoing challenges to the implementation of the Nuclear Weapons Ban Treaty, and will be crucial to understanding the views of a number of countries, among them Israel, during the TPNW negotiations.

In the interests of providing a fair contextualization of the diplomatic scenario that predated the Nuclear Weapons Ban Treaty and the roadmap to the treaty’s existence *per se*, it is equally important to mention the failed previous nuclear arms control initiatives. It should be noted, therefore, that all the optimism raised during the 2010 NPT Review Conference quickly vanished after difficulties and concerns arose during the 2015 NPT Review Conference. At that time, the United States, the United Kingdom and Canada decided not to support the final conference draft after expressing concerns about its WMDFZ proposal (Davenport, 2015). Once more, a resolution that could have led to the establishment of a NWFZ in the Middle East, in this occasion in the form of WMDFZ, became a cornerstone of the diplomatic scenario.

In such a controversial diplomatic context, nuclear arms limitation initiatives such as the Nuclear Weapons Ban Treaty will indeed encounter opposition, both within and beyond the borders of the region. In the current context of global affairs, Trump’s withdrawal from the Joint Comprehensive Plan of Action (JCPOA) is one of the most recent examples of the renewal of nuclear diplomacy, restoring the importance of deterrence and nuclear deterrence. A number of civil society groups such as ICAN (International Campaign to Abolish Nuclear Weapons) are working to counter the general atmosphere of mistrust, and they are backed by the lobbying efforts of parliamentarians worldwide, especially after the failure of the 2015 NPT Review Conference. This explains how, despite the upheavals in international relations at the time, back in December 2016, during its seventy first session, the UN General Assembly successfully voted to pass agenda item number 98.

The proposal, cosponsored by 57 countries, including most of the countries of the Middle East, established a mandate to negotiate a nuclear weapons ban treaty instrument. The text stated the intention to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination. The decision enabled the creation of a critical diplomatic juncture that facilitated the negotiation of the final draft of the treaty on the prohibition of nuclear weapons, approved on 7 July, 2017. The treaty adopted by the United Nations opened for signing in September 2017 and will enter into force when 50 countries ratify or accede to it.

To sum up, for decades the international community has worked towards creating a nuclear free Middle East by incorporating the reality of the region into existing regulatory proposals. These have always been related to the NPT review conferences (mainly through the NWFZ bid) and the CBT. Then in 2017, the TPNW emerged to create the ultimate diplomatic opportunity for what is considered one of the most politically unstable regions in the world.

To illustrate how the TPNW was received in the Middle East and whether the Nuclear Weapons Ban Treaty was welcomed, the following section presents a simple process tracing of the negotia-

⁵2010 Review conference of the parties to the treaty on the non-proliferation of nuclear weapons Final document, NPT/CONF 2010/50,

tion meetings together with the votes cast. In doing so, a basic causal inference logic facilitates understanding of the reasons behind the breakaway from the traditional path of dependence on the traditional diplomatic tools used since the approval of the NPT. The official public records of the negotiation meetings and the vote are analysed with this aim in mind, providing an empirical hint of the importance of the role still played by nuclear deterrence in the region, one of the central challenges to the nuclear weapons ban instrument. In the interests of scientific accuracy, to avoid the extrapolation of the results, it should be noted that this paper focuses on the classical geographical definition of the Middle East. It is therefore concentrated on the Levant region, expanded to include Egypt to the west, and into central western Asia to include Iran and Turkey as well as the Arabian Peninsula. Nevertheless, it excludes a wider vision of a greater Middle East and North Africa (MENA region) for possible future research.

The Middle East positions to the Nuclear Weapons Ban Treaty

According to official records and civil organizations reports, the Middle East countries that actively participated in the Nuclear Weapons Ban Treaty negotiations were: Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, United Arab Emirates and Yemen (ICAN website reports, 2017).

To analyse the vote of the Middle Eastern nations, in the first place this was done by studying the votes on the diplomatic events prior to the final ban draft treaty vote. Second, the signing of the treaty, and third, its ratification. Presented in the results table below [table 1], the first registered parameter is the vote by country during the UN assembly that agreed to hold a conference on nuclear weapons back in December 2016. The second column shows the final vote on the draft text that took place in July 2017. Finally, it is of interest to compare it with the third parameter, the signing of the treaty, opened for signing and ratification since September 2017. Despite the fact that some important regional actors, such as Israel, Turkey or the Syrian Arab Republic were not present during the treaty vote, they have been included due to their political relevance.

Country	Vote in favour of establishing a conference to negotiate the ban, December 2016, UN General Assembly	Vote on the Nuclear Weapons Ban Treaty, July 2017	Signed the treaty from September 2017
Bahrain	Yes	Yes	No
Egypt	Yes	Yes	No
Iran	Yes	Yes	No
Iraq	Yes	Yes	No
Israel	Against	Absent	No
Jordan	Yes	Yes	No
Kuwait	Yes	Yes	No
Lebanon	Yes	Yes	No
Oman	Yes	Yes	No
Palestine	-	Yes	Yes, and ratified

Qatar	Yes	Yes	No
Saudi Arabia	Yes	Yes	No
Syria	Absent	Absent	No
Turkey	Against	Absent	No
United Arab Emirates	Yes	Yes	No
Yemen	Yes	Yes	No

Table 1: Middle Eastern countries votes based on decisions related to the Nuclear Weapons Ban Treaty and final voting Source: Author's table using data contained in UN official transcripts of 23rd December 2016 and 7th July 2017. UN General Assembly and treaty signatories record provided by the UN treaty collection website (UN treaty collections, 2017).

Several conclusions can be drawn from the vote pattern. First, and as in the case of the NWFZ proposal, it could be said that there is a homogenous regional belief in favour of nuclear weapons ban negotiations. This is evidenced in the region-wide agreement on the need to limit nuclear arms in the Middle East, which is included in the weapons ban treaty negotiations. Twelve out of the sixteen countries studied – 75 % of the included sample – voted to establish a negotiating framework to pursue the weapons ban treaty conversations. At the diplomatic level, therefore, it could be assumed that, as previous studies have argued with respect to the case of the NWFZ case, there was an overall consensus to negotiate a conference on a new legal instrument to ban nuclear weapons. Despite this, there were also exceptions to this positive pattern. Israel voted against the negotiation of any nuclear weapons ban treaty, in line with the country's long-standing policy of nuclear opacity. Similarly, Turkey opted to side with its NATO allies, deciding to vote against the negotiations. The Syrian Arab Republic chose not to participate at all.

The second result relates to the vote on the Nuclear Weapons Ban Treaty itself, which took place in July 2017. There was a generalized acceptance of the treaty among most of the countries studied. Here, 13 out of 16 countries accepted the treaty, constituting 81% of the sample. The state of Palestine, which actively participated on this occasion, voted in favour, while the Syrian Arab Republic, despite having a delegation, did not vote in the end. Israel and Turkey did not take part in the vote.

Lastly, an important observation arises in the aftermath of the approval of the Nuclear Weapons Ban Treaty. Despite the fact that most of the countries studied voted in favour of the draft text, when it comes to the subsequent signing and ratifying of the treaty, the homogenous response in favour is no longer in evidence and there is instead a shift in the direction of the correlation. Of the 16 countries studied, the State of Palestine was the only country to sign and, in March 2018, ratify the treaty. The previous wide acceptance of the ban treaty does not match the low percentage of countries signing and ratifying the treaty: just 6.6% of the sample. However, a simple process tracing mechanism shows how there could be causal inference related to the TPNW deployment, as with any other nuclear weapons limitation instrument. As previous literature has shown, along with the results of the first two parameters, there is no opposition to nuclear limitation in the region. The differences emerge from the divergence of views on the deployment process held by regional actors. This divergence could explain the lower regional ratification of the treaty and could be explored in further research to determine whether some countries do not entirely trust this new instrument, possibly due to a historical path of dependence on traditional working schemes such as the NPT review conferences. Summing up the empirical findings, the results are an indirect indication of probable difficulties in the future deployment of TPNW, as with any nuclear arms limitation process.

In addition, it is of interest to analyse the statements and speeches given by the principal absentee countries opposing the TPNW in order to gain a broader image of political discourse in the region. In this process, official UN records, from the day of the vote as well as from previous ne-

gotiating sessions, provide clear evidence of the diplomatic discourse on the ban treaty. For example, in the case of Israel, which neither participated in the negotiations nor in the vote on the draft treaty, the country's diplomatic statements on nuclear matters are helpful in determining its policy views: "On the matter of the Treaty on the Prohibition of Nuclear Weapons, Israel wishes to emphasize its view that the treaty does not create, contribute to the development of, or indicate the existence of customary law related to the subject or the content of the treaty." (Roth-Snir, 2017). In other words, Israel was very reluctant to accept any new legal instrument beyond the NPT and therefore has been consistent in its policy of disagreement since clearly indicating its opposition to a conference on a possible ban treaty already in December 2016.

Continuing to explore the different diplomatic statements, it is of interest to review the case of Turkey as a dissonant country among a generalized acceptance of non-proliferation in the Middle East. Despite the fact that, since the 2010 NPT Review Conference, the country has become an active actor on non-proliferation matters, even becoming a party to the Non-Proliferation and Disarmament Initiative (NPDII), the country voted and expressed its opposition along with other NATO members in a joint press statement against the resolution that pushed for the negotiations. The main argument expressed by the country together with its NATO allies could be summarized as follows: "seeking to ban nuclear weapons through a treaty that will not engage any state actually possessing nuclear weapons will not be effective, will not reduce nuclear arsenals, and will neither enhance any country's security, nor international peace and stability. Indeed it risks doing the opposite by creating divisions and divergences at a time when a unified approach to proliferation and security threats is required more than ever" (NATO statement, 2017).

Lastly, it should be pointed out that the Syrian Arab Republic, immersed in its civil conflict at that time, though represented at the conference negotiations, abstained in both votes and made no specific statement in relation to the TPNW.

Beyond these three countries, which had a slightly different vote pattern from the rest, also worthy of mention is the intervention of the inter-parliamentary Arab Group during the TPNW negotiations, on behalf of a majority of the countries of the region and studied in this study. Lebanon's representative, speaking on behalf of the Arab Group, expressed during the crucial final negotiating session of July 2017 the reliance of the Arab Group on the ban treaty as follows: "Our hopes are for the treaty to serve as a push towards a nuclear-weapon-free Middle East and a NWFZ in the region. The treaty should be considered an important and historic addition to the existing global instruments and mark a new phase in international efforts towards nuclear disarmament.⁶" Thus, the region's goal of denuclearization is portrayed as an already accepted discourse, and the Nuclear Weapons Ban Treaty as a new tool to achieve it, which links to the empirical results of general acceptance of the TPNW found in this study.

Egypt, the country that cosponsored the nuclear weapons ban treaty draft, also made its own remarks; since the 1995 NPT Review Conference, Egypt has been one of the leading countries calling for the establishment of a NWFZ in the region. The country's representative expressed its support for the new banning instrument as a way of attaining security standards in the Middle East, with respective national policies not being contradictory tools, stressed that "States might pursue national interests, but they must never lose sight of the collective global interest (UN General Assembly meeting, 2017)."

⁶ Information contained in the UN meeting coverage DC/3723, 7 th July 2017.

Lastly, Iran must be mentioned, due to its geopolitical importance and its position as one of the foremost countries of the region in nuclear matters. The country used the negotiations, not to show opposition to the TPNW, but rather to present Iran's specific views on the ban. The Islamic Republic expressed its concerns that the treaty lacked the elements to make it by itself legally binding, and therefore, should reinforce the existing treaties: "the Treaty should strengthen existing internationally legally binding instruments by filling the gaps and avoiding duplication of their content." (Ibid). The argument expressed by Iran's representative, as will be analysed in the next section below, is one of the main intra Middle Eastern challenges to the nuclear ban treaty: How will the ban effectively gain legitimacy as the main legal instrument within (and beyond) the borders of the region?

To sum up, having examined the records of the general votes taken since the vote to establish a conference to negotiate a draft treaty, and explored the signing and ratification parameters, several conclusions can be drawn. Generally speaking, all the countries of the region committed to the ban treaty and viewed it positively from the commencement of negotiations. The exceptions were Israel, Turkey and Syria. The tendency continued with the approval of the draft text. However, the last parameter studied – signing and ratifying the treaty – breaks the positive correlation shown before. At the time of writing, only Palestine has signed and ratified the treaty, becoming the only Middle Eastern country to do so. This represents an empirical finding which contradicts the region-wide enthusiasm shown during the negotiations, in the vote to approve the treaty and in the diplomatic statements.

This is an expression of the arguments sustained by this article. As with the NWFZ proposal which has been debated since the 1995 NPT Review Conference, there is a general consensus on the need to denuclearize the Middle East and on the ideological basis of what this process means. Nonetheless, there is a diversity of views related to its implementation and how this should tie in with the existing legally binding instruments, the NPT and the CBT regulations. This situation appears in the process tracing as the causal inference element that is needed to understand how despite welcoming the treaty, countries refrained from ultimately commitment to signing and later deployment of the Nuclear Weapons Ban Treaty. The following section presents the main dilemmas that the new nuclear ban treaty will encounter. The TPNW demonstrates again, the ongoing contradiction between the desire to eliminate nuclear weapons and the current Middle East intra-dynamics of deterrence. In the final reckoning, nuclear limitation is directly linked to the ethical dilemmas involved with nuclear arms and how few countries still portray them as long term safeguards.

Defying nuclear deterrence

Before exploring the challenges to the possibility of a Middle East free from nuclear weapons, according to the global projection of the TPNW, the widely-held regional belief in nuclear deterrence needs to be reviewed. As mentioned at the beginning of this paper, there is a general acceptance of the deterrent power of WMD, and therefore, since the Cold War era, the countries of the Middle East have sought nuclear capabilities to counter the instability of the region. Accordingly, the Middle East has historically followed trajectories in which nuclear aspirations have increased in both military and political significance, instead of reducing their initial momentum.

As a long-term strategy, the reliability of WMD as an instrument of stability for the region remains, like deterrence theory itself, unclear. In this context, different arms control initiatives, such as the NWFZ or the current Nuclear Weapons Ban Treaty, have intended to counter the inherent nuclear dynamics of the region. Meanwhile, until a limitation consensus is reached, WMD will continue to play a central role in the national defence strategy of most Middle Eastern countries, in the assumption that stability will be achieved by nuclear deterrence alone. Furthermore, the recent US withdrawal from the JCPOA and the Intermediate-Range Nuclear Forces Treaty (INF) makes reliance on nuclear arms predictable within the diplomatic realm in at least the short term.

How does this type of policy thinking still occur? The answer lies in traditional deterrence theories, which state that nations have sought nuclear capabilities as a means of avoiding threats from other nations. It is believed that the possession of nuclear capabilities enables the possessor state to respond to first-strike attacks with nuclear weapons, WMD, or other possible existential threats. According to this, countries would generate a strike capability sufficient to assure a Mutual Assured Destruction (MAD) situation which, according to deterrence theorists, offers the final guarantee of prevention of nuclear war (Sokolski, 2004).

Any analysis of the nuclear deterrence logic of the Middle East must make reference to Israel as for decades is believed to be the only country in the region to have a nuclear capability. This has propelled the region into several cyclical diplomatic confrontations, out of which has emerged the possibility of shifting from a monopoly of nuclear force scenario to a new multipolar system. In all of them, different states have directly or indirectly explored the possibility of ending Israel's monopoly in the region. An example is Iran, but before that Iraq posed a direct threat to Israel's nuclear monopoly (Cohen, 1998). Iran's nuclear programme could as well be regarded as a source of regional instability linked to nuclear deterrence, and one which could make Israel's posture agreeable to some.

Israel has indirectly stalled most of the arms control proposals required by regional consensus. This deadlock situation has been translated into different specific diplomatic positions towards the NPT and the NWFZ proposal. In this respect, it is necessary to point out the role of the Arab block, which is formed by a majority of countries of the region and has an important role to play in any further diplomatic advancement (Aboul-Enein, 2017). During the 2015 NPT Review Conference, the Arab states, particularly Egypt, led the call for the establishment of a wider WMD free zone without abandoning the NWFZ proposal, but using sometimes interchangeably and expanded versions of the nuclear weapons free zone, extended to include other kinds of weapons (Ibid). The same pattern has also been found in this study's examination of diplomatic statements, with no apparent contradiction between the willingness to accept the TPNW, the existing NWFZ proposal or promoting the NPT adherence.

Despite its challenges and complexities, the Nuclear Weapons Ban Treaty constitutes an additional instrument for the achievement of a long-standing regional goal: the denuclearization of the Middle East. This comes after decades of failed arms control initiatives which have failed to conclusively present the benefits of abandoning deterrence strategies. In spite of good willed intentions to drive a NWFZ proposal under the umbrellas of the CBT and the NPT, difficulties with the implementation of arms limitations have continued for decades, more notably since the failure of the 2015 NPT Review Conference. In this international diplomatic context, the humanitarian initiative led by a group of countries promoting the elimination of nuclear weapons is taking centre stage with the nuclear ban treaty vision. Since 2012, the humanitarian pledge proposal has gained momentum in the call to ban nuclear weapons due to the highly negative potential impact of nuclear weapons on the future of the human race as a whole (Onderco, 2017: 391-393), offering a solid alternative argument to achieve the denuclearization of the region.

One of the main complexities of the ban treaty is its position outside the regulatory legal framework, and this is one of the main arguments sustained by its opponents. During the negotiations, one of the most reluctant regional actors, Israel, stated how the Nuclear Weapons Ban Treaty is open to abuse by countries intending to avoid NPT and CBT procedures by supporting the ban treaty instead. Israel argued, along with other opponents of the TPNW, that despite the goodwill,

the TPNW is merely a constraint to the legitimacy of nuclear deterrence practices, but fails to completely ban nuclear deterrence as a possibility. It does not completely acknowledge nuclear deterrence practices as virtual or weaponless deterrence. The abolition of nuclear weapons would make nuclear deterrence less salient, but would not eliminate it as a factor in strategic affairs (Egeland, 2019).

However, this is where, once again, the TPNW should be explored as a legally binding point of departure involving the entire international community, as a complement to adherence to NPT and CBT protocols obligations in a wider process. In doing so, the challenges of the Nuclear Weapons Ban Treaty would be more related to existing difficulties within and beyond the region with respect to acceptance of any nuclear arms limitation rather than the new instrument implementation per se or its legal content.

Firstly, the ongoing convolutions of the regional reality is a structural condition that mounts pressure on the treaty and on any potential regional implementation process. Added to this is the fact that all countries need to be engaged for the treaty to ensure a deescalation succeed. In a region where not all the countries enjoy diplomatic relations, this albeit basic condition makes it quite hard for the TPNW to be successful. The fact that not all the countries of the region even recognize Israel's right to exist leads to a general atmosphere of mistrust, one of many peculiarly Middle Eastern complexities that must be overcome. Hence, the future possibility of global ratification of the Nuclear Weapons Ban Treaty could overcome the basis for the regional mistrust shown in recent decades, particularly during the 2015 NPT Review Conference, between Israel and the other countries of the region. A key aspect to drive the success of the ban treaty will be the inclusion of complementary Confidence Building Measures (CBMs) to diminish the signatories' security anxieties.

Lastly, equally challenging would be the basic complexity of properly delimiting the territory contained in any Middle Eastern proposal, such as a future NWFZ within the deployment area of the Nuclear Weapons Ban Treaty. This is in addition to the less than straightforward process of defining the Middle East itself. The fact that the Nuclear Weapons Ban Treaty is an international proposal, however, which is not exclusively related to the region, represents a mitigating point of departure for consensus which should make it easier to decide on the countries to be included in the NWFZ agreement at a later stage.

Conclusions

The main aim of this essay has been to explore the various positions towards the Nuclear Weapons Ban Treaty taken by the countries of the Middle East region by examining the different diplomatic positions adopted during the TPNW negotiations and its subsequent approval. In doing so, the challenges to the Middle East's full acceptance of any nuclear arms limitation has been presented. This process shows that, despite the region's general willingness to eliminate WMD, there is still a very plausible danger of nuclear confrontation in the territory as long as no consensus is reached either within or beyond the region. Furthermore, international politics continue to reinforce deterrence based policies, with the United States' withdrawal from the JCPOA and the INF just recent examples of a generalized renewal of Russian-US confrontation.

Tracing back the nuclear reality of the Middle East, it is worth taking a fresh look at the article written by one of the fathers of traditional deterrence policies, Kenneth Waltz, who controversially titled his piece on the Iran-Israel nuclear crisis as follows: "Why Iran should get the bomb: Nuclear balancing would mean stability" (Waltz, 2016). Waltz's article helps us to understand the counterhypothesis that this paper presents, that if nuclear arms limitation is not reached, nuclear proliferation will not offer long term stability. Despite the optimism shown by Waltz, it is difficult to see how deterrence theory could be proven to work beyond nuclear monopoly situations. The presumption of a balance of power in the Middle East is difficult to imagine for a number of rea-

sons and should not be seen as an alternative path for the region if the Nuclear Weapons Ban Treaty fails, and a MAD situation would be very difficult to turn into a balance of power scenario of nuclear constraint. Moreover, the theory does not seem to adjust well to the different political and religious dynamics of the region (Landau, 2012: 26-27).

This analysis aims to contribute to the long-term reality faced by the countries of the Middle East: a difficult and complicated regional disarmament process as the only long-term option to avoid an undesirable open nuclear conflict, which would ultimately be a lose-lose situation for the entire international community. Thus, the failure to reach consensus at the last NPT Review Conference is the best empirical proof that the Nuclear Weapons Ban Treaty presents an alternative, if currently unclear diplomatic path worthy of further exploration. Moreover, as the paper has demonstrated, the treaty should not be seen as an instrument to eclipse the existing NPT framework, but as a complementary diplomatic mechanism.

Several conclusions could contribute to the academic debate on deterrence and arms limitation processes in the Middle East. In the first place, the Nuclear Weapons Ban Treaty, like the proposal for a NWFZ, has gained general regional consensus, though disrupted by the opposition of Israel and Turkey. In this respect, the Arab Group has used its majority to impose diplomatic pressure on the Israeli policy of nuclear opacity and establish the TPNW as an addition to the existing legal instruments. Secondly, having presented the various complications entailed in deployment of the ban treaty, it can be concluded that most of these could be overcome by the international scope of the treaty and by designing complementary CBMs. Finally, this analysis has proven the existing inconsistency between nuclear deterrence, arms control, nuclear weapons and long-lasting peace, which can be extended further to include the ethical risks of reliance on nuclear capabilities.

Although not explored in this work, further research should be conducted to study the important link between the role of civil society in the promotion of UN initiatives. With regard to alternatives to the nuclear realm, the particularities of the Middle East and the complex set of regional relationships pose extra difficulties in the initiation of any public policy change. Nuclear issues have tended to be kept secret, making it difficult to expand a culture of arms control among the majority of the populations of the Middle East. To date, alternatives to WMD have failed to create a broad political space in which to discuss them. In this stagnant context, civil society is the only level at which such initiatives are open to engaged populations who express their views and discuss the role they wish nuclear weapons to play (Kane, 2011). Ratification of an international nuclear weapons ban treaty would therefore provide the impetus needed by Middle Eastern civil society to help governments and public administrations implement such a treaty and change of concept.

This article has presented the different Middle East diplomatic positions surrounding the Nuclear Weapons Ban Treaty: its foundation, the logic of deterrence, influencing variables and plausible future trends. The importance and moral implications of promotion of such a treaty are linked to the likelihood of a nuclear confrontation occurring in the region if the logic of deterrence continues to be applied. In this respect, the question likely to occur to any reader and to those not endeavouring to implement the TPNW is the need to map an alternative path beyond NPT and CBT procedures, especially as these are still being discussed. This article has found that incapability and the lack of effective CBMs for regional deployment of the NPT makes a nuclear weapons ban transition a desirable proposition.

Notwithstanding, this analysis is rooted in a proper historical and international contextualization of the issues, acknowledging that all future regulations for the implementation of the TPNW should be bound to the international guarantees attached to NPT and CBT safeguards, without which the treaty will not be successfully ratified and ultimately implemented. Certainly, belief in the Nuclear Weapons Ban Treaty will be a slow and difficult process to achieve in a region full of suspicion. At a moment in history when the world is experiencing a renewal of nuclear deterrence policies, the success of the TPNW could almost be regarded as naïve in the short term. Thus, the postponed 2020 NPT Review Conference will be decisive in the matter of whether the TPNW remains a plausible option or is regulated to the category of mere wishful thinking. Yet the longstanding dynamics of deterrence in the Middle East presented in this study concludes that the Nuclear Weapons Ban Treaty is a solid and valid long-term option for the region.

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