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Reflections on ‘The Regional Security Environment and Basic Principles for the Relations of the Members of the Zone’

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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

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November 2012

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Abbreviations

ACRS	Arms Control and Regional Security
BWC	Biological Weapons Convention
CSCE	Conference on Security and Co-operation in Europe
CWC	Chemical Weapons Convention
IAEA	International Atomic Energy Agency
MEW MDFZ	Middle East Weapons of Mass Destruction-Free Zone
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear Weapon-Free Zone
OPCW	Organization for the Prohibition of Chemical Weapons
UAV	Unmanned Aerial Vehicle
UNSC	United Nations Security Council
WMD	Weapons of Mass Destruction

1. Introduction

There are widely divergent views on most aspects associated with the operationalization of the concept of a Middle East Weapons of Mass Destruction-Free Zone (MEWMDFZ). Two issues in particular are pertinent to this paper. First, where geographically should the Zone begin and end, in fact defining who ought to be an integral part of the Zone? And second, how does the Zone evolve, namely whether the Zone materializes through extensive negotiations and comprehensive agreement between the future members of the Zone on its parameters and composition? Or does it 'automatically' come to life once all the core members of the Middle East Zone have all acceded to the NPT and for that matter the CWC and BWC as well? Furthermore, would its verification measures be predominantly sui generis or consist exclusively of the application of International Atomic Energy Agency (IAEA) Full Scope Safeguards and functionally equivalent arrangements of the Organization for the Prohibition of Chemical Weapons (OPCW)?

The scope of this paper hardly lends itself to an elaborate discussion of either issue. Yet without addressing them one is unable to offer any meaningful observations on the security environment or constructive thoughts on the basic principles that ought to govern the relations between the members of the Zone. Hence let me at the outset suggest brief answers to these two questions. The answers also provide the basis on which the remainder of the paper proceeds.

First, I assume that the core of the MEWMDFZ would stretch from the Atlantic Ocean in the west to Central Asia in the east, from the Southern Mediterranean in the north through North Africa in the south, thereby extending over the territory of all Arab states, Iran and Israel, but would also somehow cover parts of eastern Turkey. In some form it must also bring in other states adjacent to the region (especially in West Asia) in addition to engaging those out-of-region powers that have (or could have) a strong security presence in the region.

Second, I also assume that the Zone could realistically be negotiated, or even established, only through sui generis Middle East specific modalities, not in the least in the domain of verification. The prospects of creating such a Zone already are quite bleak, and would be further diminished were one to try mechanically creating one through parallel accession to the NPT and application of IAEA Full Scope Safeguards.

With these two assumptions in place let me turn to discuss the security environment in the region, then endeavour to draw some conclusions for the principles governing relations between members of the Zone.

2. The Middle East Security Environment

Notwithstanding several occasional serious upheavals, the Middle East security scene had known roughly three decades of relative stability and consistency between the 1970s and the 1990s. More recently however it has been undergoing a fairly dramatic transformation, one whose outcome presently remains highly uncertain. A few current attributes of the regional situation are considerable volatility, weakening of state governance (including state control over its own territory), and a high degree of societal unrest and resectorialization (reassertion

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of traditional forms of people's loyalty, be they religious, ethnic or tribal, but all at the expense of national identities and in tension or conflict with it as well as the other sectors). Additionally, the region is witnessing diminished influence on regional events by the traditional major powers (or for that matter any major out-of-region powers). These tendencies tend to infuse existing and re-emerging conflicts with mythical qualities, often bordering on existential dimensions. Ominously added to the mix is the empowerment of non-state actors throughout the region, some assuming a near-state stature and capabilities (be they the Kurds in Iraq, Hezbollah in Lebanon; Hamas in Gaza, or several tribes in Libya) and massive trafficking (some carried out by 'mere' potent criminals or entrepreneurs) of humans, material, and ideas into and across the region. Especially troubling in this context is the inflow to and dissemination in the region of weapons, including to these very same non-state actors.

Old rivalries within the region (such as between Sunni and Shi'a Muslims) are on the ascendancy throughout the region, but with Muslim Brotherhood and especially Salafist movements on the rise in many key states, tensions with Christians and Jews are also growing. Some of the present conflicts are fuelled by territorial disputes over control of territory rich in natural resources (from oil and gas to water) and other sources of income (e.g. smuggling), while others have the hall marks of more traditional elements of interstate rivalries and arms races, such as over the acquisition of missiles and rockets and especially nuclear weapons. Some conflicts occur between the state protagonists themselves, while others involve the use of proxies of all kinds. In some conflicts traditional means of warfare (aviation, armour, artillery...) are employed while other conflicts increasingly involve the deployment of far shadier, though potentially no less consequential, coercive tools (from special forces and UAVs to cyber warfare). But tragically some of the conflicts are increasingly reaching the point of being civil wars (as most tragically apparent now in Syria and Yemen but frighteningly perhaps brewing once again in Libya) and armed confrontations between states as well as between states and non-state actors (most evident in Lebanon, Gaza, and the Sinai Peninsula).

Finally, the role of the extra-regional players in the Middle East is also changing. US hegemony in the region (so paramount since the end of the Cold War) is on the decline, though its presence is quite significant. But other players, some traditional (e.g. Russia and Turkey, or France and the UK) now play a fairly significant if more ad hoc role (e.g. over the Syria, Libya and Iran crises respectively), while new powers, mainly from Asia (China, both North and South Korea, and even Pakistan), have increased saliency in the region and at times fairly significant influence on the course of events. In fact, in many important ways the Middle East is merging more and more closely with Asia, a development that has profound implications for security arrangements in the Middle East.

What it all boils down to is a quasi-anarchical Middle East characterized by fluidity, complexity, uncertainty, and anxiety. As a result, traditional paradigms for thinking about security in the region based on states and interstate relations (e.g. deterrence and prevention, but also alliances, peace treaties and arms control agreements) seem less relevant, though not entirely without some merit. While novel concepts for doing so (such as the Responsibility to Protect) are still woefully inadequate and forcefully resisted by those in the region and even more so outside it, they are wedded to the principles of non-intervention in internal affairs. Equally worrisome is the growing challenge to the legitimacy and efficacy of those few

international bodies (such as the UN Security Council and the IAEA) that could provide the basis for effective action addressing the multiple security crises in the region.

3. Basic Principles for the Relations of the Members of the Zone

The level of upheaval in the Middle East as well as its causes call for adopting an innovative approach towards security and stability building in the region. At its centre must lie the recognition that states and interstate relations presently provide no more than a shaky basis on which to promote regional security and stability. The challenge in front of us is to think creatively about a new paradigm for security building that harnesses states and interstate relations wherever possible, yet also recognizes their profound weaknesses and limitations. Such a paradigm ought to acknowledge these shortcomings of the state system and contemplate novel approaches towards mitigating them. The magnitude of the challenge this reality confronts us with is truly humbling. Hence the few principles offered below ought to be regarded as no more than a modest initial contribution to the debate that will inevitably ensue in the years to come on the desirable parameters of such the prospective paradigm.

The first principle put forward is to focus on the relations between the core Middle East parties as the cornerstone of any MEW MDFZ arrangement. Creation of a Zone is an inherently regional affair although external assistance might help facilitate its evolution and implementation. The Zone must emerge from the region and be the creation of the regional states working in partnership. Under no circumstances can it be imposed on the region from the outside notwithstanding the interest of extra -regional parties to promote it. Moreover, a Zone will have to involve the establishment of pertinent regional institutions to implement it and the backbone of the Zone's verification scheme and ultimately also its enforcement mechanism must be regional in nature. This holds true even when pertinent international institutions exist (such as the IAEA and to a lesser extent also the OPCW) and even if they and certainly the UNSC might ultimately be called upon to reinforce the regional arrangements. Those parties eager to promote a W MDFZ are well advised to internalize this requirement and take the lead in fostering relations between the core regional parties in order to inspire them to join forces towards the creation of a Zone or at a minimum lessen their resistance to it. The logical extension of this principle is that the NPT framework (being exclusively nuclear, global in nature, and unable to represent some of the Middle East parties) is anything but conducive to the promotion of an MEW MDFZ. It will thus have to be directly superseded forthwith by a genuine regional platform for future discussions if the Zone is to prove meaningful.

The second principle is the centrality of the link between the domestic and the interstate dimension of the Middle East order. Relations between the Middle East parties cannot be restricted to diplomatic, let alone secret, dialogue between their formal emissaries. The experience of the ACRS will prove useful in this regard. Real, imagined, and perhaps even contrived fear of the public reaction to any signs of normalization among the parties in the context of the Working Group had produced procedural ground rules that kept the process largely out of the public eye. This low profile seemed initially conducive to progress but before long came back to haunt its participants. At the time, many Arab participants had felt

inhibited from taking any concrete or even symbolic steps of regional cooperation for fear that these might become public. They manifested a concern that such publicity would trigger an outcry and exacerbate an already fragile domestic scene precisely because many of these regimes suffered from deficient public legitimacy. Yet without adequate public support an elite-driven process could not be sustained even in cases where the non-democratic regimes in the region were the norm.

Now that the Arab awakening has largely transformed the region, public support has become an even more critical requirement for any real progress towards the establishment of a Zone. But it may have also become somewhat easier to attain precisely because the new participatory political process endows the governments (such as those that have emerged in Egypt and Tunisia) with a higher intrinsic legitimacy than their autocratic predecessors. The ground is therefore riper for an active public diplomacy effort to build public support across the region for a cooperative Middle East security process that over time can evolve into a MEWMDFZ. In fact the willingness of regional parties to engage in such practice would be very reassuring to the others and could in fact serve as a powerful indicator of whether they are genuinely interested in facilitating the promotion of a MEWMDFZ and vice versa.

A key challenge in pursuing this principle is to bridge differences between the regimes in the region, and especially to overcome the inhibitions of the less -than -democratic ones whose decision to pursue openness and regional collaboration is tantamount to undermining their own prospects of survival. Naturally anxieties about such prospects, already running high in the Middle East as a result of their reading of the outcome of the CSCE process, have skyrocketed following the 2009 Iranian protests and the more recent Arab Spring. A potential remedy thus lies in emulating as far as possible the Asian regional security model that is functionally equivalent yet rightly far less associated in people's minds with bringing down non-democratic regimes though perfectly consistent with such evolution.

The third principle is the development of an inclusive culture of tolerance and acceptance of others, as large as these differences maybe, at the very least among the core Zonal parties. Once again such culture is as essential to the longer term domestic stability of the Zone's parties as it is to regional stability. And the two are inextricably linked. Arresting and gradually rolling back the deeply ingrained and highly toxic zero sum mentality currently re-emerging with vigour throughout the region has to be a top priority for anyone wishing to foster a political and social climate conducive to negotiation of a MEWMDFZ. Key attributes of such culture must at minimum include mutual recognition, peaceful co-existence, and rejection of the use of force for the settlement of disputes within and between the key regional players.

Importantly, in order to have the desired effect and also to inspire confidence in others, this culture of tolerance has to be actively and visibly cultivated by the parties' governments and systematically embedded not only in their public discourse (domestic as well as international) but also in their educational systems. It must explicitly prohibit the dissemination of hatred and incitement to violence. Monitoring and reporting on such efforts, even comparing notes on experiences and best practices in this domain (and inevitably on striking a balance between freedom of speech and its abuse) is bound to be contentious yet ultimately highly beneficial for fostering a climate of confidence and mutual trust indispensable for the

construction of any cooperative security architecture in the region and most certainly for a MEWMDFZ.

The fourth principle is to endeavour early on to work out a consensus among the regional participants around a formal set of guiding principles for both the process and the relations between the parties to the Zone. These guidelines should have one primary aim: to enhance the confidence of the regional participants in the process in their ability to protect their core interests while engaging in an unprecedentedly ambitious exercise of cooperative security building. Even more importantly, such guidelines should inspire the participants to conduct themselves and treat their prospective parties to the Zone in a manner conducive to overcoming barriers of hatred, rivalry, and anxiety, deep suspicion and distrust, thereby enhancing the prospects for progress towards the creation of a MEWMDFZ. Both documents may draw on process ground rules originally developed elsewhere in the context of other multilateral security building processes in Latin America, Asia and Europe (as well as the former ACRS Working Group). But they would require some adaptation both to fit the particular circumstances of the region and to give regional participants a sense of ownership of these principles. Marked progress towards cooperative development of drafts of these documents (potentially led by a capable neutral extra -regional player in consultation with regional parties) could precede the launching of the formal negotiation process on the Zone and help facilitate it.

Obviously some of the concepts that ought to go into the substantive document are those already mentioned in the context of the third principle above (inspired of course by the Helsinki Final Act). But the present state of affairs in the region puts a premium on going beyond them to encompass additional principles or at least a modern -day version of them as well. Most prominent is an adaptation of the Helsinki principle of the inviolability of boundaries and frontiers. Factoring in regional realities at the current juncture seems important to try to expand on this principle. The desired direction ought to be to explicitly anchor the right of hot pursuit and preventive defence action when these boundaries or frontiers are violated or encroached upon and the state that is their custodian proves unable or unwilling to safeguard its own borders.

The fifth principle emphasizes realism and calibration of expectations. The upheaval in the Middle East is running so high at present that it is not only unrealistic but, worse, highly counterproductive, to expect and demand rapid progress anytime soon towards the construction of an MEWMDFZ. It is such an ambitious regional security architecture to entertain even in the best of times that it is no surprise that it has never been implemented anywhere in the world. For a Zone to stand any chance of success it cannot emerge as an artificial creation utterly divorced from regional realities. It has to evolve as an extension of the peaceful transformation of the region. And as such it is bound to be the final step in (and the outgrowth of) a long and difficult process of cooperative security architecture building rather than a catalyst for such transformation. Thus the combination of an ill-timed push to develop the Zone removed from the context with the regional realities and the setting of unrealistic expectations for rapid progress towards its creation are bound to undermine further the already modest prospects for the creation of such a Zone. Worse still, they are bound to

further sour relations between the Zone's prospective parties. Such a lofty vision must be pursued pragmatically to draw in rather than scare off all its key future participants.

A particular challenge in this area is how to handle at the outset of the process existing WMD arsenals or capabilities in the region. Should these be confronted head on right away aiming to expose them, shackle them, and begin their elimination? Or could a less direct approach prove more conducive to attaining the long term result? Obviously the immediate symbolic benefits of the first approach, if it could be successfully implemented, are considerable. Yet I consider such a prospect highly unlikely and the effort committed to achieving it undesirable precisely because it is bound to raise unrealistic expectations. The frustration that will inevitably ensue is likely to induce disillusionment, resentment, and paralysis. Furthermore, notwithstanding their symbolic importance (or perhaps because of it), existing WMD arsenals do not presently constitute the greatest menace to the security of the region and lend themselves to more traditional remedies to deter their use. I thus submit that the early efforts to promote the idea of a Zone should instead focus 'merely' on preventing the current situation from getting any worse (through well-established non-proliferation measures) in tandem with other initiatives to improve the regional security climate. These, in turn, would be conducive to marginalizing WMD capabilities and curbing the enthusiasm for them, thereby serving the long term purpose of banishing and eventually eliminating them altogether.

The Sixth and final principle is comprehensiveness, in terms of agenda as well as participation. Incidentally, both give ample reason to consider the NPT context utterly inhospitable for a MEWMDFZ undertaking. The comprehensive agenda must go well beyond the traditional discussion of nuclear weapons and other weapons of mass destruction, their delivery systems, and even the leading types of conventional arms. It must creatively bring in factors that are upper most in people's minds as they think of their security situation but may be far less observable and quantifiable. For, after all, possession of WMD and the aspiration to develop or acquire them are often the reflection of innermost anxieties about security and stability (often framed in historical terms) rather than a direct result of any immediate and specific military challenge. Breaking that knot is likely to occur only if those anxieties are effectively put to rest first.

Comprehensiveness in terms of participation is presumably self-evident. Yet in the Middle East it has also become far more demanding than it has heretofore been because of two relatively recent developments: the growing role of adjacent (e.g. Turkey) and new extra - regional players in the Middle East scene (China, Pakistan and the DPRK immediately come to mind) and the emergence of powerful new non -state actors who not only wield considerable influence in one or another corner of the region but also across the region. Some may even be poised to take over the reins of government from those currently in power. How to engage these non-state players of the day is a far from trivial question and will inevitably face many obstacles. But unless somehow brought in, these forces are bound to be spoilers that could ultimately derail the process from the outside or undermine it if and when they succeed in gaining power.

4. Concluding thoughts

Judging by the standards of previous initiatives to establish a mere NWFZ in other regions, the negotiation and eventual establishment of a WMDFZ in the Middle East undoubtedly is an unprecedentedly ambitious undertaking. Worse still, it is presently contemplated under highly inauspicious regional circumstances for such an undertaking. It is reassuring to know that the formidable challenges involved do not breed despair but instead invite serious reflection and debate on the path ahead. This paper was intended to help stimulate this reflection on ways for making headway possible against all odds. It aims to do so by first identifying the security situation in the region and then outlining a handful of principles for developing the relations between the prospective members of the Zone. Struggling to produce viable policy precepts to move the MEWMDFZ process along, the paper first draws on pertinent historical experience in building cooperative regional security architecture in other regions, much of it being highly relevant but discouraging. It then discusses innovative policy ideas in the hope that by weaving together both sources of insight a viable course for moving ahead can be charted out.