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A NUCLEAR IRAN OR A DENUCLEARIZED MIDDLE EAST?

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Nowadays one of the greatest threats to international security is represented by the risk of nuclear weapons proliferation and, as regards, the debate over Iran's nuclear program and its possible consequences for the Middle East occupies a central position in the global arena. In particular, since the beginning of 2000s, the fear of having a nuclear Iran in the region has led to an intensification of international efforts towards the achievement of a comprehensive agreement between western powers and Iran, aimed at resolving peacefully the nuclear controversy. In particular, after the conclusion of the Joint Comprehensive Plan Of Action on July 14, 2015, despite the presence of some problems, due to regional instability and the presence of long-lasting conflicts in the Middle East, the idea of establishing a Nuclear Weapons Free Zone (NWFZ) in the region has gained more strength. In the attempt of creating such an area free from nuclear weapons but characterized by the peaceful use of nuclear energy in the Middle East, it is worth analyzing the examples coming from the already existing NWFZs and, particularly Euratom. Starting from the model of the European Atomic Energy Community, in fact, it is possible to draft an ideal treaty for the creation of an Atomic Energy Community also in the Middle East.

Iranian interests in nuclear development and efforts for the creation of a peaceful nuclear energy program started during 1950s when, under Mohammed Reza Shah, Iran could rely on assistance from Western countries in order to gain access to nuclear technology. Then, in 1968, after the opening of the Teheran Nuclear Research Center, Iran signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), becoming one of the fifty-one participating nations that declared to never acquire nuclear weapons and Iran's nuclear energy program felt under the control of the International Atomic Energy Agency (IAEA). From that moment onward, the IAEA, aimed at preventing the use of nuclear energy for military purposes, became an extremely important actor for granting the respect of the treaty, whose main objectives were to prevent the spread of nuclear weapons, to promote cooperation in the peaceful uses of nuclear energy and to achieve nuclear disarmament. In addition to that, in May 1979, Iran signed also the NPT's Safeguards Agreement with the IAEA, which allowed inspections with the aim of

verifying that nuclear enrichment for peaceful nuclear energy was not directed to the creation of nuclear weapons.

In the meantime, during the 1979 Iranian revolution, the debate about the real nature of Iran's nuclear program spread and the US started to worry due to the fear that, despite its peaceful appearance, the Iranian strategy included nuclear weapons intentions. The skepticism about Iranian nuclear developments, in fact, led the US to halt its participation to the Iranian nuclear energy program and to completely stop the cooperation with Iran, after the American Embassy hostage crisis (November 1979-January 1981). The result of these events was the suspension of the nuclear program's development until 1984 when Ayatollah Khomeini decided to restart the Iranian nuclear project, which anyways, gained more strength under Ayatollah Khamenei, which tried to secure Iranian nuclear developments thanks to the assistance received by Russia, China and Pakistan.

The hostility of the US towards the Iranian nuclear strategy intensified in 1996 when, intelligence reports warned about the possibility of the existence of a secret nuclear weapons' program in Iran and, consequently, the US President Bill Clinton decided to impose sanctions on foreign companies, which invested in Iran and Libya. Moreover, during 2000s, due to the extended cooperation of Iran with powerful nuclear states around the world, many other countries began to worry about a possible Iranian deployment of nuclear weapons. In this context, the US President signed the Iran Nonproliferation Act, which established the right for the US to sanction people and organizations that provided material aid to Iran's nuclear weapons program.

Furthermore, in 2003 IAEA inspections started and the IAEA preliminary report stated that "Iran had failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material, the subsequent processing and use of that material and the declaration of facilities where the material was stored and processed." Hence, due to the failure in the cooperation between Iran and the IAEA, the involvement of the EU3 (Britain, France and Germany) in the negotiation process began. As a result, Iran agreed "voluntarily to suspend all uranium enrichment and reprocessing activities" as defined by the IAEA, not to import any enrichment material and to sign the IAEA Additional Protocols

which granted IAEA inspectors greater authority in their nuclear verification programs.

Then, the process of negotiation with Britain, France and Germany continued until November 2004, when Iran accepted the Paris Accord, which gave it the possibility to pursue nuclear technology for peaceful purposes and reaffirmed the commitment not to acquire nuclear weapons. At the same time, Iran decided to temporarily suspend uranium enrichment activities and allow the IAEA to monitor the suspension, although European officials hoped to achieve a permanent stop of these activities in Iran and the US continued to express its skepticism about the promises made by Iran. In November 2005, in fact, the Iranian parliament decided to restart enrichment activities and, as a consequence, the UN intervened asking Iran not to take any further action that would put at risk negotiations with Britain, France and Germany or undermine the IAEA inspection process.

In the meantime, on August 3, 2005 a change in the leadership of Iran took place with the election of Mahmoud Ahmadinejad as president. He was a controversial figure in the global arena because he supported the further development of the Iranian nuclear program against the will of the UN Security Council to stop it. In 2006, tensions between Iran and the EU3, IAEA and the US were further exacerbated by the Iranian decision to resume its nuclear research and uranium enrichment activity at Natanz and, as a consequence, both the UN Security Council and the US started to impose economic and financial sanctions on countries and companies that had supported the Iranian nuclear program.

At the same time talks between Iran, the EU3 and China, Russia and the US (which joined the EU3 countries in June 2006 and became known as the P5+1) ended in deadlock and it was not possible to reach any significant decision over Iran's enrichment efforts, due to the discovery of a secret Iranian plan aimed at creating a uranium enrichment plant with the objective of making nuclear weapons. Consequently, starting from 2010, the reaction of the UN Security Council was to approve new sanctions against Iran's nuclear program with the aim of reducing the purchase of arms, trade and economic transactions of Iran with other states. The same happened in 2011 when the EU decided to sanction more than 100 individuals and companies that were involved in the Iranian nuclear program and the US

imposed sanctions on seven foreign companies which sold refined oil to Iran and created a black list of firms and individuals involved in nuclear efforts.

After many failures in the negotiation process between Iran and the P5+1, a real change seemed possible after the end of Ahmadinejad's presidency, when the victory of a moderate president, Hassan Rouhani, in June 2013, represented a more concrete possibility for the diplomatic resolution of the Iranian nuclear debate. In fact, in September, Rouhani intervened at the UN General Assembly declaring that nuclear weapons will not be a goal of Iran in the future and asking for the relief of sanctions.

In this context, negotiations appeared to be close to a solution when the P5+1 and Iran, on November 24, 2013, approved the Joint Plan of Action, through which Iran and the six world powers decided to freeze the Iranian nuclear program for a period of six months in exchange for modest sanction relief and with the aim of making possible the definition of a more comprehensive accord that would ensure the peaceful use of nuclear resources by Iran in the meantime. After this agreement the negotiation process had to face various stops and missed deadlines but on July 14, 2015 the Joint Comprehensive Plan of Action between Iran and the P5+1 was finally reached. The deal ended 20 months of negotiations and established some limits on Teheran's nuclear ability for more than a decade in return for lifting international oil and financial sanctions.

Stephan Krasner defines international regimes as "sets of principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area of international relations". Nowadays, one of the greatest threats to international security is represented by nuclear weapons proliferation and, in this context, the Iranian nuclear challenge contributes to make the non-proliferation regime weak and close to fall apart in the future. So, considering that the problem of non-proliferation is global, also the response to the nuclear weapons' threat should be multilateral. However, until now, an effective non-proliferation regime has been lacking in the Middle East and it is necessary to solve the weaknesses of the current regime in order to start a process of reform that will lead to the establishment of a Middle East Nuclear Weapons Free Zone (MENWFZ), characterized by a complete

ban on the production, purchase, test, use or presence of nuclear weapons in the region. In fact, only controlled proliferation and a NWFZ would respect the requirements needed in an efficient international regime which should be characterized by mutual policy adjustments by each participating member state aimed at improving the situation of all sides through a joint policy process of coordination and collaboration based on a common set of principles, rules and decision-making procedures.

From the explosion of the first nuclear devices, at the end of the World War II, the international community has worked in order to establish a set of authorities and mechanisms aimed at avoiding the proliferation of nuclear weapons and at granting the peaceful use of nuclear energy. This is the so called "international nonproliferation regime" and within this framework, the Treaty on the Non Proliferation of Nuclear Weapons, signed on July 1, 1968 is the main device settled with the aims of achieving non-proliferation, disarmament and the right to the peaceful use of nuclear technology for its members. Firstly, according to the principle of nonproliferation, on the one side, states without nuclear weapons agreed not to acquire them and, on the other side, the five nuclear weapons states recognized by the treaty (the USA, Russia, China, the UK and France) agreed not to use their nuclear weapons against a non nuclear weapon state, except in response to a nuclear attack. Secondly, nuclear weapon states committed themselves to both not assist other nations in acquiring nuclear devices and to make some efforts in order to achieve complete nuclear disarmament. Then, in order to achieve the third goal, which consists in granting just the peaceful use of nuclear weapons, the signatory countries of the NPT are allowed to obtain access to civilian nuclear technology and energy development as long as they are able to demonstrate that their nuclear materials are not used to produce nuclear weapons. Furthermore, the states party to the treaty agreed to respect the system of safeguards defined by the IAEA in order not to use nuclear materials for nuclear weapons programs. The IAEA is, in fact, the authority, created in 1957, with the function of implementing the NPT, monitoring compliance with the treaty and assisting non nuclear weapons states in using nuclear technology just for peaceful purposes.

The NPT has nowadays 191 members but some problems for the credibility of the international non-proliferation regime and the effectiveness of the NPT have emerged due to the existence of three nuclear-capable countries that have never joined the NPT and illegally possess nuclear weapons: India, Pakistan and Israel. Among them, India and Pakistan are confirmed nuclear powers with a disclosed nuclear weapons program. In particular, the rapprochement happened between the US and India in 2006, in order to restart the cooperation on civilian nuclear technology, has put at risk the credibility of the NPT, due to the fact that the NPT includes a policy according to which civilian nuclear trade among countries should be discouraged. Then, in the case of Israel the situation is even more complex due its policy of deliberate ambiguity. The Israeli government has never confirmed nor denied the possession of nuclear explosive devices even if the presence of some kind of nuclear arsenal within the country is widely recognized.

Furthermore, another factor that influences the credibility of the nonproliferation is the particular position of North Korea. In fact, the state originally ratified the treaty in December 1995 but then decided to withdraw in 2003 and publicly declared to possess nuclear weapons, generating greater concerns about a Korean nuclear expansion not only in the US but also in the entire global arena. Moreover, another threat to the global non-proliferation regime comes from Iran, which is a member of the NPT but has violated both its non-proliferation obligations and the IAEA and UN Security Council demands for full cooperation and inspections of its nuclear plants.

The debate over Iran's nuclear program has spread generating different positions among scholars and world countries about its implications for regional security, particularly about the possibility of having both nuclear proliferation and arms race in the Middle East. Iran, in fact, as party of the NPT, has the right to use nuclear energy for peaceful activities, which include uranium enrichment and the nuclear fuel fabrication for its nuclear power plants and research reactors. However, the IAEA, the US and some western European countries have some concerns about the real nature of the Iranian nuclear program and also about the negative consequences that it might have for regional and global security.

Furthermore, since the mid 2000s, as a consequence of Iran's nuclear program, various countries of the region have started to express their interest in nuclear energy and their will to establish peaceful nuclear programs. However, given the blurred line between the peaceful application of nuclear material and its possible exploitation for building nuclear explosive devices, the idea supported by the UN in order to avoid the possibility of a nuclear arms race in the region consists in both increasing the transparency of Iran's nuclear program and building confidence and trust in the Middle East. The presence of a nuclear-armed Iran, in fact, would further destabilize the Middle East and decrease both regional and global security.

The international community, scholars and politicians have long debated about the best way to solve the conflict between Iran and the most powerful states in the world, such as the US, Israel and the P5+1 about the Iranian nuclear project. The Joint Comprehensive Plan of Action, concluded on July 14, 2015, represents an historic day for the world because it ended 20 months of continued negotiations between the world powers and put an end to a 10 years conflict. However, the process that led to the conclusion of this agreement was long and punctuated by disagreements on the best way to use in order to solve the Iranian nuclear dilemma. Sanctions and military intervention have long represented the main options that various nations and domestic analysts or leaders have proposed before coming to the end of the controversy.

The JCPOA, however, represents the victory of diplomacy and it has been welcomed by the world as an historic agreement that will limit Iran's nuclear ability for more than a decade in return for lifting international oil and financial sanctions. It is considered as a good deal not only for the P5+1 and Iran but also for the whole international community, because it is a detailed and balanced deal, which respects the interests of all sides. The JCPOA, in fact, ensures that Iran's nuclear program will be exclusively peaceful and its full implementation will have positive consequences for regional and international peace and security. Moreover, under the JCPOA, the P5+1 declared to be ready to engage in joint projects with Iran in the fields of "peaceful nuclear technology, including nuclear power plants, research reactors, fuel fabrications, agreed joint advanced R&D, personnel training, nuclear safety and environmental protection."

Anyways, also after the conclusion of the JCPOA some disagreements, criticisms and doubts about the consequences of the agreement persist. In particular, Israel continues to oppose the agreement and the Prime Minister Netanyahu has expressed its fears, stating that an "historic mistake" has been made by the world powers because such an agreement would transform Iran in a "terrorist nuclear superpower" that would put at risk not only the survival of Israel and the Middle East but the entire world order. Then, also in the US some problems have emerged, in fact Obama has started to make an arduous effort in order to overcome the opposition in the Congress and to favor the implementation of the deal.

In any case, despite these criticisms, the JCPOA will start a process of engagement between Iran and the P5+1, which will open regular channels of communication and make possible cooperation on security governance in the Gulf. In particular, the US and Europe, will both seek more coordination with Iran in the fight against the Islamic State in Iraq and attempt to establish a dialogue with Iran on Syria, where the state supports the regime of Bashar al-Assad. Basically, the JCPOA will not just prevent the creation of a nuclear bomb in Iran but it will change the political dynamics and strategic relations in the Middle East.

A Nuclear Weapons-Free Zone (NWFZ) is a regional arrangement that prohibits the development, manufacture, stockpiling, acquisition, possession and control of any nuclear explosive device within the zone of application by any contracting party. The importance of creating these areas, which are geographically circumscribed and completely free of nuclear weapons, has worldwide proportions. Basically, any progress directed to make one country or region nuclear weapons-free has not only a positive effect for regional security but it also contributes to international peace and represents a global effort in order to eliminate nuclear weapons from the global arena. It is evident that the NPT and NWFZs go into the same direction and pursue similar goals; in fact, on the one side, the NPT adopts an international approach for the achievement of non-proliferation and disarmament, while, on the other side, NWFZs represent the regional strategy aimed at reducing the geographic area in which nuclear weapons can be used. Positive steps toward denuclearization have already been taken by the regional organizations of the NWFZs established in Latin America and the Caribbean, the South Pacific, South-East Asia, Africa and Central Asia. Since the creation of the first zone in Latin America, the evolution of NWFZs has made gradual and significant progresses; in fact currently, 111 countries are members of NWFZs and benefit from the non-proliferation regime. The need of further strengthening the process of global elimination of nuclear weapons should also lead to the creation of a nuclear weapons-free zone in the Middle East. The region is a complex, unstable and problematic context and, due to the recent development of new nuclear power plants projects, new security concerns have arisen, because the knowledge and technology needed in the field of nuclear energy might be used either for peaceful activities or the production of the bomb.

In 1974, due to the diffused concern about a possible acquisition of nuclear weapons capabilities by Israel, the idea of creating a NWFZ in the Middle East was presented by Egypt and Iran at the UN General Assembly. However, after many failed attempts, in 1995 during the NPT Review and Extension Conference an important resolution on the Middle East was adopted. The resolution, in fact, called "upon all states in the Middle East to take practical steps in appropriate forums aimed at making progress towards the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological."

Despite the great relevance of the resolution and the efforts made by the participating countries, no progress was achieved in the implementation of the resolution until 2010, when during the NPT Review Conference various western states, jointly with Egypt, Iran and Israel, declared their support for the establishment of a MENWFZ. During the conference, in fact, a 64-points action plan, aimed at achieving disarmament and non-proliferation, was adopted. In 2011, however, the situation in the region worsened due to the diffused fear that chemical weapons stockpiles possessed by Libya, instead of being destroyed, might be transferred to non-state groups or fall into the hands of neighboring states and so, the process for the creation of the MENWFZ was deadlocked. In addition, the already critical situation of the Middle East was further hit by the possibility that Syria uses

chemical weapons and also by the persistence of tensions about the real nature of Iran's atomic energy program between the US, the EU and Israel. As the US security advisor James L. Jones stated, "a WMDFZ could not be established without first securing a comprehensive and durable peace in the region and full compliance by all states with their arms control and non-proliferation obligations". The last step in the attempt of progressing towards the creation of a nuclear weapons free zone in the Middle East was made in April 2015, during the NPT Review Conference, whose final outcome consisted in the introduction of limited progresses in the 64-points action plan. However, nowadays there is a wide belief according to which the newly adopted Joint Comprehensive Plan of Action between the P5+1 and Iran will reinvigorate the efforts towards a denuclearized Middle East.

The actors involved in the process of creation of a MENWFZ are many, both at the international and at the regional level, and also the obstacles, internal and external, encountered by the project during its various phases of evolution have been significant. Transparency is considered one of the main preconditions for establishing a NWFZ in the Middle East, because it will be able to build confidence and promote peace among the states of the region. However, differences persist in the criteria to use for dealing with the threat of proliferation of weapons of mass destruction. On the one hand, the Arab states and Iran underline the importance of universal conventions and treaties concerning weapons of mass destruction, like the NPT, to which Israel should adhere and consider the establishment of a NWFZ in the Middle East as a necessary step towards a comprehensive and lasting peace in the region. On the other hand, Israel underlines the inefficiency of the nuclear nonproliferation regime for the achievement of security and nuclear disarmament in the Middle East. According to Israeli leaders, in fact, the non-proliferation of weapons of mass destruction in the region should be realized at the regional level, without the intervention of external actors and international organizations. In the end, the main idea is to achieve an intermediate solution between these two opposite views: a middle ground consisting in the establishment of a NWFZ, characterized by effective verification provisions and linked to the universal nuclear non-proliferation regime.

Moreover, it is worth stressing that the difficulties that the Middle East is facing in the establishment of a NWFZ have their roots in the long and endless conflicts, which are affecting the region. In fact, as the experience at the international level underlines, in order to create a NWFZ, it is necessary a certain degree of peace and accommodation among the states of the same region. This explains why the establishment of such a zone in the Middle East would require considerable changes in the regional landscape, including the solution of the Arab-Israeli conflict, the achievement of stability in the Persian Gulf and the rapprochement between Israel and Gulf states. Basically, the establishment of a MENWFZ would generate strategic benefits both to the region and the world because it would lead to the resolution of many long-term controversies in the Middle East, definitely resolving the Iranian nuclear crisis and removing the possibility of nuclear proliferation in the region, strengthening also the NPT thanks to the decrease in the number of states that possess nuclear weapons.

In addition, the process for the establishment of a MENWFZ was slowed down by the wave of demonstrations, protests and civil wars, which exploded in the Arab world at the end of 2010. In fact, during the Arab Spring the priorities of regional leaders changed; they decided to reduce their efforts, originally directed towards the evolution of the NWFZ, and started to concentrate their attention on the resolution of domestic issues, such as violent changes of ruling elites and terrorist attacks. However, despite the increase in political instability, which it has generated, the Arab Spring is generally seen as a positive event for the Middle East, because it has been able to create a more democratic and peaceful environment (greater accountability of political institutions, change in the structure of governmental decision-making and increase in the role of public opinion in Arab societies), which can lead to have some progresses in the creation of the MENWFZ in the long-term, due to the fact that democracies are usually more prone to start arms control negotiations.

In particular one of the worst challenges for the creation of a NWFZ in the Middle East is represented by the rivalry between Israel and Iran. In fact, Israel is the only country that possesses nuclear weapons in the Middle East and this situation has generated the opposition of its neighbors, in particular Egypt and Iran. Since the mid-1970s Arab countries have called for the creation of a MENWFZ but, despite the attempts of those Middle Eastern states to eliminate the Israeli threat through

negotiations and thanks to the intervention of the international community, Israel has maintained its skepticism about both the possibility of achieving global arms control and the effectiveness of disarmament treaties. In fact, even after the conclusion of the JCPOA, the Israeli Prime Minister has continued to declare its opposition towards the Iranian attitude, defining the deal as a "bad mistake of historic proportions."

Anyways, despite all the existing criticisms and oppositions, a NWFZ is necessary in the Middle East and, in order to facilitate the establishment of such a denuclearized zone in the region, it is useful to follow the examples coming from the already existing NWFZs. Accordingly, democracy is considered an important facilitating factor in the process of creation of a NWFZ, because it reduces internal hostilities and instability and so, also the interest of governments to strengthen their military nuclear aspirations. Moreover, the promotion of greater cooperation and information sharing on issues of mutual interests and the presence of regional organizations to use as forums of discussion about the measures to adopt and the scope of a zone are considered necessary conditions for the creation of a MENWFZ.

Another important lesson for the Middle East NWFZ can be drawn from the experience of the European Atomic Energy Community (Euratom), which was created after the end of the World War II in order to put an end to hostilities and promote peace in the region. The principle at the basis of the Euratom organization and policies is the need of a high level nuclear safety in order to protect the population. In addition, the relevance of nuclear energy for the community also in the future has led to the definition of confidence-building instruments in order to ensure that European population has confidence in the nuclear industry. Euratom, in fact, ensures the security of atomic energy supply through a centralized monitoring system and acts in the fields of research, safety standards and the peaceful use of nuclear energy. Since the signing in 1957, the Euratom treaty has met its main objectives and has obtained great results in the field of nuclear safety. Hence, despite the presence of some weaknesses in both its structure and provisions, it still has a key role in the European nuclear field.

The Euratom treaty, in fact, permitted to manage and control the development of the nuclear industry in Europe and, although it would be difficult to follow the Euratom model in the Middle East, the creation of such a regional organization for the regulation of the nuclear fuel cycle is necessary for ensuring the peaceful use of nuclear energy and increasing the level of security in the region. In fact, a treaty similar to the Euratom treaty, thanks to definition of a system of inspection of its member states' nuclear facilities, would be a confidence building instrument that would have the consequence of creating mutual trust among the states of the Middle East. Such a regionalization, in fact, might generate better coordination among the states with the consequence of facilitating the establishment of a NWFZ in the Middle East. Hence, in drafting an ideal treaty for the establishment of a strong and sustainable system of nuclear governance in the Middle East the idea is to use the Euratom treaty as a model but addressing some of its weaknesses and adapting that model to the cultural and political traditions of institution building of the Middle East.

The creation of a NWFZ in one of the most unstable regions of the world is not an easy task, due to the presence of conflicts both between the states of the region, such as the rivalry between Israel and Palestine or Israel and Iran, and between a Middle Eastern actor and external nuclear weapons powers, as in the case of the opposition between Iran and the USA. However, despite the obstacles encountered in the past, the newly adopted Joint Comprehensive Plan of Action concluded by the P5+1 and Iran could reinvigorate the efforts for the establishment of a NWFZ in the region. The conclusion of the agreement, in fact, not only mitigates the risk of nuclear proliferation but also presents significant implications for the future order of the Middle East. In fact, the deal represents an important tool in order to liberalize the domestic political scene in Iran and it has also opened the possibility of a rapprochement between Iran and the USA, which might decide to invest on increased cooperation in the fight against their common ISIS' threat.

In the end, the JCPOA seems to be the step needed in order to start the process of change in the Middle Eastern relations and many scholars have considered it as a fundamental positive shift for regional and international peace and security. The agreement in fact will lead regional powers, such as Iran, Turkey and Egypt to work together in the fight against common security threats, since with the conclusion of the deal, one of the main causes of instability in the region, the Iranian nuclear program, has been eliminated and Iran will gain more acceptance at the global level. So, those regional powers in the Middle East can now cooperate to fight terrorist groups and organizations in Iraq and Lebanon and to solve regional issues, such as the Syrian civil war. Furthermore, they can also start a regional dialogue for achieving the creation of a Middle Eastern NWFZ with a related regional atomic energy community. Basically, the JCPOA could influence the Middle East through its example of resolving deep divisions and fears through peaceful negotiations and mutual compromises, rather than by threats, sanctions and warfare. Accordingly, the main idea is that it will advance the project of a NWFZ in the Middle East, bringing stability, security and peace to all countries in the region, although it is necessary to underline that the positive results of the agreement will take time and hard working to become evident and able to generate effects in the entire region.