Assessing the relevance of nuclear CBMs to a WMD arms control process in the Middle East today

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Background paper

Second EU Non-Proliferation Consortium Seminar to Promote Confidence Building and in Support of a Process Aimed at Establishing a Zone Free of WMD and Means of Delivery in the Middle East
Brussels, 5-6 November 2012

Content

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Abbreviations

ACRS	Arms Control and Regional Security
CBMs	Confidence-Building Measures
CSBMs	Confidence and Security Building Measures
IAEA	International Atomic Energy Agency
IAEC	Israel Atomic Energy Commission
INCSEA	Incidents at Sea
SAR	Search and Rescue
WMD	Weapons of Mass Destruction

1. Introduction: Understanding the concept of confidence building and its role in an arms control process

A discussion of the possible relevance of nuclear confidence-building measures to a WMD arms control process in the Middle East today cannot proceed without first introducing conceptual clarity to the notion of CBMs and CSBMs, their role in international relations, and especially in an arms control dynamic.[1] Understanding the relevance of CSBMs to the proposal that is currently on the table critically depends on this clarification, and as such it will be the first order of business in the current analysis.

The roots of the CBM concept are firmly embedded in the European arms control experience of the 1970s, when CBMs were first codified as such in the Helsinki Final Act of 1975. These negotiations continued for years, and from the 1980s, the new generation of measures was denoted CSBMs, in order to emphasize their security dimension. Significantly, however, CBMs also played an important role in the bilateral US–Soviet nuclear arms control experience of the Cold War. Although not referred to as such at the time, the history of CBMs in this framework goes all the way back to the 1963 decision to create a 'hotline' between Washington and Moscow in order to improve real-time communication between the two superpowers, in the direct wake of the Cuban missile crisis. CSBMs also played a major role in the Middle East Arms Control and Regional Security (ACRS) working group that was active in the early 1990s, and they were the major focus of attention in the operational basket of these talks.

CBMs and CSBMs are formal, intentionally negotiated and consensually agreed-upon measures that can be part of a bilateral or multilateral arms control process. Their specific role is to provide a modest and non-threatening means of creating reassurance among states in this process. While one might theoretically envision unilateral (non-negotiated) steps that could be taken by states with an eye to bolstering reassurance and confidence, this is not how CBMs and CSBMs have traditionally come into play in arms control processes.

2. When are CSBMs needed?

Confidence- and security-building measures have a role to play in situations in which states have identified a common interest in cooperating, but are unable to achieve this common interest because of the hostile and tense nature of their relationship. Put differently, these measures are designed to help states overcome the obstacle that their history of deep suspicion and mutual distrust has created in order to attain a mutually beneficial goal. In the context of current attempts to initiate a discussion of WMD arms control in the Middle East, the implicit working assumption seems to be that states have a common and equal interest in eliminating these dangerous weapons in order to lower the prospects for their use, and that their mutual suspicions and distrust are a major obstacle that precludes them from taking

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[1] The basic principles are the same whether we are referring to confidence-building measures (CBMs) or to confidence- and security-building measures (CSBMs), as they were denoted in the latter stages of the European arms control experience as well as in the context of the Arms Control and Regional Security (ACRS) working group that was active in the Middle East in the early 1990s. The term CSBM was chosen in both Europe (1980s) and the Middle East in order to emphasize the special importance of addressing security concerns in the framework of arms control efforts.

action in this regard. If this is indeed the case, the logic of CSBMs would be to build up a degree of mutual confidence and reassurance as far as the intentions that each state has towards the other, so that they would then be better positioned to realize their common interest in doing away with the weapons. I will come back to examine these assumptions after first defining CBMs/CSBMs.

3. What are the main features of CSBMs?

CSBMs are defined by their role and characteristics, and any idea that meets the criteria of this definition can qualify as a confidence-building measure. CSBMs are fundamentally about state *intentions*, rather than their capabilities per se. In line with the principle of reassurance and their non-threatening nature, CBMs and CSBMs will necessarily be modest in scope. While they should have some military and/or security relevance and significance, in order to fulfil their role as measures of reassurance, they cannot impinge on the *core* security interests and concerns of states, or be considered to entail risks for the parties involved. A critical feature of CBMs is that all parties feel that by adhering to the measures, their basic security is not being compromised or challenged, and that they indeed establish the basis for mutual reassurance.

An essential feature of CBMs is their win-win nature. These are measures that are designed to mitigate zero-sum situations by building on whatever measure of common interest the negotiating states can identify. CSBMs have an important role to play in facilitating communication among distrustful states, and some of the confidence-building value is achieved through the very process of engaging in the negotiation. Finally, embedded in CBMs and CSBMs is the notion of gradualism – they are inherently incremental and evolutionary, and are to be regarded as part of a step-by-step process of building up reassurance among states. Included in the notion of step-by-step is the idea that states should 'begin with what they can begin with', rather than by placing unrealistic goals on the agenda in the initial stage. This is what will enable the process to be set in motion.[2]

CSBMs can open up channels of communication, reduce tensions, encourage cooperation, enhance stability, and reduce the opportunities and motivation for cheating (verification measures). In the ACRS talks, four categories of CSBMs (that were borrowed from the European experience) were negotiated among the parties, with a surprising measure of success:

- *maritime issues*: two documents were endorsed on SAR (search-and-rescue) and INCSEA (incidents-at-sea), and Tunisia agreed in principle to host an exercise at sea as well as a meeting of senior naval officers from the region;
- *pre-notification and military exchange:* an agreement on prior notification of military exercises was concluded, and the parties agreed to exchange information regarding military personnel, unclassified military documents, and military training and education;
- *regional communications network:* six parties (Israel, Jordan, the Palestinians, Tunisia, Oman, and Egypt) agreed in principle to participate in a temporary network set up in the Hague, and Egypt offered to later host the permanent hub in Cairo;

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[2] See Ariel Levite and Emily B. Landau, Confidence and Security Building Measures in the Middle East, in: *Journal of Strategic Studies*, 20:1, (March 1997), pp. 143-171.

- *Regional Security Centres:* a decision was taken to set up three regional security centres: a primary centre in Jordan, with secondary ones to be established in Qatar and Tunisia. Their objective was defined as crisis prevention, management, and resolution.[3]

4. CBMs in the Middle East: From Assumptions to Harsh Realities

4.1. The assumptions

The logic of CBMs – gradual, consensual, non-threatening steps towards improved communication, lowering of tensions, and confidence and reassurance – seems quite solid. Moreover, the empirical evidence from Europe and the ACRS talks indicates that such measures can be agreed upon by states, even in very difficult conflict-ridden political settings, and that they can and do have considerable value.

However, as noted above, there are some critical assumptions supporting this picture. Key to the ability to proceed with CSBMs – and the broader arms control process that they are designed to support – is the presence of a common goal that the relevant states have an interest in advancing. The existence of such a common interest has critically underpinned previous experiences. In the superpower arms control process, the common interest –brought home by the Cuban missile crisis, when the superpowers found themselves on the brink of the abyss – was to mitigate the dangers of *unintended* escalation to nuclear war. With both states on hair-trigger alert, and massively armed with the most dangerous weapons humanity has known, they realized that they had a common interest in taking steps to reduce tensions so that they did not find themselves escalating to a nuclear exchange that neither side wanted.

The ACRS talks also built on a common interest, at least as far as regional security was concerned. Having just come out of the 1991 Gulf War, with the dangers of the use of long-range missiles starkly exposed, there was a common interest among Middle Eastern states to avoid the costs of war, and reduce the risks of escalation. These risks became very concrete when Iraq fired Scud missiles at Israeli population centres, a move that could easily have escalated to warfare between the two if Israel had not practiced noteworthy restraint. Although Iraq itself was not invited to ACRS at that time, the other regional states internalized the threat. Indeed, ACRS was a part of the broader Madrid peace process – with its bilateral and multilateral tracks – which underscored a degree of common interest among regional states to reorient their relations in the direction of peace and stability.

Currently, the proposal on the table in the Middle East is to hold a conference on a WMD-free zone. As noted above, the dominant assumption in this regard seems to be that there is a common – and equally defined – interest in doing away with WMD in the region. Moreover, suggestions to employ CSBMs would imply that the major stumbling block precluding such cooperation has to do with suspicions and distrust, and that these concerns also play out in an equal and symmetrical manner across the Middle East. The problem is that there is not much to support these assumptions in the current Middle East.

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[3] Emily B. Landau, *Arms Control in the Middle East: Cooperative Security Dialogue and Regional Constraints*, Brighton: Sussex Academic Press (2006), pp. 42-47.

4.2. The harsh realities

The true situation in the Middle East with regard to WMD demands a 'reality check'; namely, there is a need to pose some very direct questions that go to the heart of some unthinkingly held assumptions that may actually have little basis in the real world. The kinds of questions that need to be asked and answered include the following: Is doing away with WMD in the region in fact a common interest that can serve as a basis for multilateral cooperation? Do all states believe they would be better off without WMD capabilities, and are their reasons for continuing to hold on to them, or to continue developing them (clandestinely) the same? Is the reasoning used by all states driven by security concerns, or do some apply a rationale which is primarily offensively oriented? And what about the issue of distrust – does it really play out equally across the region? Are all states deceiving each other – and the international community – in an equal manner?

In the Middle East today, the answers to these questions are anything but obvious; they cannot simply be assumed, but must rather be empirically examined and assessed. There is no way around looking at this region in its entirety, with critical political and strategic developments that cut in all directions. The political/strategic complexity of this region is enormous and can be overwhelming, and the reality is that the reasons behind the reluctance of different states to do away with WMD are very different, and certainly do *not* play out in the region in a symmetrical manner that would easily allow the formulation of a commonly defined interest in this regard.

Specifically, there is no basis for the implicit assumption of exclusively security-based concerns that preclude the ability of states to cooperate, or that these are equal and symmetrical. This point will be fleshed out below in the discussion of Israel and Iran in the nuclear realm, but even at the time of the ACRS talks, when the regional security dimension was emphasized and accepted as highly relevant, it became apparent that not all the states were equally concerned about security in the WMD realm. Egypt, for one, seemed more concerned about its relations with the other Arab states and its regional standing. It had returned to the Arab fold only three years earlier, after having been ostracized for ten years because it had concluded a peace agreement with Israel. ACRS was one of the regional forums that were initiated in the early 1990s, and was no doubt an important arena for Egypt to reassert its leadership role.

Today, the situation has become much more complex due primarily to the impact of Iran's drive to achieve a military nuclear capability. Iran's clandestine nuclear drive also highlights another problem that does not play out equally in the region: purposeful cheating and deception in the WMD realm. The issue of deceit has come more clearly onto the agenda with regard to other WMD as well. In his recent statement to the IAEA general conference on September 19th, 2012, the head of the Israel Atomic Energy Commission (IAEC), Shaul Chorev, pointed to a blatant Syrian lie that was contained in a document that Syria presented to the UN in 2005 in the context of the country's report on implementation of Resolution 1540. Syria reported at the time that it neither possessed nor intended to acquire WMD, but in 2012 this was exposed as untrue. Over the summer, the Assad regime finally admitted to its chemical weapons stockpile – widely assumed to be in Syria's possession – when it threatened to use chemical weapons against any external forces that sought to intervene in the raging civil war.

5. Can nuclear CBMs play a role in the Middle East today?

Against this conceptual backdrop, we can proceed to examine the question of specifically nuclear CBMs in the context of a prospective discussion to be initiated in the Middle East today. The first point is that the very proposal of 'nuclear CBMs' contradicts a key feature of CBMs and CSBMs: as stated above, while they should be militarily significant, CBMs must not impinge on states' core security interests – they must not be conceived of as posing risks for states. For Israel, moving directly to the nuclear realm would no doubt be a non-starter. It not only goes directly to Israel's most sensitive security issue – namely, its critical deterrent capability in the face of existential threats – but it would also underscore the singling out of Israel and the nuclear realm, rather than emphasizing that this process is truly about WMD, and encompasses a number of key states in the region that have such capabilities.

Moreover, if the idea behind the notion of nuclear CBMs is to create an area of potential cooperation between Israel and Iran, in this regard as well the logic would be seriously flawed. There is no symmetry between Israel and Iran in the nuclear realm, in any sense. They have different motivations, a different history, and the rhetoric and behaviour of the two states is vastly different as well. Israel has a solid record of over 40 years of a defensive/deterrent stance in the nuclear realm, and the conventional wars that Israel has been involved in throughout the years underscore that its deterrence is solely for the extreme scenario of an existential attack. While, over the years, Israel's nuclear deterrence has at times been mocked by those claiming that it was useless for deterring wars, these critics are really missing the point. The fact that Israel has responded to enemy attacks without issuing nuclear threats, is the best testimony available to Israel's highly responsible approach in the nuclear realm. Israel maintains a low-profile deterrent for the sole purpose of warding off an existential threat.

Iran, on the other hand, on a regular basis engages in issuing existential threats to Israel, normally embedded in horrific rejectionist rhetoric. There is no equality in these two cases, and no symmetry that can breed a common interest in reducing tensions. Indeed, Iran's motivation in the nuclear realm has little to do with any threat it perceives from Israel in the nuclear realm. Rather, Iran has hegemonic interests and ambitions in the Middle East that it would be better able to realize once it acquires a military nuclear capability. If Iran were to become a nuclear state, no strong international power (such as the United States) would want to stand up to it coercively in response to Iran's attempts to aggressively encroach on other states in the Middle East. Doing so would be regarded as too risky. This is why Iran actively seeks a military nuclear capability; it is counting on this measure of immunity to counterattack that it would enjoy as a nuclear state, and this fuels its nuclear drive.

6. Concluding Remarks: What could nevertheless make sense?

The prospective discussion of a WMD-free zone must be fundamentally restructured to place its emphasis on the real problems that are plaguing the Middle East, and that underlie activities in the realm of WMD. The assumption of defensive-security rationales having prominence, and especially that they play out in an equal and symmetrical fashion in the region, must be laid aside and instead more realistic appraisals of what is going on in the Middle East carried out.

CSBMs are important first and foremost by virtue of the fact that they direct attention to the salience of interstate relations. This is crucial, but not sufficient. The next step is to understand that not every state's threat is a mirror-image of the other. Different states have different goals and different ways of going about achieving those goals. Communication and reducing tensions will not be relevant if a state is actually seeking enhanced power and hegemony, or does not accept the existence of another sovereign state.

It should be clear that the purpose of this analysis has certainly not been to undermine CSBMs or their significance in international relations. Rather, the argument being advanced is that these important measures depend for their effectiveness on some *commonly identified interest that all states can agree that they have an interest in promoting,* and will only have an impact when the major obstacle to progress is in fact mutual suspicions and distrust. Identifying a common interest in the politically complex Middle East is the primary challenge for the organizers of the WMDFZ conference idea. Without being able to formulate such a common goal, states are most likely going to continue to work at cross-purposes rather than together, and will unfortunately not be able to initiate a constructive regional dialogue.