

Implementation of the Middle East Resolution 1995 to establish the Middle East free zone of Nuclear Weapons is vital and lifeline to extension and success of the Non-Proliferation Treaty

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ABSTRACT

*This study highlights the main non-proliferation dilemmas we face and suggests an effective mechanism for reviving the spirit and the hope of the Non-Proliferation Treaty. It does this in the spirit of promoting a renaissance of the non-proliferation regime and helping to strengthen what we should now call the **four** pillars of the treaty: disarmament, non-proliferation, peaceful uses of nuclear energy, and implementation of the Middle East Resolution of 1995—which is an indispensable key to the treaty’s extension and success. The study addresses a number of dilemmas that arise from the way various NPT participants pursue the goals represented in the four pillars undergirding the treaty. The study highlights the main problems, which we believe may bring about—sooner or later—dissolution of the treaty. That treaty may then come to be replaced with another, more balanced, comprehensive, and fair treaty.*

INTRODUCTION

The 2015 Review Conference on the Non-proliferation of Nuclear Weapons Treaty (NPT) is now in session at the United Nation (UN) in New York City; it began April 27 and runs through May 22. This is the 45th anniversary of the treaty, but the conference is stifled by an atmosphere of frustration at the failure of participants in the treaty to carry out the provisions of the Final Documents of past review conferences—in particular, the failure to implement the Middle East Resolution 1995 (ME Res 1995) and related decisions adopted in the 2010 Final Document of the NPT Review Conference. In fact, there is growing concern about the fate of the treaty itself and what may result from the current NPT Review Conference, especially in the presence of several international and regional variables, including:

- The presence of new political systems in the Middle East, like the new Egyptian leadership of President Sisi—which has a leadership capability characterized by popular, regional, and international support—as well as the new Tunisia President, El-Sebsi.
- The escalation/ mounting of security concerns by all countries in the Middle East, particularly Egypt and neighboring countries, due to continuation of Israel's nuclear ambiguity—especially in light of Israel's aging nuclear reactors (over 60 years old), while Israel has not requested assistance nor submitted its nuclear facilities to inspection by the International Atomic Energy Agency (IAEA).

- Increasing global demand upon nuclear power and the resumption of nuclear programs for peaceful uses by some Arab States.
- The existence of turmoil and chaos in many countries in the Middle East, such as Libya, Yemen, Iraq, Syria, Yemen, Iraq, and Syria.
- The historical tentative agreement entitled “a Joint Comprehensive Plan of Action (JCPOA)” between the West and the United States (U.S.) on one side and Iran and other countries on the other side, regarding nuclear programs—and skepticism about attaining a Final agreement, where the U.S. links the achievement of a Final agreement to putting a condition of not-to-be-used as a threat to Israel’s national security.
- The Israeli election, which resulted in the victory of the hardline Likud party, led by Prime Minister Benjamin Netanyahu, which might constitute an obstacle to the peace process, and an impediment in reaching an agreement on implementation of the Middle East Resolution 1995 (ME Res 1995) to evacuate nuclear weapons from the region.

These developments have significantly influenced the current status of the NPT on the international and regional scene—although that scene of course continues to be influenced by historical factors. Here is a summary of the status of the NPT:

- 1- **The Nuclear Disarmament Treaty** is still hamstrung by inaction of the Nuclear Weapon States (NWS), which are not taking serious steps to implement the provisions of Article VI of the treaty or of the UN’s unanimous resolution No. 1887 of 2009, or other relevant resolutions. The NWS make promises and speeches, and claim growing interest in disarmament—but they display neither rapid nor effective progress. For example, Barack Obama’s speech in Prague stressed that the U.S. is committed to continuing negotiations in good faith on effective measures relating to stopping the nuclear arms race. But the nuclear powers still have their nuclear arsenals, and they continue developing new generations of nuclear weapons with more efficiency and capabilities. In addition, the U.S. and China are refusing to ratify the Comprehensive Nuclear-Test-Ban Treaty.¹
- 2- **Nuclear Non-Proliferation:** Despite the treaty, the number of countries possessing nuclear weapons has increased: North Korea, India, and Pakistan have acquired these weapons, and others, like Israel, are widely believed (based on extensive evidence) either to have nuclear weapons or to have a near-ready nuclear weapons capability. But Israel, for example, remains in strategic ambiguity, refusing to confirm or deny the presence of a nuclear weapons program or arsenal. Then there are countries like Iran, looking to acquire nuclear weapons or intending to get advanced nuclear capabilities that could convert to production of nuclear weapons. These three kinds of problems are the inevitable result of a selective Treaty applying unfair and unbalanced policy.²

¹ <http://www.icanw.org/the-facts/nuclear-arsenals/>

² <http://www.armscontrol.org/factsheets/nptfact>

Its strategy is based on serving the interests of nuclear states. To that end, the nuclear-weapon States (NWS) are trying to define the article X “right of withdrawal” provision, which gives the NPT states the right to withdraw from the treaty if they decide there is a vital threat or risk to their national security. By contrast, the Vienna Convention on the law of treaties—concluded in Vienna on 23 May 1969—as well as the Charter of the United Nations (UN), not only gives all participants in treaties the right of withdrawal but license to withdraw if they present any pretext or justification at all for doing so—such as an exegesis or an adjustment of the treaty, explicitly or implicitly, that they claim increases their burden or detracts from their rights.³

That means the right to withdraw is not only a right but also a license.

- 3- **The peaceful uses of nuclear energy:** The conflict of interest continues between nuclear and non-nuclear states regarding acquisition of the knowledge and technology needed to produce nuclear energy for peaceful uses. The nuclear-weapon states continue seeking to impose strict rules on the nuclear fuel cycle and to limit access to peaceful nuclear technology for energy. They attempt to do this either through the treaty or through the Nuclear Suppliers Group (NSG) in order to curtail weapons-related ambitions by the non-nuclear-weapon states. But the non-nuclear states have the right to get this nuclear technology to achieve sustainable development as stipulated in Article IV of the treaty.⁴
- 4- **The 1995 Resolution to free the Middle East from nuclear weapons:** continues to represent a major challenge to the continuity of the NPT. Egypt led the fourteen Arab countries to work in unity to resist the indefinite extension of the NPT, forcing the three depository states (the United States, the United Kingdom, the Russian Federation) to reach a compromise by sponsoring a resolution on the Middle East to win Arab support for an extension. Since that time, Arab states have suspended approval of the decision on indefinite extension to negotiate two other resolutions, namely:
 - a- A resolution on establishing a zone free of all weapons of mass destruction in the ME.
 - b- A resolution on strengthening the mechanism for reviewing implementation of NPT provisions and its principles and objectives for nuclear non-proliferation and disarmament (this to occur in three stages, taking place between the Review Conferences. All of these preparatory committee "stages" are considered as a pre-conference).⁵

Since the NPT indefinite extension decision by consensus without a vote, it is seen as

³ <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf> see more: <https://www1.umn.edu/humanrts/arabic/viennaLawTreatyCONV.html> Also: <http://dspace.univ-ouargla.dz/jspui/bitstream/123456789/7315/1/D0803.pdf>

⁴ <http://elaph.com/Web/Archive/1072374416361394000.htm>

⁵ <http://www.reachingcriticalwill.org/disarmament-fora/npt/history-of-the-npt-1975-1995>

closely linked to the Middle East Resolution 1995. Egypt, along with all Arab countries, regards implementation of the Middle East resolution as vital—indeed, as preliminary and indispensable—to all other progress in the implementing the NPT.⁶

Let us now look more closely at a number of dilemmas that arise from the way various NPT participants pursue the goals represented in the four pillars undergirding the treaty. This study highlights the main problems, which we believe may bring about—sooner or later—dissolution of the treaty.

That NPT may then come to be replaced with another, more balanced, comprehensive, and fair treaty.

THE RIGHT OF POSSESSING NUCLEAR TECHNOLOGY VERSUS THE OWNING NUCLEAR PLANT

Dilemma # 1: Controlling the dual uses of nuclear technology: peaceful and belligerent.

Major international and regional efforts are exerted to address this problem. The nuclear-weapon states' ideas tend towards internationalization of the reprocessing fuel cycle in order to prevent non-nuclear-weapon states (NNWS) from enriching uranium. A related issue is development of international mechanisms to secure nuclear fuel supplies. Some states have proposed establishment of a nuclear fuel bank under the mandate of the International Atomic Energy Agency or regional centers. The bank would work on the basis of non-political and non-discriminatory or preferential standards.

Some countries possessing enrichment facilities have suggested transforming them into international facilities. In addition, some NWS propound the idea of selling entire reactors (not individual components) in order to prevent non-NWS from learning too much about nuclear technology—even when those countries are seeking peaceful uses of nuclear energy. However, this idea interferes with the sovereignty of states and contradicts Article IV of the NPT.

In 2006, more than four "multilateral" fuel cycle initiatives were put forward by NWS in an attempt to monopolize the fuel supply and maintain control of nuclear technologies:⁷

- On January 25, 2006, Russian President Vladimir Putin proposed the first specific initiative, "Global Nuclear Power Infrastructure (GNPI)," aiming to establish a network of international centers servicing the nuclear fuel cycle, including uranium enrichment,

⁶ <http://www.reachingcriticalwill.org/disarmament-fora/npt/history-of-the-npt-1975-1995>

⁷ *Internationalization of the Nuclear Fuel Cycle: Goals, Strategies, and Challenges*. Washington, D.C.: National Academies, 2009. *The National Academic press*. John and Catherine T. MacArthur Foundation and the Carnegie Corporation of New York and Russian Academy for Science. Web. <<http://www.nap.edu/>>

on a non-discriminatory basis and under the supervision of the IAEA.

- In February 2006, the U.S. announced a similar program called “the Global Nuclear Energy Partnership (GNEP).”
- In June 2006 came what is known as the six-nation proposal (France, Germany, the Netherlands, Russia, the United Kingdom, and the United States), calling for a Global Multilateral Permanent Mechanism for “Reliable Access to Nuclear Fuel (“RANF”)” under purview of the IAEA.
- In September 2006, Japan submitted a proposal complementary to the six-nation proposal: creation of “back-up arrangements to ensure the supply of fuel” in the framework of the IAEA.

On the Arab side, Prince Saud al-Faisal, on the initiative of the Saudi foreign minister, proposed creation a consortium of Arabic “regionals” to manage the nuclear fuel cycle among Arab countries without being controlled by international pressure or being deprived of their rights. Ambassador Mohamed Shaker of Egypt proposed establishment of a regional nuclear fuel bank under the mandate of the IAEA.

The double goals of some international proposals are to support peaceful use of a nuclear fuel supply while ensuring international control over the fuel cycle to prevent its conversion to military uses. However, some of these proposals interfere with state sovereignty and contradict the provisions of Article IV of the NPT. These proposals reflect the attempts of the nuclear-weapons states to monopolize and to maintain control over nuclear fuel supplies and nuclear technology.⁸

The NPT is a multilateral international legal agreement. It is a bargain between the five nuclear weapon states and the non-nuclear states.

The NPT legitimate aims are sustainable security and development of all NPT state parties, without exception, through mutual commitments.

Non-nuclear states pledge not to acquire nuclear weapons; in return, the nuclear powers commit to denuclearization, as well as to helping the non-nuclear states obtain nuclear technology for peaceful uses—recognizing this as an authentic and inalienable right.

Historically, the U.S. was the first country committing to help the world seek peaceful uses of nuclear energy. In 1953, U.S. President Dwight Eisenhower addressed the United Nations

⁸ Sources: Eric Hundman: “Nuclear Fuel Supply Proposals Aimed at Weakness in Nonproliferation Regime” published on <http://www.worldpoliticsreview.com/articles/428/nuclear-fuel-supply-prop...>, See more on www.wiseinternational.org/node/3319

General Assembly, calling for a program of "Atoms for Peace." However, since that time, the U.S. and the West in general have posed restrictions to the spread of this peaceful nuclear technology—principally by proposing comprehensive procedures for limiting and resisting the development the nuclear proliferation. This has been based on their growing fears about the spread of nuclear weapons. Thus, they have taken steps such as these:

- a- Changing and strengthening the rules and regulation of both the Nuclear Supplier Group and the Zangger Committee that drew up guidelines on the kind of sensitive materials and technologies that can be transferred across borders;
- b- Establishing export control regimes, negotiating the prohibition the production of fissile materials worldwide, and changing the rules set by suppliers of nuclear materials in the Nuclear Supplier Group;
- c- Developing methods to reduce the front and back ends of the nuclear fuel cycle and reprocessing of spent fuel and disposal of waste by inventing ways to get rid of the fuel ("Cradle to Grave");⁹
- d- Improving the means of safeguards;
- e- Restricting the legitimate use of centrifuges¹⁰, and
- f- Designing and manufacturing nuclear-proliferation-resistant reactors to meet the needs of non-nuclear countries that are looking for sustainable development.¹¹

Surprisingly, the United States is breaching the prevailing international standards and norms for nuclear non-proliferation. The U.S. and India signed a nuclear agreement on July 18, 2005, under which the U.S. supports India in the nuclear field, although India possesses nuclear weapons and has not signed on to the NPT. The Nuclear Supplier Group made an exception not to apply their standards and rules to India—and it has done this at the request of the U.S., despite the fact that the NSG had been formed in response to Indian test-detonation of nuclear weapons!

The U.S.-India nuclear agreement is a serious challenge to the international nuclear non-proliferation regime. It also undermines the accountability, universality, and credibility of U.S. nuclear nonproliferation efforts, as well as contradicts article I and III of the NPT. This has been an approach frequently repeated by the U.S., as for example revealed in a declassified document from 1987, which was published in March 2015, revealing the existence of nuclear cooperation with Israel that helped that country get the ability to produce a thermonuclear bomb.¹²

⁹http://disarm.igc.org/index.php?view=article&catid=61%3Adt2008spring&id=79%3Adt2008springSpies&option=com_content&Itemid=2

¹⁰http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=http%3A%2F%2Fwww.npolicy.org%2Farticle_file%2FCentrifuges-A_new_era_for_nuclear_proliferation.pdf&ei=0fVYVbvqNNfUoASQhoKYAQ&usg=AFQjCNGsxGQ0dfBMh3vDF0BRIZSaxtiLQ&bvm=bv.93564037,d.aWw

¹¹ <http://nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/proliferation/export-control-regimes.htm>

¹² Ahmed AbdelFattah, The Head Mission of the League of Arab States at the UN. "The Statement of the League of Arab States at the 2015 NPT Review Conference in UN Headquarter in New York". See also: <http://hotair.com/archives/2015/03/26/did-the-obama-administration-declassify-documents-on-israeli-nuclear->

This unbalanced and repeated approach aroused Arab suspicions about the real goal of the United States and the West. It seemed to restrict only Arab states in their goal of accessing nuclear technology for peaceful purposes. Regrettably, this unequal and discriminatory approach might give the Arab States a legal and logical justification for breaching the rules of the NPT or withdrawing from it.

The non-nuclear-weapon states (NNWS) are not seeking the possession of nuclear power plants only, but also they demand their legal and human right to possess the technology for production of nuclear energy for every kind of peaceful use. The NNWS strongly opposed the U.S./West proposals, which restrict the development of nuclear fuel cycle technology, since as those proposals are violating their right to possess nuclear technology for peaceful purposes. Argentina and South Africa have confirmed that the restrictions should not be imposed on the NPT member states, which seek to acquire nuclear energy for peaceful use.¹³

Regardless of the extent of credibility of their claims and the goals of both sides' actions (NWS, and NNWS), the result stifles the success of the NPT.

NEW ERA OF ARAB TREND

In the shadow of international and regional developments, no one can unfailingly know the fate of the Non-Proliferation Treaty. But it is possible to make an informed prediction as to the likely outcomes of the 2015 Review Conference and other forthcoming conferences, and to predict what may be accepted or rejected by the member states, particularly Arab countries. Those countries, and the alliances they have formed, will have a huge—we might say a definitive—influence on the fate on the NPT.

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

Almost all Arab countries have resented the failure of the international community in implementing its commitments and using double standards for disarmament issues. For example,

[program/](#)

¹³ <http://al-akhbar.com/node/134153>

¹⁴ <http://www.lasportal.org/ar/Pages/default.aspx> and <http://www.arableagueonline.org/>

¹⁵ <http://www.ahram.org.eg/NewsQ/382849.aspx> and <http://www.au.int/>

Egypt expressed its displeasure and disapproval at the NPT Second Preparatory Committee in Geneva in 2013. At that event, the Egyptian delegation withdrew from the NPT Second PrepCom to protest the lack of progress toward convening a conference on a MEWMDFZ. Also, the States Parties of the Non-Aligned Movement (NAM) and the Arab League expressed dissatisfaction and announced their corroboration with the Egyptian position due to the failure of the international community and the three co-sponsoring States (the U.S, Russia Federation, and the United Kingdom) to apply and activate the provisions of the Middle East Resolution 1995. Such failure could affect the credibility and continuity of the NPT.¹⁶

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

In 2014, at the Third Preparatory Committee of the NPT in New York, the Kingdom of Saudi Arabia's statement—given by the Head of the Mission, H.E Abdallah Al-Mouallimi—was that although the increase of global awareness about the dangers of nuclear weapons is cause for optimism, there remains a great need for the nuclear-weapon states to show their good political will and to stop relying on nuclear weapons and other weapons of mass destruction as tools for assuring their national security and establishing their importance. This, he said, is the only way to maintain global balance. He stressed that the nuclear-weapon states, in contrast to their seriousness in the implementation of other free zones, do not exert more serious efforts to establish a nuclear-free zone in the Middle East as a result of the presence of one country in the region (Israel), which resists any efforts towards progress. It maintains advanced nuclear military capabilities without any international control. As a result of this circumstance, Arab States do not see any significant success in the Middle East. Al-Mouallimi blamed the international community for not implementing the key part of the pillars of the NPT to establish a nuclear-free zone in the Middle East.

Similarly, all statements of Arab States, the Arab League, the interventions of heads of delegations of Arab countries, the statement of the Arab Group, and the Group of Non-Aligned Movement stressed and reinforced the same position: the vital importance of implementing the Middle East resolution adopted by the 1995 NPT Review Conference. They stressed that the Middle East is still the glaring example of failure of the treaty in providing security to its parties, because the ME is the only region that has not seen an effective international efforts to establish

¹⁶ <http://www.nti.org/treaties-and-regimes/treaty-on-the-non-proliferation-of-nuclear-weapons/#2013>

a nuclear-free zone.

The report of the Preparatory Committee and its recommendations that will be presented to the 2015 Review Conference reflect the views and positions of many countries and stress the importance of implementing the Middle East Resolution of 1995. It emphasizes the need to implement, without further delay, the Final Document Outcomes of both the 2000 and the 2010 NPT Review Conferences on the establishment of a nuclear weapons free zone, and of all other weapons of mass destruction, in the Middle East. It calls on Pakistan, Israel, and India to join the NPT as non-nuclear-weapon states, immediately and unconditionally.

ARAB WANTS SECURITY + DEVELOPMENT NOT SECURITY OR DEVELOPMENT? FALSE WARNING BELL AND REAL ONES

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

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

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

For example, the United Arab Emirates (UAE) decided to establish a nuclear energy program in Abu Dhabi according to the international treaties. Also, Jordan, Syria, Egypt, Morocco, Kuwait, and Saudi Arabia expressed their interest in reviving and developing their nuclear power programs as a solution to face states' growing requirements for energy to generate electricity, produce desalinated water, and reduce reliance on diminishing hydrocarbon resources.¹⁷

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

The non-nuclear states, for their part, consider the real danger alarm to be what the nuclear-weapon states do with the nuclear technologies they possess, which make them resent all the more the NWS attitude and actions that reduce non-NWS capacity to learn about nuclear energy for peaceful uses. As we have discussed, the NWS block scientific and technological cooperation, arguing that some of these technologies can be converted for military purposes,

¹⁷ <http://www.world-nuclear.org/info/Country-Profiles/Others/Emerging-Nuclear-Energy-Countries/>

while simultaneously opening wide the door to Israel, without exceptions or conditions, for the development of nuclear technological capabilities in civil and military fields. Bizarrely, in 2007, the Egyptian Foreign Minister, Ahmed Aboul Gheit accused Israel, of trying to prevent Egypt from obtaining nuclear technology for peaceful purposes. Israel tries to pressure countries and companies exporting nuclear material to change current rules in ways that benefit Israel.

When nuclear powers restrain, contain, and reduce the access of non-nuclear states to nuclear technology for peaceful uses, they take a risky and unethical path. This could easily lead the non-nuclear states to decline their NPT membership, which provides them with neither security nor development.

Both goals—security and development—are the basis of the non-nuclear states' survival, and they cannot abandon one for the other. Both goals are the reason they signed on to the treaty. In March 2007, at the Arab Summit in Riyadh, the Arab states emphasized that the peaceful use of nuclear energy is the inherent right of all NPT member states, and it is also a right granted in other related treaties and conventions, in particular the statutes of the IAEA. They issued two complementary resolutions, the first one related to the development of peaceful uses of nuclear energy in Arab countries, and the second related to the collective Arab cooperation in the areas of developing peaceful uses of nuclear energy (resolutions 383 384 respectively). This inherent inalienable right has been reiterated regularly in the previous and forthcoming Arab Summits, as well as in many regional and international forums.

So again: some countries will not see the advantage of continuing as a member in the NPT in the absence of accomplishing the attainable goals and objectives of providing and assuring them with both security *and* development, not security *or* development.

THE ME RESOLUTION 1995 BY ITSELF IS “THE REGIONAL SECURITY SYSTEM” & “THE FOUNDATION FOR CONFIDENCE-BUILDING MEASURES”

Dilemma #3: The imminent problem that Arab countries will not accept any more may turn away from a treaty that is not protecting or developing them, and seek realizable gains. They will not accept more analgesics, sedatives and opiates to postpone the establishment the Middle East Free Nuclear Weapons Zone?

Arab countries position will be united in the NPT Review Conference 2015, as they emphasize that implementation of the ME Resolution 1995 would, by itself, provide the “regional security system” and “the foundation for confidence-building measures”. We agree. Indeed, the overlapping and interrelated relations between the indefinite extension of the NPT and its fate are mortgaged to implementing the Middle East Resolution 1995. Therefore we can say that the fate and the continuity of the NPT does not depend upon implementing the Review Conference Outcomes of 2010, or upon holding another Helsinki Conference in the coming years or other conferences after the 2015 NPT Review Conference. Rather, it depends on actual, effective implementation of Middle East resolution 1995.

This was again confirmed by the 26th Arab League Summit in Sharm el-Sheikh in March 28, 2015, where the Arab Presidents and delegates explained their visions for the future and described the grave challenges to their security in the Middle East, while emphasizing the importance of implementing the Middle East resolution as the only way to ensure the stability of the region and maintain regional and national security. They put the responsibility upon the international community, in particular upon the three States that co-sponsored the 1995 ME Res, for the severe consequences that will follow if the resolution is not soon implemented.¹⁸

The agreement of most Arab states on this issue is very clear. Another example: Egyptian president Abdel Fattah El-Sisi's statement at the opening session of the 26th Arab Summit in Sharm El-Sheikh, 2015. He said:

“Our hearts and minds are open to just and comprehensive peace that achieves security and peace to all parties and which requires ending the Israeli occupation of the Palestinian territories through serious and fruitful negotiations that are based on international resolutions and the Arab Peace Initiative while stopping all Israeli settlement activities and continued violations of all religious sanctuaries. We can not talk about the challenges facing the Arab national security without confirming and asserting once again the inalienable principles of the Arab stance towards clearing the Middle East from nuclear weapons and all weapons of mass destruction. The Nuclear non-Proliferation Treaty Review Conference will be held in April and May. This conference constitutes a genuine opportunity for the Arab countries to urge the international community to shoulder its responsibility and take accelerated practical and specific steps for implementing the resolution that was issued by the review conference in 1995 on creating an area free from nuclear weapons and all weapons of mass destruction in the Middle East.”¹⁹

Almost all Arab statements at the 26th Arab Summit took the Egyptian trend. Saudi King Salman bin Abdel Aziz expressed deep concern regarding nuclear weapons and other weapons of mass destruction. The Kingdom's stance is clear and firm: a Middle East free of nuclear weapons and weapons of mass destruction, and a call upon the international community to shoulder its responsibilities by issuing a UN Security Council resolution adopting the 2002 Arab Peace Initiative, and naming a senior international envoy to find a way out of the current impasse to implement the ME Res 1995.

What issued from the Arab summit is identical with most international public opinion and with the principles and resolutions of the United Nations: the need to expedite implementation of the Middle East Resolution 1995. In December 2014, the UN approved an Arab-backed resolution

¹⁸ <http://digital.ahram.org.eg/Policy.aspx?Serial=1822026>

¹⁹ Statement given by the H.E President of the Arab Republic of Egypt, Abdel Fattah El-Sisi in the opening session at the 26th Arab Summit in Sharm El-sheikh. See more at:
<http://www.sis.gov.eg/En/Templates/Articles/tmpArticles.aspx?ArtID=91758#.VVZRjhd4jLU>

put forward by Egypt entitled "The risk of nuclear proliferation in the Middle East," adopted by a 161-5 vote, noting that Israel is the only Middle Eastern country that is not party to the Treaty on the Non-Proliferation of Nuclear Weapons.²⁰

It called on Israel to "accede to that treaty without further delay, not to develop, produce test or otherwise acquire nuclear weapons, to renounce possession of nuclear weapons" and put its nuclear facilities under the safeguard of the U.N.'s International Atomic Energy Agency. The resolution pushed for the establishment of a nuclear-weapons-free zone in the Middle East and lamented that U.S.-backed efforts to convene talks had been abandoned in 2012.²¹ It includes paragraphs confirming that the 1995 Resolution is the key and the integral part of the package deal to extend the treaty indefinitely without a vote.

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

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

It is true that the Arab states endorsed the "indefinite extension of the treaty without vote"—but this was with the understanding that the Middle East resolution would actually be carried out. As we have shown, the Arab countries are united regarding the implementation of the ME Res1995 for establishing a nuclear-free zone. They assigned a Committee of Senior Officials from all Arab countries to meet at the League of Arab States to consult, coordinate, and unify their efforts to decide on issues of disarmament and non-proliferation, and to prepare for participation in the Review Conferences and their committees, in particular the 2015 NPT Review Conference. Arab Countries give the highest priority to the importance for implementing the Middle East resolution 1995 because of its impact on regional and international security—but they are losing patience with the sedative promises of the depositary States.

²⁰ <http://english.ahram.org.eg/NewsContentP/4/126641/Opinion/Vision-and-challenges-The-presidents-speech-and-Ar.aspx>

²¹ <http://www.un.org/disarmament/publications/yearbook/en/EN-YB-VOL-39-2014-part1.pdf> Read more: <http://www.dailymail.co.uk/wires/ap/article-2857853/UN-assembly-calls-Israel-join-nuclear-treaty.html>

The adoption of the Middle East Resolution 1995 is the keystone and the integral part of the package deal to extend the treaty indefinitely without a vote, and the indefinite validity of the resolution until implemented.

The reason why the Arab Countries are insisting to expedite the ME Resolution 1995 is for closing the nuclear security gap by establishing a zone free of nuclear weapons and all weapons of mass destruction in the Middle East.²² The NPT depositary states must recognize that those sedatives have a negative side effect on the other side –Arab Countries- if sedatives didn't work and no hopes been achieved.

Arab countries acted in good faith to declare their commitment to act positively in the Helsinki Conference 2012, and they withdrew the Arab and Egyptian two-draft resolutions on "Israeli nuclear capabilities" in the 56th session of the General Conference of the IAEA in September 2012. Before that, in 2002, Saudi Arabia had launched the "Peace Arab Initiative." But Israel did not seize the opportunity. They rejected the outstretched hand of peace from 22 Arab countries and would not come to the negotiating table.

Unless the directives of the 1995 Resolution are soon carried out, Arab countries will have no other option but to take practical actions to protect their people and their national identity and national interests.

Dilemma #4: Israel and the *de facto* policy.

How does Israel's accession to the treaty affect the Arab countries that have coexisted for so long without joining? This question provokes and aggravates some non-nuclear-weapon states. Intuitively it raises the question: Is the main goal of the treaty is to restrict the power of the Arab States to unleash Israel's power for possessing nuclear weapons that threaten regional and international peace? And how will the international community convince non-nuclear weapon states to work on achieving NPT universality, when Israel is being encouraged and empowered to remain outside the treaty—while Arab countries are being pressured to comply?

And why should Arab states stay as a member to the NPT which that threatens clearly their national security?

Arab countries are not co-equal and not co-exist with Israel as a nuclear-weapon state. Israel has “nuclear ambiguity,” neither denying nor affirming that it has a nuclear arsenal²³ —but Israel is

²² <http://www.sis.gov.eg/En/Templates/Articles/tmpArticleNews.aspx?ArtID=91757#.VVzXE-d4jLU>

²³ Cohen, Avner (1998a), *Israel and the Bomb* (HARDCOVER), New York: Columbia University Press, [ISBN 0-231-10482-0](#), p. 349.

Also: (1998b), *Israel and the Bomb* (PAPERBACK), New York: Columbia University Press, [ISBN 0-231-10483-9](#)

internationally widely believed to possess nuclear weapons.²⁴ It has having built its first nuclear weapon in December 1966.²⁵ Hence, Arab states in fact have been vocal about the clear threat from an Israeli nuclear arsenal.

In every official and non-official international or regional forum, they have raised a clear concern of Israeli's arsenals, and have stressed that Israel must abandon its nuclear weapons and accede to the non-proliferation of nuclear weapons treaty without preconditions or delay, to establish the Middle East free nuclear- weapons zone, in accordance with the resolutions of the United Nations and the Security Council relating to this matter.²⁶

Beginning in the '60s, Egypt has launched several initiatives to remove nuclear weapons from the Middle East. Egypt resumed the imitative with Iran in 1975 and submitted a draft resolution to the General Assembly of the United Nations in December 1988 to carry out effective measures to achieve those initiatives.²⁷ In 1990, Egyptian President Hosni Mubarak announced the launch of a comprehensive initiative to all weapons of mass destruction from the Middle East, and this led to the 1995 Middle East Resolution.²⁸

Reciprocity, Why does Israel not accept its responsibility to coexist, in terms of nuclear capabilities and safeguards, with other countries in the Middle East, when this condition would benefit the entire region? Their current approach is unacceptable: it threatens regional and international peace and security, stimulates an arms race in the region, and is a catalyst for many of the non-nuclear states to follow the same approach—since they observe that the international community rewards states that possess nuclear weapons and operate outside the NPT.

If the balance of nuclear power is not be achieved by creating a nuclear-weapon-free zone, then they reason, they must achieve balance and security by acquiring nuclear weapons, hoping to achieve something like the balance of power and relatively peaceful coexistence now existing between nuclear states like Pakistan and India in South Asia. At that moment only, the peaceful coexistence and stability exist in the region. But any “peace” achieved by the presence of more weapons of mass destruction is an uneasy peace indeed.

The international community must understand the facts and the changes that have occurred in the

²⁴ ElBaradei, Mohamed (July 27, 2004). "Transcript of the Director General's Interview with Al-Ahram News". International Atomic Energy Agency.

²⁵ Shavit, Ari (2014), *My promised Land*, (London 2014), page 188

²⁶ Relevant UN Security Council, UN General Assembly and IAEA Board of Governors and General Conference resolutions, including UNSC 1747 (2007), A/Res/61/103 (and preceding resolutions), GOV/2006/14 and GC (50)/RES/16. See <http://www.un.org/Docs/sc/>, <http://disarmament.un.org/vote.nsf>, http://www.iaea.org/About/Policy/GC/GC50/GC50Resolutions/English/gc50res-16_en.pdf

²⁷ M. Hamel-Green, Regional Initiatives on Nuclear and WMD-Free Zones: Cooperative Approaches to Arms Control and Non-Proliferation, UNIDIR, 2005

²⁸ Pande, Savita, (1998) Strategic Analysis: A Monthly Journal of the IDSA, December 1998 (Vol. XXII No.9)

Middle East and evaluate the variables in a logical and humane way. A nuclear-weaponized Middle East is a lose-lose scenario "zero-sum" for all without exception. Israel is resisting the best path to stability and peace in the Middle East. The solution is neither impossible nor difficult. Freeing the region from nuclear weapons will bring to Israel the security and stability it needs and deserves, along with all other nations in the region.

PRELIMINARY NUCLEAR AGREEMENT BETWEEN IRAN AND THE WEST.

Dilemma #5: Will progress between Iran and the West actually end up weakening the Arab position to demand implementation of the Middle East Resolution 1995, and to demand Israel's compliance with the NPT?

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

Regrettably, though, despite, the U.S. and the West avoided engaging Arab nations for the negotiation between the west and Iran, this does not mean that the status will remain this way, especially in light of the ongoing war in Yemen. This war involves Yemeni rebels seeking to overthrow the legitimate Sunni government of Yemen. Arab coalition forces, which include Saudi Arabia and the Gulf states, as well as aerial and naval Egyptian forces, have joined the legitimate Yemeni government in fighting these rebels who are loyal to the former regime group—Ali Abdullah Saleh and the Iranian-backed Shiite Houthi fighters (despite Iranian denials of involvement).²⁹

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

While this barter might be difficult to achieve amidst an "Arab awakening" which has seen the creation of a joint Arab military force (an "Arab Army" or "unified regional force") at the 2015 Arab Summit in Sharm El-Sheikh that aims to protect the Arab States from any internal or external aggression, including terrorist attacks attempts and foreign threat. The current war in Yemen is the first opportunity for the Arab Army to exert its influence.³⁰

²⁹ <http://europe.newsweek.com/egypt-preparing-enter-fray-yemen-alongside-gulf-allies-317394>

³⁰ <http://egyptianstreets.com/2015/03/28/arab-kings-and-presidents-in-egypt-as-sisi-calls-for-unified-arab-military-force/>

In addition, Iran was among the first countries to call for the establishment of a nuclear-free zone in the ME. Thus, if the initial phase of the agreement succeed and turned to be signed as a final agreement, it will strengthen regional efforts to push the international community to shoulder its obligations in an earnest way and a concrete steps for implementing the 1995 ME Resolution.

This was confirmed by Iranian Foreign Minister " Javad Zarif " in his Statement on behalf of the non-aligned countries at the 2015 NPT Review Conference 2015, in which he emphasized that Israel pose a serious and continuing threat to the security of neighboring and other states, calling for complete prohibition of the transfer of all nuclear-related equipment, scientific or technological fields to Israel. He urged the international community to enforce Israel to renounce possession of nuclear weapons, and to accede the NPT without precondition and further delay.

Thus, achieving this preliminary nuclear agreement between the U.S./West will not affect the Arab and Iranian basic constants position concerning the necessity to implement resolution 1995 to evacuate the Middle East of nuclear weapons.

NUCLEAR UMBERELLA FROM WEST IS ADEQUATE WARRANTY WALL OF SAFETY AND SECURITY FOR ISRAEL

Dilemma #6: Would the granting of a nuclear umbrella by the West be guarantee to Arab countries sufficient enough to substitute for ridding the Middle East from nuclear weapons and the Israel's acquiescence to the NPT?

The idea of granting a nuclear umberalla to non-nuclear states is not new one; it emerged during the American- Russian polarization period to provide for the security of non-nuclear allied states of both sides. This means that the nuclear umbrella is seen as an alternative to acquiring nuclear weapons such as Sweden and Switzerland considered the idea of developing nuclear weapons but abandoned it in favor of an official policy of neutrality, along with Austria, Finland and Ireland.³¹ Other countries such as Japan and South Korea, who ratified the NPT, have claimed to get an assurance of defense by the West against any nuclear attack. Still other countries chose to establish a nuclear-free zone as in Central Asia where China recently signed the Protocol to the Central Asian Nuclear-Weapon-Free-Zone Treaty³² Similarly, the Treaty of Antratica made Antarctic region free of all convention and nuclear military uses, the Tlatelolco treaty makes Latin America a region free of nuclear weapons, the Treaty of Rarotonga creates a nuclear-free region in the South Pacific, and the Bangkok Treaty establishes a nuclear-free zone in Southeast Asia. The April 1996 Pelindaba Treaty proposes making Africa a nuclear-free zone but not yet

³¹ Bunn, George. "[The Legal Status of U.S. Negative Security Assurances to Non-Nuclear Weapon States.](#)" *The Nonproliferation Review* 4, Spring-Summer 1997.

³² Parrish, Scott and Potter, William "Central Asian States Establish Nuclear-Weapon-Free-Zone Despite U.S. Opposition" Center for Nonproliferation Studies (CNS), September 2006.

entered into force.³³

The existence of strong incentives and tremendous pressure from the international community has persuaded countries such as South Africa, Brazil, Argentina, Belarus, Kazakhstan and Ukraine to give up their nuclear weapons and to join the NPT Treaty.³⁴ For instance, Ukraine gave up its nuclear arsenal to the Republic of Russian Federation in 1994 in for self-determination and independence.

Given the existence of this type of negative security guarantee given by a nuclear weapons state such as the United States to defend an allies state such as Japan, South Korea and Australia, therefore it will be a reasonable solution to suggest that the U.S. grant a similar nuclear security umbrella to its strategic ally Israel U.S.³⁵

A U.S. nuclear umbrella would have dual benefits . It will be used as an deterrent and defensive tool on behalf of Israel and provide a strong incentive to Israel to give up its nuclear weapons. It would give Israel military and political superiority in the region, while maintaining the country's tradition of military excellence. Most importantly, it would resolve the deadlock over the NPT and the implementation of the 1995 Middle East Resolution.

Successfully achieving such a solution necessitates the United Nations and the West, led by the United States, as a strategic and security ally to Israel, to exercise more leverage tools to push Israel to voluntarily give up its nuclear arsenal.

Arab countries believe that the proposal suggested by former U.S. Secretary of State Hillary Clinton, which includes the extension of

the U.S. "defense umbrella" over the Middle East in response to the (potential) acquisition of a nuclear weapon by Iran or Israel, is not good and unacceptable.

They believed that the proposal could be seen beneficial if and only if Israel gives up its nuclear weapons in accordance with the the Middle East Resolution.³⁵

In early 2009, Arab states previously rejected the idea of an extension the U.S. nuclear umbrella over Arab countries in exchange for abandonment of their legitimate demand that Israel accede to the NPT as a non-nuclear state and place its nuclear facilities under the comprehensive International Atomic Energy Agency safeguards. In the eyes of Arab states, the proposal merely

³³ Adeniji, O. "The African Nuclear Weapon Free Zone Treaty: The Pelindaba Text and its Provisions," in Disarmament, January, 1996 and see also: Sola Ogunbanwo, "Accelerate the Ratification of the Pelindaba Treaty," Nonproliferation Regime, Spring 2003, pp.132-136

³⁴ <http://iipdigital.usembassy.gov/st/arabic/publication/2010/02/20100225141150ebyessedo0.3085138.html#ixzz3Yfs54LKA>

³⁵ <http://www.theguardian.com/commentisfree/cifamerica/2009/jul/23/clinton-iran-defence-umbrella-gulf>

maintained the status quo in the ME. Speaking in an interview with Al-Ahram newspaper before his visit to Washington at that time, former Egyptian President Hosni Mubarak said that Egypt would not accept the idea nor the existence of regional nuclear-weapon powers, whether they be Israel or Iran, and that Egypt adheres to its position and its initiatives that have resulted in the Middle East's resolution 1995 to free the Middle East from nuclear weapons, and then to free the Middle East from weapons of mass destruction.

Hence, the idea of extend the nuclear umbrella to the Arab states without having Israel give up its nuclear arsenals will always be rejected, as it will not give them the security and sustainable development. Rather, it would only offer “sustainable dependency.”

Therefore, the achievement of the Middle East Resolution 1995 is an indispensable cornerstone for building trust and support cooperation and establishment of peace and security for being by itself the security and political assurance system among countries in the region.

SUSPENDING THE INDEFINITE EXTENSION OF THE NPT UNTIL THE 1995 MIDDLE EAST RESOLUTION IS IMPLEMENTED

Dilemma #7: what are the sufficient mechanism that would be acceptable to the Arab nations for the success of the 2015 NPT Review Conference and the continuity of the non-proliferation regime?

There should be no doubt that the successful implementation of the first segment of the NPT Indefinite Extension, begun in 1995, is required for the success of a second segment that would begin in 2015.

The NPT has two distinguished stations (legs) which are main paths at the age of treaty: the 1995 was the first stop station, and the second one is the 2015.

The Indefinite Extension Since 1995: The first leg (Station)

It was the temporary transit by issuing the 1995 Middle East Resolution to free the Middle East of nuclear weapons, which is consistent with the goals and principles of the UN Charter to achieve international peace and security.

In 1995, after 25 years of nuclear negotiation, the Arab NPT State Parties saw no benefit to keeping their membership in the treaty as long as it did not appear to be moving toward its goal of international peace and security. At that point, the depositary nuclear-weapon states worked to find a way to break the deadlock and to continue the treaty in its current form by brokering an equal deal with Arab countries and issuing the Middle East Resolution 1995, pledging to implement it if Arab States agreed to the indefinite extension of the treaty and encouraged other

Arab states to join the treaty. The Arab states did agree to that deal, but they did so in exchange for the assurance that the 1995 Middle East Resolution would be implemented. For that reason, the issuance of the indefinite extension of the treaty has been taken by consensus without a vote and has been suspended until the Resolution 1995 be implemented.

Hence, the ME Res 1995 remains the main pillar in the deal of the indefinite extend the treaty—the factor that motivated countries in the region such as the United Arab Emirates (UAE) to join the treaty after previously rejecting it because of the Israeli nuclear threat.

The deal in the 1995 was based not on the promise of convening the Helsinki conference or other upcoming Conferences— a promise that the depository states may offer in the Review Conference in 2015 or later. The main goal was the implementation of the Middle East Resolution 1995. Thus, any other promises to hold another conference must be accompanied by a bundle of mechanisms for its implementation, to be carried out in a specified time frame under the umbrella of the United Nations to reach the end to free the Middle East of nuclear weapons.

The Future After 2015: second leg (Station)

Will what was accepted in the Review Conference in 2010 be accepted again in 2015 under the current political circumstances in the region?

In answer to that question, an Arabic phrase comes to my mind: "do not sting the insured, twice shy" a version of the English saying "once bitten, twice shy." For the NNWS, the unpleasant experience of the continuing breach of obligations towards the Arab States and other NNWS, making them much more careful to avoid similar experiences in the future.

In other words, no new promises to hold a conference similar to the 2012 Helsinki Conference for an the implementation of 1995 Middle East Resolution will be persuasive unless the alternative conference accompanied by the following feasible determinants :

1. the setting of putting a specific time frame for the Conference
2. the convening the conference under the UN umbrella and the UN Secretary General
3. including of specific operational steps for establishing a nuclear-weapons-free zone in the Middle East, such as a MENWFZ treaty.
4. participation of all concerned States Parties including Israel and Iran in the conference.
5. acceptance of responsibility by the UN and the Security Council for implementing mechanisms to achieve the findings of the conference in a specified time frame adhered to by all concerned parties .

These mechanisms has been emphasized in the recent Arab summit in Sharm El-Sheikh, Egypt, as mentioned above.

Therefore, it is clear that the 2015 NPT Review conference is the best opportunity for NPT nuclear-weapons states, particularly the depository countries (United States, United Kingdom, and the Russian Federation) to enforce the ME Resolution 1995 and preserve the credibility , continuity and universality of the Treaty, and maintain the non-proliferation regime as a whole.

EXPECTED OUTCOMES IN THE 2015 NPT REVIEW CONFERENCE

- Because of the failure in achieving NNWS' demands, Arab States and other NNWS alliances, headed by Egypt will strongly object to the non-implementation of the ME res, possibly(that might cause) undermining the adoption the Final Document of the Conference by some states, even if they agreed on a preliminary summary.
- With the support of the Non Aligned Movement, African Union, League of Arab States, and some nuclear weapon states such as Russia and China, Egypt will propose an action plan accompanied by a new vision for how to implement the 1995 ME Resolution and to maintain the continuity of the NPT and non-proliferation regime, putting the responsibility of achieving this proposal upon the UNSG and Regional and International allainaces within a certain period of time not exceeding three-six months.
- Promises will be made to hold the deferred Helsinki conference on the establishment of a nuclear-free zone in the ME, with the aforementioned modifications to be acceptable to some NNWS.
- Some states might request to freeze their membership of the Non-Proliferation Treaty until the 1995 Middle East Resolution be implemented. In other words, the indefinite extension of the NPT would be frozen until the Middle East Resolution been performed.
- Some states might call for a redrafting of the treaty in a manner consistent with and representative of the interests and security of all parties without differentiation. This call will be repeatedly raised - now and later – amidst the continued indifference by the United States and the West to Israeli procrastination and the Arab and African States' demands.
- The Arab states will reconsider their position on the indefinite extension of the treaty, which was based primarily on he implementation of the 1995 Middle East Resolution. The treaty will be taken up with elucidation and argument for the necessity and sufficiency of these conditions to be extended only for five years.
- Sooner or later, there will be a substitution by a new treaty on nuclear disarmament and non-proliferation, banning the production of fissile material for the purposes of making nuclear weapons, and allowing countries to benefit from nuclear energy for peaceful purposes, allowing non-nuclear states to partake in sustainable development and energy security, achieving collective security, stability and prosperity of all countries, without exception.

MONOCHORIONIC TWINS : THE INEXTRICABLE FATE OF THE NPT AND THE 1995 MIDDLE EAST RESOLUTION.

Based on the above, it can be said that and the fate of both the non-proliferation treaty and the 1995 Middle East Resolution are inevitably the same. They are “**Monochorionic Twins**”. Both share the same "placenta fate" —the compliance of the member states which cause complications to the universality of the treaty can cause the dissolution of it and the substitution of another treaty. Like umbilical cords of monochorionic twins that have become entangled, the NPT and the 1995 Middle East Resolution are two sides of the same coin and equally critical to the future of the nuclear non-proliferation system.

Failure to implement the decision of the Middle East in 1995 to free the area of nuclear weapons	===== EQUAL	Inexistence of the Non-proliferation treaty (NPT), particularly in the Middle East
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The above is not an exaggeration, it is a simple observation in the law, saying that the ME Res 1995 to free the region from nuclear weapons plays the 3-D dimensions role; a precedent and a standing, the subsequent, and the concurrent, for the indefinite extension of the treaty.³⁶

The Middle East Resolution 1995 is seen:

- a condition precedent: a prerequisite event or circumstance that must occur or arise before a stated obligation becomes binding. The 1995 Middle East Resolution must be implemented before a further indefinite extension can occur;³⁷
- a condition subsequent: an event or circumstance whose occurrence extinguishes or modifies an obligation. That means if an act or event not certain to occur, such as the non-implementation of the Resolution 1995 occurs, the NPT itself and its parties discharges a duty of performance which has already arisen, as well as turning the NPT to be voidable and to (able) be annulled.³⁸
- a condition concurrent: a condition that must be satisfied at the very time the obligation is owed, else the obligation is not owed at all. Depositary states must deliver all practical and accessible actions until the ME Res 1995 is implemented, otherwise the NPT is not extended indefinitely, whereupon this NPT "contract" shall become voidable.³⁹

The indefinite extension of the Treaty and the implementation of the Middle East Resolution 1995 sharean overlapping fate, and this should be the focus, rather than the NPT and the resolution implementation steps.

What matters is the result and not the time and preparatory meetings for its implementation. The establishment of the Middle East free from nuclear weapons depends not only on good intentions and political will of the Arab states, nor with accomplishing nuclear agreement between Iran and the West, but also and most importantly, Israel should have a serious political and good will to collaborate with the international community to achieve security and nuclear cooperation in the region through the achievement of the Middle East Nuclear Weapon Free Zone which requires the international community's commitment, particularly the depositary states to bear its obligations to implement the 1995 Middle East Resolution.

³⁶ <http://www.markhamlawfirm.com/law-articles/contract-lawyer-san-diego/> note: Dependent or Independent Promises or conditions / terms? There is a presumption that mutual promises in a contract or treaty are dependent. Promises are dependent if the parties intend performance by one to be conditioned upon performance by the other. Although neither party expressly conditions his promise on performance by the other, the law constructs a condition that performance or tender of performance, by one party is a condition precedent to the liability of the other party.

³⁷ <http://diabuzaid.kau.edu.sa>

³⁸ <http://www.west.net/~smith/perform.htm>

³⁹ <http://www.startimes.com/?t=29447000>

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