

# Basic principles for a process leading to the establishment of a Middle East Free of Weapons of Mass Destruction

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## Background paper

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## Abbreviations

ABM Treaty	Anti-Ballistic Missile Treaty
ACRS	Arms Control and Regional Security
IAEA	International Atomic Energy Agency
MEW MDFZ	Middle East Weapons of Mass Destruction Free Zone
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
SALT	Strategic Arms Limitation Talks
UNGA	United Nations General Assembly

## 1. Peace process, regional security, arms control, zone free of weapons of mass destruction: A cobweb that cannot be disentangled

In the background paper which my associate Claudia Baumgart-Ochse and I wrote for the 2011 EU seminar on a zone free of weapons of mass destruction in the Middle East,<sup>1</sup> we developed a few practical steps which could be usefully considered in order to make progress on the path towards a nuclear weapons free zone. Each of these steps was conceptualized as a step forward which would not place too great a strain on prudent policies on either side: policies that would avoid taking too long and too risky a leap when smaller increments appear more advisable. We argued that even such steps would only be considered by parties in a favourable political context and touched on this context only briefly. This background paper strives to deliberate on the context more broadly, in the light of historical experiences and of the positions taken by the parties in the region themselves, individually or collectively, in the course of almost forty years.

The establishment of a zone in the Middle East free of weapons of mass destruction inevitably implies a nuclear-weapon-free zone, broader confidence-building measures in conventional forces, and a reliable process towards stable international peace and regional security in the area, all of which are intimately interlinked. They will not advance separately, but only if progress takes place simultaneously and good faith is shown on all three tracks. UNGA Res. 66/25 of 13 December 2011 aptly captures this relationship. It postulates that peace negotiations in the Middle East ‘should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues,’ recognizes ‘the importance of credible regional security, including the establishment of a mutually verifiable nuclear-weapon-free zone’, and in its operative paragraph 4 ‘notes the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security (ACRS) in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear weapon free zone’; this operative paragraph notably brings together peace negotiations, arms control and regional security, mutual confidence-building and the nuclear-weapon-free zone in a single sentence. Its wording emphasizes that these elements, even though they might be pursued in different locations/at different venues and through different tracks, cannot be divorced from each other or shoehorned into artificial sequences. They must be pursued in the same rhythm, and progress in any one of them depends on progress in any other.

All tracks must be guided by the same spirit of cooperation and persistent efforts of good faith made towards the jointly defined goals. This spirit manifests itself in certain principles followed by all partners on their path towards disarmament and peace. There is a relevant precedent for this from which these sorts of détente-plus-disarmament processes are invited to learn, namely the periods of US–Soviet détente in which relaxation of political conflict, the settlement of open territorial issues and arms control, prominently nuclear arms control, progressed hand in hand. The following paragraphs discuss the principles on which this process was built.

<sup>1</sup> (<http://www.nonproliferation.eu/documents/backgroundpapers/muller.pdf>)

## 2. Basic principles for an integrated process leading towards an MEWMDFZ

1972 was the breakthrough year in US–Soviet nuclear arms control. The two parties agreed on the ABM Treaty, which provided for a balance of forces over three decades and enabled the stepwise limitation of the nuclear arms race and the beginning of a significant process of nuclear reductions. Simultaneously, they signed the Interim Agreement, named SALT I, which for the first time put a ceiling on the build-up of offensive strategic weapons and was the first in the series of eight successive bilateral nuclear treaties of which 2010's NewStart has been, so far, the last. In 1972 a third document was published: one which was of great interest and related to the other one but which attracted less attention despite its significance: The 'Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics,' without which the arms control treaties would probably not have seen the light of day.

The document was amazingly crisp and direct. The principles listed establish a framework in which confidence can grow and arms control can move forward. I will quote the most salient parts of the document which probably apply to the Middle East. I will then show that each of them has some equivalent in positions found either in joint documents on the Middle East peace process or in national statements relating to this process.

### 2.1 The common objective: Averting the danger of war

Preambular para. 2 states the 'need to make every effort to remove the threat of war and to create conditions which promote the reduction of tensions in the world and the strengthening of universal security and international cooperation.' This is picked up in operative para. 1 where the parties express their 'common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence.'

We have a clear correspondence here to related notions from the region. UNGA Res. 3263 (XXIX), of 9 Dec. 1974, the first one voted on by the UNGA at a time when Israel was not yet ready to agree, already says in preambular para. 7: 'Mindful of the political conditions particular to the region of the Middle East and of the potential danger emanating there from which would be further aggravated by the introduction of nuclear weapons in the area.'. In the same spirit, the 2002 peace plan of the Arab League expressed the 'conviction that a military solution to the conflict will not achieve peace or provide security for the parties.'. The 1972 principles identify the risk of war and ultimately nuclear war as a categorical imperative to pursue both peace and nuclear disarmament. This is echoed in the other documents.

### 2.2 Recognition as equals and the justified claim to equal security

A second element in 1972 was mutual recognition as equals with legitimate security interests. 'Differences in ideology and in the social systems of the USA and the USSR,' the document states, 'are not obstacles to the bilateral development of normal relations based on the principles of sovereignty, equality, non-interference in internal affairs and mutual advantage'. As a result, 'discussions and negotiations on outstanding issues will be conducted in a spirit of reciprocity, mutual accommodation and mutual benefit.'

Recognition is a key issue in the conflict among the parties in the Middle East and one that casts a long shadow over the possibilities for making progress towards a zone free of weapons of mass destruction. In his opening speech at the 1991 Madrid Conference, Prime Minister Shamir of Israel called on his Arab interlocutors, 'Show us that you accept Israel's existence. Demonstrate your readiness to accept Israel as a permanent entity in the region.' I submit that the fact that there are still parties in the region which do not hear this call is a serious obstacle to making progress on all tracks towards a stable peace order, including, in particular, a zone free of weapons of mass destruction. Likewise, the preamble of the 1978 Camp David Accords confirms that 'peace requires respect for the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries.' And in the Oslo Accord, the two parties 'recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security.' Certainly, mutual recognition as equals by all states in the region – the emerging state of Palestine included – is the sine qua non for everybody to embark seriously on a process that would lead to considerably lower levels of armaments and notably to laying down all weapons of mass destruction.

### **2.3 Equality and justice**

Recognition implies equality. Being seen and treated as equal is one of the most fundamental elements of justice, and striving for justice is one of the most fundamental traits found in both individual and collective human behaviour. It is thus not surprising that the insistence on justice is ubiquitous in the Middle Eastern discourse on peace. Amr Moussa, then Egyptian Minister of Foreign Affairs, aptly summarized this at the Madrid Conference in 1991 when he called for '...genuine peace based on justice and dignity'... [to] 'achieve agreement on arrangements and methods that will secure justly and equitably the legitimate needs of all parties without infringing on the rights of any party' and demanded that 'Our march towards this must be reasoned and wise, aiming for justice and fairness. It must accommodate equal rights and obligations.'

The principle of justice, based on equal treatment, manifests itself in different specific elements for the different parties. It is essential to understand that the remarks by each of the parties explain true fundamentals that must be taken into account by the other side in order to move the whole process forward. On the Israeli side, the key is the unequivocal recognition and acceptance of its existence (see the abovementioned statement by Israel's former Prime Minister Shamir at the Madrid Conference). This demand was heeded in moving words in Chairman Arafat's Nobel Peace Prize acceptance speech in 1993: 'Peace ... enables the Arab spirit to reflect through unrestrained human expression its profound understanding of the Jewish–European tragedy, just as it allows the tortured Jewish spirit to express its unfettered empathy for the suffering endured by the Palestinian people over their ruptured history. Only the tortured can understand those who have endured torture.' In addition, he pledged to recognize of Israel's 'Middle Eastern identity.' It is know that there are still other views (at play) in the region which differ from what Arafat said

On the Arab side, there appear to be two grievances. The first one was explained by then Crown Prince, now King Abdullah of Saudi Arabia during the meeting of the Arab League in 2002: 'Peace and the retention of Arab territories are incompatible and impossible to reconcile or achieve.' The second one is manifest in any broad Arab discourse on the nuclear situation in the Middle East: nuclear inequality in the region, in the eyes of the Arabs,

represents an injustice in terms of unequal status and unequal security that cannot be left unaddressed. Incidentally, this position was also reflected in the 1972 US and Soviet Basic Principles where operative paragraph 2 read: 'Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives. The prerequisites for maintaining and strengthening peaceful relations between the USA and the USSR are the recognition of the security interests of the Parties based on the principle of equality...'

#### **2.4 Proving recognition of equality by avoiding provocations**

In the early phase of détente policy, the Soviet Union and the United States were well aware that their cooperation was still on shaky ground and vulnerable to mistakes or mishaps. Therefore, they agreed to attach 'major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations. Therefore, they will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war. They will always exercise restraint in their mutual relations, and will be prepared to negotiate and settle differences by peaceful means.'

The thrust of this principle is to avoid pushing against what the other side sees as vital interests. From the Israeli perspective these are actions which would corroborate its fear that the partners do not accept Israel's existence in the Middle East. Support by regional states for terrorism against Israel is usually interpreted by Israelis as a sign that such supporters aim to eliminate their state. The most powerful appeal which Prime Minister Shamir directed towards the Arab side in Madrid was 'coexistence instead of terrorism.' Continued support for terrorism by any regional state against another will thus act like a showstopper for the peace process including moves towards a zone free of weapons of mass destruction.

From the Arab vantage point, the extension of settlements in the West Bank is equivalent to the way the Israelis regard terrorism. Rather than posing a threat to existential security, it endangers existential justice and thus undermines the peace process for good. Likewise, the categorical refusal to explore possibilities of dealing with the nuclear issue with a view to moving stepwise towards a nuclear weapons free zone is taken as proof of the intention to maintain nuclear inequality in the region forever. Israel, in turn, finds it unacceptable that its own nuclear position is vigorously debated in the region while the suspicious nuclear activities of other parties (not to mention other weapons of mass destruction) results in less public protest, criticism and condemnation. Israel regards that as a provocative sign of unequal treatment.

Supporting terrorism, continuing occupation, and placing a taboo on the nuclear issue are thus, in one way or the other, true showstoppers for a sustainable peace process in which progress towards a zone free of weapons of mass destruction is an inextricable component.

### **3. Conclusion**

This paper set out to explore the context in which positive steps towards a Middle East zone free of weapons of mass destruction could be successfully discussed. It arrived at a relatively small set of such principles, mainly derived from the US–Soviet template at the beginning of the first détente period, which was then interpreted in the light of the positions of regional parties. It should be emphasized that such principles only come to life when they are implemented, and that, in the absence of related practice, a positive process will not

happen. It should also be understood that such principles do not present a menu from which to choose but a cobweb from which no element can be eliminated without destroying the whole fabric. A conference in 2012, to be attended by all the States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction would be highly advisable, in addition to deliberations on more specific measures to move the objective enshrined in its title forward and to set aside time for consideration of the basic principles guiding the relations between parties in which these specific measures would be, and must be, embedded. It should also be noted that if parties were to choose to refuse to deliberate such basic principles, this would cast doubts on how seriously they take the objective of a zone free of nuclear weapons and all other weapons of mass destruction.