

ACADEMIC PEACE ORCHESTRA
MIDDLE EAST



**A WMD/DVs Free Zone
For The Middle East**
Taking Stock, Moving Forward
Towards Cooperative Security

COMPACT STUDY of the
ACADEMIC PEACE ORCHESTRA
MIDDLE EAST
by Bernd W. Kubbig
and Christian Weidlich

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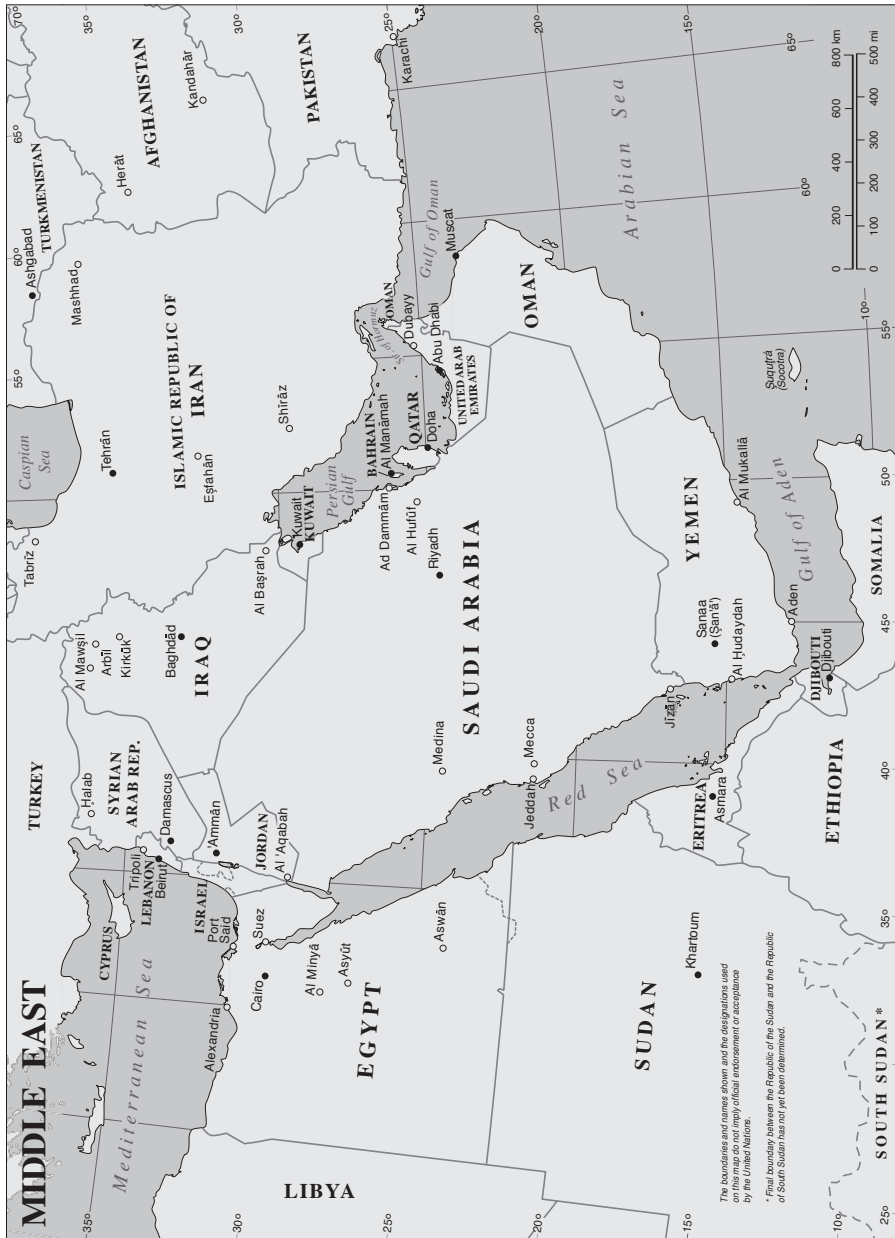
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Map of the Middle East/Gulf



Department of Field Support
Cartographic Section

Map No. 4102, Rev. 5 UNITED NATIONS
November 2011

Executive Summary

The Helsinki Conference and the Zonal Problématique

The envisaged gathering in the Finnish capital has not taken place so far. It was mandated by the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and scheduled for 2012. Its aim is to achieve a zonal arrangement that abolishes weapons of mass destruction (WMD), i.e., nuclear, biological, and chemical weapons, and their delivery vehicles (DVs), usually referred to as missiles, in the Middle East.

Disappointing as this may be, five rounds of informal multilateral consultations were conducted in the Swiss cities of Glion and Geneva. They have been the first of their kind for 19 years and the establishment of this communication mechanism can generally be considered progress, although not to the extent many had hoped for in 2010.

Despite all its specific dynamics, the stumbling blocks that have prevented the Helsinki Conference from taking place so far reflect the underlying causes of the zonal problématique. These negative factors are part of the security dilemma and its pronounced features such as unilateralism, arms build-ups, and zero-sum thinking. That is why the COMPACT STUDY places the Conference and the zone within this broader context.

The Cooperative Security Concept as an Exit Strategy

By no means does ‘failure’ need to be the final word, for in principle the planned Conference process is also the concrete expression of a broader exit strategy that attempts to reduce or even overcome this security dilemma by applying cooperative elements (see Chapter 1). In the security area, a comprehensive and gradual strategy towards disarmament is of vital importance. Similarly, the ultimate goal of establishing a WMD/DVs Free Zone is seen as a nucleus of such a broader cooperative arrangement in the region.

The Cooperative Security Concept and its strategy are based on the assumption that:

- conflict formations are in principle more relevant than weapons, but that arms matter, too. This insight is of practical relevance: It is the conceptual baggage of the past which has resulted in the ‘Peace First!’ (Israel) vs. ‘Disarmament First!’ (especially Egypt) stances. This juxtaposition has become obsolete (see Chapter 2). Both processes have to be pursued in tandem. Also, weapons have to be considered as part of the regional context, especially of the transformation processes and their negative consequences – such as increased regional instability and fragmentation; the outbreak of civil wars in various states; the emergence of violent sub-state actors; and the intensified rivalry between Saudi Arabia and Iran in their quest for regional hegemony.
- the comprehensive and gradual strategy towards disarmament with its crucial elements of confidence- and security-building measures (CSBMs) as well as arms control/limitations and reductions has to be laid out in a differentiated way: In fact, CSBMs and arms control measures become blurred at the conceptual level and overlap in practice. The strict sequencing of ‘mere’ CSBMs and arms control/limitations and reductions that affect the weapons themselves – it has plagued all the talks about the zone until today – has thus become obsolete, too. The either-or-stance has to be transformed into a both-both-position expressing compromise, i.e. one magic formula within the Cooperative Security Concept.
- identifying the driving forces of weapon programs conversely means identifying the key factors for the incremental path towards zonal disarmament.

Against this backdrop and after taking stock of the diplomatic efforts regarding the Helsinki Conference, this COMPACT STUDY as the cooperative outcome of our Track II initiative of experts provides a broad spectrum of conceptual and political proposals to overcome the current stalemate. In the context of military asymmetries the emphasis will be on modest and far-reaching CSBMs, on arms control and reduction schemes as well as on verification; at the same time, they are potential conditions for success to be implemented in detail in an actor-centered approach at the domestic, regional, and international levels. Within the gradual approach towards a comprehensive zone we intend to provide ‘food for thought’ by analyzing how actors in other historic and geographical contexts have created mechanisms to deal with military asymmetries and various forms of disarmament; also, the transfer potential to the Middle East will be assessed.

Taking Stock – What Went Right and What Went Wrong?

As important as the new security environment in the Middle briefly outlined above may be: Every policy field has its own dynamics. At the international level, the failure of the Helsinki Conference to date is due to the major conveners – the United

States and Russia in addition to the United Kingdom and the United Nations (UN) Secretary-General – and, much more importantly, to the most relevant actors in the region (see Chapter 3). As to Washington and Moscow, a gathering in the Finnish capital on zonal disarmament is not a priority on their foreign policy agendas. This finds expression in their limited engagement – the politics in this area are run by a few senior, medium-ranking diplomats, not by their foreign ministers, most pointedly not by their heads of state. By contrast, the first breakthrough in the E3+3 negotiations with Iran on the nuclear issue in early April 2015 is living proof that engagement at the highest levels with a will to compromise on all sides can lead to success.

Symptomatic of the security dilemma, the current stalemate can be mainly attributed to the divergent security concepts pursued by Israel and the Arab states. Israel emphasizes regional security issues for the Helsinki agenda and balks on its nuclear arsenal. By contrast, the still Egyptian-led members of the Arab League find the unique nuclear status of Israel unacceptable. Therefore, their core request is dismantling the Israeli nuclear weapons and its joining of the NPT. In addition, for Cairo it is important to use the zonal issue in order to exert its leadership role in the Arab world.

In this context, the activities of the Facilitator, Ambassador Jaakko Laajava, which have been impressive overall, were firstly characterized by a fairly high degree of confidentiality; and, secondly, by an informal communication process in Switzerland which was probably initiated too late, but which nevertheless can be regarded as relatively successful.

Towards Cooperative Security – How to Move Forward *Conceptually* after the 2015 NPT Review Conference

Confidence- and Security-building Measures: The First Three Steps

In order to resume the entire diplomatic process, as a *first step* we propose that within an informal, even in a merely ad hoc-fashion, the regional states present their lists of security concerns as well as their perceptions of foreign policies and regional military arsenals – addressing these factors constitutes a core condition of success for any arms control and reduction process (see Chapter 4). In a *second step*, identifying the motives and interests behind weapon programs in the WMD and DVs area will prove helpful, since these interests reflect domestic factors such as historical experience, military-industrial-bureaucratic interests, and broad domestic power constellations – i.e., stumbling blocks for every reduction strategy towards a comprehensive zone.

As a *third step*, this COMPACT STUDY introduces modest and far-reaching confidence- and security-building measures. Without prioritizing such trust-enhancing initiatives over arms control and disarmament measures, the intention of several proposals is to avoid misunderstandings and to build mutual trust among the regional actors, especially in crisis situations; this pertains to the entire range of relevant weaponry, i.e., the nuclear, biological, and chemical area as well as the delivery vehicles sector. In terms of declaratory policy, regional states should work towards no-first use agreements with regard to both weapons of mass destruction and missiles. Communication structures need to be created at all levels among the adversaries, in addition to the development of data exchange mechanisms.

Nuclear-related CSBMs will need to be discussed early on within the Helsinki Conference – not in order to single out Israel, but to pave the way for compromise solutions and explore opportunities for mutual cooperation. One opportunity in this respect would build on the common threat of ‘dirty bombs’ by negotiating a Middle East arrangement on securing radiological agents. Israel, the only non-NPT member in the region, should also demonstrate its willingness to partake in a process of nuclear arms control. In this respect, the country could voluntarily offer to place *a certain* aspect of its unsafeguarded nuclear activity under inspection as a gesture of commitment. Further nuclear building blocks include: ratifying the Comprehensive Nuclear-Test-Ban Treaty within an agreed period of time; negotiating a Fissile Material Cut-off Treaty for the Middle East; enhancing the support of the Additional Protocol to the Safeguards Agreements; and developing regional fuel cycle arrangements.

With regard to *biological weapons*, universal membership of all Middle Eastern states to the Biological and Toxin Weapons Convention (BTWC) is a desirable aim. Preliminary steps could be taken by regional actors in different ways, among them the coordinated reaffirming of the non-use of biological weapons; the development of regional information exchanges; the coordination of national implementation measures; the increasing of regional public health and biological preparedness; the creation of a regional code of conduct for biotechnology; and the organization of regional workshops and exercises on bio-related issues.

While the Chemical Weapons Convention (CWC) provides an extensive framework for communication and interaction, any trust-building initiatives in the *chemical weapon* area would focus on the two regional states not party to this Convention, Egypt and Israel. Two broad categories are developed in this respect, namely those that contribute to regional stability and security, and those that promote national transparency. A non-aggression pact including a chemical weapons no-use pledge could pave the way to universal CWC membership in the Middle East/Gulf. Furthermore, regional collaboration to prevent the military use of readily available toxic chemicals is indispensable.

The discussion of *delivery vehicles/missiles* (they are part and parcel of the Helsinki Mandate) can also contribute to the success of the international meeting in the Finnish capital. Properly managed, they are for a number of reasons a suitable starting point for serious and credible arms control discussions: Missiles can provide opportunities for initial norm building in a virtually norm-free area; they are indispensably linked to WMD including a spill-over effect into more sensitive issues such as nuclear warheads; and they increase opportunities for trade-offs and bargaining. CSBMs can be focused on several aspects of the actors' missile capabilities. Annual declarations on missile and space activities significantly increase transparency about the actors' arsenals. Operational-level measures regulate the ability of states to employ their weapons in ways considered particularly threatening to others. Measures related to the deployment of missile systems seek to reduce the risks associated with where weapons are based. Finally, CSBMs that regulate flight-testing prevent rapid increases in the quality of the opponents' missile arsenals. All types of measures help to increase the level of strategic stability and thus contribute to improving the overall political climate.

Arms Control/Limitation and Reduction Schemes: The Fourth Step

Despite the fact that each region has its specific dynamics, this COMPACT STUDY addresses the arms control and reduction issues in the context of military asymmetries as particular stumbling blocks or, conversely, as conditions for success; the same applies to achieving real disarmament, i.e. 'zero' in various forms (see Chapter 5). The points of reference for this approach are mainly experiences in other historical and geographical contexts; this explains why in our case studies, in addition to mechanisms dealing with asymmetries/zero, we refer to the decisive factors and the transfer potential for creating a comprehensive zone in the Middle East. Our case studies focus on experiences from the pre-nuclear age, the Cold War, and thereafter; on UN Security Council Resolution 687 which mandated Iraq to renounce and destroy all WMD and missile capabilities; and on the South African example of comprehensively dismantling of WMD/DVs. In addition, by discussing mechanisms for reductions in the context of regional developments and global dynamics, we present, inter alia, a regional 'Weapons Down – Peace Up' approach; assess the momentum of the Syrian CWC accession; and discuss the impacts of the Global Zero discourse and the humanitarian consequences of nuclear weapons.

In assessing the value of limitations and reductions, the case studies have made the following obviously clear: First, that the contexts and decisive factors are specific to their individual setting, as are the examined mechanisms addressing military asymmetries and 'zero' in the context of disarmament. Nevertheless, the main lesson is that various actors were able to deal productively and successfully with those challenges. Second, while the degree of transfer potential for negotiations in the Middle East varies, all case studies – whether successful or not – will hopefully

offer inspiration to the decision-makers in the conflict region. Yet, the essential challenge remains: to base efforts on compromise, i.e., to be willing to accept less than your own maximalist objectives.

Verification: An Essential Condition for Success

The – ultimately political – acceptability of a zonal arrangement will also depend on whether verification requirements, methods, and possible institutional settings can be worked out cooperatively with regard to nuclear, biological, and chemical weapons as well as delivery vehicles (see Chapter 6).

The *nuclear component* is the most important and the one likely to receive the most attention. Among the four scenarios regarding nuclear weapons and relevant facilities/activities presented, the South African precedent could be the most attractive option for Israel. This would mean that even if the dismantling does not take place under international control, it should afterwards be verified that full destruction has been carried out, and all single-use infrastructure has been eliminated ('backwards verification'). In this case, inspectors would have full access to records, locations, and persons involved with past activities relevant to WMD. Institutional arrangements relying on international and regional verification could be developed for the nuclear dimension of the WMD/DVs Free Zone in the Middle East in three alternative ways: First, assigning all routine and non-routine verification responsibility to the International Atomic Energy Agency (IAEA); second, having all such activities conducted by international and regional authorities acting jointly; or third, having routine and non-routine verification activities carried out independently by the IAEA and, in parallel, conducted independently by an inspection body created by – and responsible to – an authority consisting of the parties to the zonal agreement. In this respect, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) could be a potential role model.

Although the BTWC does not include a verification system, the Helsinki Conference may benefit from different types of measures that promote transparency and confidence with regard to *biological weapon* verification, but fall short of formal verification. As to *chemical weapon* verification, the procedures developed within the CWC are well proven, but could be complemented by regional verification instruments. With regard to *delivery vehicles/missiles*, the conclusion is that while aerial, satellite, and ground-based surveillance can play a supportive role, human inspections will have to be the backbone of a sufficiently credible and effective monitoring system.

In summary, *the main 'verification messages' are:* Adequate verification is feasible – based to a considerable extent on relevant experience implementing several arms

control agreements and conventions as well as five nuclear weapon free zones. Also, valuable multilateral organization experience by the International Atomic Energy Agency and the Organisation for the Prohibition of Chemical Weapons would be available, if requested.

Towards Cooperative Security – How to Move Forward *Politically* after the 2015 NPT Review Conference

Track I Activities – Increasing Efforts, Adapting the To-Be-Renewed Mandate

The *four conveners* of the Helsinki Conference – the American administration in particular, but also the Russian and British governments, as well as the UN Secretary-General – should make every effort to make the establishment of a WMD/DVs Free Zone in the Middle East a higher priority on their foreign policy agendas and to demonstrate greater willingness to cooperate in its preparation (see Chapter 7). The Framework Agreement between the E3+3 and Iran in early April 2015 has shown that considerable engagement can pay off. The U.S. administration could increase efforts to induce the only nuclear weapon state in the region, Israel, to be more forthcoming regarding confidence-building initiatives outlined in this COMPACT STUDY that do not directly impact on its security, but would send positive signals to the Arab states in general and to Cairo in particular.

The *regional states* will remain the major players in efforts to overcome the stalemate. In order to reach out to Israel and to find acceptable ways for this country to ultimately dismantle its nuclear arsenal and join the NPT as a non-nuclear weapon state, the most promising way is to become more flexible and exercise a higher level of patient, medium- and long-term thinking. Members of the Arab League could ask Egypt to become compromise-oriented on the Israeli nuclear issue. Egypt might consider extending its foreign policy portfolio by adding the Arab Peace Initiative as an additional and in fact more promising way of continuing and endorsing its status/leadership position among Arab countries. Again, Israel would be well advised to send signals of goodwill and seriousness especially to Egypt by initiating a number of initiatives for instance in the verification area.

The relevant parties may want to *explore avenues that have not been considered seriously* in seeking to achieve the goal of a comprehensive zone. One way could be to universalize already existing treaties and conventions, another could be to envisage *a less demanding zonal objective* as an interim step. Here, the focus on missiles, which are politically less loaded in most states of the region, comes to mind.

Complementary Track I and II Activities – Supporting the Helsinki Conference Process

There is a large number of opportunities for building on *existing cooperative initiatives inside and outside the Middle East* to complement endeavors at the Track I level. One – often overlooked – and potentially beneficial example is the *Multinational Force and Observers (MFO) peacekeeping force* that originates from the 1979 Peace Treaty between Egypt and Israel. The continuous activities of the MFO show that cooperative engagement is possible. This also applies to the confidential communication channels between Israeli and Egyptian military and representatives of intelligence services in both countries. In addition, there are ample opportunities not only for intra- but also for inter-regional learning such as the *South African example*. Pretoria dismantled not only its nuclear arsenal, but also its biological and chemical weapons as well as missiles.

The *ABACC verification system* between Brazil and Argentina works within an asymmetric setting. Against this backdrop, Egypt could reconsider its fixation on the nuclear dimension, while Israel could overcome its reservations towards bilateral or multilateral verification settings. The Facilitator and his colleagues should become involved in an endeavor jointly carried out with regional states aimed at identifying lessons learned – a visit to the two Secretariats in Rio de Janeiro and Buenos Aires could help important decision-makers to warm up to some cooperative form of verification. An example of less formalized communication and cooperative structures can be found in the Asia-Pacific region: The *Council for Security Cooperation in the Asia Pacific* with its study groups on regional security could work as a role model for slowly transforming a regional mind-set from an anachronistic security paradigm to a new cooperative security vision through institutional dialogue.

At both the Track I and Track II levels the need and opportunities exist for *capacity building*. This pertains not only to the next generation of diplomats, but also to young and promising media representatives in particular, as well as advanced students and scholars. An impressive number of networks exist inside and outside the region, showing that it was indeed possible to raise awareness and provide ideas and concepts on a continuous basis. Track I representatives could make more use of this expertise. And, last but not least, an old idea should be introduced again and this time implemented: The establishment of *Regional Security Centers* would be a major step forward to institutionalizing arms control and reduction schemes in the region towards zonal disarmament. This focus could be easily broadened by analyzing the economic and ecological features of cooperative security as a way of reducing the current dynamics of intensified rivalry, especially between Saudi Arabia and Iran. The European Union and its committed and capable nonproliferation officials would be best suited for tackling such a task in the medium and long term.

In a Nutshell: Resume the Helsinki Conference Process with Greater Seriousness and Flexibility

This COMPACT STUDY argues that the Helsinki Conference process is a vital part of any regional peace strategy and that it should be pursued with a higher level of seriousness and flexibility by all stakeholders. History is a non-linear process. One positive factor that could make a difference is the prospect of a Final Accord between the E3+3 and Iran. Yet, in fundamental terms, if there are any magic formulas for progress, it would first of all be *compromise* in the context of the Helsinki Conference and, second, the insight that the envisaged WMD/DVs Free Zone as the nucleus of any cooperative regional security architecture is to *increase security for all states in the region*.

Explanatory Note and Acknowledgements

The Peace Research Institute Frankfurt (PRIF) inaugurated the ACADEMIC PEACE ORCHESTRA MIDDLE EAST in 2010 as a classic Track II initiative which has been devoting all its efforts to contributing to the success of the Middle East Conference on the establishment of a zone free of weapons of mass destruction and their delivery vehicles in the Middle East. The Expert Group held fourteen workshops between February 2011 and March 2015: in Valletta, Malta (February 2011, January 2013, January/February 2014); Vienna, Austria (July 2011, September 2012); Budapest, Hungary (September 2011); Barcelona, Spain (January 2012); Alghero, Italy (May 2012); Dubai, United Arab Emirates (March 2013); Istanbul, Turkey (May 2013); Frankfurt, Germany (November 2013); Nicosia, Cyprus (June 2014); and Berlin, Germany, at the Federal Foreign Office (March 2015). The Berlin Conference also included a Special Panel of prominent regional and extra-regional Track I participants. A special meeting was convened by the ORCHESTRA as a SIX CONTINENT INITIATIVE. This side-event took place at the United Nations in New York on May 6, 2014, at the Third Preparatory Committee for the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

The players of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST came from the Middle East, Europe, North and South America, Russia, and China (see Appendix A). All acted in their private capacities and did not represent any official body or government. The discussions were off the record. This COMPACT STUDY is both a synthesis of the ORCHESTRA's discussions and the 50 issues of the POLICY BRIEF publication series (see Appendix B). We are grateful to the members of the ORCHESTRA for their thoughtful and constructive cooperation. This COMPACT STUDY was finally discussed at the last workshop in Berlin in March 2015. Needless to say, not every group member necessarily agrees with every idea expressed in this study.

Many of the ORCHESTRA players were already part of the proceeding Track II project, the "Multilateral Study Group on the Establishment of a Missile Free Zone in the Middle East/Gulf." Its cycle of workshops from 2007 to 2010 resulted in the volume "Arms Control and Missile Proliferation in the Middle East" (Routledge, 2012). In this COMPACT STUDY, we deliberately draw not only on the POLICY BRIEF series but also on this earlier publication.

While Bernd W. Kubbig and Christian Weidlich are solely responsible for the text of this study, the ACADEMIC PEACE ORCHESTRA MIDDLE EAST has been a cooperative project. The following colleagues deserve special thanks for the high level of commitment shown in recent years: Andreas Auer, Hannah Broecker, Frieder Bürkle, Friederike Groll, Michael Haas, Lara Heckmann, Alexander Heerlein, Dorte Hühnert, Marieke Knussmann, Roberta Mulas, Wencke Müller, Sara Nanni, Hanne Weismann, and Lisa Zschunke. We are also indebted to Fiona Eskandarinezhad and Rebecca Koch for their constructive contribution during their internships.

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Bernd W. Kubbig and Christian Weidlich

Abbreviations

ABACC	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials
ABM	Anti-ballistic missile
ACRS	Arms Control and Regional Security
AFCONE	African Commission on Nuclear Energy
API	Arab Peace Initiative
ASEAN	Association of Southeast Asian Nations
BTWC	Biological and Toxin Weapons Convention
BW	Biological weapon
CBM	Confidence-building measure
CD	Conference on Disarmament
CFE	Conventional Armed Forces in Europe
CSBM	Confidence- and security-building measure
CSC	Cooperative Security Concept
CSCAP	Council for Security Cooperation in the Asia Pacific
CSCE	Conference on Security and Co-operation in Europe
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CTBTO	Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization
CW	Chemical weapon
CWC	Chemical Weapons Convention
DVs	Delivery vehicles
E3+3	Format of the nuclear negotiations with Iran (United States, Russia, China, United Kingdom, France, and Germany)
EU	European Union
EURATOM	European Atomic Energy Community
FMCT	Fissile Material Cut-off Treaty
GCC	Gulf Cooperation Council
GSE	Group of Scientific Experts
HCOC	Hague Code of Conduct Against Ballistic Missile Proliferation
HEU	Highly-enriched uranium
IAEA	International Atomic Energy Agency
ICBM	Intercontinental ballistic missile
ICG	International Crisis Group
INF	Intermediate-Range Nuclear Forces

INFCIRC	International Atomic Energy Agency Information Circular
ISIS/ISIL	The Islamic State of Iraq and al-Sham
LEU	Low-enriched uranium
LOF	Locations Outside Facilities
MECIDS	Middle East Consortium on Infectious Disease Surveillance
MEWMDFZ	Middle East Zone Free of Weapons of Mass Destruction
MFO	Multinational Force and Observers
NATO	North Atlantic Treaty Organization
NFU	No-first use
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSA	Negative security assurance
NWFZ	Nuclear Weapon Free Zone
OPANAL	Organization for the Prohibition of Nuclear Weapons in Latin America
OPCW	Organisation for the Prohibition of Chemical Weapons
P-5	Permanent members of the UN Security Council
PRIF	Peace Research Institute Frankfurt
SAR	Synthetic aperture radar
SDI	Strategic Defense Initiative
SIR	Safeguards Implementation Report
SMF	Strategic missile forces
SORT	Strategic Offensive Reduction Treaty
START	Strategic Arms Reduction Treaty
UN	United Nations
UNIDIR	United Nations Institute for Disarmament Research
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSCOM	United Nations Special Commission
VERTIC	Verification Research, Training and Information Centre
WMD	Weapons of Mass Destruction

1. Introduction: Towards the Helsinki Conference and Regional Cooperative Security

1.1 Overcoming the Current Impasse

So far, the Helsinki Conference has not taken place.

But it should – and could – happen.

In May 2010, the international community, in the context of the Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), overwhelmingly endorsed in a mandate the bold and wise goal of holding a conference in 2012. The subject of the envisaged gathering was – and still is – the creation of a zone free of nuclear weapons and all other weapons of mass destruction (WMD), also covering biological and chemical weapons as well as their delivery vehicles (DVs) usually referred to as missiles.

That there is no such Helsinki Conference five years later, in the wake of the 2015 NPT Review Conference, is certainly disappointing – especially for all who have worked on the Track I and II levels for making the conference happen. Despite there having been no such meeting since the mid-1990s, almost all relevant Middle East actors nevertheless accepted the invitation of the Facilitator, Ambassador Jaakko Laajava, to meet in a series of five informal gatherings. They started in the fall of 2013 in Glion and Geneva, Switzerland. A planned sixth meeting did not take place. An informal communication process has nonetheless been established which admittedly was hardly about substance but mostly about procedural questions instead.

It may be said then that the glass is not entirely empty, and the challenge is still to create the conditions which will make the envisaged Helsinki Conference happen – certainly not only as a one-off event but as the beginning of a comprehensive security-related process with compromise as its nucleus.

Would it not have been a miracle if such a meeting had happened by now?

At the *international level* the relationship of the two major conveners, the United States and the Russian Federation, has become increasingly confrontational over

the Crimea/Ukraine crises. At the *regional level* since early 2011 the entire Middle East/Gulf as we knew it in May 2010 has undergone fundamental changes (euphemistically called the Arab Spring).¹ Most of these changes still have a negative impact on the security situation – among them the increased regional fragmentation and the number of (nearly) failed states with the associated (civil) wars in Iraq, Libya, Syria, and Yemen; the emergence of new actors such as the Islamic State of Iraq and al-Sham (ISIS) which have been destabilizing Iraq and Syria and aim at changing existing borders through the use of brutal military force; the intensified traditional rivalry for regional supremacy especially between the Kingdom of Saudi Arabia and the Islamic Republic of Iran with associated emphasis on military action as evident in the most recent flare-up of the proxy war in Yemen.

At the *domestic level* the ruling elites of various authoritarian regimes, ranging from Iran and the monarchies on the Arab Peninsula to the Bashar al-Assad dictatorship in Syria, have pursued strategies to prevent transformational changes within their countries. In order to meet the individual domestic political, economic, and socio-demographic challenges, they have been applying a variety of instruments ranging from economic incentives and symbolic reforms to political pressure and the use of military force (the latter ones especially in Syria and Bahrain, but also in Egypt). Egyptian diplomats have been the most energetic in implementing the Helsinki Mandate. Yet, after one revolution (2012) and one military coup (2013), the country remains torn between Islamists, the secular democratic opposition, and the secular military regime, with no sign at present of divisions among the opposing parties being resolved.

When speaking about the Helsinki Conference, all these factors can certainly not be ignored. They have shaped the behavior of the actors participating in (Iran largely abstaining from) the informal consultation process in Glion and Geneva. But this is well short of the whole story. For each policy field has its own characteristics and dynamics. The controversies surrounding the gathering in the Finnish capital on establishing a WMD/DVs Free Zone are no exception. The Framework Agreement² achieved between the E3+3 states and Iran in early April 2015 as the first step in resolving the nuclear conflict makes for the same region the major conditions for success evident – conditions that were missing in the context of

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1. The regional changes are analyzed in greater detail in POLICY BRIEF No. 42 by Lars Berger, Bernd W. Kubbig, and Erzsébet N. Rózsa; and in POLICY BRIEF No. 43 by Lars Berger, Bernd W. Kubbig, and Erzsébet N. Rózsa in Cooperation with Gülden Ayman, Meir Javendanfar, and Irina Zvyagelskaya; as well as in POLICY BRIEFS Nos. 44-45 (forthcoming) by Lars Berger, Bernd W. Kubbig, and Erzsébet N. Rózsa. The initial developments of the Arab Spring are covered in POLICY BRIEF Nos. 9/10 by Erzsébet N. Rózsa in Cooperation with Walid Abu-Dalbouh, Ahmed Al-Wahishi, Gawdat Bahgat, Gershon Baskin, Lars Berger, Nursin Atesoglu Güney, Ayman Khalil, Christian Koch, Elie Podeh, Omar Shaban, and Eduard Soler i Lecha.
 2. Department of State, Office of the Spokesperson (2015) 'Parameters for a Joint Comprehensive Plan of Action Regarding the Islamic Republic of Iran's Nuclear Program', Media Note, April 2. Online, available at <http://1.usa.gov/1BSC8Oa> (April 7, 2015).

the Helsinki Conference. They regard the power and interest-based constellations among the major states, the political determination of these actors to reach a first breakthrough after a 12-year-long stalemate, as well as their foreign policy priorities and high level of commitment.

Again, at the *international level* the disagreements between Washington and Moscow as the two major conveners of the Helsinki Conference already existed before the Crimea/Ukraine crises and yet did not cause cooperation to become stalled. This parallels the continued selective cooperation between both powers within the E3+3 negotiations and Tehran which has contributed to signing the crucial Framework Agreement; the full technical details of the Final Accord are to be worked out by June 30, 2015. Much more importantly, both the Barack Obama administration and the Hassan Rouhani government for partly different reasons have shown their political resolve to close the nuclear file and move ahead. The accord achieved was characterized by both presidents as “historic” and Rouhani heralded it as “the first step” towards a new, less hostile relationship with the West, especially with the United States.³ A Final Accord may turn out to be a milestone for solving the decades-long major conflict with the potential of tremendously improving the economic situation in Iran and the political landscape across the region.

Already the April accord could pave the way for Tehran’s return to the international arena, with restrictions on its nuclear program offset by broad-based lifting of the financial and economic sanctions. If a suitable agreement could be reached in mid-2015 and implemented properly afterwards, it would be a landmark success of nuclear nonproliferation which could stabilize the Middle East/Gulf. What is more, such an accord would be the single most important contribution to the NPT and the Helsinki Conference. While such an agreement would be a visible element of President Obama’s political legacy, his Iranian counterpart would open the door to foreign investment as a precondition for domestic economic growth.

The objectives of nonproliferation and stabilization and their priority on the foreign policy agenda are of course shared by all other four negotiation partners of Iran. As German Foreign Minister Frank-Walter Steinmeier wrote, “an entire week at a Swiss hotel on Lake Geneva – and only one topic. I cannot remember the foreign ministers of the world’s most powerful states, the veto powers of the United Nations [UN] Security Council, jointly with Germany, ever meeting for such a long time, negotiating as intensely, or working as closely together on one topic [...]. This is a reflection of the global significance of the conflict related to the Iranian nuclear program. And it brings into clear focus the importance of reaching an agreement [...]. It is possible to achieve political solutions by way of

3. Quoted from Alex Barker, Geoffrey Dyer, and Najem Bozorgmehr (2015) ‘Nuclear deal first step to less hostile relationship with west, says Tehran’, *Financial Times*, April 4-5.

negotiation even for the most difficult conflicts. Our dedication to disarmament and opposition to proliferation of weapons of mass destruction is worth all the effort and achieved a landmark success in Lausanne.²⁴

The foreign ministries of the E3+3 in Beijing, Moscow, London, and Paris issued variations on the theme of Foreign Minister Steinmeier's statement regarding the historic ensemble of six high-level politicians, their almost unprecedented foreign policy priority on solving the nuclear conflict with Tehran and their likewise virtually unparalleled commitment shown in the eight days of marathon talks which drew close and persistent worldwide media attention. In the months ahead, the fate of the nuclear deal is mainly in the hands of the presidents of the two countries (again: at the top level). Both leaders have staked their personal reputation on the accord; they must now safeguard its provisions from ambush by hardliners in their respective countries – and in the case of President Obama by two major U.S. allies: Israel and Saudi Arabia.

Has anyone heard leading politicians, including those from vital players in the region, issuing similar statements and expressing a similar engagement on convening a gathering in the Finnish capital? Did anyone notice a remarkable media interest?

Let us face it: As this COMPACT STUDY shows, we are confronted with an almost entirely different situation in the same region when it comes to the envisaged Helsinki Conference on a WMD/DVs Free Zone. This may be at first glance surprising since an adequately implemented nuclear accord with Iran could finally ease pressures especially on Saudi Arabia to go nuclear and put Israel in the center of the discussions about such a zone in the Middle East. Despite this overlapping problématique, the issue at the core of the (pre-)Helsinki agenda is hardly comparable, i.e., how to induce the only de facto nuclear weapon state in the region – Israel – to start thinking and talking about dismantling its arsenal. Unlike the nuclear conflict with Iran and the Israeli-Palestinian peace talks, the Obama administration as the most relevant convener has not been prepared to risk a conflict with its closest regional ally on nuclear disarmament. This is the core request of the members of the League of Arab States, notably Egypt. U.S. policy-makers have repeatedly made clear that the states in the region are the major players and the Obama administration would not do any arm-twisting with Israel – and it was probably this exertion of influence which Cairo in particular was silently hoping for.

All this underscores that the power and interest-based constellations are different, and that the Helsinki Conference is not a priority on the foreign policy or

4. Frank-Walter Steinmeier (2015) 'More comprehensive controls than ever before' ['Umfassendere Kontrollen als jemals zuvor'], Frankfurter Allgemeine Zeitung, April 4 [in German].

Middle East/Gulf agenda of this American administration. The zonal issue is in the hands of a few senior, medium-ranking diplomats, committed and able as they are. The involvement of Secretary of State, John Kerry, has been the exception to the rule, for instance by writing two letters to his Egyptian counterpart Sameh Shoukry (we were told that the Foreign Minister in Cairo did not answer them at least until the end of 2014). Whenever John Kerry met with his Russian counterpart, Sergey Lavrov, the WMD/DVs Free Zone was at the bottom of their agenda; because of their tight schedule it was never intensely discussed between them.

The limited influence and non-existing high-level engagement of the United States (and certainly also of Russia) puts the major regional actors – Israel and Egypt – on the spot in their respective *domestic context*. To be sure, Israel has been represented by senior, medium-ranking policy-makers in the informal series of pre-Helsinki talks in Switzerland, reportedly after a decision at the highest political level to engage in these consultations. Notwithstanding, Prime Minister Benjamin Netanyahu and his cabinet have underscored the traditional position that the Israeli nuclear arsenal is indispensable for the country's security. Therefore, Israeli policy-makers are ready to talk about the nuclear issue only in the distant future and only under certain conditions; in fact, the signed accord between the E3+3 and Iran has increased Netanyahu's fear that it will "jeopardize Israel's existence if implemented."⁵ The untouchable nuclear weapon issue is embedded in a regional concept of security encompassing the broad spectrum of military threats to the country emanating from both states and sub-state actors, and including all kinds of weaponry. This stands in stark contrast to the Egyptian focus on the dismantlement of Israel's nuclear weapons as a major strategic foreign policy objective.

To the best of our knowledge, Egyptian policy in this area is also implemented by a small number of senior, medium-ranking diplomats in the Foreign Ministry who are part of a broader network of former diplomats; this includes statements by the respective foreign ministers (see 3.3.1). Their energetically pursued policy position on creating a WMD/DVs Free Zone with a clear focus on the nuclear dimension has been persistent – as if both the regional security environment and the domestic situation had not changed at all. That the fundamental changes at the highest level, from Hosni Mubarak and Mohamed Morsi to Abdel Fattah al-Sisi, have not affected the policy positions of those policy-makers in Cairo's Foreign Ministry indicates their bureaucratic leeway and an internal division of labor. Given that the overall relationship between Egypt and Israel is characterized by a fairly low level of tension, it seems to us that Egyptian policy-makers in this area are in two ways mainly status/leadership-driven: First, they continue to deplore the nuclear double standard when it comes to Israel's nuclear weapon arsenal – an option they gave up long ago because Egypt lacked the resources to

5. 'Netanyahu tells Obama Iran deal threat to Israel's survival', i24News, April 3. Online, available at <http://bit.ly/1y10rhB> (April 7, 2015).

match Israel's build-up.⁶ Second, Cairo's diplomacy is seen as a means of securing leadership within the Arab League, difficult as this may have become in recent years.

The current stalemate can thus be summarized as primarily due to divergent security concepts between Israel on the one hand and the still Egyptian-led members of the Arab League on the other, with status/leadership-related factors apparently predominant on the Egyptian side.

How is this stalemate to be overcome and by whom? Should the zonal issue be pursued after the 2015 NPT Review Conference in terms of business-as-usual or what can and should be changed in order to make it a promising path? Not surprisingly, previous policies of the major governmental actors both within and outside the Middle East need to be adjusted to make the Helsinki Conference successful. From today's perspective, the first breakthrough among the E3+3 and Iran in solving the nuclear conflict could facilitate such an effort. In conceptual terms, we take the view that the Helsinki Conference process is a vital part of any regional peace strategy and that there is no alternative to it painstaking as the past five years may have been. If there are any magic formulas, one of them would be *compromise* as the crucial element of a broader Cooperative Security Concept (CSC). We propose the CSC as the way out of the current stalemate, which in turn is the symptom of the security dilemma and status/leadership-related factors when it comes to Egypt (see 1.2). The presented mid- and long-term arms control and reduction process leading to ultimate disarmament is the nucleus of any cooperative regional security architecture. Embedded in such a framework, we regard this incremental path as the major contribution of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST to a true Helsinki Conference process that tackles the conceptual challenges and the conditions of success at the domestic, regional, and international levels in a systematic way.

1.2 Embedding the Zonal Concept Adequately

The envisaged Helsinki Conference takes place against the backdrop of the region's pronounced security dilemma whose current elements are implicitly or explicitly already presented above. In conceptual terms the security dilemma is – amidst complex conflict formations and low levels of cooperation and institutionalization – primarily characterized by the following: strong mutual threat perceptions, intense arms build-up, unilateral self-help, and deeply ingrained zero-

6. Gawdat Bahgat, Avner Cohen, Sven-Eric Fikenscher, Giorgio Franceschini, Bernd W. Kubbig, and Patricia Lewis (2012) 'Advancing the control of weapons of mass destruction: An incremental approach', in Bernd W. Kubbig and Sven-Eric Fikenscher (eds) *Arms Control and Missile Proliferation in the Middle East*, London: Routledge, 106-124, here pp. 107-108.

sum thinking. Two leading analysts from the region have acknowledged that this dilemma is “self-defeating.”⁷ The challenge – and the promise – posed by the security dilemma is to design and pursue a strategy that increases each state’s security by reducing and finally overcoming this predicament. This is possible because the dilemma is not an ‘objective fact’, but the product of political decision-making processes in the domestic spheres, influenced by the outcome of foreign policy exchanges.

Israelis and Arabs as well as Iranians have for decades been conditioned to think in terms of national security, rather than mutual, collective or cooperative security. Such alternative approaches could, however, represent a viable framework, also for the Helsinki Conference, for addressing nuclear and other WMD proliferation and disarmament in the Middle East. The Cooperative Security Concept aims at changing the prevalent mind-sets towards more cooperative ones by engaging all vital actors in designing an adequate arms reduction path. It thereby constitutes an effort to increase the security of each state in the Middle East by applying a wide range of cooperative confidence- and security-building measures (CSBMs), arms control as well as reduction and disarmament initiatives – as part of a broader culture of restraint.⁸

Regional security should be based on a mutual interest to avoid a (nuclear) war and on cooperation instead of zero-sum thinking. Whenever possible, zero-sum approaches and unilateral self-help attitudes should be transformed into win-win thinking – for which compromise is essential. Regional security cannot be attained and sustained through military superiority or (nuclear) war-fighting doctrines. In fact, the opposite is the case: Fewer weapons can actually mean more security. In summary, the emphasis of the CSC on analyzing weapon-related questions and finding joint arms control solutions explicitly requires embedding these issues into the overall regional context. Yet, the core challenge remains: The processes of initiating the elimination of nuclear and other WMD and their DVs in the Middle East by changing the prevailing mind-set will be difficult, cumbersome, and non-linear.

The previous section has described the tremendous effort directed at dealing with the Iranian nuclear conflict in a cooperative approach which reduces the security dilemma – provided that the American and Iranian Presidents can convince Israel and Saudi Arabia in particular that the perceived threat from Tehran will be reduced by the Final Accord in a verifiable way. The envisaged Helsinki Conference could become another tool for decreasing the security dilemma – provided that the

7. Shai Feldman and Abdullah Toukan (1997) *Bridging the Gap: A Future Security Architecture for the Middle East*, Lanham, MD: Rowman & Littlefield, p. 73.

8. Bernd W. Kubbig (2012) ‘Introduction: setting the stage. Decreasing the security dilemma by gradual missile reductions’, in *ibid.* and Fikenscher, 1-23. The terms ‘confidence-building measures’ (CBMs) and ‘CSBMs’ are used as synonyms.

problems associated with the informal pre-Helsinki consultation process that took place in Glion and Geneva can be overcome.

This approach is not entirely new to the region. A multilateral initiative in the early 1990s in the form of the Arms Control and Regional Security (ACRS) working group took place as part of the Madrid peace process, which included four additional interrelated working groups on other issues. In addition, since 1974 there has been an ongoing discussion of a Nuclear Weapon Free Zone (NWFZ) and since 1990 a discussion of a WMD Free Zone within the UN General Assembly. The ACRS talks were in turn based on the attempt to apply the principles and experience gained from the Conference on Security and Co-operation in Europe (CSCE) to the Middle East. Both the ACRS talks and the CSCE process remain vital points of reference.

Any arms control and reduction process towards zonal disarmament needs to be properly laid out – the Helsinki Conference and its agenda would be no exception. Against this backdrop, it is important to understand and assess the relationship between arms dynamics and conflict formations in the Middle East.⁹ Our central analytical assumption is based on an essential insight and a crucial outcome of arms dynamics research. The *insight* – confirmed by a number of studies¹⁰ – is that the phenomenon of arms build-ups has multiple causes which can be redundant or overdetermined. The crucial *result* is that conflict formations are in principle more important for arms dynamics than the variety of related domestic factors such as industrial-military-bureaucratic interests.

Both the insight and the crucial result inform how arms control and reduction strategies towards disarmament are conceived as well as how the chances of their decreasing the security dilemma are assessed. WMD and their DVs do not exist in a vacuum. Despite their inherently destabilizing features, they are not a threat in themselves. Yet they become so once countries factor them into their overall foreign policies, reflecting structures of conflict, alliances, as well as domestic power constellations and motivations for military activities associated with them (see 4.1). Addressing them constitutes the core condition of success for any arms control and reduction process. Conflict formations and arms dynamics, however, cannot be played off against each other since specific weapons matter in some hostile political contexts more than others. Both conventional and non-conventional weapons have been used in the Middle East with lethal consequences. Some weapons are more destabilizing than others, but especially the

9. Especially on this issue the following study is still essential: Peter Jones (1998/2011) *Towards a Regional Security Regime for the Middle East: Issues and Options – Report of the SIPRI Middle East Expert Group with a New Afterword by Peter Jones*, Stockholm: Stockholm International Peace Research Institute.

10. Among them Etel Solingen (2007) *Nuclear Logics: Contrasting Paths in East Asia and the Middle East*, Princeton, NJ: Princeton University Press.

use of delivery vehicles equipped with nuclear, biological, and chemical warheads would be truly devastating – and of course the use of nuclear weapons would be especially catastrophic.

This analytical assumption that weapons and their regional context are not mutually exclusive but should be kept in their dialectical, yet asymmetrical relationship is by no means simply an academic exercise. On the contrary, it is of utmost practical relevance: This insight could be instrumental in overcoming the traditionally unfruitful juxtaposition of the Egyptian and Israeli views ('Nuclear Disarmament First!' vs. 'Regional Peace First!'), since overcoming this deadlock would create the leeway needed for compromise positions. At the negotiating table CSBMs need not strictly precede steps that tackle the armaments themselves. Thus, there is room in principle for a 'peaceful coexistence' of various measures of varying scope. Against this backdrop, the envisaged zone should be seen as a vital element of a broader cooperative security architecture in the Middle East/Gulf.

1.3 Outline of the COMPACT STUDY

After this "Introduction," the second Chapter "*The Helsinki Mandate and Traditional Regional Dilemmas*" traces the ideational roots of establishing a WMD/DVs Free Zone in the Middle East/Gulf. The Helsinki Mandate, which resulted from the 2010 NPT Review Conference, is analyzed by taking into perspective traditional regional dilemmas that prevented any substantive progress: the 'Peace First!' vs. 'Disarmament First!' stances as well as the question of sequencing CSBMs and arms control.

The third Chapter "*Five Years of Progress and Stalemate*" analyzes the efforts aimed at zonal disarmament in the Middle East since 2010. It focuses on the conveners of the Helsinki Conference (Russia, the United Kingdom, the United States, and the UN Secretary-General), the Facilitator and his team, and the regional actors (Egypt and the Arab states, Israel, and Iran).

The fourth Chapter "*Squaring the Circle – Opportunities for Progress*" presents one of the key focal points of the work of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST, namely finding ways of facilitating progress regarding the deadlocked discussion within official diplomatic channels and relations. After listing security concerns and motives behind weapon programs, which represent the stumbling blocks in establishing a WMD/DVs Free Zone, two variants of confidence- and security-building measures are introduced: modest and far-reaching CSBMs. Without prioritizing CSBMs over arms control and disarmament measures, several proposals and suggestions are made which can help to build more trust among regional actors in the nuclear, biological, and chemical area as well as regarding delivery vehicles.

The fifth Chapter “*Reductions and Disarmament in the Context of Military Asymmetries and Zero Options*” makes the case for a comprehensive approach towards arms control/limitations, reductions, and disarmament in the context of stability and deterrence. These efforts are guided by the underlying premise that at the conceptual level CSBMs and arms control measures are not clearly distinct and overlap also in practice, making the traditional stances of regional actors superfluous. This chapter presents a variety of options for assessing decisive factors, analyzing mechanisms dealing with asymmetries/zero, and identifying transfer potentials from selected historical and geographic cases, suitable for creating a WMD/DVs Free Zone in the Middle East.

The sixth Chapter “*Verification of a WMD/DVs Free Zone*” explores the verification requirements and possible institutional settings of zonal disarmament in the Middle East. After presenting much needed definitions and instruments of verification, various options for verification measures with regard to nuclear, biological, and chemical weapons are introduced and verification methods for delivery vehicles are presented. This Chapter focuses on implementation and compliance issues as well as on the prospects for disarmament verification.

Finally, the seventh Chapter “*The Helsinki Conference and Regional Cooperative Security: Conclusions and Outlook*” presents needed adjustments in policies by the major governmental actors both within and outside the Middle East. For the Helsinki Conference to succeed, this includes the core element of compromise for the regional states and a higher priority and greater commitment especially of the major conveners. In addition, this Chapter explores additional routes at the Track I and II levels, which have not yet been pursued, and presents ‘flanking measures’ for the Helsinki Conference process that focus on intra- and inter-regional learning as well as on capacity-building.

2. The Helsinki Mandate and Traditional Regional Dilemmas

The idea of a Nuclear Weapon Free Zone emerged prior to the adoption of the NPT in 1968. The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean – commonly known as the Treaty of Tlatelolco – which was signed in 1967 and entered into force in 1969, established “the first NWFZ in an inhabited area and encouraged other regions, including the Middle East, to follow its example.” However, the Middle East zonal project “immediately incited a diplomatic conflict,” which has remained unsolved until today.¹¹

2.1 Evolution of the WMD/DVs Free Zone Concept

The concept of a NWFZ in the Middle East was first put forward in September 1962 by the Committee for the Denuclearization of the Middle East, a group of highly respected Israeli intellectuals, stating that nuclear weapon proliferation “constitutes a danger to Israel and to peace in the Middle East” and urging for UN intervention “to prevent military nuclear production.”¹² In September 1974, while the Middle East was emerging from the fourth Arab-Israeli war, Iran – in a joint initiative with Egypt – first officially proposed the creation of a Nuclear Weapon Free Zone within the United Nations. On December 9, 1974, the UN General Assembly adopted Resolution 3263 on the “Establishment of a nuclear-weapon-free zone in the region of the Middle East” with 128 votes in favor, no votes against, and two abstentions (Israel and Myanmar).¹³ In the following years the resolution was subsequently modified according to the political and security climate in the region. In 1980, Israel

11. Benjamin Hautecouverture and Raphaëlle Mathiot (2015) ‘A Zone Free of WMD and Means of Delivery in the Middle East: The Multilateral Diplomatic Process, 1974–2010’, in Harald Müller and Daniel Müller (eds) *WMD Arms Control in the Middle East: Prospects, Obstacles and Options*, Farnham: Ashgate, 53-70, here p. 53.

12. Seymour Hersh (1991) *The Samson Option: Israel’s Nuclear Arsenal and American Foreign Policy*, New York, NY: Random House, p. 109. According to Mohammed Kadry Said, “[i]t was at the 17th session of the United Nations General Assembly in 1963, that Egypt first suggested nine conditions for establishing a nuclear-weapon-free zone (NWFZ) in the Middle East.” See Mohammed Kadry Said (2004) ‘Middle East Weapons of Mass Destruction Free Zone: Regional Security and Non-Proliferation Issues’, in UNIDIR (ed.) *Building a Weapons of Mass Destruction Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences*, Geneva: UNIDIR, 123-133, here p. 127.

13. Hautecouverture and Mathiot (2015), p. 54.

ceased its policy of abstention and joined the international consensus, allowing the UN General Assembly resolution on the NWFZ in the Middle East to be passed annually without a vote from this date onwards until today.¹⁴

Following the use of chemical weapons in the Iran-Iraq War (1980-1988) and the suspicions surrounding the development of an Iraqi nuclear program, Egyptian President Hosni Mubarak in April 1990 first put forth the idea of extending the scope of the NWFZ to all weapons of mass destruction at the Conference on Disarmament in Geneva, covering also biological and chemical weapons: “All WMD in the Middle East should be prohibited. All states of the region should make equal and reciprocal commitments in this regard.”¹⁵ The proposal, which became known as the ‘Mubarak Plan’, changed the regional discourse. It was reinforced by UN Security Council Resolution 687 recognizing the necessity of “steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery.”¹⁶

The idea of the zone was taken up in the context of the Madrid peace process, which was launched under the auspices of the United States and Russia on October 30, 1991. In order to complement the bilateral peace negotiations between Israel and Jordan, Syria as well as the Palestinians, five multilateral working groups were inaugurated, one of them being the Arms Control and Regional Security working group. In the six meetings between May 1992 and December 1994 the idea of a comprehensive zone “truly started to take form in a regional context;”¹⁷ it progressed from the realm of proposals submitted to the UN to a concrete dialogue.

However, little progress was achieved in terms of zonal disarmament and, thus, the foreseeable happened: The talks were placed on hold indefinitely in 1995 due to major disagreements between Egypt and Israel over when and how the WMD/DVs Free Zone should be addressed in the context of sequencing the steps in the wider peace process. Also, the irreconcilable stances on disarmament and peace continued (see 2.3). Nonetheless, these differences of opinion needed to be brought to light in the context of a forum for negotiation, and the overarching experiences of the ACRS working group are by no means negligible: It was “in the context of ACRS that the concept of arms control discussion in the Middle East was finally developed and tested.” The ACRS working group “developed into the most important experiment in

14. Patricia Lewis and William C. Potter (2011) ‘The Long Journey Toward A WMD-Free Middle East’, *Arms Control Today*, 41(7): 8-14.

15. Conference on Disarmament, Document CD/989, April 20, 1990.

16. United Nations Security Council (1991) Resolution 687, S/RES/687, April 8. See also United Nations General Assembly (1991) Resolution 4630, A/46/667, December 6.

17. Hautecouverture and Mathiot (2015), p. 61.

regional arms control in the non-conventional realm that has taken place in the Middle East/Gulf to date.”¹⁸

April and May 1995 witnessed month-long negotiations at the NPT Review and Extension Conference on the question whether this Treaty would be extended indefinitely. While the United States, Russia, and many Western countries favored such a decision without a crucial vote, Egypt made clear that it would only approve such a procedure if tangible steps were agreed to put an end to the nuclear asymmetry in the Middle East.¹⁹

As a result, led by Washington, the three depository states Russia, the United States, and the United Kingdom, offered a carefully crafted resolution on the Middle East which calls on all states in the Middle East to “take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective.” The resolution also calls on all NPT parties, and in particular the nuclear weapon states, to “extend their cooperation and to exert their utmost efforts”²⁰ to ensure the creation of such a zone. On these terms, Egypt agreed to persuade the rest of the Arab states to let the indefinite extension of the NPT pass without a crucial vote.

2.2 The 2010 NPT Review Conference and the Helsinki Mandate

Although it might have been impossible to reach the decision to extend the NPT indefinitely without the 1995 Resolution on the Middle East – many Arab states would not have joined the Treaty without this *quid pro quo* – no progress was made until 2010. Indeed, the collapse of the 2005 NPT Review Conference was largely attributable to Egypt’s and the Arab states’ frustration over the lack of headway in implementing the 1995 Resolution and skepticism about the commitment of

18. Emily B. Landau and Dalia Dassa Kaye (2012) ‘Disarmament efforts in the region: Lessons from the Arms Control and Regional Security talks’, in Kubbig and Fikenscher (eds), 27-38, here p. 28. See also Peter Jones (2015) ‘The Arms Control and Regional Security Working Group: Still Relevant to the Middle East?’, in Müller and Müller (eds), 91-101.

19. See Harald Müller, Aviv Melamud, and Anna Péczeli (2013) ‘From Nuclear Weapons to WMD: the Development and Added Value of the WMD-Free Zone Concept’, EU Nonproliferation Papers, No. 31. See also Harald Müller (2011) *A Weapon of Mass Destruction-Free Zone in the Middle East: A Concept of Little Steps* [Eine massenvernichtungswaffenfreie Zone im Nahen und Mittleren Osten: Ein Konzept der kleinen Schritte], Report No.5/2011, Frankfurt: Peace Research Institute Frankfurt [in German].

20. Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (1995) Resolution on the Middle East, NPT/CONF.1995/32 (Part I), p. 13.

the three nuclear weapon state sponsors.²¹ In the lead-up to the 2010 Review Conference, Egypt and other Arab states made it very clear that if the zone issue were again ignored there would be highly negative consequences for the NPT. In order to avoid repeating the 2005 experiences (or as a diplomat framed it: ‘failure was not an option’) and against the backdrop of intense Egyptian diplomacy, state parties at the 2010 NPT Review Conference forged consensus on several modest steps to begin the implementation of the 1995 Resolution.²²

Throughout the NPT Review Conference, however, it was not clear what these steps could look like. Because of the sensitivity of the subject, much of the negotiations were kept confidential. Until the very last day diplomats of all concerned states were included in (almost nonstop) ‘behind the scenes’ consultations, which were run by Irish Ambassador Alison Kelly as the Chair of the subsidiary body on regional issues.²³ And during these ‘behind the scenes’ consultations, wires ran hot between New York, Washington, Cairo, and Jerusalem.

Crucial components of the deliberations involved the date, scope, authority, and mandate of a proposed conference involving parties in the region, and the designation of an envoy/coordinator/facilitator or standing committee to assist the implementation process. Egypt and its allies were eager for negotiations to be launched as soon as possible while the United States, presumed to be also speaking on behalf of its non-NPT ally Israel, felt that a negotiating mandate would be premature in the current security context. Also, a conference should be granted a discussion mandate only, not ruling out the possibility that the conference could lead to negotiations. It was reported that one requirement of the United States was that Israel should not be named in the final text, but the Arabs maintained that the naming of Israel as a country outside the NPT had been accepted in the 2000 Final Document and that they could not retreat from that precedent.²⁴

A first draft by Ambassador Kelly on the implementation of the 1995 Resolution called for an “initial conference” in 2012 convened by the UN Secretary-General and involving all states in the Middle East. A “Special Coordinator” would be

21. Harald Müller (2005) ‘A Treaty in Troubled Waters: Reflections on the Failed NPT Review Conference’, *International Spectator*, 40(3): 33-44. See also Harald Müller (2005) *The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair*, Study of the Weapons of Mass Destruction Commission, No. 31, Stockholm: Weapons of Mass Destruction Commission.

22. Lewis and Potter (2011), p. 9.

23. See Alison Kelly (2010) ‘NPT: Back on Track’, *Arms Control Today*, 40(6): 21-24.

24. For a detailed analysis of the 2010 NPT Review Conference, see William Potter, Patricia Lewis, Gaukhar Mukhatzhanova, and Miles Pomper (2010) *The 2010 NPT Review Conference: Deconstructing Consensus*, Special Report, Monterey, CA: James Martin Center for Nonproliferation Studies. Online, available at <http://bit.ly/18SrMqD> (February 3, 2015); and Jayantha Dhanapala (2010) *Evaluating the 2010 NPT Review Conference*, Special Report, Washington, D.C.: United States Institute of Peace. Online, available at <http://bit.ly/1B7RnU8> (February 3, 2015).

Box No. 1: The Mandate of the Helsinki Conference

“7. The Conference emphasizes the importance of a process leading to full implementation of the 1995 Resolution on the Middle East. To that end, the Conference endorses the following practical steps:

- a. The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States. The 2012 Conference shall take as its terms of reference the 1995 Resolution;*
 - b. Appointment by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a facilitator, with a mandate to support implementation of the 1995 Resolution by conducting consultations with the States of the region in that regard and undertaking preparations for the convening of the 2012 Conference. The facilitator will also assist in implementation of follow-on steps agreed by the participating regional States at the 2012 Conference. The facilitator will report to the 2015 Review Conference and its Preparatory Committee meetings;*
 - c. Designation by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a host Government for the 2012 Conference;*
 - d. Additional steps aimed at supporting the implementation of the 1995 Resolution, including that IAEA, the Organisation for the Prohibition of Chemical Weapons and other relevant international organizations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained;*
 - e. Consideration of all offers aimed at supporting the implementation of the 1995 Resolution, including the offer of the European Union to host a follow-on seminar to that organized in June 2008.*
- 8. The Conference emphasizes the requirement of maintaining parallel progress, in substance and timing, in the process leading to achieving total and complete elimination of all weapons of mass destruction in the region, nuclear, chemical and biological.”*

Source: Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010) Final Document, Vol. 1, NPT/CONF.2010/50, p. 30.

appointed by the UN Secretary-General, with a mandate to conduct consultations and undertake preparations for the Conference and follow-on steps. The draft sought to steer a middle course between the Arab states’ desire for a negotiating conference and the U.S. view that this would be premature, by describing the purpose of the proposed conference as “leading to the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region.”²⁵

25. See Potter et al. (2010), pp. 11-12.

However, because of dissatisfaction with the first draft, Ambassador Kelly went back to consulting her subsidiary body and presented another compromise-oriented proposal. The main differences between the earlier draft and this newer draft were, first, that the 2012 Conference would be convened by the UN Secretary-General and the co-sponsors of the 1995 Resolution in consultation with states of the region, and that it would be attended by “all states of the Middle East;” and second, that a “facilitator” (it was reported that Israel did not like the “special coordinator” title) would be appointed by the UN Secretary-General and that the co-sponsors of the 1995 Resolution would consult with the states in the region and prepare the gathering, implement its follow-on steps, and report on those steps to the NPT 2015 Review Conference and to preparatory committee meetings.²⁶

The NPT Review Conference’s final endorsement of a modified version of the Action Plan on the Middle East Resolution was perhaps its most substantial accomplishment (see Box No. 1). More specifically, the 2010 Final Document called on the UN Secretary-General and the three co-sponsors of the 1995 Resolution, in consultation with regional governments, to “convene a conference in 2012, to be attended by all States in the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States.” In addition, the UN Secretary-General, along with the three co-sponsors and in consultation with the states of the region, was charged with appointing a facilitator who would have “a mandate to support implementation of the 1995 Resolution by conducting consultations [...] and undertaking preparations for the convening of the 2012 Conference.” In addition, the Final Document states that a “host Government for the 2012 Conference” will also be designated.²⁷

The 2010 NPT Final Document required compromises by all central actors, including Cairo, Tehran, and Washington.²⁸ While the re-initiating of the WMD/DVs Free Zone project within the confines of the NPT constituted a substantial success for Egyptian diplomacy and was described by its delegation as “The Beginning of a New Constructive Cycle,”²⁹ the Israeli reaction was quick to come. One day after the Final Document was agreed upon, the Israeli government released a clear-cut statement: “As a non-signatory state of the NPT, Israel is not obligated by the decisions of this conference, which has no authority over Israel. This resolution is deeply flawed and hypocritical. It ignores the realities of the Middle East and the

26. See Dhanapala (2010), p. 11.

27. For all quotations see Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010) Final Document, Vol. 1, NPT/CONF.2010/50, p. 30.

28. Lewis and Potter (2011), p. 9.

29. Sameh Aboul-Enein (2010) ‘NPT 2010: The Beginning of a New Constructive Cycle’, *Arms Control Today*, 40(9): 8-15.

real threats facing the region and the entire world.” A possible participation in the expected conference was promptly excluded: “Given the distorted nature of this resolution, Israel will not be able to take part in its implementation.”³⁰ For the Israeli government, the Helsinki Mandate was ‘born in sin’.

2.3 Traditional Regional Juxtapositions

Throughout the decades, two juxtapositions have prevented any progress towards establishing a comprehensive zone in the Middle East, or any regional arms control and disarmament initiative in general: first, opposing strategic priorities culminating in the ‘Peace First!’ vs. ‘Disarmament First!’ debate; and second, disparate conceptions of procedural steps culminating in the sequencing question of ‘CSBMs First!’ vs. ‘Disarmament Measures First!’. So far, these divergent views have evolved into a guarantee of stalemate.

Following the ‘Disarmament First!’ approach, the Arab states see the creation of a WMD/DVs Free Zone as a necessary first step towards a comprehensive and lasting peace. Their strategic priority is the denuclearization of the Middle East, which would eliminate what Arabs and Iranians see as nuclear intimidation by Israel, and regional military asymmetries – the latter point referring to the status/leadership problem that applies to Egypt in particular.³¹ Therefore, they continue to exert diplomatic pressure on Israel to give up its nuclear arsenal and join the NPT as well as the other global WMD nonproliferation agreements. These principles have diffused into Egyptian and Arab diplomacy identity and status. Arab diplomats and academics also question the validity of the ‘Peace First!’ approach and the way it is supposed to facilitate the creation of the zone. They claim that the existence of peaceful ties between Israel and some of its neighbors has not contributed to building confidence or ending the stalemate, and has not resulted in any tangible results in terms of creating the zone. Israel officially enjoys two Peace Treaties with Egypt and Jordan as well as “a number of bilateral understandings of varying degrees with other countries in the region.”³² Against a background of seemingly never-ending negotiations, Arab states believe that resuming security talks will result in discussions taking place indefinitely and in roadmaps leading nowhere.

While Israel in principle supports the establishment of a WMD/DVs Free Zone in the Middle East as a long-term goal, its leaders have repeatedly argued that the

30. ‘Israel rejects call to join anti-nuclear treaty’, Reuters, May 29, 2010. Online, available at <http://reut.rs/1spzAVS> (March 23, 2015).

31. Gawdat Bahgat (2013) ‘A WMD Free Zone in the Middle East?’, *Middle East Policy*, 20(1): 30-38.

32. Ayman Khalil (2012) ‘Ridding the Middle East of Weapons of Mass Destruction: Untapped Options’, in *ibid.* and Marc Finaud (eds) *The Conference for a Middle East Weapons of Mass Destruction Free Zone: A Synopsis of Engagement of International and Regional Organisations, and Civil Society*, Geneva: Geneva Centre for Security Policy, 27-42, here p. 28.

negotiation of such a zone can only be initiated after a fundamental transformation of the Arab-Israeli conflict and therefore in essence after a ‘comprehensive’ peace has been established. Israel would cede its nuclear option if all its neighbors recognized and engaged in diplomatic and normalized ties with it. In other words, simple peace treaties would not be sufficient; rather, Israel requires complete normalization of relations to ensure full acceptance from their neighbors.³³ The ‘Peace First!’ position is informed by the creation of Israel, which followed the extraordinary experience of the Holocaust. Israeli leaders have always believed that nuclear weapons will shield them from a future Holocaust, and see them as a last line of defense, an ‘insurance policy’ to guarantee their survival.³⁴ The refusal to recognize Israel and the use of rhetoric calling for its destruction additionally feed this belief in the necessity of the nuclear option.

As the only nuclear-armed state in the region, Israel presumably does not feel compelled to pursue its own nuclear demilitarization until its fundamental requirements have been addressed. Therefore, its vision of a Middle East free of WMD can best be described as a “long corridor.”³⁵ From the Israeli point of view, the genius of the zonal proposal is that it is a diplomatic instrument, which eases the pressure on Israel to sign the NPT, without the requirement to make any concrete commitments unless and until some substantial political requirements regarding Arab belligerency and recognition are met. Until that “long corridor” has been travelled, Israel sees no need to accept limits on its freedom of action in the nuclear field.

Based on its ‘Peace First!’ approach, Israel favors establishing a process aimed at increasing regional security via CSBMs, preferably in the non-nuclear area, focusing on the topics already explored in the ACRS talks: maritime issues, i.e. search and rescue and incidents-at-sea; prior notification of military exercises and the exchange of information regarding, among others, military personnel; and the establishment of a communication network in the Middle East and of three Regional Security Centers (see also 7.2.4).³⁶

The Arab call for rapid nuclear dismantlement, on the contrary, explains why Egypt and its allies have not been very interested in CSBMs, especially if they do not involve weapons – as was the case with the measures agreed upon in the 1990s. Egypt and the Arab states argue that CSBMs are too often used to delay and replace ‘real’ disarmament.

33. Bahgat (2013), p. 34.

34. In the history of Israel’s nuclear project it is useful to distinguish between the ‘operational’ and the ‘psychological’ milieu that has motivated Israeli leaders to initiate and expand activities in this area. See POLICY BRIEF No. 13 by Christian Weidlich and Bernd W. Kubbig in Cooperation with Gawdat Bahgat, Uri Bar-Joseph, Marc Finaud, Judith Palmer Harik, and Aviv Melamud.

35. Bahgat et al. (2012), p. 112.

36. Landau and Kaye (2012), p. 30. See also Dalia Dassa Kaye (2001) *Beyond the Handshake: Multilateral Cooperation in the Arab-Israeli Peace Process, 1991-1996*, New York, NY: Columbia University Press.

A variation on the issue of sequencing is the underlying question of whether the WMD/DVs Free Zone constitutes a tool for achieving more regional security or whether it is the ultimate goal. In the Israeli view, the zone cannot be agreed upon without arrangements involving the major extra-regional powers and without clear-cut facts on good inter-state relations which, as stated above, include diplomatic recognition of all states and the settlement of controversial border issues. For the Arab states, and Egypt in particular, the establishment of the zone continues to be the ultimate objective which overrides all other regional security issues and precludes further security dialogue or cooperation with Israel.

The central problem with the two juxtapositions that persist between Israel and the Arab states is that both positions follow their irreconcilable logic.³⁷ A key way forward to convening the Helsinki Conference is to try to avoid the idea that there is some natural 'sequence' of steps on the path towards a WMD/DVs Free Zone in the Middle East. Both fundamental positions in this debate take the view that there is such a sequence, and both are zero-sum positions. The key to progress thus lies with the idea that both approaches should be pursued simultaneously, rather than seeing them as competing trajectories. Based upon past experience, neither confidence nor arms control can proceed very far in isolation from one another: They must be pursued in parallel and can then be mutually reinforcing.³⁸

37. See Jones (2015), esp. p. 99. See also Michael D. Yaffe (2001) 'Promoting arms control and regional security in the Middle East', Disarmament Forum, No. 2, 9-25, here pp. 14-15.

38. POLICY BRIEF No. 40 by Edward M. Ifft. See also 1.2.

3. Five Years of Progress and Stalemate

3.1 The Conveners: Russia, the United Kingdom, the United States, and the UN Secretary-General

Friction within the group of conveners of the Middle East Conference – consisting of Russia, the United Kingdom, and the United States along with the UN Secretary-General – appeared right from the beginning.

Within hours of the adoption of the 2010 NPT Review Document, senior members of the U.S. administration distanced themselves from the outcome agreements. In an official statement, National Security Advisor, James L. Jones, made clear that Washington was not fully supportive of the Middle East WMD Free Zone text: “Despite our agreement to the final document, we have serious reservations about one aspect of the Middle East resolution it contains. The final document includes an agreement to hold a regional conference in 2012 to discuss issues relevant to a Middle East zone free of weapons of mass destruction (WMD) and their delivery systems. The United States has long supported such a zone, although our view is that a comprehensive and durable peace in the region and full compliance by all regional states with their arms control and nonproliferation obligations are essential precursors for its establishment. Just as our commitment to seek peace and security of a world without nuclear weapons will not be reached quickly, the U.S. understands that a WMD free zone in the Middle East is a long-term goal.”³⁹

Against this backdrop, it is not surprising that it took nearly 12 months before the names of possible contenders for the Facilitator and associated countries for the Middle East Conference were being discussed in any serious fashion. Finally, Finland as host government and its Under-Secretary of State for Foreign and Security Policy, Ambassador Jaakko Laajava, emerged as acceptable to all parties. Following the selection, the conveners established regular meetings with the Facilitator and his team.⁴⁰

39. ‘Statement by the National Security Advisor, General James L. Jones, on the Non-Proliferation Treaty Review Conference’, The White House, May 28, 2010. Online, available at <http://1.usa.gov/1DNH6m0> (January 15, 2015).

40. Patricia M. Lewis (2014) *All in the Timing: The Weapons of Mass Destruction Free Zone in the Middle East*, Research Paper, London: Chatham House. Online, available at <http://bit.ly/1v0Enk6> (January 15, 2015), p.8.

At the First Preparatory Committee meeting of the 2015 NPT Review Conference in Vienna in 2012 it became clear that convening the Helsinki gathering had no priority on the conveners' lists of foreign policy agenda items – especially in Washington. Its head of delegation, U.S. Assistant Secretary for International Security and Nonproliferation, Thomas Countryman, managed to reduce any preceding sense of optimism: “Just as our efforts to seek peace and security in a world without nuclear weapons will not be realized quickly, we understand that a WMD free zone in the Middle East can only be achieved once essential conditions are in place, most critically a comprehensive and durable peace and full compliance by all countries in the region with their nonproliferation obligations. [...] To plan for a successful Conference it will be necessary to address the lack of confidence among regional states that all in the region are ready to approach the key issues in a constructive manner. The ability of the facilitator and conveners to foster this confidence is extremely limited. The states of the region themselves must take responsibility.”⁴¹ While the preparations of Ambassador Laajava continued after the meeting of the Preparatory Committee, in autumn the United States “was actively saying off the record to governments and non-governmental organizations that the conference would not take place as planned”⁴² in Helsinki in 2012.

In November 2012, the three NPT depositaries announced the postponement of the Middle East Conference, which was tentatively scheduled for December 2012 – the final date for fulfilling the mandate. Each of them released a separate statement, which reflected the disagreements among them on how to approach the organization and postponement of the meeting. The U.S. statement cited “present conditions in the Middle East” and the lack of agreement by participating states on “acceptable conditions” for the Helsinki meeting; no timeline for re-scheduling was included. Washington further noted a “deep conceptual gap” in the region on security and arms control matters.⁴³ Russia was against the postponement, but finally agreed. In a November 24 statement, Moscow called for the Conference to be held “no later than April next year,” citing that preparations had already reached an “advanced stage” and that the reason for postponement was that not all states in the region agreed to participate in the conference.⁴⁴ The United Kingdom expressed regret, with the Foreign Office stating that “more preparation and direct engagement between states of the region will be necessary to secure arrangements that are satisfactory to all” in order “to agree arrangements for a conference

41. ‘NPT Preparatory Committee, Cluster 2 Specific Issue, U.S. Statement by Thomas Countryman, Assistant Secretary for International Security and Nonproliferation’, May 8, 2012. Online, available at <http://1.usa.gov/1CNSZ5k> (April 7, 2015).

42. Lewis (2014), p. 10.

43. ‘2012 Conference on a Middle East Zone Free of Weapons of Mass Destruction (MEWMDZFZ)’, Press Statement, U.S. Department of State, November 23, 2012.

44. ‘Press Statement on the 2012 Conference on the Establishment of a Middle East Zone Free of Weapons of Mass Destruction’, The Ministry of Foreign Affairs of the Russian Federation, November 24, 2012.

in 2013.”⁴⁵ The statement by UN Secretary-General, Ban Ki-moon, reaffirmed his “firm resolve and commitment” to convening the Helsinki Conference: “I have also personally engaged with the States of the region at the highest level to underline the importance of the Conference in promoting long-term regional stability, peace and security on the basis of equality.”⁴⁶

In the Helsinki preparation process, both Washington and Moscow obviously sided with the respectively opposed ‘camps’: The Obama administration continued to play the role of protector of Israel and its interests, whereas the Russian government became the supporter of crucial positions put forward by Egypt – still the leading Arab government on the zonal issue, despite the dramatic changes at the top of its political system in this period – and by the Arab League.

During the meeting of the Second Preparatory Committee for the 2015 NPT Review Conference in Geneva in spring 2013, it seemed that the gap between the United States and Russia was widening even further. U.S. head of delegation, Thomas Countryman, criticized those who act “as if the only issue to be discussed is Israel.” Without accepting any blame, he made it very clear that for his country an agenda “cannot be dictated from outside the region – it must be consensual among the States who must live with the agenda.” He had remarked earlier that “the responsibility to hold the conference does not fall solely to the Conveners and Facilitator” and that “leadership must also come from the states of the region.” Countryman further stated that the postponement of the Helsinki Conference “was not a breach of the Action Plan as some suggest – but it was a major disappointment.” Washington supported the proposal of Ambassador Laajava and his team: “[B]efore we can take a step to Helsinki, we need to recognize the opportunity to take one half-step – to direct multilateral consultations”⁴⁷ in Geneva.

In contrast, Russia continued to regard the Helsinki Mandate as part of the agreed-upon Action Plan. It should “remain in force and should be implemented without further delays,” as Mikhail Ulyanov, Director of the Department for Security Affairs and Disarmament in the Russian Foreign Ministry, stated at the meeting of the Second NPT Preparatory Committee in Geneva. In fact, the mandate constituted the “basis” on which a solution should be sought, but “in combination with creative approaches and willingness to look for reasonable [...] compromises acceptable to all.”

45. ‘Middle East Weapons of Mass Destruction Free Zone Conference’, Announcement, Foreign & Commonwealth Office, November 24, 2012.

46. ‘Statement on the convening of a conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction’, Statement by UN Secretary-General Ban Ki-moon, November 25, 2012.

47. All statements at the 2013 NPT Preparatory Committee have been compiled by Reaching Critical Will and are online, available at <http://bit.ly/19Kt0Fv> (April 7, 2015).

Russia thus accepted the proposal of the Facilitator to engage in multilateral informal consultations in Switzerland. The government saw “no alternative” to such preparatory activities. But in stark contrast to Washington, Ulyanov emphasized that “we must first of all decide upon the new date for convening the Conference.” Moscow had a fairly clear schedule in mind: “We should get down to them [the consultations] immediately and construct our work in such a way as to complete it by all means at the latest by the beginning of December [2013].” By proposing starting the discussions on a final document of the Helsinki Conference in the course of the informal preparatory consultations in Geneva, the Russian Foreign Ministry directly linked Geneva with the planned gathering in the Finnish capital. But it did so in terms of substance and not in terms of the “basic criteria” put forward by Egypt and the other members of the Arab League.

These criteria were in fact pre-conditions aimed at Israel, since all states would only be invited to the Geneva multilateral preparatory consultations if they “declare officially their intention to attend the Conference,” as Wael Al Assad, the Representative of the Secretary General of the Arab League for Disarmament and Regional Security, stated. In light of these developments, the Egyptian delegation withdrew from the remainder of the meeting of the Second NPT Preparatory Committee on April 29. Its purpose was first “to protest this unacceptable and continuous failure to implement the 1995 Middle East Resolution” and second “to send a strong message of dissatisfaction with the lack of seriousness in dealing with the issue of establishing a zone free of nuclear [sic] weapons.” It remains an open question whether the Egyptian delegation misread the reactions of the other Arab League members, which did not join them in the Geneva walk-out – or whether the Egyptians had not informed their surprised Arab colleagues prior to their action. Therefore, one cannot rule out cracks between Egypt and the other Arab League member states. All in all, any momentum in favor of the Helsinki Conference had been lost at that point in time.

However, new developments aroused some hope. The U.S. and Russia acted in concert after the horrible use of chemical weapons in Syria on August 21, 2013. Against all odds, it was possible to force the Assad regime to join the Chemical Weapons Convention (CWC) and destroy its respective stockpile. This constructive East-West bilateralism may also have had an impact on the Helsinki preparation. Starting in October 2013, the conveners engaged in five rounds of multilateral consultations with regional states in informal meetings in Glion and Geneva, Switzerland, organized by Ambassador Laajava.

The Third Preparatory Committee for the 2015 NPT Review Conference in New York in April/May 2014, however, saw the continuation of the basic positions and (dis-)agreements, although at a much lower, in fact unspectacular level, with the

cautious Egyptians leaving the strong Arab League statement to the Iraqis, and the two major conveners exchanging their views as if the newly emerged East-West crisis did not exist. Nevertheless, in a bold unilateral move, the Russians declared that the Helsinki Conference was to be held on December 1, 2014, but the announcement was neither refuted nor endorsed by the Facilitator or the other conveners.⁴⁸

From the outside, it seems that the pre-Helsinki dynamics had regained some momentum within the group of conveners. However, there remain serious doubts about the priority of the Middle East Conference on the foreign policy agenda. Even for key stakeholders in the Middle East the mounting crises in the region might reduce the diplomatic impetus for convening the conference, at least within the intended deadline of “as soon as possible” and certainly before the 2015 NPT Review Conference. Although the Middle East/Gulf is not the geographical extension of the East-West dichotomy in the northern hemisphere, a less confrontational and more cooperative relationship between Moscow and Washington could help closing the “deep conceptual gap” on security and arms control, offering trade-offs and building bridges, providing reassurances to the participants, and steering the Helsinki Conference and its dynamics.

3.2 The Facilitator: Ambassador Jaakko Laajava and His Team

After the 2010 NPT decision, the selection of a facilitator and host country was hampered by disagreement among the depository states, Middle Eastern countries, and the United Nations Secretariat. At least three states offered their services: Canada, Finland, and the Netherlands. According to officials, the Arab states did not support Canada and there were reservations about the Netherlands due to its North Atlantic Treaty Organization (NATO) membership. Then on October 14, 2011, the United Nations News Center published a short note, stating that the four conveners were “pleased to announce the appointment of Jaakko Laajava, Under-Secretary of State, Ministry of Foreign Affairs of Finland, as facilitator and the designation of Finland as the host Government for the 2012 Conference.”⁴⁹

Ambassador Laajava, the former Finnish Ambassador to the United States (1996-2001) and the United Kingdom (2005-2010), himself believed that the choice was influenced by a little bit of canny diplomacy, by Finland’s strong track record as a mediator and peace broker, and by the country’s consistent support for the

48. See Lianet Vazquez (2014) ‘A Middle East free of Nuclear Weapons and other Weapons of Mass Destruction’. Online, available at <http://bit.ly/1DAUPLI> (April 8, 2015).

49. ‘Finland Appointed as Host Government, Facilitator for 2012 Conference on Middle East as Zone Free of Nuclear, All Mass-Destruction Weapons’, October 14, 2011. Online, available at <http://bit.ly/1BHxylO> (October 17, 2011).

NPT.⁵⁰ Being endowed “with a mandate to support implementation of the 1995 Resolution by conducting consultations with the States of the region in that regard and undertaking preparations for the convening of the 2012 Conference,”⁵¹ the Facilitator’s mandate also included assisting in the implementation of follow-on steps agreed at the Middle East Conference by the participating states. However, when Ambassador Laajava entered the arena, only 14 months were remaining until the end of 2012 – the mandate’s deadline for convening the conference.

Finland quickly appointed a team of experts to work with Ambassador Laajava to prepare the ground. The Facilitator delivered his first report on May 8, 2012, in Vienna to the First Preparatory Committee of the 2015 NPT Review Conference. He pointed out that “all States of the region have engaged in a constructive manner in the facilitation process” and that the “consultations have covered a wide range of substantive issues [...] and extended, *inter alia*, to questions such as the scope and parameters of a zone, verification and compliance, peaceful uses, safety and security, confidence-building measures and relevant treaty frameworks.” His cautious optimism resulted from “over one hundred consultations in regional capitals as well as in New York, Geneva, The Hague, Vienna and Helsinki” and from the fact that “many countries have informed the facilitator that they will be ready to participate in the Conference.” However, “[m]ore intensive cooperation, in particular direct contacts and communication, among regional States would greatly facilitate this goal.”⁵²

In the following months, Ambassador Laajava and his team continued the bilateral consultations, suggesting a relatively brief conference in Helsinki with the aim of reaffirming the common objective of a WMD/DVs Free Zone in the Middle East and identifying follow-on steps to that end. In October 2012, the Finnish team circulated its ideas for the conference arrangements in non-papers on the agenda, modalities, and rules of procedure. Despite all diplomatic and personal efforts of the Facilitator and his Finnish colleagues, the U.S. State Department announced the postponement of the Helsinki Conference on November 23, 2012. One day later Ambassador Laajava publicly stated: “We regret that the conference will not be convened this year. [...] We will continue our efforts to prepare the ground together with the conveners and the States of the region for the earliest possible

50. ‘Finland designated to host international conference in 2012 on nuclear weapons-free Middle East’, *Helsingin Sanomat*, October 17, 2011. See also POLICY BRIEF No. 6 by Bernd W. Kubbig, Roberta Mulas, and Christian Weidlich in *Cooperation with Walid Abu-Dalbouh, Ahmed Al-Wahishi, Ioannis Anastasakis, S. Gülden Ayman, Gawdat Bahgat, István Balogh, Anwar Eshki, Mohamed Noman Galal, Nursin Atesoglu Güney, Nasser Hadian, Dalia Dassa Kaye, Ayman Khalil, Judith Palmer Harik, Riccardo Redaelli, Nasser Saghafi-Ameri, Mahmood Sariolghalam, and Mohammad K. Shiyab*.

51. Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (2010), p. 30.

52. For all quotations see ‘Report of the Facilitator to the First Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’. Online, available at <http://bit.ly/1C43Hax> (January 12, 2015).

convening of a successful conference, to be attended by all states of the region. To that end, I propose multilateral consultations to be held as soon as possible.”⁵³ Given the tireless personal efforts of the Finnish team, it was no doubt a bitter setback for the Facilitator that the Helsinki Conference was postponed; and as a consequence his call for multilateral consultations remained unheard for a certain period.

These negative developments are also reflected in Ambassador Laajava’s report to the Second Preparatory Committee of the 2015 NPT Review Conference in Geneva on April 29, 2013: “Since my appointment in October 2011, my team and I have carried out over 300 rounds of various discussions” but “[a]s the end of 2012 was approaching, it became apparent that the time left was not sufficient to conclude preparations so as to secure arrangements freely arrived at by the States of the region and to ensure the participation of all of them. The postponement of the conference was very unfortunate, and I believe we all share the same disappointment.” In order to sustain the momentum created in 2012 and to secure arrangements for the conference in Helsinki, the Facilitator again proposed “holding multilateral consultations as soon as possible” to “take the process one step forward.”⁵⁴

Knowing that momentum could not be maintained indefinitely and after months of efforts, including an attempt to meet in Vienna where delegations were present at the same time but not in the same room, the consultation process finally started on October 21-22, 2013: The Facilitator together with the conveners and regional actors held three informal meetings in Glion in order to enable agreement among the states of the Middle East on the arrangements for the Helsinki Conference. In the meeting Israel was represented by Ambassador Jeremy Issacharoff and a high-ranking official of the Israeli Atomic Energy Commission. While Libya, Oman, and the United Arab Emirates (UAE) as well as Egypt had specially assigned officials representing them at the meeting, other Arab states as well as Iran sent envoys from their Swiss embassies.⁵⁵ In addition, Ambassador Wael Al Assad was appointed to represent the League of Arab States in the consultations. This closed-door meeting, which provided the opportunity to exchange views on the Helsinki Conference and its preparations including discussions on the agenda, modalities, and rules of procedure, was the first multilateral consultation of Middle East states in 19 years.

53. ‘Helsinki Middle East Conference’, Press Releases 282/2012, November 24, 2012. Online, available at <http://bit.ly/1N08y1f> (March 23, 2015).

54. For all quotations see ‘Remarks by Under-Secretary of State Jaakko Laajava, facilitator for the Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction’. Online, available at <http://bit.ly/1DNiCoc> (January 12, 2015).

55. Elaine Grossman (2013a) ‘Israel Reportedly Meets with Arab States to Discuss WMD-Free Zone’, Global Security Newswire, November 1. Online, available at <http://bit.ly/1CKcj86> (February 3, 2015).

Two other meetings of this kind followed in November 2013 and February 2014. Israel participated again at a senior level while the seniority of Arab delegates varied, and Iran did not send anyone to the talks. Tehran indicated that its key nonproliferation diplomats could not break away from the negotiations over its nuclear program (see 3.3.3). In this third report on May 1, 2014, in New York in the context of the Third Preparatory Committee of the 2015 NPT Review Conference, Ambassador Laajava stated that he was impressed by the participants' readiness to engage, by their wish to make progress and by their open and constructive approach. Nevertheless, he acknowledged that divergent views persist regarding important aspects of the Conference,⁵⁶ mainly materializing in disagreement on the Israeli call for the inclusion of conventional weaponry and confidence- and security-building measures as part of the overall discussion on a WMD/DVs Free Zone. In this context, Ambassador Laajava proposed three parallel working groups on "properties of a zone"; "verification and compliance issues"; and "regional security, conventional arms control and confidence-building measures."⁵⁷

At the Third Preparatory Committee the Facilitator announced another round of informal consultations to be held in Geneva from May 14-15, 2014. This meeting was characterized by two non-papers presented by Ambassador Laajava in the hope of spurring further useful discussion about the conference agenda and outcomes. The first one reportedly rounded up ideas put forth by the various participants; the second one offered some specific elements for process outcomes. No delegation rejected the non-papers. In contrast, the 'diplomatic drama' was not about substantive issues but about procedural ones and the meeting's location on UN premises, which was intended to further formalize discussions and preparations for convening the Helsinki Conference.

Finally, Ambassador Laajava ended by convening the consultations at a UN building in Geneva but separate from the headquarters: "U.N. flags posted in the meeting room apparently caused an initial stir, [...] but the venue compromise ultimately appeared to be acceptable to all participants."⁵⁸ The meeting also revealed another procedural problem of the consultation process: The participating lower-ranking diplomats lacked any decision-making authority; they were unable to comment on the non-papers without checking back with their home capitals. In this context, Ambassador Laajava has voiced a longstanding complaint that nations

56. Statement by Ambassador Jaakko Laajava at the 2014 NPT Preparatory Committee on May 1, 2014, summarized in '2014 NPT PrepCom: Day 4', Stockholm International Peace Research Institute. Online, available at <http://bit.ly/1E1EP5v> (April 9, 2015).

57. Elaine Grossman (2014a) 'Mideast Talks Held on WMD-Free Zone Prior to Ramadan Break', Global Security Newswire, July 11. Online, available at <http://bit.ly/1n21Vlp> (February 3, 2015).

58. Elaine Grossman (2014b) 'Mideast Envoys Weigh Two New Bids to Jolt WMD-Ban Talks', Global Security Newswire, June 6. Online, available at <http://bit.ly/1kGpL43> (February 3, 2015). Reportedly, the Israeli diplomats also objected to the presence of UN security guards.

Box No. 2: The Informal Multilateral Consultation Process

<p><i>October 21-22, 2013 Glion, Switzerland</i></p>	<p><i>Senior capital-based representatives from the conveners, Israel, Libya, Oman, and the UAE as well as the League of Arab States, and more locally-based officials from Iran and other Arab states</i></p>	<ul style="list-style-type: none"> • <i>Opportunity to exchange views on the Helsinki Conference</i> • <i>Discussions on the scope of the conference’s agenda, modalities, and rules of procedure</i>
<p><i>November 25-26, 2013 Glion, Switzerland</i></p>	<p><i>Israeli and Arab delegates as well as conveners and League of Arab States</i></p>	<ul style="list-style-type: none"> • <i>Conveners presented a joint paper which was welcomed by all participating states</i>
<p><i>February 4-5, 2014 Glion, Switzerland</i></p>	<p><i>Israeli and Arab delegates as well as conveners and League of Arab States</i></p>	<ul style="list-style-type: none"> • <i>Proposal of three parallel working groups: “properties of a zone”; “verification and compliance issues”; and “regional security, conventional arms control and confidence-building measures”</i> • <i>Disagreement on the inclusion of conventional weaponry and CSBMs as part of the overall discussion on a WMD/DVs Free Zone</i>
<p><i>May 14-15, 2014 Geneva, Switzerland</i></p>	<p><i>18 nations: Israeli and Arab delegates as well as conveners and League of Arab States; delegations lacking decision authority</i></p>	<ul style="list-style-type: none"> • <i>Two non-papers on the conference agenda and outcomes presented by Ambassador Laajava</i> • <i>Stir about UN venue, second day called off</i>
<p><i>June 24-25, 2014 Geneva, Switzerland</i></p>	<p><i>Israeli and Arab delegates as well as conveners and League of Arab States</i></p>	<ul style="list-style-type: none"> • <i>Question of timing of the Helsinki Conference</i>

should send “fully empowered delegates, at the right seniority level, to attend his consultations with the authority to take decisions.”⁵⁹ Another cause for alarm was the Israeli delegation abruptly backing out of the planned second day of the May consultations for ‘logistical reasons’.

The June 24-25, 2014, consultations in Geneva were again characterized by diverging views: The Israeli delegation requested confidence-building measures as a first step in creating a WMD/DVs Free Zone, the Arab countries continued to assess such initiatives as an unacceptable substitute for the complete elimination of nuclear, biological, and chemical arms from the Middle East. It also became clear that differences persisted among the regional states over the continuation of the consultations and the format of future working sessions.

59. This is reported by Tariq Rauf, quoted in Grossman (2014b).

Another round of consultations, scheduled for October 2014 in Cyprus and re-scheduled for December 2014 in Geneva, was called off after Arab countries could not find a common stance within the League of Arab States on a way to implement the working group approach and on how to further the process towards convening the gathering in the Finnish capital. A final round of consultations was planned for March/April 2015 in Geneva – the last opportunity before the NPT Review Conference started on April 27, 2015. Yet it did not take place.

As a diplomatic veteran, Ambassador Laajava knew about the practical difficulties involved in the establishment of a WMD/DVs Free Zone when he assumed the position of Facilitator. While convening the planned Conference any time soon seemed unrealistic, the initiation of the consultation process represented obvious progress. It should not be forgotten that these multilateral meetings of Middle East states in Glion and Geneva were the first of their kind for 19 years. This is certainly a direct result of the tireless efforts of Ambassador Laajava and his Finnish colleagues, representing also the smallest common denominator among the relevant actors. From the outside, it is, however, difficult to understand why it took so long to move the consultations from unilateral visits to the multilateral level. An earlier ‘multilateralization’ might have helped to increase the momentum and commitment of the states concerned.

3.3 The Regional Actors: Egypt and the Arab States, Israel, and Iran

3.3.1 Egypt and the Arab States

Despite political turmoil in Egypt, Cairo’s foreign ministers have voiced strong support for the WMD/DVs Free Zone. As a diplomatic courtesy and in order to assist the process in 2011 and 2012, Egypt and the Arab states refrained from submitting the ‘Israeli Nuclear Capabilities Resolution’ at the International Atomic Energy Agency (IAEA).⁶⁰ After the postponement of the Helsinki Conference in November 2012, however, Egypt’s reaction was explicit. Foreign Minister Mohamed Kamel Amr rejected the conveners’ justifications, and directly cited Israel as a cause of the postponement, which he deemed to amount to a failure, constituted a violation of the NPT, and would have negative repercussions on the next NPT Review Conference.⁶¹ On April 29, 2013, Cairo’s delegation walked out

60. After the Helsinki Conference had been postponed, Egypt and the Arab states had decided in September 2013 to resubmit the resolution, which was narrowly defeated, with 51 votes against, 43 in favor, and 32 abstentions.

61. Joel Gulhane (2012) ‘WMD-free Middle East conference postponed’, Daily News Egypt, November 26. Online, available at <http://bit.ly/1LNr7Zu> (February 3, 2015).

of the NPT Preparatory Committee session in Geneva to protest the failure to hold the Helsinki Conference by 2012 (see 3.1).

In his address to the UN General Assembly on September 28, 2013, Foreign Minister Nabil Fahmy proposed a three-step initiative to advance the efforts towards a regional WMD/DVs Free Zone. First, regional states should deposit official letters to the UN Secretary-General stating their support for such an endeavor. Second, the countries of the region that have not signed or ratified any of the international WMD treaties and conventions should commit to simultaneously do so. Third, all relevant stakeholders should pursue intensified efforts to ensure that the delayed Helsinki Conference is swiftly held.⁶² However, it remained unclear whether all other Arab countries agreed to each aspect of the Egyptian initiative. On November 10, 2013, the members of the Arab League unanimously agreed to “support” the proposal rather than “endorse” it.⁶³

Egypt, which is in a state of permanent political crisis, would like to strengthen its bargaining position in its relationship with Israel as well as its clout as a Middle East leader at a time of significant instability across the region by continuously pushing for WMD, and especially nuclear, disarmament in the Middle East. However, the Glion-Geneva consultations have again seen the traditional Egyptian position of ‘Disarmament First!’ and a reportedly missing flexibility; this results from its insistence that the Helsinki Mandate from the 2010 Review Conference cannot be changed and did not include regional security. While diplomats noted that Foreign Minister Nabil Fahmy, who had been replaced by Sameh Shoukri in June 2014, for the first time dispatched a high-ranking foreign ministry official to the informal consultations, it is this ‘carved-in-stone’ policy that makes some observers think that the collapse of the Helsinki process could be blamed on Egypt. In that case, there is an unstated threat from Cairo that, if the 1995 promise of progress towards a WMD/DVs Free Zone is not met, one or more ‘key players’ will declare that they no longer regard the NPT as having indefinite duration. At the same time, Cairo has long been anxious about the possibility that Iran will develop a nuclear arms capacity and has, from time to time, suggested it could develop a similar arsenal of its own in response. How Cairo positions itself needs to be seen in the context of the Framework Agreement achieved between the E3+3 states and Iran in April 2015.

The League of Arab States officially takes a unified stance on how to deal with the Helsinki Conference. The Cairo-based organization has sent its representative, Ambassador Wael Al Assad, to all five consultations in Glion and Geneva.

62. ‘Address to the 68th Session of The General Assembly of the United Nations By H.E. Mr. Nabil Fahmy Minister of Foreign Affairs of the Arab Republic of Egypt’, September 28, 2013. Online, available at <http://bit.ly/1DnyQGN> (April 8, 2015).

63. Elaine Grossman (2013b) ‘Arab League Backs Steps Toward Banning Mideast WMDs’, Global Security Newswire, November 11. Online, available at <http://bit.ly/1GOZa09> (April 8, 2015).

However, it remains unclear whether Arab nations are still rallying behind each aspect of the Egyptian diplomatic leadership. Behind the scenes, disagreement among Arab states on a negotiating strategy vis-à-vis Israel and Iran has affected the informal consultation process among the regional participants. Recently, Cairo seemed to have pulled away from the continued preparations with regard to zonal disarmament, without other Arab states following. It remains to be seen whether Egyptian leadership will re-emerge in view of the 2015 NPT Review Conference.

3.3.2 *Israel*

Israel, not being a party to any of the major nonproliferation agreements including the NPT, was outraged that decisions had been made within the 2010 NPT Review Conference on a regional process in which it had no say but felt it was being forced to join (see 2.2). Therefore, many observers have concluded that Israel would be unlikely to take part in a Middle East Conference.

Israel is widely understood to possess a sizeable nuclear arsenal. Based on estimates of the plutonium production capacity of the Dimona reactor in the Negev, Israel is believed to have manufactured around 840 kg of weapons-grade plutonium, enough for an estimated 100-200 nuclear warheads.⁶⁴ The country's arsenal of delivery vehicles includes the Jericho missile series, F-15 and F-16 aircraft, and, reportedly, submarine-launched cruise missiles – enabling Israel to retaliate against any regional opponent. Consistent with Prime Minister Levi Eshkol's declaration that Israel will not be the first nation to introduce nuclear weapons to the Middle East,⁶⁵ the country maintains a policy of nuclear ambiguity, refraining from overt admissions that it possesses nuclear weapons.⁶⁶ It has also not conducted a nuclear test or explicitly threatened its adversaries that it would use its arsenal in a conflict situation – the Israeli nuclear posture is configured to deter a catastrophic attack on its sovereign territory.⁶⁷ Israel has made extensive efforts to deny other regional actors the ability to acquire nuclear weapons, most prominently in the air strikes against Iraq's Osiraq reactor in 1981 and Syria's suspected reactor near Al-Kibar in 2007.⁶⁸

64. International Panel on Fissile Material (2013) *Global Fissile Material Report: Nuclear Weapon and Fissile Material Stockpiles and Production*, Princeton, NJ: International Panel on Fissile Material, p. 8.

65. Bahgat et al. (2012), p. 111.

66. As in the case of nuclear weapons, Israel also does not publicly comment on its biological and chemical weapon capabilities or intentions.

67. Uri Bar-Joseph (2012) 'Taking Israel's security interests into account: Deterrence policy in a changing strategic environment', in Kubbig and Fikenscher (eds), 89-105, here, pp. 92-94.

68. This posture is usually referred to as the 'Begin Doctrine': "Under no circumstances will we allow an enemy to develop weapons of mass destruction against our people. We shall defend the citizens of Israel in time and with all the means at our disposal" – Menachem Begin quoted in Yehuda Avner (2010) *The Prime Ministers: An Intimate Narrative of Israeli Leadership*, New Milford, CT: The Toby Press, p. 555.

While publicly discussing its nuclear arsenal remains a taboo, Israel generally supports the concept of a regional approach to WMD disarmament. However, it has always framed it as a sequential step in the context of an improvement of regional security and a comprehensive peace (see 2.3). For Israel, the main incentive for engaging with its Middle Eastern neighbors on the WMD/DVs Free Zone would be to enhance regional security and make progress towards its strategic objective of gaining Arab and Iranian recognition of it as a state and achieving a lasting peace in the region (see 4.1.2). Behind the rhetoric of the zone as a long-term goal, Israel thus far seems “firmly committed to maintaining its undeclared regional nuclear monopoly, viewing it as an indispensable and fundamental feature of its national security, and relying on its policy of nuclear opacity as the means of keeping discussion of these matters off limits.”⁶⁹

Like many Arab states, Israel has also seen its share of political instability over the last years, including protests against the high costs of living and housing, political scandals as well as racial and religious tensions.⁷⁰ In addition, the ultimately unsuccessful attempt by U.S. Secretary of State, John Kerry, to broker a peace deal between Israel and Palestine – an issue of far greater importance for Israel than the WMD/DVs Free Zone and the Helsinki Conference – has consumed a large portion of Israeli diplomatic resources. Nevertheless, the fact that Israel has engaged substantively in multilateral Glion-Geneva consultations, underlined by frequently sending a high-ranking envoy, Ambassador Jeremy Issacharoff, with a view to attending the Helsinki Conference demonstrates commitment, and is no small achievement for the Arab states, the Facilitator, and the conveners.

3.3.3 *Iran*

The Islamic Republic has repeatedly affirmed its support for the zonal project since the 2010 NPT Review Conference. Nonetheless, a declaration on Iran’s participation in the Helsinki Conference was not immediately forthcoming. In the November 5-6, 2012 Second European Union (EU) Non-Proliferation Consortium’s Middle East Seminar in Brussels, Iran’s representative to the IAEA, Ambassador Ali Asghar Soltanieh, announced that his country was “determined to participate actively” in the Helsinki Conference.⁷¹

Represented by a low-ranking Geneva-based diplomatic observer, Tehran took part in Ambassador Laajava’s first round of informal consultations in Glion in October 2013, but has not sent representatives to such meetings since then. While the Iranian participation in Glion was seen as a direct result of the re-calibration

69. Bahgat et al. (2012), p. 111.

70. See POLICY BRIEF No. 15 by Akiva Eldar, Marc Finaud, Michael Haas, Bernd W. Kubbig, Hillel Schenker, and Christian Weidlich.

71. ‘Iran to take part in talks on nuclear-free Middle East’, Reuters, November 6, 2012.

of its foreign policy after the election of President Hassan Rouhani in June 2013, it was rumored that Iranian officials found it difficult to return to the process in view of domestic criticism for participating in a meeting that involved Israeli officials outside the UN context.⁷² In addition, after Rouhani took office, Iran's diplomatic clout fully focused on its top priority of ongoing negotiations over its contested nuclear program in the E3+3 format, in which Tehran may receive long-term relief from economic sanctions in exchange for limits on its nuclear activities (see 1.1). Against this background, it seems reasonable from the outside that the Iranians do not want to engage in other forums, lest any statements by them be misinterpreted or provide arguments for domestic and foreign critics of the nuclear negotiations path. In fact, Iran has given a credible commitment that it will attend the Helsinki Conference once a decision has been made to hold the gathering.

72. Elaine Grossman (2014c) 'Diplomats Bound for Geneva with Differing Aims for Mideast WMD-Ban Talks', Global Security Newswire, June 20. Online, available at <http://bit.ly/1stHJvA> (March 2, 2015).

4. Squaring the Circle – Opportunities for Progress

While the challenges to arms control and regional security in the Middle East often seem insurmountable, there are opportunities for regional states to prove their commitment to a WMD/DVs Free Zone and to take the necessary and crucial steps towards the future establishment of such an elaborate regional arms control and disarmament architecture. In the following, we will be dealing with the first two steps in terms of listing security concerns and motives behind weapon programs (4.1). The subsequent sections (4.2-4.5) will discuss the third step consisting of confidence- and security-building measures, both modest and far-reaching,⁷³ each related to the dimensions of nuclear, biological, and chemical weapons as well as delivery vehicles.

4.1 A Structured Brainstorming for Decision-makers: Listing Security Concerns and Motives behind Weapon Programs⁷⁴

Without presuming to provide a blueprint for experienced negotiators, we suggest initially avoiding a debate on WMD/DVs in terms of ‘objective’ data reflecting military capabilities. Instead, it would be more productive as a first step for the participating countries at the Helsinki Conference to present their lists of security concerns. Therefore, we will initially analyze the perceptions of foreign policies and military arsenals (see on this in greater detail 1.2). Addressing these factors constitutes a core condition of success for any arms control/limitation and reduction processes. It will be relevant to providing assessments of the degree of tension and intensity of conflicts and their potential for escalation, based on the

73. It will become clear in the individual sections that these terms are to some extent subjective and that a clear-cut differentiation is not always possible. Nevertheless, the examples in those sections demonstrate the various ranges of the proposals which at some points come close to structural arms control, reductions or even dismantlement – the latter aspect regards biological and chemical weapons as well as delivery vehicles. In the nuclear realm we refer in addition to 4.3 to 5.4.1 which lists a number of measures that can indeed be termed ‘far-reaching’. Again, this confirms our view that strict sequencing has become obsolete.

74. This section is based on POLICY BRIEF No. 13 by Christian Weidlich and Bernd W. Kubbig in Cooperation with Gawdat Bahgat, Uri Bar-Joseph, Marc Finaud, Judith Palmer Harik, and Aviv Melamud; and on POLICY BRIEF No. 14 by Christian Weidlich and Bernd W. Kubbig in Cooperation with Dalia Dassa Kaye, Sabahat Khan, Mahmood Sariolghalam, and Michael Haas.

assumption that relationships differ among actors at the country level, and that they vary over time. As a second step, we propose identifying the motives and interests behind weapon programs in the WMD and DVs area because threat perceptions and security concerns, expressed by the representatives of the regional participants, are not the entire story. Motives and interests additionally reflect domestic factors such as historical experiences, military-industrial-bureaucratic interests, and broad domestic power constellations, including media and public opinion. To be more specific: We will point to indigenous factors in our analysis of the build-up or procurement strategies for WMD/DVs whenever possible.⁷⁵ Taken together, the lists of security concerns and these motives and interests constitute the stumbling blocks on the gradual path to the ultimate objective of a WMD/DVs Free Zone.

4.1.1 *Egypt*

The Arab Republic's relationship with Israel can be described as upholding the existing 'cold peace'. It is concerned about the deadlock in the Israeli-Palestinian peace process and Israel's inflexible insistence on 'Peace First!' when it comes to arms control and disarmament issues. Israel's regional monopoly on nuclear weapons is seen as a challenge to Egypt's role and status. Cairo is also worried about its neighbor's military supremacy across the board. With regard to Iran, Cairo is concerned about Tehran's possible emerging status as a nuclear weapon state, however, not in terms of a military threat, but as a challenge to Egypt's regional role and status. Relations between Egypt and Saudi Arabia are also overlaid by status-related factors involving their rivalry for Arab leadership, also within the Arab League. It seems that the situation is ambivalent in that the traditional division of labor within the League of Arab States, with Egypt as the 'custodian' of the zonal discourse, is continuing, despite visible rifts among the Arab states.

Egypt's policies with regard to weapon programs are driven by its quest for status and prestige in the Arab world probably more than by its security concerns. Status and prestige are of special importance in explaining Cairo's reliance on diplomacy to deal with Israel's nuclear monopoly – especially against the backdrop that Egypt was not able to match Israeli military superiority. While most experts do not believe that Cairo possesses ready-to-use chemical weapons any more, Egypt uses its past chemical weapon program to put pressure on Israel for a comprehensive regional WMD ban. Generally, Egypt's domestic production capabilities, both in the conventional and non-conventional realm, are limited – procurement has primarily been based on imports. This includes the United States as the major foreign supplier, which resumed its military aid in spring 2015 after partial suspension in the context of the ousting of President Morsi in July 2013.

75. This aspect admittedly needs further research which goes beyond the scope of this study.

4.1.2 *Israel*

Israel regards Iran as the major threat to its security within the Middle East. Tehran's suspected development of nuclear weapons is seen by the Israeli government as an existential menace to the country. In addition to the nuclear dispute, Iran's aggressive rhetoric and foreign policy as well as its support of hostile regimes and non-state actors has damaged the relationship between the two countries, which can only be described as mutually hostile with considerable potential for escalation. Furthermore, Israel is concerned about the situation in its direct neighborhood. It views the Arab Spring through the prism of uncertainty, fearing insecure borders, unraveling of the only two existing Peace Treaties with Egypt and Jordan, political instability, the emergence of radical anti-Israel governments, and the possibly increasing terrorist activities. Although superior in all military means, Israel was especially concerned that Syria's chemical weapons, initially designed to counter Israel's nuclear arsenal, could fall into the wrong hands. With the verified destruction of the Syrian chemical weapons, these fears have abated, thus constituting new opportunities for Israel to build on these new dynamics by offering initiatives of its own (see 5.4.1-5.4.3).

In Israel, the Holocaust and the Arab-Israeli wars are major factors behind its weapon programs across the board, and these events have been instrumentalized for military and political purposes by the current Israeli government. Moreover, the Israeli example shows that traditional motives for pursuing nuclear activities have become moot. Arab inferiority in the area of conventional arms is a case in point. In fact, even in the past, the importance of the nuclear monopoly can be justifiably called into question given Israel's conventional superiority. Israel has developed a strong sentiment of self-defense and has been able to set up a network of military, industry, bureaucracy, and universities, especially in the nuclear and missile sector, in order to secure its regional military supremacy – of course with the backing of the United States. The basic support from Washington will probably not be affected by the heightened tension and division overshadowing the relationship between the Obama administration and the Netanyahu government on a variety of vital policy issues.

4.1.3 *Syria*

The outcome of the Civil War in Syria is unforeseeable and under these circumstances it is difficult to define the country's security concerns. From Assad's point of view, regime survival is the paramount goal at the moment. Traditionally (and assuming that this holds true even after the ousting of the Assad regime), the relationship between Syria and Israel is highly adversarial. Indeed they are officially in a state of war. Damascus describes its neighbor's foreign policy as aggressive and condemns Israel for the occupation of the Golan Heights. Syria regards

the Israeli monopoly on nuclear weapons, its superior aircraft and missiles as well as its general military supremacy along with Israel's considerable offensive capabilities as a security threat. Furthermore, Damascus is concerned about the strong military presence of the United States in the Middle East and has traditionally feared American intervention. This fear became concrete in the summer of 2013 but did not turn into reality, as Washington and Moscow were able to solve the chemical weapons problem by diplomatic means after the Ghouta attacks in August 2013 (see 5.4.4). As of spring 2015, American efforts to topple the Assad regime seem unlikely, partially due to the challenge posed by the Islamic State of Iraq and al-Sham.

Syria has experienced the Arab-Israeli wars especially in the context of overwhelming Israeli superiority. The build-up of its chemical weapons arsenal, mostly with surface-to-surface missiles as means of delivery, had served as a substitute for nuclear weapons, providing a deterrent capability, until its dismantlement in 2014. The political culture in Damascus includes strong and continuous anti-Israeli attitudes. Generally, Syria's indigenous production capabilities are utterly limited. That is why Damascus felt compelled to import conventional weaponry across the board, mainly from Russia.

4.1.4 The States of the Gulf Cooperation Council

The security concerns of the member states of the Gulf Cooperation Council (GCC) are mostly focused on Iran, its nuclear program, and its perceived revisionist agenda, which is widely seen as destabilizing. The Islamic Republic is thought to be engaging in increasingly aggressive meddling in the internal affairs of the Gulf countries, while seeking to alter the overall regional balance of power in its favor. It is feared that a further expansion of Iran's nuclear capabilities might result in even more assertive behavior – generally speaking, the GCC members (to varying degrees) are suspicious about a possible Final Accord with Iran. At the same time, there is no consensus as to the exact nature and urgency of the threat, and their relationships with Iran remain complexly layered, with some states seeking to maintain a precarious balance. Take the Sultanate of Oman as an example: To the dismay of the Arab states, Sultan Qaboos Bin Saaed and his government have emerged not only as the behind-the-scenes actor facilitating the opening of contacts between Washington and Tehran, but also as the key promoter of improved U.S.-Iranian relations driven by its economic interests (the Sultanate has long sought to build a pipeline bringing Iranian oil to the country). In addition, Muscat was active as the salesman of the Geneva nuclear Interim Accord of November 2013 to the skeptical Arab countries.⁷⁶

76. Zawya Dow Jones (2013) 'Oman works to "sell" nuclear deal to neighbours', Gulf News, December 30.

The Gulf states continue to rely on U.S. security commitments and, against the backdrop of the perceived Iranian threat, the strategic relationship with the United States – despite the visible cracks between Riyadh and Washington – remains an important element of their security strategies. Israel is not perceived as posing a major security challenge and, while GCC relations with Israel remain cold, the probability of a military confrontation is low.

The GCC members' armament policies are designed to provide a sufficient conventional deterrent vis-à-vis Iran in particular. While they tend to acquire highly sophisticated weaponry from the United States and other predominantly Western suppliers, the offensive capabilities of the Gulf Arabs remain limited in the absence of outside operational and logistical support. In recent years, the focus of GCC arms purchases has been on combat aircraft and advanced air and missile defense systems. It is not clear if and under what circumstances the Gulf monarchies would seek nuclear or other WMD capabilities of their own in order to deal with the perceived threat from a (near) nuclear Iran. Up to now, it appears that the combination of arms transfers and U.S. security guarantees has had a restraining effect on the possible nuclear ambitions of Saudi Arabia in particular. It remains to be seen whether a nuclear deal successfully concluded between the E3+3 and Iran will change that positive effect to the negative.

4.1.5 Iran

The Islamic Republic's perceptions of its international environment are shaped in part by domestic politics as well as its revolutionary legacy. The United States has traditionally been viewed as the primary menace to the long-term survival of the revolutionary order. But this has not prevented the pragmatic Hassan Rouhani government from entering into negotiations with the United States, as the most important actor within the E3+3, to achieve an accord that finally ends the sanctions regime in exchange for Tehran's nuclear concessions. Reportedly, both countries cooperate informally for instance in fighting ISIS in Iraq. Iran's stance towards Israel is predicated on ideological dogmatism as well as pragmatic state interests. Since Israel and Iran are separated by a substantial physical buffer zone and Israel has not shown any interest in involving itself in the Islamic Republic's traditional sphere of influence, Israel is an enemy of choice rather than geopolitical necessity. Riyadh has long been perceived as a regional rival of Tehran, and the close cooperation of the members of the GCC with the United States in the area of armaments and military deployments is considered a threat that requires a response on Tehran's part.

Complex and often diverging considerations – historical, political, and strategic – impact on Iran's decision making in the area of delivery vehicles and non-conventional weapons. The experiences of the First Gulf War (1980-1988), when Saddam

Hussein employed chemical weapons against Iranian soldiers and civilians, and the U.S. military interventions in Iraq have been particularly powerful forces shaping the Islamic Republic's respective military programs and its stance on the various categories of WMD. Its quest for regional leadership and prestige, the notorious instability of its neighbors and the presence of U.S. forces in its immediate vicinity have all been identified as drivers of Tehran's advanced missile program and suspected nuclear ambitions. A Final Accord negotiated by June 30, 2015, has the potential to restrain nuclear proliferation in the Middle East — provided that it also addresses the security concerns of Israel and Saudi Arabia.

4.2 Declarations, Communication, and Transparency

Confidence- and security-building measures can involve unilateral, bilateral or multilateral initiatives aimed at reducing tensions and preventing the escalation of conflict. They are designed to avoid misunderstandings and to build mutual trust, especially in crisis situations. These measures can increase transparency and predictability, essential factors for avoiding unintended conflicts. Modest CSBMs aim at providing the opponent with assurances about intentions and actions by means of a declaratory policy and by attempts to lower tensions by establishing channels of communication and increasing transparency through the regular exchange of data on military holdings or activities.⁷⁷

4.2.1 *No-First Use Declarations*

Reducing the role and salience of weapons of mass destruction and their delivery vehicles in military doctrines is a necessary precondition for advancing non-proliferation and disarmament efforts. In this regard, nuclear no-first use (NFU) declarations have, in the past, proved to be a useful CSBM. In general, a NFU is voluntary declaration and does not involve any legal obligations; previous nuclear NFU policies were unconditional and equally valid for all participating states. Implementing a no-first use policy in the Middle East, however, should not be restricted to nuclear weapons. Given the high level of mistrust among regional players and the relative lack of commitment to WMD-related treaties, combined with the existence of WMD programs, extending its scope to other weapons of mass destruction could build confidence among long-time adversaries.

A WMD no-first use agreement in the Middle East would be an important practical and substantive step towards WMD disarmament in the region. It represents a “common-interest issue [that] could be achieved with small steps, while directly

77. These measures are discussed in greater detail in POLICY BRIEF No. 20 by Anna Péczeli and Marc Finaud.

touching upon WMD capabilities.⁷⁸ While a multilateral, legally binding agreement, a NFU Treaty may be unrealistic as a first step, individual but parallel NFU commitments by states in the region could pave the way for such a goal. The process of making coordinated pledges (and later, if necessary, negotiating a Treaty) would be a useful and important CSBM with distinct political value.⁷⁹ A no-first use agreement would lessen the importance of all WMD in the region by lowering tensions and by raising the threshold of potential WMD use. It would be an important first step towards gaining more trust among the parties in the region, which is crucial for securing more advanced agreements over time. Further, it would be viewed as a significant achievement, both within and outside the region.⁸⁰ It could also contribute to the ratification of the respective treaties.

Moreover, a possible new application of this declaratory policy could be the inclusion of a missile no-first use policy applied to all states in possession of missiles:

- *A minimum approach* could be a no-first use declaration limited to unconventional missiles (those capable of carrying WMD), complemented by a negative security guarantee. On the one hand, this would guarantee that unconventional missiles would not be used against states which do not possess such missiles; on the other hand, it would ensure that unconventional missiles could only be used in a retaliatory strike, thus underscoring the defensive character of these weapons.
- *Intermediate steps*, which are more ambitious than the minimum approach, would be to extend the scope of the no-first use policy to conventional missiles. The negative security guarantee could be applied to both unconventional and conventional ones, ruling out the possibility of their general use against states which do not possess such delivery vehicles.
- *A maximum approach* would go even further and include a declaration of unconditional no-first use for both unconventional and conventional missiles against any state or any target category. In order to make the maximum approach more acceptable to the states in the region, some concessions and reservations might be allowed, e.g., ‘no-first use of missiles by a state unless its territory is invaded’. This would provide a reservation if a country were under massive attack by ground forces and/or aircraft and feared for its very existence.

The implementation of a missile NFU policy could also represent a valuable CSBM which would not require states to reduce their existing military capabilities or forego future modernization. Moreover, it could be implemented without commitment to

78. David Friedman, Emily B. Landau, Ephraim Asculai, Tamar Malz-Ginzburg, and Yair Evron (2011) ‘WMD no-first-use in the Middle East: A way to move forward in 2012?’, Bulletin of the Atomic Scientists. Online, available at <http://bit.ly/19nyDZl> (March 4, 2015).

79. Merav Datan (2007) ‘Building Blocks for a WMD Disarmament Regime in the Middle East’. Online, available at <http://bit.ly/1bIDGVY> (March 4, 2015).

80. David Friedman et al. (2011).

a detailed declaration of actual military capabilities. Such a policy could be implemented in stages (starting with the minimum approach) or it could be implemented instantly without any preconditions. The minimum approach would limit the use of unconventional missiles, and therefore it would primarily address the Arab-Israeli and the Israeli-Iranian conflict dimensions where threat perceptions still include the possibility of a chemical, biological or nuclear attack. This approach extends across different weapon categories and provides mutual assurances to the regional players. In addition to these benefits, the maximum approach – the inclusion of conventional missiles – could ease tensions between Iran and the countries of the Gulf Cooperation Council, where the threat of WMD use is not currently imminent but where conventional missiles are widely seen as having a destabilizing impact.⁸¹

Despite their potential benefits, both missile and WMD no-first use declarations have their limitations: First, taken by themselves, they would not stop the WMD and missile arms race in the region. Second, the implementation of a NFU declaration for weapons of mass destruction or missiles would provide implicit legitimacy to the existence of these weapon systems and could encourage states to bolster their conventional forces for first-use purposes. And third, if the NFU policy proved to be successful in lowering tensions, it could have a negative effect on the overall goal of zonal disarmament by reducing incentives. The success of a no-first use policy might only provide an excuse for postponing important further steps towards disarmament and the realization of a WMD/DVs Free Zone.

4.2.2 *Communication Structures and Transparency*

During the Arms Control and Regional Security talks in the 1990s, hotlines and risk-reduction centers were among the CSBMs discussed. In particular, six parties (Egypt, Israel, Jordan, Oman, the Palestinians, and Tunisia) agreed in principle to participate in a regional communication network whose infrastructure was to be hosted by Egypt. Additionally, the parties agreed to exchange information regarding military personnel, unclassified military documents, and military training and education. Although the entire package of CSBMs was never formally adopted, those talks demonstrated an understanding of the usefulness of such communication measures. This has even more truth in a volatile region marred by crises and conflicts that may escalate and could involve the use of weapons of mass destruction.

A set of modest CSBMs could be negotiated either directly among the states of the region or indirectly with the assistance of a mediator. Thus, depending on the level

81. In addition to the benefits of building confidence, a missile no-first use declaration in the Middle East would considerably reduce the significance of missile defense systems.

of mutual trust among the parties, either they could formally adopt, announce, and apply those measures on the basis of a multilateral agreement or a series of bilateral accords, or they could simply decide to apply them unilaterally and voluntarily. The underlying idea would be to appeal to enlightened self-interest and the benefits derived from reciprocal agreement (win-win situation). Agreement on modest CSBMs could contribute to a favorable climate for further negotiations based on bargaining and trade-offs. Of course, the scope of CSBMs, i.e., their content and geographical frame of reference, could be made contingent upon the level of trust among parties. For example, Israel and the two Arab states with which it has diplomatic relations (Egypt and Jordan) could adopt more far-reaching measures earlier in the process, while others could apply less ambitious instruments in a first phase, especially against the backdrop of successful but concealed security and military cooperation between Israel, Egypt, and Jordan.⁸²

Future discussions or negotiations on a WMD/DVs Free Zone would, in any case, benefit from the bilateral and multilateral experience states would have gained in establishing hotlines, data-exchange or risk-reduction centers. Agreeing to exchange data or conducting direct communications does not necessarily require established diplomatic or normalized relations. In fact, the more tense relations are, the greater the need for emergency communications to prevent incidents and avoid unwanted escalation. In any case, if direct bilateral communications are deemed premature (e.g., between Israel and Iran), a regional multilateral system or recourse to a third-party mechanism could alleviate that reluctance.

Additional measures, which can be applied to the Middle East, include:

- *Multiplying communication links*, from local or regional military commanders up to heads of state or government, will increase the chances of risk reduction and settlement of disputes; indeed, minor incidents or suspicions that require immediate clarification could be solved at lower levels, avoiding high-profile political involvement as well as military escalation.
- *Exchange of data or direct communications* are no substitute for the actual resolution of serious disputes, but they can help alleviate misperceptions or unfounded threat perceptions: The main aim of the CSCE/Organisation for Security and Co-operation Europe confidence- and security-building measures and the Conventional Armed Forces in Europe (CFE) agreements was to lower the risk of a large-scale, conventional, offensive or surprise attack in Europe; similarly,

82. In 2014, Israel reportedly allowed Egypt to increase its military presence beyond the limits of the bilateral peace accord in order to fight Islamist jihadists. Since 2013, Jordan has opened two corridors of its air space to allow Israeli unmanned aerial vehicles through to monitor the situation in Syria. When the United States suspended its military aid to Egypt after the military toppled President Morsi, it was pro-Israel lobby organizations in Washington which quietly argued to keep the military support to Egypt alive. For the latter, see Julian Pecquet (2014) 'AIPAC weighs in on US military aid to Egypt', Al-Monitor, June 24. Online, available at <http://bit.ly/1xbg7dP> (April 11, 2015).

the European identification of the most destabilizing heavy armaments was repeated and further developed in the UN Register of Conventional Arms and later the Arms Trade Treaty.⁸³

The introduction of a system of modest CSBMs in the Middle East to facilitate the negotiation of a WMD/DVs Free Zone is based on the assumption that all states in the region are convinced of the potential benefits of such an incremental approach. This paradigm is inspired by past experiences according to which, in a situation of potential conflict and among heavily armed states, voluntary measures with little – if any – impact on military capacities can gradually pave the way for actual reductions once threat perceptions have been reduced. If this assumption is correct, modest CSBMs would not preclude and might perhaps encourage parallel negotiations on more far-reaching steps or even lead to progress on actual disarmament measures. This approach may seem to ignore the interest of some states in tackling more controversial issues. However, the introduction of modest CSBMs may be the lowest and perhaps the only feasible common denominator, at least in a first phase, to advance the cause of regional disarmament in the WMD/DVs area.

4.3 Nuclear Weapons

Given the traditional juxtapositions on how to address nuclear matters between Israel and Egypt, the issue of nuclear-related CSBMs involved practical difficulties right from the start: “The first point is that the very proposal of ‘nuclear CBMs’ contradicts a key feature of CBMs and CSBMs: [...] while they should be militarily significant, CBMs must not impinge on states’ core security interests – they must not be conceived as posing risks for states. For Israel, moving directly to the nuclear realm would no doubt be a non-starter.”⁸⁴ While there is some truth in this assessment, Israeli diplomacy will have to offer some ‘carrots’ to Egypt and the Arab states in order to gain their acceptance of an incremental process towards the establishment of the WMD/DVs Free Zone. Hence, nuclear-related CSBMs will need to be discussed early on within the Helsinki Conference; not in order to single out Israel, but to pave the way for compromise solutions and explore opportunities for mutual cooperation. Against this premise, the following confidence-promoting measures do not present an exhaustive list, but rather a collection of measures that could contribute to addressing the nuclear issue in the Middle East, without directly touching upon nuclear weapons at first.

83. Initially, the CFE Treaty identified five main categories of heavy armaments for ceilings or elimination: battle tanks, armored combat vehicles, heavy artillery, combat aircraft, and attack helicopters. In the UN Register of Conventional Arms for reporting data on transfers and holdings, this list was expanded to include warships, missiles, and small arms and light weapons. The Arms Trade Treaty adopted the same full list. See POLICY BRIEF No. 19 by Hans-Joachim Schmidt.

84. Emily B. Landau (2015) ‘Assessing the Relevance of Nuclear CBMs to a WMD Arms Control Process in the Middle East Today’, in Müller and Müller (eds), 29-34, here p. 33.

4.3.1 A Middle East Regional Arrangement on Securing Radiological Agents⁸⁵

Besides generally promoting nuclear safety and nuclear security in the Middle East, the WMD/DVs Free Zone colossal enterprise could be approached by addressing the threat of radiological weapons. Fortunately, this category of weapons does not exist in the Middle East, and no regional state has shown any interest in their development. Therefore, they could be tackled at the early stages of the Helsinki Conference. Radiological agents – the sources for a ‘dirty bomb’, the likeliest WMD choice for terrorists – are prevalent throughout the region, as they are readily found in medicine, commerce, industry, and research facilities, where they are often stored without sufficient attention to safety and security. A regional arrangement for securing radiological agents would enhance the security of all regional states and could therefore serve as a trust-building step and begin a process dealing with technical, legal, and political aspects related to WMD in the region.

Designing and implementing a zone for the protection of radiological materials and the prevention of radiological terrorism at the regional level could serve as a powerful CSBM. The need for shielding against this form of terrorism is shared by all regional actors, while none have strategic interest in this weapon category. Therefore, the issue of radiological protection offers a cooperative project which would not only enhance security through the prevention of radiological threats, but could also build further channels of collaboration in the region and thus increase trust among the parties. Specific issues to be considered in the context of such a zone could include, *inter alia*, establishing standards for securing radioactive resources and for upgrading physical protection; developing measures to detect and secure radioactive materials that are outside regulatory control to counter smuggling; formulating programs for capacity-building through public education and raising awareness; as well as formulating response strategies and designing mechanisms for regional information exchange.

4.3.2 Demonstrating Israeli Willingness in the Nuclear Field – Considering Unilateral Verification Measures as a Gesture of Commitment⁸⁶

The nuclear aspect is arguably the crux of the matter when considering a regional arms control and disarmament process in the Middle East, and this places Israel at the center of attention. The country is constantly urged, in this context, to place its nuclear facilities under inspection by the IAEA and to join the NPT.⁸⁷ However, considering the country’s strategic and political situation in the region, and specifi-

85. See POLICY BRIEF No. 46 (forthcoming) by Akiva Eldar, Aviv Melamud, and Christian Weidlich.

86. See *ibid.*

87. United Nations General Assembly (2014) ‘The risk of nuclear proliferation in the Middle East’, A/RES/69/78.

cally its policy of ambiguity regarding its nuclear status, it is unrealistic to assume that Israel would allow any safeguards on its nuclear program *per se* at this time, let alone join the NPT as a non-nuclear weapon state (with all that this would require). However, if interested in demonstrating its willingness to participate in a process of nuclear arms control, Israel could voluntarily offer to place *a certain* aspect of its unsafeguarded nuclear activities under inspection of the International Atomic Energy Agency.

Thinking creatively, a scheme could be developed which would signal Israel's willingness to begin a process, while keeping in line with its opaque position on its military nuclear status and not requiring it to refute any of its past declarations regarding nuclear activities. Such a gesture would represent a substantial measure of greater openness on Israel's part, and could therefore serve as a meaningful trust-enhancing measure illustrating its commitment to future greater transparency and eventually the establishment of a WMD/DVs Free Zone.

Inspections in the framework of such a voluntary measure would be performed by the IAEA, thus establishing confidence in the region that Israel is indeed living up to its declaration. The scope of this voluntary measure could be expanded by Israel in the future, depending on its evaluation of general progress towards establishment of a regional arms control process, as well as other reciprocal measures offered by various regional actors for this purpose. This symbolic yet meaningful gesture would, on the practical side, begin a process of verified and habitualized inspection of nuclear activities, but would be limited and controlled by Israel according to its willingness to expand and its analyses of utility. Such a gesture could begin to fulfill expectations and demands of regional actors for verification of Israel's nuclear activities, and should be interpreted as a substantial vote of confidence and honesty with regard to the zonal process on the part of Israel.⁸⁸

4.3.3 *Additional Nuclear Building Blocks towards a WMD/DVs Free Zone*

Building on the previous proposals, the following nuclear building blocks for zonal disarmament come to mind and are worth further exploration. Advancing the *rati- fication of the Comprehensive Nuclear-Test-Ban Treaty* (CTBT), which has become a symbol for serious disarmament efforts, seems like a fairly feasible step, as most states in the region do not possess testable devices and show no interest in acquiring them. An important first step in this regard would require that all Middle Eastern states ratify the CTBT in a coordinated way and within an agreed period of time – in particular Egypt, Iran, and Israel; they have signed but not ratified the CTBT, as

88. See on this an earlier proposal by the Deep Cuts Study Group in Harold A. Feiveson (ed.) (1999) *The Nuclear Turning Point: A Blueprint for Deep Cuts and De-alerting of Nuclear Weapons*, Washington, D.C.: Brookings Institution Press, here pp. 204-210.

well as Saudi Arabia and Syria, which have neither signed nor ratified the accord.⁸⁹ In addition, a regional nuclear-test free zone could be negotiated, as a step towards universal participation in the CTBT, which reinforces states' legal obligation not to conduct nuclear test explosions.

The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) verifies compliance through its worldwide monitoring. The reliability of the international monitoring system was confirmed in 2006 and again in 2009 when North Korea conducted two nuclear test explosions. The Treaty stipulates that 19 of the CTBTO's monitoring facilities will be established in the Middle East. Ten of these facilities have already been built and certified. Nine more facilities are either planned, under construction or are in the process of certification. The CTBTO also offers training and education activities. Such capacity building and development of technical expertise and know how is essential for zonal disarmament in the Middle East and the operation of any potential regional verification mechanism.

Further building blocks involve negotiating a *Fissile Material Cut-off Treaty* (FMCT) for the Middle East, enhancing the support of the *Additional Protocol to the Safeguards Agreements*, and developing *regional fuel cycle arrangements*.⁹⁰ One complicating feature related to the ultimate elimination of nuclear weapons is that even after an effective and verified disassembly of a nuclear weapon, dangerous material remains. Thus, the disposition of the fissile material at the heart of such weapons – weapon-grade plutonium or highly-enriched uranium (HEU) – poses another largely unsolved problem. Such material could be stored indefinitely in secure facilities under international supervision. The consequences of signing and ratifying the FMCT would be considerable for Israel: It would have to agree to “intrusive verification measures to ensure that the reactor [Dimona] was not being used to produce plutonium. These measures could expose past production, making it impossible to maintain opacity.”⁹¹

Experience with perimeter and portal continuous monitoring gained in implementing the Intermediate-Range Nuclear Forces (INF) Treaty and the Strategic Arms Reduction Treaty (START) could be relevant here. HEU could be blended down to

89. In order to become operational, the ratification will probably be subject to some conditions. The first might be that other states in the region also completed their ratification process. Another condition might be that all states commit to accepting the installation of measuring devices as deemed appropriate by the CTBTO on their territory. See Pierre Goldschmidt (2012) ‘A Top-Down Approach to a Nuclear Weapons Free Zone in the Middle East’, Carnegie Endowment for International Peace, November 5. Online, available at <http://ceip.org/1IJ4nEH> (March 30, 2015).

90. These options as well as the national views of the regional states are discussed in greater detail in Bahgat et al. (2012). See also POLICY BRIEF No. 33 by Tariq Rauf in Cooperation with Khaled AbdelHamid, Ephraim Asculai, Christian Charlier, Edward M. Ifft, Olli Heinonen, Dorte Hühnert, Ibrahim Said, and Hartwig Spitzer.

91. Bahgat et al. (2012), pp. 113-114.

low-enriched uranium (LEU), as is being successfully done with 500 metric tons of HEU formerly in Russian nuclear weapons, which then became fuel for American nuclear reactors. The U.S.-Russia Plutonium Disposition Agreement provides one possible way to deal with plutonium. This is for the countries in the zone to decide, but international advice and assistance will probably be needed.

All fissile material in the zone should be declared and controlled, but the question of new fissile material will also arise. The FMCT has been on the agenda of the Conference on Disarmament (CD) for years. The deadlock there indicates that the Middle East will probably have to solve this problem on its own, rather than looking to a worldwide agreement coming from the CD.⁹² Although the NPT allows enrichment of uranium, it would be preferable if such activities were not conducted on a national basis. Thus, *regional centers or fuel banks* inside or outside the zone would be much easier to manage from a verification standpoint. A number of possibilities exist, and various relevant proposals have been made.⁹³ It would certainly facilitate effective verification if uranium enrichment and plutonium reprocessing were simply prohibited in the zone. This could be done without impacting upon the full range of permitted peaceful nuclear activities. It can be assumed that help from outside the zone would be forthcoming if requested.

The problem of fissile material becomes simplified if it is assumed that all state parties will be non-nuclear weapon states under the NPT. This means that all such material would automatically be subject to the rigorous controls of IAEA safeguards and the *Additional Protocol*, the gold standard for accepting intrusive control of nuclear activities that would set general margins for nuclear verification in the Middle East/Gulf. Thus, it appears that a WMD/DVs Free Zone need not await a solution to the FMCT problem, which, as noted above, really only affects states not under the NPT. While new production would be prohibited, dealing with any existing material would require special arrangements, perhaps along the lines of the South African precedent. If additional constraints are found to be necessary, it will be important that these do not undermine the primary responsibility of the IAEA for NPT safeguards.

Since *negative security assurances* (NSA) will surely constitute an additional motivation for states in the Middle East to create a WMD/DVs Free Zone, it is necessary that the five acknowledged nuclear weapon states — three of them are already among the conveners of the Helsinki Conference — start working on formulating such assurances. Since they are usually exclusively devoted to nuclear weapons, working out how to include biological and chemical weapons will be conceptually

92. For a list of countries with nuclear power and research reactors, see IAEA (2012) *Nuclear Power Reactors in the World*, Vienna: IAEA. Online, available at <http://bit.ly/19Ldo40> (May 14, 2013).

93. For a discussion of nuclear fuel banks, see 'Assurance of Supply for Nuclear Fuel: IAEA LEU Bank'. Online, available at <http://bit.ly/1ImG12H> (May 14, 2013)

challenging – not to mention delivery vehicles. Irrespective of these open questions, the Permanent Member States of the UN Security Council (P-5) could draft negative-assurance protocols to a prospective zonal treaty without delay and publicly commit to signing them and immediately starting the ratification process as soon as the zone enters into force. These activities should also include India and Pakistan, nuclear-armed states outside the NPT but within the periphery of the envisaged Middle East zone. A declaration of intent by both countries to sign and ratify an NSA protocol will certainly increase incentives for some regional countries to engage in constructive zonal negotiations.⁹⁴

4.4 Biological Weapons

A crucial step towards the implementation of the biological weapon-related dimension of the envisaged WMD/DVs Free Zone would be in the form of confidence building and technical exchange. It aims to bring together policy and technical experts from relevant countries to undertake cooperative projects on issues of practical relevance to the zonal arrangement. Clearly, these activities do not constitute actual implementation of a zone, but contribute to increasing transparency and trust as well as developing key foundations while promoting linkages across national stakeholder communities (e.g. governments, research communities, academic institutions or even the military).

The issue of biological weapons provides a good starting point with regard to confidence building for three reasons:

- 1) Almost all states in the Middle East are members of the 1972 Biological and Toxin Weapons Convention (BTWC) or the 1925 Geneva Protocol. All but three are full members of the BTWC: Egypt and Syria have signed it, and only Israel is a non-member. Oman and the United Arab Emirates are the only Middle Eastern states not party to the Geneva Protocol. In addition, a strong taboo exists against biological weapons, and the prohibition of their use is considered international customary law, which is binding for all states.
- 2) Biological weapons are considered to be of limited military utility, especially in a region characterized by states in close proximity to one another. Biological agents, once released, will be hard to contain or remain in the environment for extended periods of time, carrying the risk of affecting the user's own troops and population. In addition, their use would provoke very strong and determined international reactions.

94. See Marco Roscini (2011) 'Negative Security Assurances in the Protocols Additional to the Treaties Establishing Nuclear Weapon-Free Zones', in Heinz Gärtner (ed.) *Obama and the Bomb: The Vision of a World Free of Nuclear Weapons*, Frankfurt: Peter Lang, 129-147.

- 3) Biological weapon use and, more broadly, human-made biological threats – including bioterrorist and biocriminal acts and accidental releases of dangerous pathogens – are perceived as serious menaces. On top of that, natural disease outbreak constitutes an ever growing threat. Defending against these threats requires domestic preparedness cooperation at the regional and international levels. Finally, there appears to be greater regional consensus on bio-related issues than on nuclear or chemical matters, especially the importance of facilitating regulated, yet largely unobstructed, peaceful applications of biotechnology.⁹⁵

While universal membership of all Middle Eastern states to the BTWC would be a desirable aim – and might ultimately be necessary to achieve a comprehensive zone – preliminary steps could be taken by regional actors in different ways. Besides reaffirming the non-use of biological weapons, coordinating national implementation measures, and developing regional information exchanges (see 6.3), the following initiatives help building trust in the biological field.⁹⁶

Increasing Public Health and Biological Preparedness: The initial response to an infectious disease outbreak (natural or human-made) is primarily a domestic government function. However, national governments cannot handle global microbial threats alone, and inadequate surveillance and response capacity in a single country can endanger national populations and the public health security of the region and potentially the entire world. Therefore, enhanced cooperation among states to address the complexity of trans-boundary disease outbreaks and the resulting health problems is becoming increasingly vital. Effective regional disease surveillance networks have the potential to improve long-term health and support stability and security in a region, and can be a valuable mechanism for under-resourced states to collaborate on and coordinate healthcare capacity building. Furthermore, it can also yield security benefits and provide a foundation for cooperation on more contentious issues like biodefense.

One example for such successful cooperation with regard to disease surveillance, detection, and response capacities is the Middle East Consortium on Infectious Disease Surveillance (MECIDS), which is composed of public health experts and ministry of health officials from Israel, Jordan, and the Palestinian Authority. Aimed at improving the region's ability to detect and respond to infec-

95. These points are extracted from Una Becker-Jakob (2015) 'Building Confidence over Biological Matters in the Middle East', in Müller and Müller (eds.), 165-173.

96. The confidence-promoting steps in this section build on comprehensive background papers by Nisreen Al-Hmoud, David Friedmann, Iris Hunger, and Jean Pascal Zanders, prepared for the ACADEMIC PEACE ORCHESTRA Conferences in Vienna on September 8-10, 2012, in Valletta on January 23-25, 2013, and in Istanbul on May 27-29, 2013. See also POLICY BRIEF No. 34 by Jean Pascal Zanders in Cooperation with Nisreen Al Hmoud, David Friedman, Dorte Hühner, and Iris Hunger.

tious disease threats, MECIDS has demonstrated its usefulness in recent disease outbreaks, such as the 2009 H1N1 pandemic.

Creating a Regional Code of Conduct for Biotechnology: The revolution in scientific and technological landscape has critical implications for security. Inherent in the field of biotechnology are possibilities for misuse of science not only by nations but by groups and even individuals. Therefore, devising measures to strengthen individual responsibility in scientific research involves a delicate balance between the legitimate quest for new knowledge, especially in fields where advances can greatly enhance medical and other kinds of peaceful developments, and the dangers to society inherent in certain works.

Two kinds of normative approaches should be actively considered, separately or combined – a code of ethics and a code of conduct. Codes of conduct are needed to give guidance to scientists whose expertise could be used to support WMD-related activities. Codes of practice for individuals could also be usefully developed by industry. These could be modeled on the biosafety controls used by the pharmaceutical industry, known as ‘good manufacturing practice’.

Setting up national/regional technical knowledge programs of assistance in order to ensure the security and control of sensitive material, facilities, and expertise should also be examined; these programs would stress, in particular, responsible, ethical, and sound business and scientific practices. The Biosafety and Biosecurity International Consortium is a process, launched in the area of biological safety and security in 2007, which it may be advisable to closely monitor.

Organizing Regional Workshops and Exercises: This proposal builds on one of the CBMs which was actually deleted from the BTWC’s list in 2011, but may still prove useful in the Middle East context: “Active promotion of contacts between scientists, other experts and facilities engaged in biological research, including exchanges and visits for joint research on a mutually agreed basis.”⁹⁷ Regardless of progress in the Helsinki process, regional workshops and conferences should be convened on all aspects related to biotechnology. This could include, among others: workshops on education and ethics in the life sciences; cooperation in educational programs for scientists and students; or collaboration on peaceful uses of legitimate biological research.⁹⁸

97. See BTWC Implementation Support Unit (2014) ‘Participating in the CBMs’. Online, available at <http://bit.ly/1Gdg4FT> (April 9, 2015).

98. For a detailed list of possible regional workshops and exercises, see David Friedmann (2015) ‘Towards WMDfZ in the Middle East: Biological Confidence-building Measures’ in Müller and Müller (eds), 175-181, here pp. 179-180.

From the proposals for CSBMs above, it follows that within the Helsinki Conference process, a major working group to elaborate on particular problem areas should be established to consider and report on BW-relevant issues as they present themselves in the region, and to explore a variety of concrete national or international measures that together or separately could contribute to transparency and confidence in the Middle East. This working group should also consider how those political and technical steps can be construed as building blocks for more complex processes and procedures, which eventually could become elements of a substantive verification regime. Finally, collaborative development should be started to draft agreements in the bio-area where needed, laying out the major bio-related legal and organizational elements of a future WMD/DVs Free Zone in the Middle East.

4.5 Chemical Weapons⁹⁹

The Chemical Weapons Convention will always remain the central reference point for chemical weapon disarmament in the Middle East for four reasons:

- 1) All but two states from the region are party to the Convention.
- 2) The CWC comprises elaborate verification machinery for overseeing the destruction of existing CW stockpiles and the non-production of CW in both government facilities and privately owned chemical plants.
- 3) The CWC also has a compliance enforcement regime to address anomalies and material breaches; it consists of consultations, clarification requests, challenge inspections, and investigation of allegations of CW use.
- 4) The Organisation for the Prohibition of Chemical Weapons (OPCW), the Hague-based collective of all state parties responsible for overseeing the implementation of the CWC, has the authority to take measures to restore compliance if a member has been found to be in breach of its obligations.

In contrast to the BTWC, the Chemical Weapons Convention does not rely on confidence-building measures. Its extensive framework for communication and interaction is available to all members from the Middle East. Therefore, any CSBMs in the chemical area would focus on the two regional states not party to the CWC, Egypt and Israel. Two broad categories can be envisaged, namely those that contribute to regional stability and security and those that promote national transparency, possibly as a precursor to those two countries joining the Chemical Weapons Convention.

99. This section is based on a comprehensive background paper by Jean Pascal Zanders, prepared for the ACADEMIC PEACE ORCHESTRA Conference in Berlin on March 11-12, 2015.

4.5.1 *Enhancing Security and Stability*

The confirmed use of chemical weapons in the Syrian Civil War proved a watershed moment in the history of CW disarmament. The international community's swift response to the first major incident of chemical warfare after the CWC's entry into force in 1997 shows that today the tolerance for anybody resorting to chemical warfare is as good as zero. As OPCW Director-General, Ahmet Üzümcü, clearly stated in October 2014: "No country now, I think, could defend in a legitimate way, leaving aside legally, the use of these substances. In fact, I do not see any country able to use CW anymore. The reaction will be very firm."¹⁰⁰

If chemical weapons have no military value any longer, the cost for giving them up altogether is low. The decision to do so can be the first step towards a security environment more conducive to arms control and disarmament. Even though the general assumption is that today neither Egypt nor Israel maintains an offensive CW program, too little verifiable information is available to make a firm judgment of CW capacities with any degree of confidence. At least, there is no open testing of agents or delivery vehicles, or any training of larger military formations in offensive chemical warfare. Prior to the completion of the CWC negotiations, similar uncertainties about the status of CW capacities existed in other regional security settings. The states concerned resolved the matter through bi- or plurilateral agreements, effectively neutralizing the military or political value of chemical weapons prior to signing the Convention:

- The Soviet Union and the United States signed a Memorandum of Understanding Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons on September 23, 1989, in order to facilitate the CWC negotiation process. Both countries believed that increased openness about their mutual capacities was essential for building the confidence necessary for early completion of the Convention and they needed to gain experience in the procedures and measures for verifying the Convention. The Memorandum envisaged data exchanges, exchange visits and on-site inspections, and a limited number of challenge inspections. They followed up with the Bilateral Destruction Agreement on June 1, 1990, which included a commitment to ceasing CW production and provisions for verifying the elimination progress. The latter document never entered into force and was eventually overtaken by the CWC.
- On September 5, 1991, Argentina, Brazil, and Chile signed the Joint Declaration on the Complete Prohibition of Chemical and Biological Weapons. Bolivia, Ecuador, Paraguay, and Uruguay also signed the document afterwards. On

100. Quoted in Jean Pascal Zanders (2014) "Üzümcü: "After Syria I do not see any country able to use chemical weapons anymore", The Trench, November 17. Online, available at <http://bit.ly/12IDDKC> (March 17, 2015).

December 4, 1991, the Declaration on the Renunciation of Weapons of Mass Destruction was signed by the five Andean countries – Bolivia, Colombia, Ecuador, Peru, and Venezuela. Thus, with the exception of the small states of Guyana and Suriname (French Guiana is an overseas department of France), all South American states had entered into at least one multilateral agreement in which they committed themselves not to develop, produce, acquire in any way, stockpile or retain, transfer directly or indirectly or use CW before the conclusion of the negotiations on the CWC. Today all South American countries are party to the Convention.

- In the early 1990s, countries from Southeast Asia and Oceania met several times in regional seminars to share views and exchange information on progress regarding the CWC negotiations. In a joint statement on June 23, 1992, the participants noted that their countries were not possessors of CW and declared that they had no intention of acquiring such weapons. They also expressed their abhorrence of CW, their use or threat of use.
- In South Asia, India and Pakistan similarly signed the Joint Declaration on Complete Prohibition of Chemical Weapons on August 19, 1992. Both states subsequently signed the CWC. India has also ratified it and publicly declared its possession of CW. It has now destroyed its estimated 1,000 tons of chemical warfare agents under international supervision. However, during the 1980s and early 1990s, India had always asserted that it did not own arsenals and that their abolition was a matter for the big powers. The revelation therefore came as a shock to the world, many Indian diplomats and officials, and Pakistan especially. In 1996, a ranking Pakistani officer thinking in terms of relative gains still called for a retaliatory CW capability, despite the Joint Declaration and the Convention.¹⁰¹ Pakistan nevertheless ratified it with a delay, proving the utility of the prior Joint Declaration in regional security dynamics.

Each of those documents represented a reciprocal pledge that eventually allowed each committed state to join the CWC disarmament regime with a degree of confidence that its neighbors and potential regional rivals would also become an early party to the Convention. The strength of such a ‘prenuptial’ agreement was best proven by the Joint Declaration of India and Pakistan. Its utility in enhancing transparency and gaining confidence in proposed verification procedures was especially illustrated by the Memorandum of Understanding between Washington and Moscow.

In addition, a trust-building step could be a non-aggression pact among the negotiating partners. While it might not be able to prevent altercations among the states, it could erect sufficient barriers to prevent them from sliding into armed conflicts.

101. F. Jilani (1996) ‘Indian Chemical Warfare Capability’, *National Defence College Journal*, 9(1): 71-73.

Very specifically, such a pact should include a chemical weapons no-use pledge, so that under no circumstances can chemical warfare again be used in the Middle East.

4.5.2 National Transparency Initiatives towards Joining the CWC

Egypt and Israel, the only two regional states outside the Chemical Weapons Convention, could undertake some unilateral steps that demonstrate their willingness to formally renounce chemical weapons as instruments of warfare without joining or being in preparation for joining the CWC. Such possibilities include:

- A unilateral renunciation of chemical warfare under any circumstances.
- A unilateral pledge not to engage in the development, production or any other form of acquisition and retention of CW.
- A statement on when the country ceased offensive chemical warfare activities and CW development and production. Such a statement could be accompanied by a brief description of past CW activities.
- Voluntary national declarations on the nature of chemical research and development activities in the country, as well as declarations on the production of chemicals for peaceful purposes that could have potential use for CW production. Both countries could model those declarations on the CWC requirements.
- A national statement on the types of chemical defense activities.
- Promulgation of national legislation (or supplementing any existing legislation) that prohibits any natural or legal person operating on its territory from engaging in any form of activity that contributes to chemical weapon development and production, as well as assisting anybody else inside or outside the country with CW acquisition.
- In a second phase, each state could conduct some national inspections in accordance with the CWC procedures and publicize the results of the exercise.

While none of these steps would be verified, they would nevertheless indicate a willingness to abide by the international norm against chemical weapons and help national agencies to familiarize themselves with the disarmament requirements and procedures. As a next step, Egypt and Israel might engage in a transparency-enhancement process similar to the steps in the U.S.-Soviet 1989 Memorandum of Understanding, thereby gradually building confidence in each other and the various proposed verification techniques. It is not inconceivable that the OPCW might offer assistance as part of the preparations by each country to join the Chemical Weapons Convention.

4.5.3 Regional Cooperation to Prevent Opportunistic Use of Toxic Chemicals

Opportunistic use of toxic industrial chemicals occurs when a particular entity resorts to a mode of chemical warfare using toxic chemicals that are readily available at a chemical plant or storage site, but does not undertake steps to develop and produce such weapons. The types of agents thus used can range from extremely common chemical substances, such as chlorine (often used in liquid form for water purification), to compounds such as insecticides and pesticides that, like sarin or VX, belong to the family of organophosphates. A typical characteristic of opportunistic use of toxic chemicals is that the attacks cease as soon as stores have been depleted or access to other sources of supply cut off. Delivery is extremely crude, but some indicators suggest a development process for dissemination devices may take place to enhance the impact of the attacks.¹⁰²

Over the past ten years, Iraq suffered opportunistic use of toxic chemicals when al-Qaeda in Iraq launched a car bomb campaign between October 2006 and June 2007 during which liquid chlorine was released. Other allegations attributing responsibility to the Islamic State in Iraq and al-Sham emerged during the second half of 2014. One such claim related to the intense fighting at Avdiko village, 12 km east of Kobani in northern Syria; the other incidents came from Iraq. Given that ISIS operates transnationally and that several of the toxic chemicals are readily available and shipped in large volumes across borders in the Middle East, a joint initiative to improve chemical security at production and storage sites, as well as control of the modes of transport can prevent this type of attack from occurring wherever ISIS takes root, and ultimately contribute to the goals of common security in general and chemical disarmament in particular.

4.6 Delivery Vehicles

4.6.1 The Case for Missiles¹⁰³

If it is carried out in a productive atmosphere among the negotiators, the discussion of missiles can contribute to the success of the still envisaged Helsinki gathering, because they...

- ... *are part and parcel of the mandate for the Helsinki Conference*: This is in line with that mandate, including discussions of missiles with a range of 70 km or more, because they can, in principle, carry WMD warheads, and they can be

102. Jean Pascal Zanders (2015) 'Chlorine: A weapon of last resort for ISIL? (Part 2)', The Trench Blog, February 18. Online, available at <http://bit.ly/1GjJnEN> (March 17, 2015).

103. This section is based on POLICY BRIEF No. 18 by Bernd W. Kubbig.

sufficiently/adequately verified.¹⁰⁴ Establishing such ‘red lines’ would permit the negotiators to leave conventional arsenals of lower ranges (especially rockets and artillery shells) outside the scope of the Helsinki Conference, increasing the chances of agreement and reducing complexities.¹⁰⁵

- ... *are a suitable starting point for serious and credible arms control discussions*: They may, in the first place in politically explosive relationships, be an immediate de-escalatory tool to manage and decrease deep-rooted mistrust. Because discussions of missiles are in most countries less politically loaded than especially talks about nuclear weapons, this can help initiate dialogue at the Helsinki Conference and serve as trial balloons for exploring further negotiating options. Missiles as a subject of the Helsinki agenda can also aid talks on other means of delivery, such as aircraft, making them part of the overall asymmetrical equation.
- ... *provide opportunities for initial norm building in a virtually norm-free zone*: The Hague Code of Conduct Against the Proliferation of Ballistic Missiles (HCOG) and the Missile Technology Control Regime offer a context for Middle Eastern states to strengthen their rules, regulations, and norms – presumably informally without having to join those regimes, which have to be made more credible in the first place (for instance, by taking seriously the criticism of the non-members in the Middle East which, for example, ask for more cooperation in the civilian space sector).
- ... *are indispensably linked to WMD – discussing missiles in Helsinki can have a spill-over effect into more sensitive areas, especially nuclear warheads*: Those types of missiles, which are, in principle, designed to carry nuclear, biological, and chemical warheads, can serve as a bridge for addressing all three kinds of WMD. Without them the conventional, nuclear, biological, and chemical warheads are to a considerable extent sitting ducks. Despite the dismantlement of the Syrian chemical weapons stockpile, tackling the issue of Israel’s nuclear capabilities will be rocky and cumbersome, and will require trust-building efforts regarding all three WMD categories carried by DVs, such as ballistic missiles. Therefore, the rationale presented here for a prominent role for delivery vehicles in this long process is far from obsolete.
- ... *they increase opportunities for trade-offs and bargaining*: The Helsinki agenda with a focus broader than the nuclear issue makes trade-offs more likely and provides

104. This assessment is based on Jürgen Scheffran, Bharath Gopalswamy, Dennis M. Gormley, Bernd W. Kubbig, Uzi Rubin, and Hartwig Spitzer (2012) ‘The verification challenge: Concepts, requirements, and technologies’, in Kubbig and Fikenscher (eds), 149-166.

105. If the parties in Helsinki wish, the discussion on missiles can eventually transcend the state level and include the rocket/missile arsenals of organizations such as Hamas and Hezbollah, which would certainly complicate the discussions. Still, it is important to note that by focusing on missiles the authors of the Routledge study have been able to include conflict formations on the non-state level in a feasible way. See Judith Palmer Harik and Walid Abu-Dalbouh (2012) ‘The prospects for disarmament: The case of Hezbollah’, in Kubbig and Fikenscher (eds), 167-185; see also Margret Johannsen, Ghassan Khatib, and Anat Kurz (2012) ‘Designing disarmament strategies: The case of Hamas’, in *ibid.*, 186-214.

additional room for bargaining and compromise based on the principle of ‘give a little, take a little’. At the same time, including all three categories of WMD and of DVs reduces the danger of singling out countries with actual (Israel) or possibly emerging (near) nuclear weapon capabilities (Iran). The Helsinki Mandate states that all results will be “freely arrived at” – all participants at the Helsinki Conference are free in the decisions they take according to their interests. This stipulation provides an additional incentive for all Middle Eastern states to come to the Finnish capital.

4.6.2 Concrete Missile-related Proposals

Confidence- and security-building measures can target several aspects of the actors’ missile capabilities. All types of measures presented in the following help to increase the level of strategic stability and thus help to improve the overall political climate.

Annual Declarations of Missile and Space Activities: Annual reporting of missile and space rocket policies, and providing advance notice of missile flight-testing as required by the Hague Code of Conduct Against Ballistic Missile Proliferation could be good starting points for discussions of confidence-building and arms control in the delivery vehicles area. While the HCOC failed to find a universally receptive audience in the Middle East (only Iraq and Jordan have subscribed to it), its mechanisms could prove helpful with regard to addressing the issue of DVs. The code requires member states to pursue “maximum possible restraint” in ballistic missile “development, testing, and deployment,” and to adopt basic rules of transparency.¹⁰⁶

Paradoxically, despite (and perhaps because of) the HCOC’s restrictions, the limited scope of its rules may be of interest to regional actors seeking to cooperate on developing rule-based approaches to missile behavior and control. If regional states were to discuss and apply (some of) the measures specified in the HCOC on a voluntary basis in a multilateral setting, it would contribute to regional norm building. This would not require formally joining the Hague Code. On the contrary, Middle Eastern states could agree to overcome their political objections to the Code by recognizing its confidence-building and cooperation-promoting benefits.¹⁰⁷ The regional political environment would be improved if all regional states successfully negotiated an initiative to join the HCOC (thus showing that regional cooperation on security issues such as missiles is possible). Such an agreement is feasible, in a military sense, because the Code’s transparency measures do not require revealing sensitive information about missiles, but rather are non-sensitive and non-intrusive.

106. See Dinshaw Mistry and Mark Smith (2012) ‘The Missile Technology Control Regime, the Hague Code of Conduct, and missile proliferation’, in Kubbjig and Fikenscher (eds), 234-250.

107. See on this in greater detail *ibid*, p. 242.

Mutual Visits and Invitation of Foreign Observers: Reporting and pre-notification measures could be complemented by mutual visits on each side's missile sites and invitations of foreign observers to tests and space rocket launches for civilian purposes (e.g. satellite launches). It is conceivable that, for example, Israel will make (as it has in the past) pre-notifications of coming satellite launches and even invite foreign observers, including visitors from Egypt, Jordan, and the GCC countries.¹⁰⁸ The same trust-building measure could be realized if Iran were to invite GCC observers to its missile flight-test or space rocket launches.

De-targeting and De-alerting: De-targeting temporarily eliminates the capability of a weapon to engage a certain target on command based on its inherent combat aiming features.¹⁰⁹ For different weapon systems this can range from the simple change of its physical position to blocking the data feed into on-board guidance computers. For sophisticated missile systems, de-targeting would mean de-activating a standing command link to pre-loaded data on specific targets in the memory of the on-board control system, disabling its intended independent flight path after launch or even the launch itself, or indicating remote ocean areas as a target for those systems which require permanent targeting. De-alerting renders strategic missile forces (SMF) unavailable for operational use within the time parameters required for combat applications, through technical and/or organizational measures. De-alerting results in an extension of the time interval between a crucial incident and the launch of a weapon fired in anger. That interval can range, depending on the level of alert, from minutes to weeks. The longer the time frame, the less likely an accidental or unauthorized use of the weapon system becomes.

The strategic missile systems of regional countries are not usually maintained in a permanently targeted, 24/7 launch-on-alert state. This observation serves as an important basis for the assessment and applicability – if any – of de-targeting and de-alerting in the Middle East. While the technical and military impact of such measures is rather low, they have the potential to generate a strong positive political 'shock wave' in the public environment. Hence, even a unilaterally declared confirmation by any country of the fact, that its missiles are not permanently targeted at a specific neighbor or all the countries of the region, could be an excellent starting point for a confidence- and security-building process.

The same applies to de-alerting as well. Countries could easily declare that they do not have and are not planning to have any of their strategic missiles on

108. For more details on this proposal, see POLICY BRIEF Nos. 21/22 by Gawdat Bahgat, Uri Bar-Joseph, Bernd W. Kubbig, Yiftah S. Shapir, and Tiara Shaya.

109. The applicability of de-alerting and de-targeting of strategic missile forces in the Middle East context in general and in the Israeli-Iranian-Saudi triangle is discussed in greater depth in POLICY BRIEF Nos. 23/24 by Michael Elleman, Michael Haas, Oleg Shulga, and Christian Weidlich.

permanent ready-to-launch alert. Like any prospective declaration on de-targeting, such a statement would not entail any financial or security costs as it would not alter the existing military situation in any way. At the same time such small steps forward may pave the way to a ‘give and take’ attitude and help start a confidence- and security-building process. Especially with regard to de-alerting, various ensuing steps come to mind – resulting in a further reduction of force generation rates, alert levels, and the associated risks. A more substantial step would be in the separate storage of critical components, which could eventually be subject to verification. In this scenario, warheads would be kept separately from the missiles in a verifiable way, in order to make their immediate use impossible.

Re-deployment of Strategic Missile Forces: Re-deployment can either refer to the geographic re-location of missiles, launcher or bases, or to changes in the modalities of their deployment. The former variant, aimed at verifiably moving actors’ strategic missile forces to areas from which they cannot reach vital parts of an adversaries’ territory, may or may not be feasible depending on missile ranges, and is politically viable only if a degree of reciprocity is ensured. The level of SMF mobility is another obvious factor here: for example, transporter-erector-launchers are highly mobile and can be re-deployed within hours. Hence, any CSBMs in this area would be entirely reversible, if only at a certain political cost (presupposing adequate verification).¹¹⁰

Restricting Missile Deployment and Selective Deployment Bans: An additional set of far-reaching CSBM options, which begins to narrow the gap between confidence-building and structural arms control, encompasses various ways of restricting the number and/or quality of missile deployments (as opposed to the number and quality of the weapons themselves, which is a task for a much more robust arms control process). States may restrict their deployments to certain areas and basing modes, and may agree to introduce ceilings on deployments according to either geographical or qualitative criteria. As the purpose of these measures would be confidence building, rather than arms reductions as such, these ceilings could lie well beyond existing levels of capability. While it is theoretically possible to set ceilings at different levels for each party to an agreement, equal ceilings for all participants would be much easier to achieve in practice. Similarly, examples of restrictions along these lines would include the specification and numerical limitation of approved deployment areas, which could be linked to further restriction of the type and number of launchers that may be deployed within these areas. An additional option would be a ban on certain modes of deployment, with those regarded as the most dispensable offering the greatest potential for confidence building.

110. Any permanent and irreversible re-location of militarily significant assets to areas beyond relevant range could also contribute to a ‘negative’ outcome in terms of strategic stability, as it could create an incentive to increase the ranges of future missile systems.

All of these CSBMs could be adopted for a limited time frame or (eventually) for an indefinite period. They would, of course, have to be accompanied by an adequate political framework to ensure compliance with the agreed-upon provisions, and by verification measures, which could be undertaken by an international body or on a bi-/multilateral basis.

Non-deployment: This option means the temporary or permanent removal of existing systems from operational use and agreements on the non-deployment of new missile systems. The first variant of non-deployment focuses on existing missile systems and does not touch on these capabilities themselves, but entails their removal from the active force posture and thus from short-term operational planning and use, while allowing for their re-activation in the event of major contingencies. The second variant of non-deployment would include an agreement on the non-introduction of systems which have not yet been integrated into actors' missile forces, possibly in the form of a moratorium. Furthermore, accords on the non-deployment of new systems in certain basing modes, e.g. on submarines or in hardened silos, could also be considered.

In the Middle East context, an accord on the non-deployment of new ballistic missile systems could further increase the level of arms race stability. Israel and Iran are currently developing follow-on systems of longer ranges. Saudi Arabia is reportedly keen on purchasing the Chinese-designed DF-21. However, none of these systems is considered operational and they have not been deployed so far. Against this backdrop, an accord on the non-deployment of new ballistic missile systems with ranges in excess of 2,000 km could contribute to regional stability. While it would not preclude research and development, it would prohibit the introduction of next-generation systems into the armed forces and thereby constrain force modernization. For Israel, this could mean continued development of the Jericho-3 without, however, introducing it into its posture. The same holds true for Iran, especially with respect to the Sajjil-2. Given that the Sajjil program has probably run into trouble, a temporary agreement on the non-deployment of new systems might actually be in Tehran's interest.

A Long-range Ballistic Missile Flight-test Ban: The development of ballistic missiles requires substantial flight-test campaigns, unless the actors are willing to incur prohibitive risks. This flight-testing requirement of ballistic missiles should be exploited to promote a regional flight-test ban on intermediate- and longer-range ballistic missiles.¹¹¹ The range-payload characteristics of an intermediate-range missile would have to be defined by all parties involved in the final agreement,

111. The suggestion of a flight test-ban is based on Michael Elleman (2012) 'Banning Long-Range Missiles in the Middle East: A First Step for Regional Arms Control', *Arms Control Today*, 24(4): 14-20. It is further discussed in POLICY BRIEF Nos. 23/24 by Michael Elleman, Michael Haas, Oleg Shulga, and Christian Weidlich.

although an envelope of 3,000 km and 500 kg seems reasonable. States in the Middle East could confer and establish a monitoring authority to oversee missile-testing activities within the region, and perhaps facilitate reciprocal visits by member states to observe launch activities. To ensure compliance by member countries, the United States, Russia, and possibly China could share data from their respective sensor networks with the monitoring authority. This body would serve as a verification center for the ban on intermediate-range flight tests.

Reaching agreement on a regional prohibition of flight-testing intermediate-range missiles is not an insurmountable task. Iran has publicly declared that it has no interest in developing a missile capable of more than 2,000 km. Tehran might attempt to hedge or delay acceptance of a regional test ban by insisting that Israel and Saudi Arabia first verifiably eliminate their respective Jericho-3 and DF-3 missiles. Convincing Israel and Saudi Arabia to accept such plans will not be easy and cannot be guaranteed. Nevertheless, success could be achieved if the incentives – and diplomatic pressures – were sufficient. Like Iran, Israel does not have a clear strategic requirement for missiles of more than 2,000 km range. Saudi Arabia, meanwhile, maintains its small and obsolete arsenal of medium-range ballistic missiles mainly for reasons of prestige and does not rely on them for deterrent purposes. Other regional states only possess shorter-range missiles and do not currently aim at developing longer-range ballistic missiles.

Space launches need not be included in the proposed regime. However, they cannot be ignored and must be closely monitored by states within the region, as well as outside powers, precisely because they could contribute to a missile development program. Consequently, countries that insist on developing and operating space launchers must conduct these activities with maximum transparency to avoid suspicion.

4.6.3 The Potentials and Limits of Missile-related CSBMs in Three Regional Relationships¹²

The cases for missiles mentioned above are, at the same time, challenges that have to be tackled. Two questions need to be answered in this respect: First, what can CSBMs achieve and what can they not achieve with respect to the five main arms control/reduction- and Helsinki-related opportunities (see 4.6.1)? Second, what is the constructive potential of CSBMs with respect to the political core challenges? Relevant in this respect is the important but limited role of missile-related trust-building measures in three contexts: the Israeli-Egyptian dyad, the relationship between Israel and the GCC countries as well as the Israeli-Saudi-Iranian triangle.

112. For the Israeli-Egyptian dyad and the Israeli-GCC relationship, see POLICY BRIEF Nos. 21/22 by Gawdat Bahgat, Uri Bar-Joseph, Bernd W. Kubbig, Yiftah S. Shapir, and Tiara Shaya. For the Israeli-Saudi-Iranian triangle, see POLICY BRIEF Nos. 23/24 by Michael Elleman, Michael Haas, Oleg Shulga, and Christian Weidlich.

As to the *Israeli-Egyptian dyad*, the question is: How can missile-related CSBMs contribute to constructively tackling the core challenge, i.e., the nuclear problem? Although the current relationship between Egypt and Israel is not characterized by a high level of tension, experiences from the past weigh heavily on the dyad. The past is still present in a powerful way since both countries hold incompatible views of the asymmetries in the region and of Israel's nuclear monopoly. The two neighbors still diverge on the question of what should come first: disarmament or peace? Egypt favors the former, Israel the latter. Also, they disagree on the importance and sequencing of CSBMs and arms control/reductions. The fact is that if these gaps cannot be bridged the entire Helsinki Conference process could be derailed.

The role of missile-related CSBMs in this dyad can be summarized as follows: In principle, both categories of confidence- and security-building measures are relevant, i.e., modest steps such as transparency, communication, and (no-first use) declarations; and far-reaching steps such as de-targeting and de-alerting, limiting the ranges of missiles, banning missile tests, and addressing deployment, re-deployment, and non-deployment. DV/missile capabilities are not directly a matter of great concern for either country. This implies that any CSBMs in this sector may be of limited relevance, which may turn out to be an asset because of their secondary importance in the overall arsenals of both states. DVs, missiles in particular, as well as CSBMs can and should be used for probing and exploring options to the greatest extent possible in order to meet the opportunities listed above. This applies especially to Egypt, to which missiles matter less militarily than politically and psychologically. Missiles are of greater military importance for Israel, but not to the extent that CSBMs cannot be implemented with Egypt – Israel's missile capabilities are not directed against its neighbor and are not driven by Cairo's delivery system capabilities.

Three important non-demanding/modest CSBMs, to which Egypt and Israel could agree as a possible role model for other regional actors, are: annual declarations of their ongoing and planned missile and space activities; the pre-notification of missile and space launches; and visits to each other's sites including the presence of foreign invitees to observe missile activities, and, in the case of Israel, tests and space rocket launches.

As to the *Israeli-GCC relationship*, the question is: How can missile-related CSBMs contribute to constructively tackling the core challenge in this constellation, i.e., bringing the long-standing Israeli-Arab conflict with its emphasis on the Palestinian dimension and the lack of a formal (diplomatic) relationship between Israel and the Gulf states into line with the comparatively relaxed military situation? The role of missile-related CSBMs in the Israeli-GCC relationship can be summarized as follows: Trust-building steps in the missile realm are of limited relevance and face a number of obstacles in the various contexts: at the United Nations (UN Register of

Conventional Arms) or at the multilateral level (especially the HCOC). Yet, reduced mutual threat perceptions and a common fear of Tehran's nuclear aspirations cry out for forums of direct communication. Such exchange is a necessary but not sufficient condition for assessing the relationship between Israel and the GCC states. Dominant military assumptions can be revised and joint assessments concerning the common menace undertaken. Nevertheless, trust-building steps in the missile area cannot solve the long-standing Israeli-Arab dispute with the most prominent Palestinian dimension. However, CSBMs could improve the atmosphere for re-launching promising instruments such as the Arab Peace Initiative (API), which in turn might lead to a better Arab-Israeli relationship.

In the *Israeli-Saudi-Iranian triangle*, it is important to ask: How can missile-related CSBMs contribute to constructively tackling the core challenges, i.e., the highly adversarial relations lacking official dialogue – especially between Israel and Iran, but also between Saudi Arabia and Israel? Resolving these issues is a key to negotiating and implementing any far-reaching CSBMs. Trust-building steps in this triangle in the areas of operations, deployment, and testing of long-range ballistic missiles need to start with modest limits on the modernization and expansion of regional strategic missile forces. In addition and as stated above, missile-related CSBMs among Israel, Saudi Arabia, and Iran could form an important part of a norm-building process for the entire conflict region. A unilateral or multilateral declaration that the countries' missiles are not permanently targeted at each other and are not on permanent ready-to-launch alert would not alter current military capabilities. Yet both types of declarations would facilitate agreement on 'appropriate behavior' in the missile area. The same holds true for deployment-related measures. An agreed-upon regional flight-test ban on intermediate- and longer-range ballistic missiles would constitute perhaps the strongest norm which further proposals for zonal disarmament could be built on.

5. Reductions and Disarmament in the Context of Military Asymmetries and Zero Options

Arms control and actual arms reduction steps are a vital element of the comprehensive approach to achieving the ambitious goal of establishing a WMD/DVs Free Zone in the Middle East. This includes nuclear, biological, and chemical weapons plus their delivery vehicles, usually referred to as missiles. As stated, trust-building steps cannot solve basic political conflicts in state relationships, but they can contribute to mitigating those conflicts – based on the assumption that in principle conflict formations are paramount to arms dynamics (see 1.2). We assume that the same holds true even more for arms control/limitations and reductions within a comprehensive approach geared towards zonal disarmament.

5.1 Reducing Capabilities in the Context of Stability and Deterrence: The Case for a Comprehensive Approach

5.1.1 *The Blurring Concepts of CSBMs, Arms Control, and Reductions*

While various forms of limitation have been part of regional endeavors in the realm of CSBMs, the notion of incremental arms reductions is alien to Middle Eastern thinking. To be sure, the historic “Statement on Arms Control and Regional Security” has incorporated the idea of reductions as a way of increasing regional security (it was adopted by almost all parties in the ACRS working group). Yet, this “Statement,” which still serves today as an important *regional* point of reference, is the exception to the rule. It links reductions in a general way both to “the risk of surprise attack” and to “the stockpiles of conventional arms” in connection with the objective “to provide *enhanced* security at *lower* levels of armaments and militarization.”¹¹³ Thus, it is these tools that in our view can in a productive way build a bridge between the unfruitful Israeli and Egyptian stances (see 2.3). All in all, the military asymmetries are again a central challenge that nevertheless needs to be embedded in the military and political constellations and dynamics of the Middle East/Gulf.

113. Quoted from Appendix B (“Statements on Arms Control and Regional Security”), in Feldman and Toukan (1997), 105-107, here pp. 106-107 (emphases added).

Differences among CSBMs, arms control/limitations, and reductions become blurred at the conceptual level and overlap in practice. Some of the far-reaching CSBMs presented can be more intrusive than certain arms control/reduction measures. Thus, the (essentially Israeli) position that CSBMs are just symbolic steps which do not impinge on a country's security is not tenable. Conversely, the Egyptian position, which displays increased animosity towards CSBMs, should acknowledge that some far-reaching trust-building steps can impact on the weapons themselves. Even more importantly, the reality of overlapping and blurring distinctions makes the position on strict sequencing of 'CSBMs first – arms control later' superfluous. Both CSBMs and arms control/reduction measures have basically the same objectives – enhancing crisis stability, i.e., lessening “the prospects for incidents and miscalculation that could lead to heightened competition or even conflict.”¹¹⁴ The goal of reaching strategic/arms race stability in terms of attempts to regulate military competition belongs more to traditional arms control. Their focus is on addressing the destabilizing character of weapons with respect to both strategic/arms race and crisis stability.

Within the WMD/DVs spectrum, the central challenge for arms reductions remains the nuclear question: How to get constructive talks about limiting, reducing, and finally dismantling nuclear weapons in the region started – a central issue of the mandate of the Helsinki Conference? Provided that the ongoing E3+3 talks are concluded in a satisfactory way for all relevant actors, this could create more constructive circumstances for Israel to start thinking and talking about its own nuclear arsenal. Thus, as important as schemes for arms control/limitations, reduction, and disarmament are, the domestic, regional, and international circumstances for facilitating (or impeding) such a process are vital, too. And so are less demanding mechanisms for dealing with military asymmetries by limiting specific arsenals as the accepted result of official negotiations. They may constitute a building block for structures leading to reductions and finally disarmament.

5.1.2 Reducing Capabilities in the Context of Stability and Deterrence

Traditional arms control thinking has been stability-oriented, and not an end in itself. In this context, the leeway for arms control and reductions greatly depends upon the definition of 'stability', which in turn depends upon the understanding of deterrence. In the U.S. three schools of thought have been competing based on the principle of either minimum deterrence, sufficient strike capability or even first strike capability for war-fighting options.¹¹⁵ In fact, the lessons of the Cold War

114. James A. Baker (1992) 'Remarks by Secretary of State James A. Baker, III, before the Organizational Meeting for Multilateral Negotiations on the Middle East, House of Unions, January 28, 1992', Appendix A in *ibid.*, 97-101, here p. 101.

115. On the various forms and practices of nuclear deterrence see Tom Sauer (2009) 'A Second Nuclear Revolution: From Nuclear Primacy to Post-Existential Deterrence', *Journal of Strategic Studies*, 32(5): 745-767.

suggest that deterrence works best in a bilateral dimension if the two sides possess similar capabilities. As soon as one side moves ahead of the other, an arms race is likely to emerge, and the other side is likely to take every possible measure to restore parity. Moreover, equal nuclear capabilities also have the potential to establish favorable conditions for disarmament efforts as well. But as long as the asymmetries exist, a constant tension is present and prevents elimination of nuclear weapons. This seems to be even more so the case in the Middle East where the Israeli nuclear monopoly in addition to its conventional superiority reflects uniquely pronounced military asymmetries. This situation has also created frustration, encouraging some countries in the region to start their own nuclear weapon programs.

Although the nuclear strategy of Israel is based on the policy of ambiguity, it is widely believed that the strategic concept behind it mostly resembles the concept of minimum deterrence.¹¹⁶ The case of Iran on the contrary requires the introduction of a hedging concept in nuclear deterrence. Moving away from the traditional framework, Tehran has never possessed nuclear weapons and it also insists that it has no intention of developing such a capacity. Its nuclear program, however, has still become a new source of tension in the region. This case could be best identified as a kind of ‘pre-existential’ deterrence, where nuclear weapons have never been developed but the possession of crucial elements of the nuclear fuel cycle still worries many opponents. Moreover, it provoked reactions similar to some Cold War examples: threats to prevent the further development of the Iranian nuclear program and the danger of an arms race in the whole region.

In this regard, the Middle East lends credence to the assumption that asymmetric deterrence postures always provoke tensions and prevent disarmament, suggesting that the key to elimination is either unilateral disarmament or military equalization through the build-up of certain weapons capabilities. The Iranian case, however, also seems to prove that nuclear deterrence can be provided without possessing the actual weapons, and deterrence theory should not be based on nuclear weapons exclusively but should also include the proliferation-sensitive elements of the fuel cycle. Again, it remains to be seen, whether a Final Accord between the E3+3 and the Islamic Republic will change this situation.

Against this backdrop, this Chapter’s aim is to provide ideas in terms of ‘food for thought’, especially for decision-makers from the Middle East, who will at some point want to become serious about tackling the WMD/DVs arsenal. This ‘food for thought’ comes from different regions and periods (including of course experiences in the Middle East itself). We leave it to the actors at the negotiating table to

116. This would certainly not exclude a second strike capability provided that Israel opts for equipping its submarines with nuclear cruise missiles. See on this in greater detail POLICY BRIEF No. 15 by Akiva Eldar, Marc Finaud, Michael Haas, Bernd W. Kubbig, Hillel Schenker, and Christian Weidlich, pp. 7-8.

decide what to select in what combination for their ‘conceptual menu’. Our outline suggests breaking this endeavor into three parts:

- 1) By concentrating on *experiences of coping with military asymmetries as an outcome of multilateral or bilateral negotiations*: the 1921-1922 Washington Conference and the Naval Treaties in the pre-nuclear age; and the arms control treaties during the Cold War, respectively.
- 2) By focusing on *experiences of coping with different forms, mechanisms, and results of ‘zero’*: the 1986 Reykjavik summit; the Intermediate-Range Nuclear Forces Treaty; UN Security Council Resolution 687 on Iraq; and the South African example of comprehensive WMD/DVs dismantlement.
- 3) By developing *mechanisms for reductions in the context of regional developments and global dynamics*: the ‘Princeton Proposal’; the construction of rough yardsticks of equivalence; ‘Weapons Down – Peace Up’; the momentum of the Syrian CWC accession; and impacts of the Global Zero discourse and the humanitarian impact of nuclear weapons.¹¹⁷

Three dimensions will be central in all cases and proposals presented in the following: the contexts and decisive factors; the mechanisms addressing military asymmetries and disarmament goals (zero in various forms); and the transfer potential for the WMD/DVs Free Zone in the Middle East.

5.2 Negotiated Asymmetries

5.2.1 *The 1921-1922 Washington Conference and the Naval Treaties*¹¹⁸

The Context and Decisive Factors

At the end of World War I, Britain’s navy was still the largest in the world, but its major warships were becoming obsolete, while the U.S. and Japan were modernizing their fleets. The rising U.S.-Japan rivalry for control of the Pacific Ocean was seen as a threat by Britain, which decided to strengthen its alliance with the United States and join efforts to prevent an expensive and possibly dangerous arms race. U.S. President Warren Harding invited eight countries – Belgium, Britain, China, France, Italy, Japan, the Netherlands, and Portugal – to participate in the

117. For a more detailed analysis of the various reduction models, see POLICY BRIEF Nos. 48/49 (forthcoming) by Bernd W. Kubbig et al.

118. This section is in large parts based on a comprehensive background paper by Marc Finaud, prepared for the ACADEMIC PEACE ORCHESTRA Conference in Valletta on January 31-February 2, 2014.

Washington Naval Conference (November 12, 1921 to February 6, 1922).¹¹⁹ Its primary objective was to contain Japanese naval expansion in the western Pacific, especially with respect to strategically important islands. Its secondary objectives were: to ease British-American tension by abrogating the Anglo-Japanese alliance; to agree upon a naval ratio less favorable to Japan; and to obtain Tokyo's acceptance of continuing the Open Door Policy towards China.

The domestic and international context of the Washington Conference greatly influenced its outcome. The U.S. Congress and the American public favored naval disarmament for a combination of reasons (fear of an arms race, isolationism, taxes). The main rationale was that American restraint in naval construction would induce Britain and Japan to follow suit. In the UK, similarly, the growing tendency was favorable to naval limitations in favor of promoting the welfare state, and London was ready to accept a possible American demand for naval parity, especially against the rise of air power and submarines. In Japan, despite a political system based on veneration of the military, domination of non-parliamentary elites, and the Emperor's absolute authority, and despite a tradition of expansionism and reliance on force, growing resentment over military spending paved the way for support of restrictions on the Japanese naval armaments.¹²⁰

Mechanisms Dealing with Asymmetries

The Washington Conference adopted a *quantitative* standard based on tonnage displacement of capital ships as a simple measure for overcoming the technical disputes regarding the quality of warships. Indeed, the relative strength of navies depended not only on the number of ships but also on other factors such as the availability of naval bases, the evolution of naval technology, national doctrines, and the possible theaters of war. A ten-year agreement fixed the ratio of battleships at 5:5:3 (525,000 tons for the United States; 525,000 tons for Britain; and 315,000 tons for Japan). Japan accepted the asymmetry in exchange for a mutual pledge on the status quo of island fortifications. Smaller limits applied to France and Italy (175,000 tons in capital ships). No new battleship could be larger than 35,000 tons. The major powers agreed to a ratio of 135,000:135,000:81,000 tons for aircraft carriers.¹²¹

As a result of the agreement, the U.S. dismantled 17 battleships, along with 13 ships under construction, and Britain too had to scrap ships. However, the major navies maintained mutual suspicions and began building cruisers, which had been

119. Richard W. Fanning (1995) *Peace and Disarmament: Naval Rivalry & Arms Control, 1922-1933*, Lexington, KY: University of Kentucky Press, pp. 1-24. The Soviet Union was not invited and Germany was still under the Versailles Treaty constraints.

120. Fanning (1995), pp. 40-41, 51, and 60.

121. Roger Dingman (1976) *Power in the Pacific: The Origins of Naval Arms Limitation, 1914-1922*, Chicago, IL: The University of Chicago Press.

limited in size (10,000 tons) but not in numbers.¹²² The 1930 London Naval Treaty corrected this gap by specifying a 10:10:7 ratio for cruisers and destroyers. For the first time, submarines were also limited, and Japan reached parity with the United States and Britain at 53,000 tons each.

The Treaty of the Washington Naval Conference remained in force until Japan's withdrawal in 1936, after Tokyo failed to achieve agreement on full parity at the 1935 London Naval Conference. While the Washington Treaty contributed to maintaining peace among the parties throughout the 1920s, they did not prevent Japan's rise as a naval power leading up to World War II. Without any form of verification system, the U.S. and Britain failed to detect most systematic violations by the Japanese.¹²³ Moreover, it proved erroneous for the United States to believe that its unilateral restraint in naval building would induce Japan to reciprocate. Indeed, beyond the naval asymmetries addressed in the Treaties, the whole endeavor of arms limitation was flawed because of the asymmetries between open, democratic societies and closed, authoritarian systems.¹²⁴

Transfer Potential for a Middle East WMD/DVs Free Zone

The Washington Treaties covered only one limited component of military force – naval armaments – which still plays a role in the Middle East strategic landscape but not to the extent it did in the pre-nuclear age. The lessons learned for the conflict region include:

- It is in principle possible to fix an *asymmetric ratio of armaments as a formula for dealing with military asymmetries* in a multilateral context. Of course, the Washington Treaties were the result of the then-power relationships among the parties, but Treaty was also based on objective and verifiable criteria, and included compensations for the less-favored parties. Moreover, the parties did not seek parity in the same categories of armaments and also included qualitative factors (among them mobility and technological advancement).
- Naval limitations could become relevant for the Helsinki Conference because of the potential use of naval vessels, including submarines, as *carriers of ballistic or cruise missiles possibly equipped with WMD warheads*. This of course raises the issue of the geographical delimitation of a WMD/DVs Free Zone: Indeed, surface vessels and submarines would not necessarily be stationed within territorial waters, and specific provisions would need to include this mobility too for verification purposes.

122. George W. Baer (1994) *One Hundred Years of Sea Power: The U.S. Navy, 1890-1990*, Stanford, CA: Stanford University Press, pp. 108-109.

123. Robert G. Kaufman (1990) *Arms Control During the Pre-Nuclear Era: The United States and Naval Limitation between the Two World Wars*, New York, NY: Columbia University Press, pp. 106-107.

124. *Ibid.*, p. 199.

- Moreover, the Washington Treaty shows that there is a potential for the use of *reciprocity as an incentive for implementation* within a legal framework for arms limitations – independent of its concrete formulation.

5.2.2 Examples from the Cold War¹²⁵

The Context and Decisive Factors

In the U.S.-Soviet Union/Russia arms control negotiations during the Cold War, three categories of asymmetries played a crucial role:

- 1) *Geographical and Historical Asymmetries:* The United States is traditionally a major air- and sea-power with friendly neighbors, and it has essentially no history of land invasions and it has huge oceans on two sides. Washington has benefited from having a worldwide system of allies, which provide overseas bases and support. In contrast, Moscow has always been a land power that has experienced devastating land invasions.
- 2) *(Geo-)political Asymmetries:* The U.S. is a fairly open and transparent state with regard to military affairs. The government system of checks and balances promotes openness and an aggressive press reinforces this. Defense budgets, programs, and doctrines are vigorously debated. In contrast, the Soviet Union was a rather closed and secretive state in such matters. Soviet commentators and analysts routinely quoted Western sources about Soviet military forces and programs, since such information was not available from their official sources. The Russian Federation has been much more open than the Soviet Union, but significantly less than the U.S. and other Western states.
- 3) *Military Asymmetries:* The existence of military asymmetries among the military forces is a fact of life, whereas symmetries hardly exist with regard to military doctrines, structures, and forces. This applies to the East-West context during and after the Cold War. In addition to the dimensions already mentioned, military asymmetries regard the composition of a) military arsenals, capabilities, and forces deployed; and b) armed services (naval force, air force, land force) and doctrines (offensive vs. defensive ones).

The latter dimension is confined in the following to nuclear weapons and their delivery vehicles. Because of different emphases on the sea-, land-, and air-based

125. This section is in large parts based on a comprehensive background paper by Edward M. Ifft, prepared for the ACADEMIC PEACE ORCHESTRA Conference in Istanbul on May 27-29, 2013. It focusses for obvious reasons on the nuclear dimension. For an analysis of regional experiences with conventional weapons during the Cold War and after – especially the cases of the Mutual and Balanced Force Reductions, the Treaty on Conventional Armed Forces in Europe, and on the enforced 1996 Florence Agreement – see POLICY BRIEF Nos. 48/49 (forthcoming) by Bernd W. Kubbig et al.

elements of their triads, in strict terms there was no parity. Nevertheless, in the final analysis military asymmetries were by and large considered as equal in the sense that the U.S. and the Soviet Union had parity (imbalances of an overall balance). At least four kinds of asymmetries come to mind which had an impact on the arms control negotiations during the Cold War and thereafter:

- *The composition of the strategic forces* was a major problem, especially in the 1983–1991 negotiations of the Strategic Arms Reduction Treaty; although, the total numbers of strategic delivery vehicles (missiles and heavy bombers) and their warheads were not hugely different. The Soviets had a 3:1 advantage in ballistic missile throw-weight, mainly due to a force of 308 heavy intercontinental ballistic missiles (ICBMs), of which the United States had none. They were also developing a formidable force of mobile ICBMs, while the U.S. had none. The United States, however, had a significant advantage in heavy bombers, cruise missiles, and submarines.
- *The huge asymmetry caused by the U.S. missile defense programs* plagued the negotiations, since President Ronald Reagan began to implement his Star Wars speech of March 23, 1983, in the form of a great variety of programs (Strategic Defense Initiative [SDI]) – envisaged as a massive system of defenses against ballistic missiles. He argued this would be stabilizing, while the Soviets believed the opposite. The proper role of defensive systems continues to complicate U.S.-Russian arms control efforts to this day.
- *A large asymmetry in overall power and influence* was reflected in the Strategic Offensive Reductions Treaty (SORT) of 2002 after the dissolution of the Soviet Union. It strongly favored the U.S., whereas Russia was basically the supplicant, and accepted the American terms. SORT was an anomaly in that it was extremely simple, had no verification regime, no definitions, no elimination procedures and no schedule for reductions. This Treaty was able to rely partly on the START I verification regime, which remained in force until 2009. Although widely criticized, the Treaty did achieve its goal, which was a further reduction in deployed nuclear warheads.
- *The philosophies behind the strategic forces were also asymmetrical.* The United States had a theory of strategic stability maintaining that ICBMs, and especially large, fixed ICBMs with many warheads, were more destabilizing than other forces. This was because they seemed to provide high-value targets, thus inviting a first strike. In contrast, ‘slow flying’, recallable systems (bombers) were more suited to a retaliatory strike and deterrence and thus more stabilizing. Thus, the United States sought an agreement that was restrictive for ICBMs and relatively permissive for submarines and bombers. How mobile ICBMs fit into this philosophy was somewhat ambiguous. Such systems would have better survivability than fixed systems, but would pose a challenge to verification.

The Soviets did not accept the U.S. line of reasoning and maintained that each side should be free to determine the composition of its own forces. Thus, START I became in a sense an exercise in balancing the American advantage in heavy bombers and cruise missiles against the Soviet advantage in ICBMs, which was far more difficult than finding a balance among similar systems. Especially in the early stages, each side sought to emphasize the importance of factors which favored the other side.

Mechanisms Dealing with Asymmetries

Two sets of mechanisms helped deal with the different dimensions of asymmetries in East-West negotiations, contributing to a somewhat controlled arms build-up in START I and to reductions in New START:

- *Accepting asymmetries on the basis of compromises by creating limits, sub-limits, counting rules, and the freedom-to-mix in the case of certain weapon systems:* START I provided significant freedom-to-mix, but with significant constraints. There were special sub-limits on ballistic missiles, heavy ICBMs and their warheads, but not specifically on ICBMs, the primary Soviet system. There was an equal limit on ballistic missile throw-weight, which meant a large unilateral reduction for the Soviets. There was discounting of heavy bombers, but limits on the armament they could carry. In New START, the United States gave up trying to influence the composition of Russian forces, and it was agreed that each party shall have the right to determine for itself the composition and structure of its strategic offensive arms. The special verification regime for mobile ICBMs was dropped, so that all ICBMs, fixed and mobile, were treated alike for verification purposes. Verification procedures for heavy bombers were made more symmetrical with those for ballistic missiles, in spite of the fact that it makes no difference to how these bombers are counted.¹²⁶
- *Getting around asymmetries by accepting interim measures, excluding systems from constraints, and/or by postponing unresolved issues while signaling disagreement:* In START I there were no constraints on anti-ballistic missile systems, although the Soviets issued a unilateral statement warning against excessive U.S. activities in this area. In New START, the missile defense issue was recognized in the Preamble, but not resolved, with each side making its position clear in the negotiating record. Other asymmetries remained, such as force structure and transparency of defense programs. A new issue was whether and how to deal with long-range, highly accurate conventional weapon systems, an area in which the United States had an advantage. Here, too, both sides issued

126. In the case of heavy bombers it does not matter how many nuclear weapons the individual aircraft actually carry, since they are all counted the same, regardless of their loadings.

unilateral statements. Both the U.S. Senate and Russian Duma also inserted statements regarding what they viewed as key issues into their ratification resolutions.¹²⁷

In a nutshell, it was mainly the ideology-based confrontation over different values and competing world order concepts with intensely felt threat perceptions, enemy images, and zero-sum thinking that fueled the arms race between East and West. Yet, the stable, broad, and densely-knit coalition of bureaucratic, parliamentary, military, and industrial actors in both countries (“military-industrial complex”) was also an important factor in perpetuating arms race dynamics. Within this process, hair-triggering types of weapons (for instance missiles which in a crisis cannot be called back) were considered, at least by the Western side, to be more destabilizing than others. Nevertheless, within this bipolar conflict formation involving two antagonistic hegemonies and their respective allies, the levels of tensions and threat perceptions varied. In addition, spheres of interest were regulated, national borders recognized, and the intensity of global rivalry was at least at times restrained. These determinants explain to a large extent the overall mixed record of the Treaties achieved which, regardless of the bilaterally agreed-upon reductions, have triggered the nuclear Global Zero vision.

Transfer Potential for a Middle East WMD/DVs Free Zone

The situation in the Middle East/Gulf is almost entirely different from the East-West context during and after the Cold War. In this conflict region we face a twofold asymmetrical situation in that Israel holds a nuclear monopoly and can be considered to be qualitatively superior across the board of conventional weapons.¹²⁸ This situation makes the transfer potential truly challenging but not impossible when it comes to mechanisms for handling the asymmetries.

Beyond the mere nuclear dimension the question arises of the extent these mechanisms can be constructively adopted or adapted if the regional participants include the conventional dimension in their deliberations. Fortunately, some stumbling blocks do not (to such an extent) exist in the Middle East/Gulf, among them the extensive military-industrial-bureaucratic networks in the United States and the Soviet Union/Russia, as well as the complexity and variety of military technology and weaponry.

Several important lessons from successful East-West negotiations can be applied to the Middle East in general and to the Helsinki Conference as the potential

127. While not legally binding, these serve to lay down warning markers or red lines for the other side and, in some cases, even for their own authorities. While not necessarily resolving difficult issues, such an approach can influence future behavior, or at least avoid unpleasant surprises.

128. Bahgat et al. (2012), here p. 114.

starting point for a process of arms limitations and reductions in particular. These include:

- Frank and honest discussions about security concerns are essential;
- sensitive matters are best dealt with confidentially, rather than on a public stage – of course, this becomes more difficult in multilateral negotiations;
- compromise and willingness to accept less than maximum goals are absolutely essential;
- willingness to accept intrusive, but balanced, verification measures is utterly necessary for some likely constraints;
- recognizing the ambivalence of linkages, since some issues may be integral to other issues, and linkages can lead to ‘trade-offs’ which facilitate solutions to difficult problems – however, linkages can lead to unnecessarily complicating and delaying negotiations; and
- ambitious, but realistic, goals are needed – the bilateral record is mixed, but, in general, willingness to put off issues which prove to be too difficult to resolve and accept interim measures has been useful.

Moreover, it remains fundamentally important to include the existing asymmetries in Middle Eastern countries’ experience and technological capabilities with respect to weapons of mass destruction and their delivery vehicles in any formal negotiations. *These include differing*, first, historical experience and security perceptions; second, levels of trust and transparency with respect to other states in the zone and beyond; third, obligations with regard to the elimination of existing WMD/DVs; fourth, capacity for building WMD/DVs as well as for carrying out and hosting effective verification; and, finally, military assets and capabilities unrelated to WMD, but possibly relevant to security perceptions.

In this context, the fundamental question remains: How to start and design a reduction process under the conditions of the Israeli nuclear monopoly and its conventional superiority? At this point we can only address some vital issues that need further studying:

- First of all, can the classical arms control concept that has governed East-West relations be applied to the ‘unipolar’ situation in the Middle East – and if so, to what extent and in which respect does it include helpful yardsticks?
- Is stability in both forms (arms race/strategic and crisis stability) possible at all under these conditions – or is the Arab quest for Israeli disarmament justified, since its nuclear monopoly and conventional superiority are neither militarily stable nor politically acceptable because of double standards?

- Perhaps more importantly, history in the conflict region includes regular attempts to counterbalance the existing fundamental asymmetries by building up an arsenal in other countries – be it in Iraq, Syria, or Iran. Is the current situation more stable than a bipolar one, with for instance Iran counterbalancing Israel – a situation that has been prevented by Israeli pre-emptive strikes (Iraq: June 1981; Syria: September 2007) and that can be avoided by a nuclear accord with Iran that satisfies Israeli security concerns?

5.3 Coping with Different Forms, Mechanisms, and Results of Zero

5.3.1 *The 1986 Reykjavik Summit: Thinking the Unthinkable*

The Context and Decisive Factors

The dominant arms control theory and practice of the United States, which was developed in the East-West setting, considered zero as alien,¹²⁹ in fact as a danger. It was thought that reductions and total disarmament would jeopardize stability in two ways: First, if one adversary reduced its arsenal unilaterally to an extent that provided a first strike premium for the other; and second, if both opponents lowered their arsenals to a level that made a breakout attractive – provided that one side successfully concealed its militarily significant build-up.

The zero option constituted a fundamental threat to the bilateral antagonistic setting based on nuclear deterrence and on a concept of arms limitations, which had in the past resulted in a continuous, relatively controlled arms build-up. Against this backdrop, it came as a great surprise when at the Reykjavik summit on October 11-12, 1986, President Ronald Reagan agreed with Secretary General Mikhail Gorbachev to eliminate all nuclear weapons – an ‘unthinkable’ proposal since the U.S. alone possessed at that time 3,693 strategic nuclear delivery vehicles and 11,700 strategic warheads.¹³⁰

Although the Americans disputed the zero proposal immediately after the Reykjavik summit, the record has been clear since a “Memorandum of Conversation”¹³¹ was

129. Except for its early disarmament rhetoric in the 1950s, the attitude and practice of the Soviet Union was similar to that of the United States.

130. U.S. 100/1 Congress, House of Representatives, Committee on Foreign Affairs, Subcommittee on Arms Control, International Security and Science (1987) *The Reykjavik Talks: Promise or Peril*, Report, Washington, D.C. : U.S. Government Printing Office, p. 3.

131. Memorandum of Conversation, in Sidney D. Drell and George P. Shultz (eds) (2007) *Implications of the Reykjavik Summit on Its Twentieth Anniversary: Conference Report*, Stanford University, Stanford, CA: Hoover Institution, 155-216.

declassified in January 2000: Reagan wanted to clarify whether Gorbachev was saying that “beginning in the first five-year period and then going on in the second we would be reducing all nuclear weapons – cruise missiles, battlefield weapons, sub-launched and the like.” Reagan then added: “It would be fine with him if we eliminated all nuclear weapons.” Gorbachev responded: “We can do that. We can eliminate them.” He was seconded by Secretary of State George Shultz: “Let’s do it.” Reagan then said “if they could agree to eliminate all nuclear weapons, he thought they could turn it over to their Geneva people with that understanding, for them to draft up that agreement, and Gorbachev could come to the U.S. and sign it.” U.S. note taker Thomas Simons then wrote: “*Gorbachev* agreed.”¹³²

Mechanisms Dealing with Zero

Immediately after the summit, the Soviets started to contradict U.S. versions of what had happened at Reykjavik and administration officials “began to contradict themselves.” In fact, the American officials interpreted the Reykjavik results in a way that was in line with their tradition of arms control and reductions: The zero for all strategic ballistic missiles was an aberration to be explained by the fact that the American delegation had anticipated an entirely different agenda. It found itself overwhelmed by the Soviet ‘conceptual surprise attack’ discussing “the total elimination of strategic offensive ballistic missiles, the total elimination of all nuclear warheads and a ten-year no-withdrawal period under the Anti-Ballistic Missile [ABM] Treaty.” The zero ballistic missile option was rejected on the American side for reasons of stability and the increased likelihood of war: “With no ballistic missiles standing behind him [the commander in the field] not only would conventional attack be more plausible, but a nuclear exchange might be more likely to occur.”¹³³ What is more, strong protests had come from the American allies for fear of losing the nuclear umbrella, which especially on the tactical level compensated for Soviet conventional military advantages.

But this is not the entire story. The next line of U.S. recorded by note taker Thomas Simons indeed contained, in the words of Don Oberdorfer, the “deal-breaker”: “Gorbachev continued that he now wanted to turn to the ABM Treaty.” The Soviet Secretary General insisted again, as Oberdorfer reports, that research, development, and testing of anti-ballistic missile programs be confined to the laboratory. “Reagan adamantly refused. After further intense argument on this point, the summit broke up.” The issue of military asymmetries played a role in the talks in the form of ballistic missile defense – or of the Strategic Defense Initiative, as Reagan’s favorite program to “make nuclear weapons impotent and obsolete” was referred to in his famous Star Wars Speech on March 23, 1983. Military asymmetries as

132. Quoted in Don Oberdorfer (2007) ‘When Reagan and Gorbachev Reached for the Stars’, in Drell and Shultz (eds), 111-118, here p. 114.

133. Quotations in U.S. 100/1 Congress (1987), pp. 1 and 10.

represented by the SDI became the crucial divisive factor. This imbalance must nevertheless be linked to the “military and military-minded people in *both* countries – the conventional thinkers at home and the allies on *both* sides abroad – would have rebelled at the sudden change in direction.”¹³⁴

Transfer Potential for a Middle East WMD/DVs Free Zone

As much as the relatively clear-cut East-West confrontation with the two superpowers and their respective allies differs from the situation with Israel as the only Middle East nuclear-armed state amidst a multitude of partly overlapping conflicts both at state and sub-state levels: A fundamental turnaround in central nuclear and strategic matters, even if it came from the top of both principal adversaries, could hardly be achieved overnight.

However, the necessary politico-cultural change among Israeli leaders may in some respects be less difficult if there is no equally strong nuclear counterpart emerging in the conflict region. In addition, the Israeli security system is much smaller, secretive, and centralized than in the United States – features that make Israel comparable to the situation where South Africa renounced its WMD/DVs capabilities. Nevertheless, this situation certainly requires a risk-taking, courageous, if not charismatic leader to start a process which would have to turn the much more influential Israeli ‘nuclearists’ into ‘conventionalists’.

5.3.2 The Intermediate-Range Nuclear Forces Treaty

The Context and Decisive Factors

In December 1987, a year after the summit of Reykjavik, the United States and the Soviet Union were able to reach a zero agreement on the dismantling of an entire category of the most modern land-based missiles with a range from 500 to 5,500 km. The INF negotiations were complicated by significant asymmetries in forces. The Soviet Union had 654 SS-20 intermediate-range missiles and a large advantage in conventional forces in Europe. The United States, which was just beginning to deploy such delivery vehicles in five Western European countries, already had nuclear-capable aircraft on aircraft carriers in Europe. In addition, two of its allies, the United Kingdom and France, had intermediate-range nuclear forces. The Soviet Union took the view that these arsenals should be added to the U.S. total.

Unlike the oral agreements at the Reykjavik summit, the successful conclusion of the INF Treaty was not an ad hoc accord but the outcome of negotiations. As an

134. Quotations in Oberdorfer (2007), p. 114 (emphases added).

example of selective disarmament, the agreement did not touch upon the foundation of East-West deterrence policies as the more comprehensive and far-reaching proposals at Reykjavik would have done. The dialectical relationship between the reduction dynamics and the political climate was decisive: the protests of the peace movement put pressure on Western governments to adopt a constructive negotiation strategy; and, much more importantly, Gorbachev's new policies of 'glasnost' and 'perestroika' resulted not only in bold reduction proposals but also in a far greater willingness to provide sensitive information and allow intrusive inspections. Within this new approach the INF Treaty became an element of the dynamics that paved the way for the end of the East-West conflict.¹³⁵ It was in this context that Gorbachev surprised and challenged the West by also offering a zero for short(er)-range weapons, thus proving the principal value of unilateral measures.

Mechanisms Dealing with Zero

The INF Treaty was both historical and radical. The agreed-upon zero meant that for the first time the Soviets were prepared to give up their traditional advantage in such systems by accepting asymmetrical quantitative cuts. The Soviet Union destroyed 1,846 missiles, including 654 SS-20s, whereas the United States destroyed 846 missiles.¹³⁶ At the same time, the American military options were limited: The United States and NATO pledged not to deploy American land-based delivery systems in Europe which could reach Soviet territory. For both sides strategic/arms race stability and crisis stability were improved, since the most modern counterforce weapons would be dismantled. All in all, the INF Treaty was balanced, with probably one exception: Forgoing land-based systems of this range globally meant that the mobile Soviet intermediate-range weapons were banned not only in the Western, but also in the Eastern context, so that U.S. allies in Asia had the same protection as Europe. A very intrusive – in fact revolutionary – system of on-site inspections was agreed to and this has become the model for inspections in subsequent arms control regimes. All systems had been successfully eliminated by 1991, and inspections ended in 2001.

Transfer Potential for a Middle East WMD/DVs Free Zone

In October 2007, the United States and Russia used the UN General Assembly to invite all interested countries to discuss the possibility of universalizing the INF Treaty through the renunciation of ground-launched ballistic missiles and cruise

135. Martin Senn, Jürgen Altmann, Bernd W. Kubbig, Jürgen Scheffran, Hans-Joachim Schmidt, and Oleg Shulga (2012) 'Caps and bans: Limiting, reducing, and prohibiting missiles and missile defence', in Kubbig and Fikenscher (eds), 251-276, here p. 259.

136. Amy F. Woolf (2014) *Russian Compliance with the Intermediate Range Nuclear Forces (INF) Treaty: Background and Issues for Congress*, Washington, D.C.: Congressional Research Service, p. 8.

missiles: “Such a renunciation would serve to strengthen the international nuclear missile nonproliferation effort.” Their “complete elimination in the world” would increase the role of the INF agreement as a model for strengthening international security.¹³⁷ However, responses outside Europe, including those from Middle East countries, have been negative.

At first glance, a WMD/DVs Free Zone in the Middle East would, of course, be a kind of ‘zero option’ similar in a way to the INF agreement, which, however, dismantled only missiles, and not their nuclear warheads. More importantly, the universalization of a Treaty, concluded at different times in a different context, was doomed to fail, since it did not take the specific security concerns of the Asian and Middle Eastern states into account, as they are expressed in their military postures and defense doctrines. The joint invitation would probably have been more productive had the U.S. and Russia provided a thought through concept combined with extra offers regarding substance and a high-level format for discussion. The times of joint offers are unfortunately over, since both signatories accuse each other of having violated the accord.¹³⁸ It could turn out that the INF Treaty, which was once an important element in ending the Cold War, may now become the victim of the currently intensifying confrontation between East and West.

5.3.3 The UN Security Council Resolution 687 on Iraq¹³⁹

The Context and Decisive Factors

United Nations Security Council Resolution 687, adopted on April 3, 1991, set the terms with which Iraq was to comply after its military defeat by the UN-mandated coalition formed to liberate Kuwait. Among the nine sections of the resolution adopted under Chapter VII, the Security Council mandated Iraq to

“unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of

- (a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;

137. Quotations from the Joint U.S.-Russian Statement on the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles at the 62nd Session of the UN General Assembly, October 25, 2007. Online, available at <http://1.usa.gov/1HeEagf> (May 24, 2013).

138. Michael R. Gordon (2014) ‘Russian tests of missile add strain to ties with U.S.’, *International New York Times*, January 30; *ibid.* (2014) ‘Russian test called violation of treaty’, *International New York Times*, June 30. See also the informative testimony before the House Armed Services Committee by Steven Pifer (2014) ‘The INF Treaty, Russian Compliance and the U.S. Policy Response’, July 17. Online, available at <http://brook.gs/1xrZNti> (February 27, 2015).

139. This section draws on a background paper by Marc Finaud, prepared for the ACADEMIC PEACE ORCHESTRA Conference in Valletta on January 31-February 2, 2014.

(b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities.”¹⁴⁰

Moreover, Resolution 687 required Iraq “not to acquire or develop nuclear weapons or nuclear-weapons-usable material” and mandated “on-site inspection and the destruction, removal or rendering harmless as appropriate of” any “nuclear weapons or nuclear-weapons-usable material or any [related] subsystems or components or any research, development, support or manufacturing facilities.” While Resolution 687 forced the Saddam Hussein regime to dismantle all of its WMD programs and stockpiles, the Security Council mandated these actions as “steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery.”¹⁴¹

Mechanisms Dealing with Zero

In order to ensure implementation of these obligations, the UN established a Special Commission (UNSCOM) equipped with unprecedented powers, including on-site inspections, destruction of weapons and related items as well as monitoring of future compliance in cooperation with the World Health Organization and the IAEA. The implementation of Resolution 687 was far from easy and smooth. While the Iraqi government submitted its “full, final and complete reports” on all of its weapons of mass destruction programs as requested by the UN Security Council, UNSCOM assessed these reports as incomplete and deficient. After several crises resulting from Iraq’s attempts to evade its commitments, mainly about inspectors’ access, the UN Security Council condemned Baghdad for “serious violations” of its obligations – in particular in Resolutions 707 (1991), 1115 (1997), and 1134 (1997).¹⁴²

Between 1991 and 1995, UN inspectors uncovered a massive program to develop biological and nuclear weapons. A large amount of equipment was confiscated and destroyed – the destruction of munitions and bulk agents started in 1991; Iraq’s major biological weapon production site, the Al-Hakam Germ Warfare Center, was blown up by UNSCOM in 1996. Iraq’s chemical weapon-related infrastructure suffered extensive damage during the 1991 Gulf War, and by mid-1995 UN inspectors had largely completed verification and destruction of Baghdad’s chemical stocks, munitions, and relevant production facilities and

140. United Nations Security Council (1991) Section C, Paragraph 8.

141. United Nations Security Council (1991) Section C, Paragraph 14.

142. Ruth Wedgwood (1998) ‘The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq’s Weapons of Mass Destruction’, *The American Journal of International Law*, 92(4): 724-728.

equipment.¹⁴³ The IAEA in cooperation with UNSCOM was tasked with verifying the destruction of Iraq's nuclear program, which had suffered a serious setback in 1981 when Israel destroyed the Osiraq reactor.

The peculiarity of the resolution provisions regarding ballistic missiles was that, contrary to the WMD themselves, they were not covered by any multilateral treaty obligations. In addition, although they could be considered conventional weapons, they were also able to deliver non-conventional payloads. The main reason why they were included in the resolution is that they were actually used during the war against the UN-mandated coalition, and some missiles had been prepared to deliver chemical or biological weapons.¹⁴⁴ In the end, by 1997, UNSCOM or Iraq had destroyed most of the 819 long-range operational missiles imported from the Soviet Union before 1988 as well as the stockpiles from and facilities for domestic production.¹⁴⁵

In 2000, former UNSCOM inspector Scott Ritter stated that, by 1998, 90 to 95 percent of Iraq's nuclear, biological, and chemical capabilities, and long-range ballistic missiles capable of delivering such weapons, had been verified as destroyed, the rest having been pre-emptively dismantled by Iraq itself.¹⁴⁶ While inspectors from both UNSCOM and United Nations Monitoring, Verification and Inspection Commission (UNMOVIC)¹⁴⁷ were unable to verify the complete destruction of Iraq's biological weapons and some chemical precursors at the time, the Iraq Survey Group determined in its 2004 report (also known as the Duelfer Report) – one year after the U.S. invasion of Iraq whose alleged possession of WMD had been the main ostensible reason for the invasion – that Baghdad had ended its nuclear weapon program in 1991 without evidence of concerted efforts to restart its program; destroyed its chemical weapon stockpile in 1991 with only a very small number of old, abandoned chemical munitions remaining; and abandoned its biological weapon program as well as its ambitions for obtaining advanced biological weapons in 1995.¹⁴⁸

143. 'Iraq Designates National Authority for Chemical Weapons Convention', Organisation for the Prohibition of Chemical Weapons, February 16, 2009. Online, available at <http://bit.ly/1BIX1wk> (March 30, 2015).

144. Serge Sur (1991) 'La résolution 687 (3 avril 1991) du Conseil de Sécurité dans l'affaire du Golfe: Problèmes de rétablissement et de garantie de la paix' ['Resolution 687 (April 3, 1991) of the Security Council in the case of the Gulf: Problems of restoration and guarantee of peace'], *Annuaire Français de Droit International*, 37(37): 25-97 [in French].

145. Federation of American Scientists (1998) 'UNSCOM and Iraqi Missiles', November 2. Online, available at <http://bit.ly/1ys0jmn> (March 30, 2015).

146. Colum Lynch (2000) 'Ex-UN Inspector Ritter to Tour Iraq, Make Documentary', *The Washington Post*, July 27.

147. UNSCOM was replaced by UNMOVIC created through UN Security Council Resolution 1284 (1999) in order to carry on with the mandate to disarm Iraq of its WMD and to operate a system of ongoing monitoring and verification to check Iraq's compliance with its obligations. UNMOVIC's mission lasted until June 2007.

148. Iraq Survey Group (2004) Final Report, Key Findings, September 30. The Iraq Survey Group was a multinational force tasked by the Central Intelligence Agency and Defense Intelligence Agency with investigating Iraqi WMD programs after the 2003 U.S.-led invasion.

Transfer Potential for a Middle East WMD/DVs Free Zone

The case of Baghdad's WMD and missile disarmament was the result of a compulsory decision of the UN Security Council following Iraq's military defeat against the UN-mandated coalition in 1991. The issue of asymmetries was not directly relevant since Resolution 687 only applied to one country and was motivated by the past or potential use of WMD and/or missiles against Iraq's adversaries. It was closer to the constraints imposed on Germany after its defeat in both World Wars than to any agreement to be voluntarily negotiated and agreed upon by the states of the Middle East. However, it still bears some relevance to the zonal arrangement ultimately envisaged in the Middle East:

- While there is no precedent for a WMD/DVs Free Zone – the existing zones cover only nuclear weapons – UN Security Council Resolution 687 provides an excellent example, that it is conceptually possible and politically realizable, of how to bundle all three kinds of weapons of mass destruction and their delivery vehicles into a comprehensive agreement.
- In this sense, the enforced disarmament in Iraq was a concrete “step towards” the establishment of a WMD/DVs Free Zone in the Middle East/Gulf. Moreover, the implementation of Resolution 687 relied on unilateral, good-faith action by Baghdad and at the same time on international monitoring institutions.
- The provisions regarding Iraq's missiles were based on clear, objective criteria and definitions which were fairly easy to implement.

5.3.4 South Africa as a Role Model for Unilateral 'Overnight' WMD/DVs Disarmament

Context and Decisive Factors

South Africa's dismantlement of its nuclear, biological, and chemical as well as ballistic missile programs has been bound to specific circumstances.¹⁴⁹ First of all, it is important to understand why Pretoria decided to develop those capabilities. The reasons and rationales were multi-layered, including the perceived imminent security threats to regime survival as well as fears of regional instability; the expansion of communism; and threats to its territorial integrity more widely coupled with international isolation, condemnation, and sanctions. This environment consolidated the perception that a nuclear capacity was the only option available for a functioning deterrence strategy against external menaces.

149. For a detailed analysis of the South African case of WMD/DVs disarmament, see POLICY BRIEF Nos. 28/29 by R.F. 'Pik' Botha, Dave Steward, and Waldo Stumpf (with a Special Statement by FW de Klerk).

Four overarching factors mirroring the motivations for the arms build-ups have been identified which contributed to the dismantlement of Pretoria's nuclear, biological, and chemical, as well as its missile, arsenals:

- First, the *democratization process within South Africa* was a crucial factor in the dismantlement experience. In this new domestic context the courage of a small number of individuals, like President FW de Klerk envisaging the future of their country as a responsible member of the global community, must be acknowledged.
- Second, *significant regional and global events easing the security situation* around the country stand out, especially if the nuclear deterrent had been built in response to those perceived external threats. Steps towards disarmament cannot be introduced without regional and, if relevant, extra-regional tensions and security threats, real or imagined, being addressed and resolved, since they are intertwined with the arsenals themselves. This is particularly the case, since political will has been essential for disarmament as well as the verification process. While political will can be supplemented through technical procedures, its function as a necessary foundation cannot be replaced.
- Third, *international pressure*, which played a limited role in the dismantlement process, can be an effective instrument in inducing policy change. This was demonstrated, for example by South Africa abandoning the Vastrap test site. However, if international isolation amplifies pre-existing security concerns, it may push a country towards full proliferation. Any sanctions regime should be targeted precisely at offering a clear-cut structure of incentives and rewards.
- Fourth, the 'backwards verification' process implemented by South Africa, i.e. unilateral dismantlement and subsequent IAEA inspections, may turn out to become the model for Israel (see 6.2).

Mechanisms Dealing with Zero

South Africa dismantled its entire WMD/DVs arsenals as well as its ballistic missile program. The policy of keeping the unilateral disarmament of its nuclear weapon program secret – including the six gun-type devices that were manufactured for underground testing – until after completion and the 'backwards verification' by the IAEA brought about decisive advantages at the political level.¹⁵⁰ Most importantly, it allowed for almost complete non-interference through

150. On the technical details of the unilateral dismantlement of the nuclear devices and the 'backwards verification' model, see Waldo Stumpf (2004) 'South Africa's Nuclear Weapons Programme', in Kathleen C. Bailey (ed.) *Weapons of Mass Destruction: Costs Versus Benefits*, New Delhi: Manohar, 63-81, here pp. 73-75.

domestic political rivalries. Within the unilateral destruction of nuclear devices, the organization and structure of the process presents an important feature of the South African precedent.

Strong political instructions were supplemented by clear responsibilities at the technical level. Extensive operational procedures were established prior to the initiation of the dismantlement process including the role of an independent auditor of the process with responsibility for countersigning any transfer of material. Complete openness also included permission to delve fully into past aspects of the nuclear program. IAEA inspectors were supported in their understanding of indigenous facilities and processes to an extent which allowed them to remodel the operations of individual plants on a day-to-day basis. Meticulous record-keeping during the destruction process has been a crucially important factor for the procedures of 'backwards' verification, which would otherwise have been significantly more difficult to facilitate. In this sense, total secrecy and complete openness can go hand in hand.

The chemical and biological warfare activities code-named 'Project Coast', started in 1981 and officially ended in 1995. It was conducted in strict secrecy and President de Klerk was not even aware of 'Project Coast' until its existence was revealed to him by the end of 1992. While the exact details and scope of the program remain unclear, several American and South African experts with first-hand knowledge of the country's chemical and biological warfare project have described it as "the second most sophisticated program" (after the Soviet Union) in terms of the range of biological agents possessed and the science involved.¹⁵¹ In line with the abandoning of the nuclear weapon program, the chemical and biological weapon infrastructure of 'Project Coast' was simultaneously eliminated. In contrast with the comprehensive verification of nuclear disarmament, however, many irregularities marred the convoluted chemical and biological disarmament process. These included the lack of independent verification of the destruction of stocks of chemical and biological agents.¹⁵²

Following the historic decision to destroy the nuclear weapon program, Pretoria agreed to refrain from manufacturing ballistic missiles. All ballistic missile work was stopped by mid-1993, and the main companies involved in these activities – Houwteq, Somchem, and Kentron – were forced to eliminate key

151. Helen E. Purkitt and Stephen F. Burgess (2005) *South Africa's Weapons of Mass Destruction*, Bloomington, IN: Indiana University Press, p. 104.

152. Large amounts of the chemical and biological substances still in the possession of the program were allegedly dumped into the sea off Cape Agulhas on January 27, 1993. See Chandré Gould and Peter Folb (2002) *Project Coast: Apartheid's Chemical and Biological Warfare Programme*, Geneva: United Nations Institute for Disarmament Research, here pp. 3, 131, and 215.

technologies.¹⁵³ South Africa joined the Missile Technology Control Regime on September 13, 1995. To further its contribution to the nonproliferation of missile technology, Pretoria assented to the Hague Code of Conduct Against Ballistic Missile Proliferation on November 25, 2002.

Transfer Potential for a Middle East WMD/DVs Free Zone

The disarmament process in South Africa covered the same full spectrum of armaments, which is central to the establishment of a comprehensive zone in the Middle East. South Africa occupies a unique position in history in being the only state that has unilaterally and voluntarily discarded its nuclear, biological, and chemical weapons as well as its missile programs. While the context was certainly different from the current situation in the Middle East, it, nevertheless, implies the potential of transferring ideas, concepts, and constructive approaches to WMD/DVs disarmament.

The following ‘lessons learned’ can be identified as they relate to the three decisive factors mentioned above:

- 1) The central lesson with a transfer potential to other states and regions that *the relaxation of domestic tensions may go along with changed threat perceptions on the inter-state level*. This applies especially to the Israeli-Palestinian and the Israeli-Arab conflict.
- 2) *Weapons and perceived security threats are intertwined and mutually inform each other*, rendering it rather impossible for security menaces to be resolved entirely prior to dismantlement. This is particularly relevant in the Middle Eastern context. In addition, the South African case shows that some weapons, such as its biological and chemical arsenals, were (at least partially) aimed at domestic friction, while nevertheless perceived as a security threat by regional actors. Hence, a policy practice focusing on WMD/DVs disarmament may benefit from a slightly expanded radius of view and action.
- 3) The South African case has demonstrated that *pressure, once the fundamental decision on disarmament has been taken, can significantly hamper the process of verification*. While, in the case at hand the smooth running of the process was impaired to some degree during the initial phases, in other cases of proliferation involving states which are less conclusive in their decision-making, such difficulties have the potential to undermine and even reverse the process.

153. The Wisconsin Project on Nuclear Arms Control (1996) ‘South Africa’s Nuclear Autopsy: The Risk Report’, January-February. Online, available at <http://bit.ly/114b8mW> (March 31, 2014).

5.4 Mechanisms for Reductions in the Context of Regional Developments and Global Dynamics

5.4.1 *The 'Princeton Proposal' in the Context of the Ongoing E3+3 Talks with Iran*

This incremental approach with a clear-cut nuclear focus was developed by Frank van Hippel and his colleagues at Princeton University in 2013.¹⁵⁴ It convincingly starts from the assumption: Any effort to make progress towards a Middle East WMD/DVs Free Zone has to take Israel's long standing security concerns about its neighbors into consideration, among them the ongoing dispute over Iran's nuclear program. At the same time the authors suggest that Israel should undertake initial steps to show that it is seriously interested in eliminating its nuclear weapons and stocks of unsafeguarded fissile materials in the framework of a Middle East WMD/DVs Free Zone. According to the 'Princeton Proposal', the de facto only nuclear weapon state in the region could start by ending any further production of plutonium and highly enriched uranium; declaring the sizes of its stocks of these materials to the IAEA; and beginning to place portions of its fissile material stocks under safeguards of the Vienna control body prior to their elimination.

While the five authors of the 'Princeton Proposal' assign an initial role to Israel, their plan is not at all confined to the only nuclear weapon state in the conflict region. For, in their view all countries in the Middle East/Gulf could take measures of nuclear restraint, which would build confidence that such a zone would be feasible, sustainable, and effectively verifiable. These restraints, if adopted more widely, would also serve to strengthen the global nuclear nonproliferation regime:

- Banning plutonium separation and ending the use of plutonium and of highly enriched uranium as a reactor fuel;
- limiting the enrichment of uranium to less than six percent, banning the stockpiling of enriched uranium for which there are no immediate requirements, and placing interim limits on enrichment capacities to levels that do not inspire fear of breakout;
- placing uranium mining, milling, imports, conversion and enrichment facilities under the oversight of a regional organization as well as the IAEA;
- universally accepting the Additional Protocol; and
- reaching an agreement on transparency measures more stringent than the Additional Protocol when requested by the IAEA.

154. Frank N. von Hippel, Seyed Hossein Mousavian, Emad Kiyaei, Harold A. Feiveson, and Zia Mian (2013) Fissile Material Controls in the Middle East: Steps toward a Middle East Zone Free of Nuclear Weapons and all other Weapons of Mass Destruction, International Panel on Fissile Material, Research Report No. 11.

The International Panel on Fissile Material also proposes that “discussions should begin on the structure and functions of a regional organization to supplement the verification activities of the IAEA and OPCW. Such an organization would provide countries of the region an additional basis for confidence that all their neighbors are complying with the obligations that they will undertake by joining a Middle East zone free of nuclear weapons and all other weapons of mass destruction.”¹⁵⁵

For Israel to take the role of an initiator for those proposed building blocks on the rocky road to a WMD/DVs Free Zone, a successful outcome of the E3+3 negotiations will be vital. After two agreed-upon extensions, the six powers have agreed to conclude a Final Accord by June 30, 2015.¹⁵⁶

Even more importantly, the E3+3 and Iran were making “significant” progress towards a deal to curb Tehran’s ability to build nuclear weapons – so much so that even hardliners in the Israeli government considered some form of agreement possible before the deadline (March 30, 2015). “The gap is narrower than before” on vital areas, Yuval Steinitz, Israel’s intelligence minister, said at the Security Conference in Munich in February 2015. “I can see progress on two or three central items.” Steinitz outlined four areas of concern: the number of centrifuges Iran is permitted to continue operating; its stockpile of enriched uranium; its research into more advanced centrifuges; and the storage and dismantling of mothballed centrifuge arrays. Other areas – separate from those outlined by Israel’s intelligence minister – were close to conclusion.¹⁵⁷

This is of course only one side of the coin. The other one involves the relief of financial and economic sanctions Iran is asking for in return. It remains to be seen, how especially the U.S. administration will be able to loosen the “spider web” of financial and economic sanctions, since it needs congressional approval to relax or even remove most of the measures.¹⁵⁸ The European Union could certainly step in and start providing incentives for Iran by lifting trade and financial restrictions. A successful agreement could solve the problem of ‘pre-existential’ deterrence mentioned above in that Iran would become a clear pre-nuclear state with enough warning time as far as an Iranian breakout is concerned – thus increasing Israel’s flexibility to start thinking about tackling its own nuclear arsenal.

155. *Ibid.*, p. 29.

156. See in greater detail POLICY BRIEF No. 43 by Lars Berger, Bernd W. Kubbig and Erzsébet N. Rózsa in Cooperation with Gülden Ayman, Meir Javandanfar, and Irina Zvyagelskaya.

157. Sam Jones and Geoff Dyer (2015) ‘Iran and west narrow gap in nuclear talks’, *The Financial Times*, February 19. See on the U.S. perspective on the Framework Agreement achieved in early April, 2015: U.S. Department of State (2015).

158. International Crisis Group (2013) *Spider Web: The Making and Unmaking of Iran Sanctions*, Brussels: ICG, Middle East Report, No. 138, February 25; see also *ibid.* (2014) *Iran and the P5+1: Solving the Nuclear Rubik’s Cube*, Brussels: ICG, Middle East Report No. 152, May 9.

5.4.2 *A Heuristic Approach: Constructing Rough Yardsticks of Equivalence*¹⁵⁹

This approach starts by defining military asymmetries as significant disparities in the quantity and quality of the forces available to a set of actors, and disparities in their strategies, doctrines, and operational paradigms. The key questions to a comprehensive approach which addresses the entire spectrum of nuclear, biological, and chemical weapons as well as their delivery vehicles are: How can different types and categories of weapons be compared? How can they be integrated into the overall reduction process and what criteria should be applied?

In order to deal with military asymmetries at the negotiating table, this ‘equivalence proposal’ suggests constructing a comparative methodology based on two hypotheses: First, if a WMD/DVs Free Zone in the Middle East is to become a reality, the states of the region will have to create political and military realities that will be acceptable to all parties without any WMD capabilities. Second, to create a military environment that is conducive to WMD disarmament, the challenge of military asymmetries must be addressed – both analytically and practically. In the following, the first three tasks towards a comparative methodology of assessing the military balance in the Middle East – both in the conventional and non-conventional areas – will be explained in greater detail.

Task 1: Specify the Relevant Weapon Systems. In order to not get lost in the ‘jungle’ of military complexities, it would be appropriate to limit the range of weaponry to strategic offensive weapons including WMD, ballistic missiles and rockets, land attack cruise missiles, and fighter/attack aircraft (including unmanned aerial combat vehicles). Strategic defensive weapons which complement offensive forces by contributing to damage limitation should be included as well, especially air defense and missile defense batteries.

Task 2: Construct Yardsticks of Capability and Analyze the Military Status Quo. Simply comparing numbers of certain weapon systems lacks analytical power and reflects the military situation with only limited accuracy. This is primarily due to the qualitative differences in the respective systems and the lack of transparency regarding regional actors. Transferring existing approaches, mostly from the East-West context, introduces problems because of the missing focus on the asymmetries in availability of key capabilities beyond quantitative/qualitative indicators, and mostly because of the multi-polar regional security order of the Middle East. Instead of a numbers-based methodology, an effects-based approach to comparison could help achieve clarity by asking: What do the relevant weapons have in common? While different categories of strategic offensive weapons possess widely different characteristics, they fulfill their tasks (deterrence, coercion) by virtue of their destructive

159. This proposal is based on a presentation by Michael Haas and Christian Weidlich at the ACADEMIC PEACE ORCHESTRA MIDDLE EAST Conference held in Istanbul on May 27-29, 2013.

potential; this potential is a corollary of physical effects (blast, thermal radiation, fragmentation) which are both measurable and predictable.¹⁶⁰

Task 3: Analyze the Effects of Possible Arms Control Measures. Undoubtedly, arms control and disarmament measures, such as the envisaged zone in the Middle East, will affect the military situation in the region and must be cooperatively designed. This could and should include arms control measures of strategic offensive weapons (missiles, rockets, and aircraft), in the most likely case based on asymmetric capability ratios (see also 5.2.1). Once the actors have jointly accepted standards for measuring military capabilities, follow-up steps will certainly result, where possible, in arms reductions and, where necessary, arms build-ups.

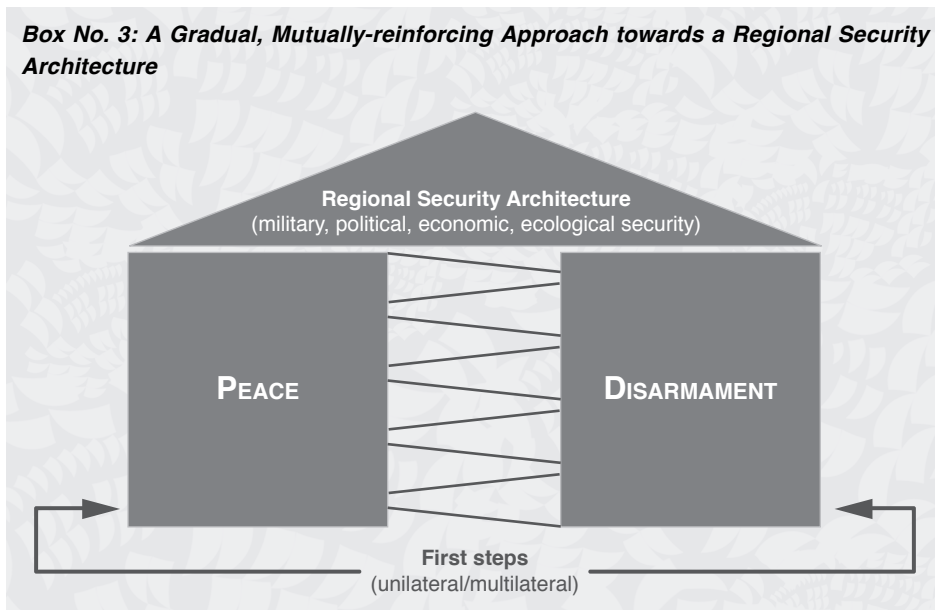
In this respect, a *two-power standard*, which would require adjustments in conventional military capabilities throughout the region, could be founded on the premise that Israel's military capabilities should be as high as those of any two other regional actors combined. An asymmetric approach to military capabilities on this basis results in a rather stable military balance and may be acceptable to Israel, which would retain parity vis-à-vis the strongest possible two-power coalition, and less than 50 percent inferiority in any worst-case scenario. Such a fixed asymmetric ratio of conventional capabilities could provide Israel with a manner of guaranteed security and would thus constitute an incentive to give up its nuclear arsenal.

In sum, the 'equivalence approach' shows that it is in principle possible to specify relevant weapon systems, to develop a viable analytical approach to the problem of regional military asymmetries and to compare different types and categories of weapons. This enables states in the region to create a military situation more conducive to disarmament by incorporating conventional strategic forces into the zonal process; to establish a stable military balance and deterrent strategies without WMD (which may, among other measures, include a selective and coordinated conventional arms build-up); and, finally, to inaugurate a more cooperative security paradigm by jointly codifying the level of acceptable strategic offensive capabilities.

Of course, within this heuristic approach, not all issues relevant to a comprehensive WMD/DVs limitation and reduction process have been addressed. Outstanding dimensions remain: the definition of the underlying bargain of non-conventional reductions (weapons for weapons; weapons for political-military concessions) and the development of actual limitation/reduction mechanisms acceptable to all parties in order to overcome the non-conventional asymmetries in the region.

160. The approach must also consider the fact that some weapon systems such as aircraft could be used several times in a military conflict while other weapons such as missiles and rockets could only be used once. Qualitative differences between various generations of weaponry in the missile and aircraft sector also need to be adequately addressed.

Box No. 3: A Gradual, Mutually-reinforcing Approach towards a Regional Security Architecture



5.4.3 'Weapons Down – Peace Up': Unilateral Opportunities for Israel¹⁶¹

Acknowledging the interconnectedness of peace and disarmament, the following proposal outlines a gradual two-track approach towards a sustainable regional security architecture. It is generally agreed upon by the regional actors and outside experts that the preconditions for implementing such cooperative security systems do not exist at present throughout the Middle East/Gulf. Therefore, initial steps with regard to arms control and disarmament as well as an improvement of the general political situation can and should be implemented. Thinking and theorizing on these avenues can begin, even (and perhaps *particularly*) during a period of political stalemate and lack of progress at the official level.

All regional states can work – both unilaterally and multilaterally – to advance the goals of the Helsinki Conference. Israel is often criticized for its insufficient participation in both the disarmament and political processes. Taking a more active role – either unilaterally or by engaging in a multilateral endeavor – could help it to avoid this criticism and prove its commitment to both arms control and peace in the region. Israel's engagement as an active participant or initiator of measures that can signal this commitment will not only increase its influence over their formation and offer it real ownership, but could also meaningfully promote regional processes of disarmament and peace.

161. This section is based on POLICY BRIEF No. 46 (forthcoming) by Akiva Eldar, Aviv Melamud, and Christian Weidlich.

The interconnectedness between the establishment of a regional security architecture and the achievement of regional peace should be clearly recognized. Peace (in the Israeli-Palestinian setting as well as its greater regional context) and disarmament can and should be pursued simultaneously, with the understanding that compromise and achievements reached on one track are likely to engender positive repercussions on the other. After years of unfruitful discussions between Israel and its neighbors on the ‘Disarmament First!’ versus ‘Peace First!’ stances, it is time to repeat that neither regional peace nor disarmament can proceed very far in isolation from one another: They must be pursued in parallel and will be mutually reinforcing (see 2.3).

The Helsinki Conference process should be, above all, a multilateral endeavor with compromise as its main element of joint decision-making. Nevertheless, each country – Israel being no exception – could and should consider its options for unilateral action to advance the creation of a WMD/DVs Free Zone or more generally of any serious process of regional arms control and disarmament. While it is true that unilateral steps, if they remain unacknowledged, may prevent further serious bi- and multilateral engagement, it is even more true that compromise-oriented solutions will not be reached without one side taking courageous first steps.

In the following, several measures, in terms of hypothetical first steps, are presented which can serve to build and enhance confidence in the region and can be pursued unilaterally by Israel or in cooperation with its neighbors.

- *Improving the Conditions for Arms Control and Disarmament:* Israel can take unilateral steps to confirm its commitment to such a process by a ratification of the CTBT and by allowing international inspections of certain aspects of its nuclear program (e.g., spent fuel rods), despite its reservations and concerns. In such a format, Israel can control its level of involvement and commitment, while still signaling willingness to engage on these matters. Within Israel it is important to identify ‘actors of change’ and start an informed discussion about whether the country’s strategic and military situation still requires maintaining the alleged nuclear arsenal.¹⁶² Multilaterally, Israel’s involvement within a regional endeavor could be meaningful in establishing contacts and building trust. Such initiatives could include the establishment of an expert group on Middle East-specific technical features of arms control implementation and verification; a Middle East regional arrangement on securing radiological agents; and reviving the idea of a Regional Security Center (see 6.6, 7.2.3, and 7.2.4).

162. See on this POLICY BRIEF No. 47a (forthcoming) by Yiftah S. Shapir as well as POLICY BRIEF No. 47b (forthcoming) by Sabahat Khan.

- *Furthering the Efforts towards Regional Peace:* By building on the Arab Peace Initiative and discussing the proposal as a basis for negotiations with Arab states, the Israeli government could present its ideas on the points of dispute. This would set a clear sign that it takes its own policy of ‘Peace First!’ serious. A majority of Israeli citizens even support the Arab Peace Initiative. In parallel, the Israeli government should take concrete unilateral steps to advance the negotiations and change facts on the ground by suspending settlement activities and furthering cooperation with the Palestinians; as well as by starting to adopt a regional approach to peace and security in the Middle East. The Israeli Peace Initiative should be taken up by the government as a basis for developing the Israeli parameters for a peaceful solution of the Israeli-Palestinian and Israeli-Arab conflict.

A comprehensive process aimed at reaching regional peace and the establishment of a WMD/DVs Free Zone – the two elements of a sustainable regional security architecture based on a broad understanding of security beyond the narrow focus of its military dimension – will need to find a solution in order to synchronize both major negotiation tracks. It seems that a key way forward is to try to avoid the idea that there is some natural ‘sequence’ of steps. It is difficult to say ‘when’ the concrete proposals for unilateral – and by extension multilateral – action are to be followed; they are more of a ‘menu of proposals’ that could be executed without any precondition.

The key to progress thus lies with the idea that both approaches should be pursued simultaneously, rather than being treated as competing trajectories; and there is leeway for Israel to take decisive unilateral action on both the arms control and the peace track. Being willing to make far-reaching concessions will send an important message to the public of all Middle Eastern states: that Israel is a true partner for peace, disarmament, democracy, and economic prosperity in the Middle East.

5.4.4 Using the Momentum of the Syrian CWC Accession¹⁶³

Syria acceded to the Chemical Weapons Convention on September 14, 2013, and formally became a state party on October 14 of the same year. This was the outcome of a Framework Agreement on the elimination of the country’s chemical warfare capabilities between Russia and the United States reached in Geneva on September 14, 2013. This accord averted military strikes by France, the United Kingdom, and the United States as reprisal for the use of chemical weapons in the Syrian Civil War. In particular the attacks with sarin nerve agents against the Damascus suburb of Ghouta on August 21, 2013, which killed hundreds of people and injured many more, represented a major escalation in the conflict.

163. This section is in large parts based on a comprehensive background paper by Jean Pascal Zanders, prepared for the ACADEMIC PEACE ORCHESTRA Conference in Berlin on March 11-12, 2015.

The whole process has demonstrated a willingness by the OPCW members to approach difficult and exceptional circumstances in a practical way, and they have taken several decisions that deviated significantly from the usual practices of the Convention.¹⁶⁴ After all, in Syria's case inventiveness was also stimulated by the fact that on the same day that Russia and the United States announced their joint Framework Agreement, Damascus deposited its instrument of accession with the UN Secretary-General and agreed to collaborate with the Technical Secretariat of the OPCW even before the Treaty became legally binding. This fact alone already deviated from the standard process as foreseen in the Convention. It leads to cautious optimism that if the international community were to request specific types of assistance in support of a nascent zone free of non-conventional weapons in the Middle East, the Hague-based institution might agree.

However, any such optimism would dissipate rapidly if there were no serious indications that the two regional countries not yet party to the Chemical Weapons Convention – Egypt and Israel – were inclined to accede to or ratify it. While Egypt makes its accession dependent on Israel signing the NPT, official policy in Israel on chemical arms remains vague, despite Syria's disarmament. Nevertheless, a positive statement from President Shimon Peres was reported in 2013, when he said: "I am sure our government will consider it [joining the CWC] seriously."¹⁶⁵ This statement gave impetus to a discourse on the benefits of beginning a regional disarmament process via the chemical dimension (perhaps culminating in a Chemical Weapons Free Zone) – based on the region-wide acceptance of the norm against this category of weapons.¹⁶⁶

If Egypt and Israel were to embark on a range of CSBM-type activities to enhance transparency with regard to past and present chemical weapon activities and issues of concern, the OPCW might be open to assisting the process in a discrete fashion. Particularly in view of the many emotional reactions to events in the Middle East, any scenario of OPCW involvement would require strong common purpose between Russia and the U.S., and at least tacit endorsement of their initiatives by the other P-5 members. The actual Syrian chemical weapon disarmament effort may well remain a truly exceptional case of international cooperation under exceptional circumstances with little bearing on other situations in the Middle East. Yet, the fact that it was possible – despite the ongoing civil war – to dismantle the comprehensive chemical weapon programs of a Middle Eastern state under international supervision represents the most successful regional disarmament case ever.

164. See POLICY BRIEF No. 34 by Jean Pascal Zanders in Cooperation with Nisreen Al Hmoud, David Friedman, Dorte Hühnert, and Iris Hunger.

165. Reuters (2013) 'Peres: Israel will consider joining chemical weapons ban treaty', September 30. Online, available at <http://reut.rs/1F8VvTv> (December 10, 2014).

166. See Shimon Stein and Emily B. Landau (2013) 'A Chemical-Free Middle East?', *The National Interest*, October 16. Online, available at <http://bit.ly/1NxIgdS> (December 10, 2014).

5.4.5 *Exploring Global Zero Proposals and the ‘Humanitarian Impact of Nuclear Weapons’*

What are the consequences of the international discourse on initiatives aimed at a Global Zero¹⁶⁷ for a WMD/DVs Free Zone in the Middle East? Despite the fact that regional factors are paramount, two different global approaches seem worth exploring:

- *A basically nonproliferation and reduction-focused strategy aimed at Global Zero under certain conditions.* Four authoritative American Elder Statesmen – George Shultz, William Perry, Henry Kissinger, and Sam Nunn – initiated the Global Zero discourse through a series of public appeals from 2007 to early 2013.¹⁶⁸ These appeals were echoed by four German Elder Statesmen: Helmut Schmidt, Richard von Weizsäcker, Egon Bahr, and Hans-Dietrich Genscher. On the Track I level, President Obama’s Prague speech of April 5, 2009, remains the most important statement in this respect.
- *A de-legitimization strategy for all nuclear weapons on humanitarian, ecological, and legal grounds with the aim of a treaty-based abolishment.* Leading Track II representatives of this much more radical approach have gathered in the International Campaign for the Abolition of Nuclear Weapons. Norway, Mexico, and Austria represent the avant-garde on the Track I level through having hosted major international conferences. Meanwhile this approach is supported by a great number of states.¹⁶⁹

To be sure, there are considerable differences between both initiatives and their visions of Global Zero. Not surprisingly, despite the visionary element, the positions of all eight former statesmen are fairly traditional. They remain stability-oriented and their reduction strategy is incremental with an emphasis on necessary steps in the East-West context, although the danger of nuclear proliferation with the new specter of nuclear terrorism is highlighted. Proponents of this approach recognize that there is much work remaining in the areas of verification of deep reductions and on how deterrence would work in a world without nuclear weapons. Some are concerned that the elimination of nuclear weapons would make the world ‘safe’ for conventional war. The four American protagonists are silent on regional

167. For an informative overview see Götz Neuneck (2009) ‘Globalizing Nuclear Zero: Is a World without Nuclear Weapons Really Attainable?’, in *Internationale Politik und Gesellschaft* [International Politics and Society], No. 4/2009, 46-64.

168. The statements by George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn from 2007 to 2011 are compiled in ‘Toward a World without Nuclear Weapons: The groundbreaking Wall Street Journal op-ed series’. Online, available at <http://bit.ly/1CUrjge> (April 8, 2015). Their most recent appeal appeared in *The Wall Street Journal*, March 5, 2013.

169. For many, Ray Acheson, Thomas Nash, and Richard Moyes (2014) *A Treaty Banning Nuclear Weapons: Developing a legal framework for the prohibition and elimination of nuclear weapons*, New York, NY: Article 36 and Reaching Critical Will; International Campaign for the Abolition of Nuclear Weapons (2015) ‘Austria issues historic pledge at Vienna Conference’, December 9. Online available at <http://bit.ly/1BzL6VB> (March 4, 2015).

concerns, including the Middle East. Their German counterparts, however, see a positive yet non-specific impact of American and Russian “[s]erious endeavors” to achieve a world free of nuclear weapons on a “spirit of cooperation [...] from the Middle East via Iran to East Asia.”¹⁷⁰ Despite their Global Zero vision, they have come to favor a minimum nuclear deterrence stance, which – transferred to the Middle East context – probably resembles the Israeli concept of deterrence.

By contrast, the proponents of a ban treaty approach distance themselves from the core elements of the Elder Statesmen, who are seen as part of the global nuclear predicament even perpetuated by the ‘traditionalists’. The outstanding specific features of the abolitionists is the humanitarian framing of the nuclear weapon issue. Nuclear deterrence is an abstract construction, the humanitarian consequences are not – the horrific impact does not start with the use of those weapons (with Hiroshima and Nagasaki as terrible reminders), but with their testing as well as risky stockpiling and deployment. Countries which subscribe to the ‘Humanitarian Impact of Nuclear Weapons’ have lost patience with repeated promises at NPT Review Conferences for an unequivocal undertaking to eliminate nuclear weapons, with little to show for it. They also call attention to the accidents and near-misses that have occurred with nuclear weapons over the years and emphasize that their very existence poses an unacceptable risk. Citing the precipitous consequences is designed to prompt a willingness to act with a heightened level of urgency on dismantling all nuclear arsenals.

Despite the differences (and the obvious deficits of both approaches) their strengths and their possible appeal to both societal groups and decision-makers in the Middle East/Gulf, above all and for obvious reasons in Israel, should not be overlooked:

- *The proponents of both approaches have emphasized that one single nuclear bomb is a horrible equalizer for all countries.* President Obama stated unequivocally in his Prague speech that “[o]ne nuclear weapon exploded in one city – be it New York or Moscow, Islamabad or Mumbai, Tokyo or Tel Aviv, Paris or Prague – could kill hundreds of thousands of people. And no matter where it happens, there is no end to what the consequences might be – for our global safety, our security, our economy, to our ultimate survival.”¹⁷¹
- *The security-centered debate in the Middle East can be inspired and enriched by the aspects of the humanitarian and ecological consequences.* The core element of the de-legitimization of nuclear weapons can give momentum to the Middle East discourse. In the prospective reduction period both approaches can be attractive to different communities in the Middle East; they may actually be mutually reinforcing.

170. Helmut Schmidt, Richard von Weizsäcker, Egon Bahr, and Hans-Dietrich Genscher (2009) ‘Toward a nuclear-free world: a German view’, International Herald Tribune, January 9.

171. The White House (2009) ‘Remarks by President Obama, Hradcany Square Prague, Czech Republic’ April 5. Online available <http://1.usa.gov/1kxNzEj> (May 24, 2013).

Both approaches also raise a number of issues that have to be addressed in the context of the Middle East:

- Would a nuclear umbrella be needed at some point in the reduction process? The U.S. and Russia possess “close to 95% of the world’s nuclear warheads,”¹⁷² and while initiating “multilateral negotiations on comprehensive nuclear disarmament”¹⁷³ is indeed important, it is not clear at what point Israel with its relatively small arsenal of estimated 100-240 nuclear warheads can be included.
- Nuclear arsenals had only a limited influence on foreign policies during the Cold War. The American Elder Statesmen cite convincing examples that nuclear weapons did not work as a political deterrent in the sense that they prevented or stopped foreign interventions such as in Hungary in 1956 and in Czechoslovakia in 1968, or even wars in Korea, Vietnam, and Afghanistan. The usefulness of nuclear weapons is even more questionable when it comes to regime survival: In the case of the Soviet Union they “did not prevent collapse or regime change.”¹⁷⁴
- This assessment could be a good starting point for a discussion in Israel of the role of nuclear weapons and of the question whether the initial arguments of the ‘nuclearists’ (e.g. David Ben Gurion) and the ‘conventionalists’ (e.g. Yizhak Rabin) are still valid.¹⁷⁵

But let us face it: As different as both the Global Zero and the ‘Humanitarian Impact of Nuclear Weapons’ approaches are, their representatives have to face up to realities which societal groups and decision-makers in the Middle East will hardly ignore. The contradictions are pre-eminent in three respects: First, despite Obama’s Prague rhetoric, his administration has allocated \$348 billion for the modernization of its nuclear forces in 2015-2024.¹⁷⁶ Second, the East-West arms control process has broken down in all areas. Third, the Russian Federation, one of the conveners of the planned Helsinki Conference, has lost credibility by obviously violating the Budapest Memorandum. It committed Kiev “to eliminate all nuclear weapons from its territory,” while the Russian Federation, the United Kingdom, and the United States reaffirmed “their commitment to [...]”

172. George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn (2008) ‘Toward a Nuclear-Free World’, *The Wall Street Journal*, January 15.

173. Acheson, Nash, and Moyes (2014), p. 3

174. George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn (2011) ‘Deterrence in the Age of Nuclear Proliferation’, *The Wall Street Journal*, March 7.

175. See POLICY BRIEF No. 47a (forthcoming) by Yiftah S. Shapir and POLICY BRIEF No. 47b (forthcoming) by Sabahat Khan. See also Zeev Maoz (2009) ‘The Mixed Blessing of Israel’s Nuclear Policy’, in *ibid* (ed.) *Defending the Holy Land: A Critical Analysis of Israel’s Security & Foreign Policy*, Ann Arbor, MI: The University of Michigan Press, 301-357, here pp. 354-357.

176. Congressional Budget Office (2015) *Projected Costs of U.S. Nuclear Forces, 2015 to 2024*. Online, available at <http://1.usa.gov/1NxIv1Z> (March 4, 2015).

provide assistance to Ukraine, [...] if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used [...].”¹⁷⁷

5.5 The Value of Limitations and Reductions in the Context of Military Asymmetries and Zero Options

The arms control/limitation and reduction treaties presented here, as well as proposals for (zonal) disarmament mainly in the nuclear, but also the conventional realm, were developed in specific historic, geographical, and conflict-related contexts as well as in uni-, bi-, and multilateral settings. In assuming that conflict formations are paramount, while weapons matter too, one-sided either/or views should be disregarded, and it should be recognized at the same time that the complex phenomena that need to be dealt with are caused by a variety of factors. In fact, a combination of both determinants, conflict formation and weapons, have proved instructive by examining the motivations and interests behind the weapon programs, which are at the same time the stumbling blocks (or, conversely, conditions for success) for any arms control/limitation and reduction scheme in the context of military asymmetries. The decisive factors in terms of crucial conditions for success or failure can be found at the domestic, regional, and international levels (this is in accordance with our conceptual premise that the Middle East/Gulf is a perforated region and thus inextricably connected to external powers).

At the *domestic and regional levels* (both are intertwined) we have focused for the sake of brevity only on the crucial Israeli-related dimension. The associated essential challenge for any reduction strategy is that incentives for the Israelis would have to be provided: What can they get in return? It seems plausible that any reduction scheme has to go beyond the military area and encompass the political arena. For the Arab neighbors this involves the improvement of relationships, with the official recognition of Israel as the final move. Thus, as shown in at least one reduction scheme, it will be vital to re-launch political initiatives such as the Arab Peace Initiative (see 5.4.3). Needless to say, use should be made of events and processes like the planned Helsinki Conference as a format for discussing these issues. Of course it would be essential if spheres of interests were regulated, national borders recognized and the intensity of regional rivalry, especially that between Iran and Saudi Arabia, were restrained.

An alternative approach for initiating a discussion in Israel on nuclear-related issues would start with re-assessing previous assumptions that led to the building

177. United Nations General Assembly (1994) Annex I to Letter dated December 7 [...], Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, A/49/765, December 19.

of its nuclear arsenal: Is the context politically (two Peace Treaties with Egypt and Jordan) and militarily still the same (Israeli conventional superiority and lessons that can be drawn from the past wars)? Have nuclear weapons been helpful in deterring/preventing and even winning wars? Were they instrumental in reaching political objectives in the conflict with Arab neighbors in general and the Palestinians in particular?¹⁷⁸ The military-industrial-bureaucratic network in Israel (and even to a lesser extent in Iran) can be regarded as a much smaller negative factor, while the still dominant power of past experiences constitutes a formidable challenge for adjusting the dominant mind-set in favor of arms control/limitations and reductions aimed at disarmament.

The conditions for success on the *international level* involve the constructive behavior of the relevant extra-regional powers, especially in terms of

- implementing the Global Zero proposal beyond mere rhetoric through deep strategic cuts or by creating a Nuclear Weapon Free Zone in Europe;
- being credible conveners of the Helsinki Conference;
- fulfilling the ambivalent task of avoiding destabilizing arms exports that upset (sub-regional) balances while providing an umbrella function which makes it possible for allies in the region to avoid further nuclearization;
- not projecting their competition into the Middle East/Gulf; and
- providing security guarantees for the envisaged states parties to the WMD/DVs Free Zone.

When assessing the value of limitations and reductions, the case studies have made the following obviously clear: First, that the contexts and decisive factors are specific to their unique setting, as are the examined mechanisms addressing military asymmetries and zero in the context of disarmament. Nevertheless, the lesson is that various actors were able to deal productively and successfully with those challenges. Second, while the degree of transfer potential for negotiations in the Middle East varies, all case studies – whether successful or not – will hopefully offer inspiration to the decision-makers in the conflict region. Yet the essential challenge remains: to base efforts on compromise, i.e., to be willing to accept less than your own maximalist objectives.

178. See on this the compelling arguments developed in Maoz (2009), pp. 354-357.

6. Verification of a WMD/ DVs Free Zone

The 1995 Resolution on the Middle East calls upon “all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an *effectively verifiable* Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems.”¹⁷⁹ However, in the Middle East the question remains open concerning what the verification requirements and the institutional setting of a prospective WMD/DVs Free Zone will be and what mechanisms will be required to meet the unique needs of a region marked by ongoing confrontation, distrust, and militarized conflicts.¹⁸⁰

6.1 Definitions and Instruments of Verification

The term ‘verification’ lacks an international consensus definition, although most existing definitions contain common elements. A study by the United Nations Institute for Disarmament Research (UNIDIR) and the Verification Research, Training and Information Centre (VERTIC) defines verification as the “[p]rocess of gathering interpreting, and using information to make a judgement about parties’ **compliance** or non-compliance with an agreement.”¹⁸¹ Another United Nations study defines the term as the “collection, collation and analysis of information in order to make a judgement as to whether a party is comply-

179. NPT Review and Extension Conference (1995), p. 14 (emphasis added).

180. The ACADEMIC PEACE ORCHESTRA’s working group on verification has met on four occasions. Its meetings resulted in five POLICY BRIEFS: No. 16 by Benjamin J. Bonin, Edward M. Ifft, Roberta Mulas, and Hartwig Spitzer in Cooperation with Khaled AbdelHamid, Nisreen Al Hmoud, Ephraim Asculai, Christian Charlier, David Friedman, Olli Heinonen, Dorte Hühnert, Tariq Rauf, Ibrahim Said, and Jean-Pascal Zanders covering verification concepts and challenges; No. 17 by Edward M. Ifft in Cooperation with Khaled AbdelHamid, Nisreen Al Hmoud, Ephraim Asculai, Benjamin J. Bonin, Christian Charlier, David Friedman, Olli Heinonen, Dorte Hühnert, Roberta Mulas, Tariq Rauf, Ibrahim Said, Hartwig Spitzer, and Jean Pascal Zanders on lessons learned from existing arms control and disarmament treaties; No. 33 by Tariq Rauf in Cooperation with Khaled AbdelHamid, Ephraim Asculai, Christian Charlier, Edward M. Ifft, Olli Heinonen, Dorte Hühnert, Ibrahim Said, and Hartwig Spitzer on possible frameworks for nuclear verification; and No. 34 by Jean Pascal Zanders in Cooperation with Nisreen Al Hmoud, David Friedman, Dorte Hühnert, and Iris Hunger on biological and chemical weapons verification. In addition, POLICY BRIEF No. 32 by Irma Argüello and Emiliano J. Buis focuses on ABACC. This Chapter draws heavily on these issues.

181. UNIDIR and VERTIC (2003) *Coming to Terms with Security: A Handbook on Verification and Compliance*, Geneva: UNIDIR, p. 130.

ing with its obligations.”¹⁸² These definitions emphasize verification as a process leading to a determination of compliance; the steps in that process are intentionally vague, as are the means by which evidence is collected.

The form that verification takes depends on the purpose of the treaty or agreement being implemented, the unique verification requirements associated with the weapon system being controlled or eliminated, the individual requirements of the negotiating parties, and the measures ultimately deemed to be mutually acceptable.

- Under most agreements, states submit initial *declarations* or statements of the status or progress of a party’s compliance with the provisions of the treaty. They are usually updated on a periodic basis and may be supplemented by additional data exchanges and notifications, which are intended to promote transparency and increase confidence among the parties.
- Under an arms control agreement with verification provisions, treaty-limited items are subject to *monitoring*, which is the means by which information is collected for verification purposes. Monitoring can take a variety of forms, dependent on the context of the agreement being implemented. *On-site monitoring* generally implies that human and/or technical control assets are located at a site requiring monitoring under the terms of the agreement. *Remote monitoring* involves the collection of information at a distance, sometimes outside the sovereign boundaries of the country being monitored, and sometimes with remotely operated sensors repositioned in-country.
- *(On-site) inspections* are visits by certified inspectors conducted to verify the conversion, dismantlement, or elimination of treaty-limited items. However, the more common and important practice is to verify the numbers and locations of treaty-limited items. Depending on the agreement, these inspections may be regularly scheduled or conducted at short-notice. The inspections may be conducted as a matter of routine, or in some cases at the urging of a state party that suspects violation of the agreement – a so-called challenge inspection.

The purpose of verification as envisaged in this study is, however, not to provide irrefutable proof of compliance or non-compliance. Rather, it is an exercise in confidence building, seeking to provide parties with adequate reassurance that *militarily significant* cheating is not taking place and to offer some measure of early warning regarding non-compliant activities (either intentional or unintentional). What is militarily significant will have to be determined by the negotiating party and is highly dependent on a variety of factors changing over time, such as the materials subject to prohibition and the current political situation.

182. United Nations, Office for Disarmament Affairs (2008) Verification in all its aspects, including the role of the United Nations in the field of verification, Disarmament Study Series, No. 32, New York, NY: United Nations, p. 11.

6.2 Nuclear Weapons

The nuclear component is the most important and the one likely to receive the most attention. The nuclear programs of Iraq and Iran, as well as to a lesser extent Syria and Libya, have been subject to a great deal of speculation and will certainly become an issue within the Helsinki Conference. Israel will be another center of discussion, since it is the only country in the prospective zone not a party to the NPT with facilities subject to IAEA safeguards.

A key assumption for establishing a WMD/DVs Free Zone is that all states would make (and keep up to date) declarations regarding their nuclear materials and activities. Four possible scenarios regarding nuclear weapons (also including relevant facilities and activities) can be envisaged:

- 1) All states declare that they do not have nuclear weapons and have never had them in the past.
- 2) One or more states declare that they have nuclear weapons.
- 3) One or more states declare that they previously had nuclear weapons, but do not have any such weapons now.
- 4) One or more states declare that they do not now have nuclear weapons and decline to discuss whether they had them in the past.

Scenario 1: This scenario, if the declarations are true, would be the easiest to deal with. However, doubts would arise as to the truth of such declarations. As is the case with all four scenarios, much would depend upon the definition of what constitutes a 'nuclear weapon'. For example, if there were no clear, agreed definition, a state might claim it had no such weapons if a small component were missing, but could easily be added. Therefore, all states need to have the same understanding.

Scenario 2: This scenario, the only one in which existing nuclear weapons are declared, would be the most complicated from a verification point of view. Procedures would need to be devised to eliminate existing nuclear weapons. No such internationally agreed procedures exist and nuclear weapons have never been disassembled/eliminated under international supervision. The challenge would be to carry out these activities in such a way as to provide assurance that agreed procedures were followed, but without revealing sensitive design information or risking proliferation.¹⁸³

183. Useful work towards this end has been carried out jointly by the United Kingdom and Norway. Substantial relevant research was also conducted under the Trilateral Initiative involving the U.S., Russia, and the IAEA. See David Cliff, Hassan Elbahtimy, and Andreas Persbo (2010) *Verifying Warhead Dismantlement: Past, present, future*, VERTIC Research Report, No. 9, London: VERTIC; and Thomas E. Shea (2008) 'The Trilateral Initiative: A Model for the Future?', *Arms Control Today*, 38(4): 17-18.

Scenario 3: This may be the most interesting option – and possibly most likely. In this scenario, which basically follows the South Africa precedent, a state with nuclear weapons would disassemble/eliminate all nuclear weapons unilaterally before entry into force of the WMD/DVs Free Zone. Eventually avoiding the difficult multilateral process, the task would then be to verify that all nuclear weapons had been eliminated and all major components are accounted for. Of course, the key relevant records regarding the nuclear weapon program would need to be made available completely. South Africa succeeded in this endeavor to the satisfaction of both the IAEA and the international community.¹⁸⁴

Scenario 4: This is a variation of the third scenario under which a state would neither confirm nor deny past possession of nuclear weapons, but would declare that it presently had none. The assumption is that, if it had once had such weapons, they had been eliminated. The state might insist that only the situation at the time of entry into force was relevant, not past actions. However, it might reveal that it had carried out certain activities related to nuclear weapons and some components might be presented to inspectors. A more cooperative approach by Iraq prior to the 2003 Gulf War might bear some resemblance to this scenario. Depending upon how open the state was to revealing past activities, a refusal to give a convincing explanation would probably give rise to serious doubts.

In all four possible scenarios, a contentious issue is likely to be past activities. The South African precedent would represent the ideal situation. This would mean that even if the dismantling does not take place under international control, it should afterwards be verified that full dismantling has been carried out, and all single-use infrastructure has been eliminated. In this case, inspectors would have full access to records, locations, and persons involved with past activities relevant to WMD. However, this may not be realistic. The UN Security Council demand for a ‘full, final, and complete’ accounting by Iraq of all its WMD activities proved to be a huge stumbling block with disastrous results, certainly partly resulting from a lack of cooperation by Iraq. Yet, with hindsight, it may be that no accounting that was possible could have satisfied suspicious observers. As this could prove to be a crucial verification issue, states will need to think carefully about the extent of knowledge of the past that will be necessary to have effective verification. It could be a mistake to allow disputes concerning former activities to stand in the way of an agreement that could satisfactorily govern behavior in the future.

With regard to an institutional arrangement for the nuclear dimension of the comprehensive zone in the Middle East, the recognized requirement of verifying that contracting parties are complying with the treaty obligations could be met by ensuring that all nuclear material, facilities, and activities are subject to full-scope

184. For a detailed analysis of the South African case, see POLICY BRIEF Nos. 28/29 by R.F. ,Pik’ Botha, Dave Steward, and Waldo Stumpf (with a special statement by FW de Klerk).

safeguards administered by the IAEA. The specifics of the ‘control systems’ may vary from region to region, but all states within one zone should be required to implement Comprehensive Safeguards Agreements of the Vienna-based agency.

While relying on the IAEA system allows countries to take advantage of the organization’s considerable experience in this area as well as to save costs, the IAEA system does not cover all verification functions required by NWFZs. The safeguards system is geared to ensuring that non-nuclear weapon states do not divert nuclear material to build nuclear explosives. It does not monitor other possible violations of a NWFZ, such as clandestine import of nuclear weapons by a party, or the use of a state’s territory within the zone by an extra-regional country for the stationing or deployment of nuclear weapons. Thus, the scope of the obligations of NWFZs goes beyond the full application of IAEA safeguards.¹⁸⁵

Regional control mechanisms, which are usually created under NWFZ agreements, oversee and review the application of the IAEA safeguards system. This includes challenge inspections authorized by the regional control mechanisms, but carried out by the Agency’s inspectors within their respective zones during the periodic meetings of zonal states. Moreover, they provide for a number of additional control measures.

It should be noted that so far there have been no reported cases of special inspections carried out by the IAEA at the request of any of the five regional control bodies. This may have to do with the absence of any serious effort by countries located within any of the five zones to acquire nuclear weapons, or absence of any indication of diversion of nuclear material and prohibited activities as concluded in the annual Safeguards Implementation Report (SIR). In general, the regional control mechanisms have chosen to rely on the IAEA to carry out the technical aspects of verification and have accepted the findings of the SIR as meeting the requirements of the respective zonal treaties. Thus far, the NWFZ regional control mechanisms have found it cost-effective to rely on the Agency for verification rather than developing the technical expertise themselves in light of various constraints, including adequately trained personnel, cost of verification technologies and equipment, and other infrastructure and managerial challenges.

Institutional arrangements relying on international and regional verification could be developed for the nuclear dimension of the envisaged zone in the Middle East in three alternative ways:

- 1) Assigning all routine and non-routine verification responsibility to the IAEA;

185. For a detailed account on the role of IAEA safeguards within NWFZs, see POLICY BRIEF No. 33 by Tariq Rauf in Cooperation with Khaled AbdelHamid, Ephraim Asculai, Christian Charlier, Edward M. Ifft, Olli Heinonen, Dorte Hühnert, Ibrahim Said, and Hartwig Spitzer, p. 4.

- 2) having all routine and non-routine verification activities conducted by international (IAEA) and regional authorities acting jointly; or
- 3) having routine and non-routine verification activities carried out independently by the IAEA and, in parallel, conducted independently by an inspection body created by – and responsible to – an authority consisting of the parties to the zonal agreement.

Option 1: The standard model and experience of the five existing NWFZs is to assign all verification responsibilities to the IAEA in accordance with the legal obligations of Comprehensive Safeguards Agreements (INFCIRC/153/Corr.) and the additional protocol (INFCIRC/540/Corr.) based on each NWFZ treaty provisions. This provides for standardization of verification, avoidance of duplication and disruption for nuclear operators, cost savings, effectiveness and efficiency,

Box No. 4: Overview over Regional Control Mechanism in Existing Nuclear Weapon Free Zones

<i>Organization for the Prohibition of Nuclear Weapons in Latin America (OPANAL)</i>	<ul style="list-style-type: none"> • In addition to the application of the IAEA system, the Latin American Treaty provides for reports and exchanges of information and special reports requested by OPANAL.
<i>Consultative Committee of the South Pacific Nuclear Weapon Free Zone</i>	<ul style="list-style-type: none"> • In addition to IAEA safeguards, the South Pacific NWFZ's verification regime includes reports, information exchanges, and consultations. • A complaints procedure provides for special inspections authorized by and carried out by the Consultative Committee, the main regional verification body established by the Treaty. • The South Pacific NWFZ also supplements the IAEA safeguards system with reports and exchange of information, requests for clarification, fact-finding missions, and a dispute settlement procedure.
<i>The Commission for the Southeast Asia Nuclear Weapon Free Zone and its Executive Committee</i>	<ul style="list-style-type: none"> • The Commission for the Southeast Asia NWFZ is responsible for overseeing the implementation of the Treaty and for ensuring compliance with its provisions. • As a subsidiary organ of the Commission, the Executive Committee, is responsible for ensuring the proper operation of verification measures, including requests for clarification and fact-finding missions.
<i>African Commission on Nuclear Energy (AFCONE)</i>	<ul style="list-style-type: none"> • The control system supervised by the AFCONE includes the application of the IAEA safeguards system, as well as a regional system of reporting and exchange of information, consultations and conferences. • The Treaty also provides for a complaints and dispute settlement mechanism, including technical visits and special inspections using IAEA inspectors.
<i>Central Asian Nuclear Weapon Free Zone</i>	<ul style="list-style-type: none"> • Annual consultative meetings review compliance as well as other matters related to implementation of the NWFZ Treaty.

reporting of safeguards conclusions to the IAEA Board of Governors, and methodologies and frameworks for addressing questions or irregularities. Membership of the IAEA, not membership in the NPT, is a prerequisite for a state to bring into force a Safeguards Agreement with the IAEA.

As a NWFZ treaty requires its parties to use nuclear energy exclusively for peaceful purposes, verification of this obligation would be fulfilled by bringing into force a Comprehensive Safeguards Agreement with the Agency. The basic undertaking of the state would be to accept safeguards on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices. For its part, the IAEA has the corresponding right and obligation to ensure that safeguards are applied.

The objective of safeguards is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or diversion for unknown purposes. In each case, diversion is to be deterred by the risk of early detection. The IAEA has defined three safeguards objectives that are common to all states with Comprehensive Safeguards Agreements, as follows: to detect undeclared nuclear material and activities anywhere in the state; to detect undeclared production or processing of nuclear material at facilities and Locations Outside Facilities (LOFs); and to detect diversion of declared nuclear material at facilities and LOFs.¹⁸⁶

In order to meet the overall objective the Agency determines an optimized combination of safeguards measures needed to achieve state-specific technical objectives, based on the evaluation of all available information on the state.

The Agency may carry out three kinds of inspections: ad hoc, routine, and special inspections, as well as complementary accesses.¹⁸⁷ States must ensure that inspectors are able to carry out their activities, by providing access to locations and to the information necessary to meet the objectives of the inspection independently. Countries and NWFZ regional control authorities have the right to accompany IAEA personnel during inspections.

- *Ad hoc inspections* are normally conducted to verify the information contained in the initial report by a state to the IAEA, before subsidiary arrangements have been concluded and facility attachments have been prepared, or to verify nuclear material before it is exported or upon receipt in the importing state.

186. See 'The Safeguards System of the International Atomic Energy Agency'. Online, available at <http://bit.ly/1Hpx7Bd> (June 6, 2014).

187. For details on complementary access and managed access, see POLICY BRIEF No. 33 by Tariq Rauf in Cooperation with Khaled AbdelHamid, Ephraim Asculai, Christian Charlier, Edward M. Ifft, Olli Heinonen, Dorte Hühnert, Ibrahim Said, and Hartwig Spitzer.

- *Routine inspections* are conducted after the Subsidiary Arrangements Attachments have been concluded and specific information has been incorporated into the Attachments, including information on ‘strategic points’ in each facility. Once the broader conclusions have been drawn in a state with an Additional Protocol in force, the IAEA has the right under certain conditions to conduct inspections on a random basis, with minimum advance notification to the state and operator, or to select part of the routine inspection activities randomly. This supplementary measure can achieve increases in both effectiveness and efficiency, and is an important component of the state-level concept for safeguards planning and implementation. States may find the logistics challenging, but the Agency may nonetheless exercise its right to conduct unannounced inspections. The IAEA periodically communicates to the state its general program of inspections to help minimize impacts on the facilities. Inspectors conducting a routine inspection must be granted access and support to carry out their activities to meet the verification objectives.
- The IAEA may require *special inspections* which may be either additional to the routine inspection effort or involve access to information or locations which are additional to those involved in routine and ad hoc inspections, or both. While special inspections have rarely been carried out, they are an important element of the Agency’s legal authority to implement safeguards, and may be necessary for the Vienna-based control body to achieve the objectives of the NWFZ treaty and NPT safeguards.

Option 2: In situations where the IAEA agrees to jointly carry out safeguards implementation with a regional NWFZ authority, it will fully implement its rights and obligations and implement safeguards in accordance with its practices without any interference or hindrance and reach its own independent safeguards conclusions. Inspectors or staff of a regional NWFZ authority may accompany Agency inspectors with the consent of the country, but may not interfere or hinder their work. The regional zonal authority would need to define its safeguards objectives and practices and implement them, and develop a reporting procedure and metrics for its governance structure. The regional NWFZ authority would be responsible for covering its own costs. As a way of assisting, this authority may work jointly with the Agency to develop safeguards technologies and equipment, the specifications for which would be provided by the Agency.

Advantages of this option include that an additional regional control mechanism would complement the implementation of IAEA safeguards and verification, thereby allowing direct involvement of the states in the actual conduct of verification activities and reporting to a regional verification authority. This could add an additional layer of confidence in a region such as the Middle East, where trust is lacking. Disadvantages would include additional costs, duplication of verification activities, possible additional burdens, and disruptions for nuclear operators.

Option 3: Safeguards could be implemented separately and in parallel by the IAEA and the regional authority. A model for this option is the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) or the European Atomic Energy Community (EURATOM), neither of which implement safeguards and verification pursuant to a regional NWFZ arrangement.

Advantages of this option include not only the direct involvement of all states participating in the regional authority, but also facilitate direct contacts and interactions between officials and technical experts from the states of the region – thereby serving as a confidence-building measure. It would also promote education and training as well as development of technical expertise in nuclear verification involving personnel from participating regional states. On the contrary, this option could entail considerable financial costs and require infrastructure and administrative investments as well as a cadre of experienced professionals to start up the regional authority, not to mention a high measure of political agreement among the concerned states. It should be noted that, unlike the IAEA, neither ABACC nor EURATOM have the legal authority to confirm the absence of undeclared nuclear material and activities, as their respective mandates cover confirmation of peaceful use of declared nuclear material and activities.

The three verification options may be assessed comparatively in terms of efficiency, cost, practicality, technical expertise, administrative capacity, and human resource requirements. Option 1 of verification carried out by the IAEA has several advantages that possibly position it as the most viable and cost-effective option, with minimal disadvantages. Option 2 involving verification carried out jointly by the IAEA and a regional control mechanism has the advantage of directly involving the regional states concerned. Option 3 involving separate verification by the IAEA and by a regional authority also has the advantage of involving the regional states and building confidence through a regional authority. However, both Options 2 and 3 would entail considerable costs as well as duplication of effort, and neither option in the short- to medium-term could match the expertise, credibility, and scope of verification authority of the IAEA, thus possibly resulting in two levels of verification assessments and conclusions – with the Agency having the higher and universally accepted credibility regarding its technical competence and conclusions, while the regional authority would have lower status.

Thus, on balance, the Middle East would be better off relying on IAEA verification and safeguards. Over the medium- to longer-term, given the political will as well as financial and human resources, the states of the region could invest in a regional authority to build up their own capacity and by doing so contribute to strengthening mutual confidence and trust.

6.3 Biological Weapons

Negotiated between 1968 and 1971, the Biological and Toxin Weapons Convention entered into force in 1975. Under the BTWC, parties agree to not develop, produce, stockpile or otherwise acquire or retain biological weapons and their means of delivery. While the statement is simple, the reality of compliance is far more complex. The Treaty defines in Article I a biological weapon as “[m]icrobial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.” The wording of this definition implicitly acknowledges that many biological research activities and technologies are inherently dual-use, with potential applications in both the civil arena and in the development of biological weapons. Observers contend that the dividing line between peaceful and non-peaceful research in the biosciences can be quite blurry, and is largely a matter of intention – which cannot necessarily be ascertained through objective technical verification means.

Unlike the NPT and CWC, which have elaborate verification regimes, the BTWC has none. The Cold War did not allow for verification machinery. The principle of on-site inspections had yet to be accepted by the United States and the Soviet Union, and then-existing remote technologies were useless for monitoring the ban on pathogens and toxins. By means of quinquennial review conferences, states have tried to address this shortcoming by adopting sets of confidence-building measures in 1986 and 1991. During the 1990s they also explored and subsequently negotiated a supplementary protocol, which would have included formal verification tools and an international implementation organization. The endeavor collapsed in 2001, after the United States formally rejected the draft text.

The complexity of ascertaining compliance with the BTWC is in part what has prevented the members from reaching agreement on a verification regime for the Treaty.¹⁸⁸ The basic problem remains that any useful inspections would have to be very intrusive in the pharmaceutical and biotechnological industry and still might not be effective, given the dual-use nature of many biological substances and technologies. Dual-use activities are problematic regarding legitimate research into diseases and vaccines as well as biodefense.

Not having been used as weapons of war since World War II, biological weapons do not carry the same historical baggage as chemical weapons in the Middle East.

188. For additional perspectives on compliance, verification, and the BTWC see Kirk C. Bansak (2011) ‘Enhancing Compliance with an Evolving Treaty: A Task for an Improved BWC Intercessional Process’, *Arms Control Today*, 41(5): 13-19; and Kenneth D. Ward (2004) ‘The BWC Protocol: Mandate for Failure’, *The Nonproliferation Review*, 11(2): 183-199.

Therefore, constructive discussions on BW-relevant transparency in Helsinki may encounter far fewer political impediments. In fact, a greater regional consensus appears to exist on bio-related issues, including the limited military utility of these weapons, threats posed by non-state actors' attempts to acquire them, the importance of facilitating regulated peaceful applications of biotechnology, and the need for international cooperation on natural disease surveillance and prevention. Bearing these elements in mind, the Helsinki Conference may benefit from different types of measures that promote transparency and confidence, but fall short of formal verification:

- *National Statements:* As an initial step, states can issue formal statements that, first, they do not possess and will not acquire BW and, second, they will never use them. Such declarations would offer a solid foundation for any other type of confidence-building measures. While not verifiable in the narrow sense of the term, they create an unambiguous baseline from which to judge any future activity or action.
- *National Legislative Measures:* By virtue of Article IV the BTWC requires a state party to transpose the treaty obligations into domestic legislation. These domestic measures may include laws, executive orders, and any other type of regulation. UN Security Council Resolution 1540 mandates all states in the Middle East to promulgate such national measures irrespective of their BTWC membership. Both the Convention and Resolution 1540 require states to report on the implementation status. These national reports could be exchanged within the framework of any regional setup that may result from the Helsinki Conference process.
- *Confidence-building Information Exchanges:* CBMs offer opportunities for states participating in exchanges to seek clarifications in cases of perceived anomalies, omissions or contradictions on a bilateral basis. While no substitute for verification, they are likely to contribute to transparency and increase the willingness of states to interact with each other. The Middle East Conference may opt to work out its own sets of CBMs addressing the various security questions on its agenda. In the absence of a formal verification regime, parties to the Convention adopted two sets of CBMs which may serve as a role model:
 - A: Exchange of data on research centers and laboratories; and exchange of information on national biological defense research and development programs.
 - B: Exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins.
 - C: Encouragement of publication of results and promotion of use of knowledge.

D: Active promotion of contacts between scientists, other experts and facilities engaged in biological research directly related to the Convention, including exchanges and visits for joint research on a mutually agreed basis.

E: Declaration of legislation, regulations, and other measures.

F: Declaration of past activities in offensive and/or defensive biological research and development programs.

G: Declaration of vaccine production facilities.¹⁸⁹

While none of these actions amount to verification, they do create a context in which observed activities can be interpreted. Furthermore, they can provide valuable input for the design of relevant CBMs and, eventually, verification measures. However, such actions fall into the gray area between disarmament obligations by states and national responsibilities. Nevertheless, governments do play a key role, as they would have to remove barriers to the participation by certain nationals in activities on their territory, which would signal a desire to come to a common security arrangement for the region.

6.4 Chemical Weapons

The Chemical Weapons Convention entered into force in 1997 and provides the most elaborate verification regime ever implemented.¹⁹⁰ In the CWC context, verification serves three primary goals:

- Certification of the destruction of declared weapon stockpiles, related equipment, and infrastructure (storage sites and production facilities), or the conversion of former manufacturing plants to peaceful purposes;
- oversight of present and future non-development and non-production of chemical weapons, which covers activities in the (civilian) chemical industry, international commerce, as well as the creation and strengthening of various types of barriers to illicit activities; and
- investigation of alleged use of CW against a state party.

Verification thus serves to demonstrate state party compliance with the CWC provisions and simultaneously offers reassurance to other states parties that

189. See BTWC Implementation Support Unit (2014). Measure D was actually deleted from that list in 2011, but may still prove useful in the Middle East context.

190. While we focus on the CWC and the BTWC in this Chapter, there are other important mechanisms that govern the norm against chemical and biological weapons: the 1925 Geneva Protocol, the UN Secretary-General's Mechanism for the Investigation of Alleged Use of Chemical and Biological Weapons, and UN Security Council Resolution 1540. See POLICY BRIEF No. 34 by Jean Pascal Zanders in Cooperation with Nisreen Al Hmoud, David Friedman, Dorte Hühnert, and Iris Hunger. See also 4.4 and 4.5.

a particular state does not and will not acquire chemical weapons. To these ends, the CWC has established an international body: the Organisation for the Prohibition of Chemical Weapons, based in The Hague. The OPCW employs a team of specialist international inspectors. The CWC verification system functions at both the international and national levels. Although each level has its own sets of instruments, they are interconnected and mutually reinforcing.¹⁹¹

At the international level, the tools are: declarations to be submitted by the states parties to the Technical Secretariat; routine inspections conducted by OPCW inspectors to validate the declarations and ascertain that no illicit activities take place; and challenge inspections. The Technical Secretariat addresses ambiguities or omissions (particularly in the area of transfers of toxic chemicals) through clarification requests. Routine inspections can also help to resolve such matters.

At the national level, the tools are: implementing legislation, data collection, and the national authority. States parties must transpose the CWC provisions into their national legislation and must adopt specific legislation to prevent natural or legal persons from undertaking activities prohibited by the Convention on their territory or territory under their control. Member states are also obliged to collect the relevant data from public and private actors in order to fulfill their reporting obligations to the Technical Secretariat. States parties submit information on activities involving toxic chemicals for prohibited purposes (i.e. past weapon programs), as well as on legitimate activities concerning the production, processing, consumption, and transfer of scheduled chemicals.¹⁹² Furthermore, they must designate or establish a national authority, which acts as a focal point for contact between the Technical Secretariat and the government of the state party, and with other members. Among the national authority's principal responsibilities are escorting OPCW inspections of relevant industrial or military sites; submitting initial and annual declarations; assisting and protecting those states parties which are threatened by, or have suffered, chemical attack; and fostering the peaceful uses of chemistry.¹⁹³

Challenge inspections are the ultimate recourse for checking compliance. Contrary to most other inspection activities, challenge inspections (as well as investigations of alleged use) cover the entire scope of toxic chemicals and can take place in both declared and undeclared facilities. Only a state party can call

191. Daniel Feakes (2002) 'Evaluating the CWC verification system', *Disarmament Forum* 4(11): 11-21.

192. Certain warfare agents and their precursors are grouped in three schedules based on an assessment of their risk to the objectives and purpose of the CWC and their commercial value. Schedule 1 chemicals have been determined to serve CW purposes only and therefore not to have any commercial value.

193. OPCW (2014) 'National Authorities'. Online, available at <http://bit.ly/1LNzHr4> (June 30, 2014).

for this type of inspection, which is executed by OPCW inspectors. Until today no state has requested a challenge inspection, although the Technical Secretariat of the OPCW has organized several increasingly sophisticated trial challenge inspections. Nevertheless, its non-invocation has left doubts unchallenged as to whether the procedure can uncover treaty violations, particularly ones that involve unscheduled chemicals. Most analysts, however, concur that a challenge inspection could detect indicators or patterns of questionable activities.

With regard to the Helsinki Conference, the Chemical Weapons Convention offers an advanced template for designing verification at the regional level. Both Egypt and Israel could, for example, autonomously organize and report on national inspection exercises as a measure to build confidence and transparency pending the conclusion of regional agreements. Such national verification exercises would not only familiarize officials with the detailed CWC procedures, but would also increase their confidence that such inspections can be set up in ways that eliminate the risk of divulging data unrelated to the CWC requirements.

In organizing the verified elimination of Syria's chemical weapons capacity, the OPCW has demonstrated constructive flexibility in the interpretation of its operational procedures, implying that the organization could offer maximum support to proposed or agreed measures designed to achieve a comprehensive zone in the Middle East. Such support could consist of facilitation of discussions aimed at removing the specter of chemical warfare from the region, assistance with the implementation or preparation of this process of the CWC requirements (e.g., the reporting and inspection processes); facilitation of bilateral consultations between Egypt and Israel; or mediation regarding international assistance towards implementing the regional prohibition on chemical weapons.

Once negotiations on the envisaged zone start, the OPCW could conceivably play a significant supportive role for both the negotiators and the individual countries concerned with regard to technical and legal matters under consideration. The OPCW Director-General could appoint a special or personal representative to liaise with the Facilitator of the negotiations on a zonal arrangement and engage directly with Egypt and Israel with the prospect of them becoming parties to the Convention. Using an arrangement similar to the OPCW-UN Joint Mission in Syria could allow the body in The Hague to play a constructive role even if negotiations were to lead to regional agreements on disarmament or arms control affecting the status of chemical weapons in the region that precede both countries joining the Convention. Adaptability and flexibility may imply the design of provisional obligations, and verification and compliance enforcement measures (as has been the case for Syria) that will satisfy the security demands of Egypt and Israel until they can become full parties to the CWC.

6.5 Delivery Vehicles

The goal of the WMD Free Zone generally includes, in addition to nuclear, chemical, and biological weapons themselves, their means of delivery usually defined as missiles. Of course, WMD could be delivered in the Middle East by other means, but ballistic missiles seem the most threatening weapons to most observers, because of their short flight times and the fact that the numbers and ranges of missiles are growing in the area. Furthermore, they were widely used during the Iran-Iraq War and against Israel. The situation in the area is greatly complicated by geography, meaning that even short-range missiles can attack important targets in multiple countries.

Previous analysis has indicated that a useful first step would be to prohibit ballistic missiles above a relatively short range: 70 km has been suggested for such a limit.¹⁹⁴ In comparison, 150 km was the limit imposed on Iraq by the UN after the 1991 Gulf War. Ranges this low would require the elimination of a number of existing systems with substantially longer ranges. Specific range limits will obviously be determined by the states themselves, based upon their own security requirements.

International experience with constraining the ranges of missiles, verifying of treaty-relevant activities, and eliminating those missile capabilities above certain limits, is good. Missiles are comparatively large and require flight-testing, which can be observed. In the following the utility and limitations of various technologies are briefly discussed. The main conclusion will be: While aerial, satellite, and ground-based surveillance can play a supportive role, human inspections will have to be the backbone of a sufficiently credible and effective monitoring system.¹⁹⁵

- *Space-based Surveillance:* Satellites carry ground-observing, primarily optical sensors which operate mainly at wavelengths in the visible band but also in infrared bands. Synthetic aperture radar (SAR) sensors and multispectral optical sensors have been added to this repertoire. Optical resolution can range from about 0.1 m, in the case of the large optical sensors of U.S. military satellites, to about 1 m in the case of commercial ones. Thermal infrared and SAR devices are not encumbered by lighting and weather conditions, and they can recover terrain images at night. When an appropriate wavelength is chosen, SAR sensors are even able to penetrate cloud cover.

Surveillance satellites have been used for treaty verification since the 1970s. Besides relatively low operating costs, their major advantage is non-intrusiveness, since they do not violate the sovereign airspace of individual countries. Nevertheless, reconnaissance satellites have some serious constraints. First, they are limited to exterior views and cannot observe the interiors of buildings and facilities. Second, as resolution is inversely proportional to the field of view,

194. Scheffran et al. (2012), p. 161.

195. The following section draws heavily on *ibid.*, pp. 155-157.

high-resolution observation from space provides a veritable ‘tunnel vision’. A known site can be observed in great detail, while undeclared activities could escape observation. Third, the passage of satellites is predictable over a given segment of territory, so that an ambitious country can take timely precautions to keep illegal activity from being discovered.

- *Airborne Surveillance*: Observation from (un)manned aircraft carrying optical and radar devices has significant advantages over space-based surveillance, but suffers from the basic problem of intrusiveness. Because aircraft operate at lower altitudes, the resolution of their imagery is potentially much higher. Like satellites, surveillance aircraft carry visible light, infrared, and SAR sensors. Unlike satellites, however, airborne optical devices are capable of panoramic photography and can obtain high-resolution optical and thermal imagery of wide swaths of terrain on both sides of the flight path. The future may see an even more varied repertoire of airborne surveillance sensors.¹⁹⁶

However, airborne surveillance suffers from the same drawback as space surveillance by being limited to exterior views without the ability to penetrate thin overhead screens set up to hide covert activity. Moreover, this technology is very expensive to operate and – this is its greatest disadvantage – is palpably intrusive. Unlike satellites, surveillance aircraft must fly inside the sovereign airspaces of the target countries, consent to which has to be obtained with a flight plan filed in advance. The Treaty on Open Skies provides a good example of the complications and potential of airborne monitoring.¹⁹⁷

- *Ground-based Surveillance*: Compared with space-based and airborne means of observation, ground-based surveillance offers more able sensing capabilities while also increasing the level of intrusiveness. Its role in treaty verification is to support human inspections by providing continuous monitoring of facilities against treaty violations as well as a less intrusive discrimination between allowed and non-permitted goods moving into and out of treaty-related facilities. Gate controls of vehicles, persons, packages, or other equipment are increasingly common in security areas such as airports or nuclear facilities. Ground-based sensors for monitoring of remote sites are usually optical, but they could also include a wide range of signals, including sound and (ultra-)sound, light (visible, ultraviolet, infrared), electrical and magnetic fields, penetrating radiation (e.g. x-rays, gamma radiation, and neutrons), gravitation, and chemical substance release. Drawbacks of ground-based surveillance are high operating costs and

196. Gravity anomaly sensors could observe covert underground activities, magnetic anomaly devices might be able to sense underground reinforced concrete construction, radio-frequency sensors could map underground power cables, and high sensitivity chemical ‘sniffers’ will perhaps reveal the presence of chemicals such as rocket fuels as well as chemical weapons or explosives. These types of sensors are presently under laboratory development, and some of them could emerge operationally within a decade.

197. Hartwig Spitzer (2009) News from Open Skies: A co-operative treaty maintaining military transparency, London: VERTIC.

its high degree of intrusiveness, which makes it dependent on the goodwill and cooperation of the target entity. Nevertheless, the impressive range of already available and emerging technologies offers promise of comprehensive and reliable ground-based surveillance becoming feasible for missile disarmament.

- *Human Inspections:* As in other fields of human endeavor, technology per se cannot completely replace physical human involvement. Similarly, monitoring technologies, advanced as they may be, cannot be expected to replace human inspections and mutually agreed-upon data exchanges. The benefits of human inspection have been demonstrated on many occasions, most notably in monitoring the missile plants in Iraq after their shutdown was mandated by the UN Security Council. Altogether it can safely be assumed that on-site inspections could provide the most trustworthy tool for verifying a step-by-step process towards regional missile disarmament and for verifying compliance with a zonal agreement itself.

Elimination methods successfully employed in the INF and START Treaties included destroying missiles with explosives, static burn, or washing out to eliminate the propellant, followed by crushing the cases, and launch to destruction. All of these methods were carried out under observation by inspectors and easily verified with high confidence.¹⁹⁸ The elimination of missile launchers and bomber airframes is also well understood and easy to verify.

If a zonal agreement were to allow for the production, testing, and deployment of missiles up to a certain range (at least 70 km), the verification measures would have to ensure that no legally permitted missiles or components/technologies (including imports) are diverted to the manufacture and testing of prohibited delivery vehicles. This requires the verification of critical sites, facilities, and cross-border activities. In the case of the latter, monitoring would be important, since external assistance can advance both space and missile programs, e.g., by means of transferred guidance and propulsion systems and their components. A combination of technology and human activities, especially ground-based monitoring and inspections, could provide a solution, as long as this is embedded in a cooperative setting (e.g., a regional monitoring agency), and standards of adequate verification are applied that do not demand the impossible, such as absolute or perfect security against all imaginable worst-case scenarios.

6.6 Implementation, Compliance, and the Prospects for Disarmament Verification

In general, the employment of monitoring and other means of verification may be accomplished unilaterally – as in the case of National Technical Means such

198. However, some of these methods are not compatible with good environmental practices, and would not be recommended today.

as satellites – or multilaterally, usually carried out by an implementing body created under an agreement. This is what will most probably also occur in the case of the Middle East WMD/DVs Free Zone, given the long regional history of confrontation and distrust. In addition to conducting monitoring and inspection activities, these organizations – usually funded by contributions from member states – may also perform additional functions, including the development and evaluation of new monitoring technologies and the conduct of exercises, conferences, or other activities in support of the agreement.

As defined above, monitoring and inspection activities involve the gathering of information to make a technical judgment regarding compliance. Materials are either accounted for or unaccounted for; deployed weapon systems either conform or do not conform to initial declarations; signs of an atomic explosion are either detected or not detected. However, the technical conclusions of verification and monitoring do not always constitute the final word regarding compliance. Information may be ambiguous or incomplete, state parties may dispute technical determinations, or subsequent actions may need to be taken in response to confirmed non-compliance. These compliance disputes are generally handled by a compliance body, whose role is to adjudicate and (ideally) resolve compliance issues. In the case of bilateral or more limited-membership multilateral treaties, the compliance body generally consists of representatives from each of the state parties that meet regularly to discuss compliance determinations, arbitrate disputes, and even negotiate changes to verification protocols if necessary.

Compliance bodies are subject to formal rules of procedure, according to which representatives from member states adjudicate compliance issues and decide on major changes to the administrative, technical, or political implementation of the agreement. Whether decisions should be unanimous, by majority vote or by a super-majority is something the states will have to resolve for themselves. There are precedents for all three options within existing institutions and the solutions could depend on the gravity of the matter at hand.

The resolution of disputes related to compliance is an important and difficult issue. In the case of bilateral agreements, such disputes can be handled privately by the two parties themselves. Multilateral agreements raise further problems. Compliance judgments are generally considered to be reserved to individual state parties. However, smaller countries, or those without access to sophisticated verification means, may wish to have judgments made for them by a special technical body. Even if technical bodies are not permitted to make compliance judgments, some mechanism must be provided for turning judgments by individual state parties into some sort of final decision with legal weight. It will be important to assure that such decisions are balanced and objective. Thus, it

will be essential to avoid the extremes of overzealous enforcers who see violations where there are none on the one hand, and a reluctance to face unpleasant or inconvenient compliance issues on the other.

Disarmament verification is a process, both during the design and testing of particular measures and during its implementation. Building working relationships at the professional and academic levels by way of exchange and joint projects contributes significantly to trust building within the respective communities. In addition, technical non-governmental experts from within and outside the region could conceivably meet to focus on specific verification challenges and test proposals in practice. Such focus on attainable and conceivable outcomes avoids mental, emotional, and political gridlock. The avoidance of pre-set end goals allows for the plotting of a more general course, through which the dialogue may reveal enabling platforms, i.e. intermediate achievements that create options not previously thought of or previously considered impossible.¹⁹⁹

In this sense, the issue of verification does offer a potentially fruitful subject matter for a regional dialogue on a WMD/DVs Free Zone, including certain topics which can be tackled irrespective of agreement or disagreement on the broader political parameters. The CTBT offers a compelling case in point. For two decades prior to final negotiation of the Treaty in the 1990s, the multinational Group of Scientific Experts (GSE) met to discuss and outline the elements of a test ban verification regime. Even in the absence of a global political consensus the GSE was able to reach agreement on the basic technical dimensions of the later International Monitoring System, producing technical reports and even conducting demonstrations. When states finally came to the negotiating table, much of the difficult technical preparatory work had already been accomplished.

The CTBT example also shows that setting up a verification or transparency-enhancing system is a long and complex process, during which technical feasibility and political ambitions need to be reconciled with each other. During the negotiation process people will test ideas in the field. Evaluation reports will influence proposals at the negotiating table, and the outcomes of the discussions need to be tested again in practice. States with antagonistic relationships with one another have to become involved in a joint process. In doing this they will have to determine what can be verified. They will also need to accept the appropriate degree of intrusiveness in order to achieve a relevant level of deterrence against cheating. Furthermore, a layered system of procedures to address compliance concerns with the lowest possible level of confrontation should be

199. Jean Pascal Zanders (2014) 'Talking disarmament for the Middle East', The Trench Blog, 20 April. Online, available at <http://bit.ly/1CQAF1z> (June 30, 2014).

established, but with the necessary ‘teeth’ to establish the facts of non-compliance and to compel transgressors to restore the integrity of the regional WMD/DVs Free Zone. The whole exercise is one of building confidence, not just among nations or their diplomats and technical experts, but also in the system they are trying to set up.

7. The Helsinki Conference and Regional Cooperative Security: Conclusions and Outlook

In this final Chapter of our COMPACT STUDY – which has primarily discussed medium- and long-term concepts and policies, rather than short-term politics – we look beyond the 2015 NPT Review Conference. There has been much speculation over whether the Helsinki gathering would be held prior to this crucial event in New York. Of course it would have been utterly positive if all states involved – in particular those from the Middle East/Gulf – had been able to agree upon starting serious discussion of the issue.

It is likely that the failure to commence Helsinki Conference talks and its repercussions on the NPT Review Conference will be heatedly discussed in New York. This failure may be in part offset by the achieved Framework Agreement between the E3+3 and Iran as a promising exit strategy for the nuclear conflict. A Final Accord to be hopefully reached by June 30 could turn out to be a positive landmark event for a prospective Helsinki Conference since it could considerably ease the security dilemma.

In any case, politics will continue after the 2015 Review Conference and should be used appropriately. Given how emotionally-loaded the zonal issue will likely be at the NPT Review Conference, we suggest not initiating the Helsinki process again immediately after the New York event. A cooling-off period might be appropriate instead.

This Chapter brings together the insights and lessons from the previous Chapters and instead of simple and unproductive finger-pointing presents proposals for moving ahead at both the Track I and Track II levels – hopefully in the direction of cooperative security with the WMD/DVs Free Zone as one nucleus and its main goal which should not be overlooked: *increasing security for all states in the region*. The envisaged zonal disarmament is not a tool or end in itself. Our bottom line is that this approach and its communication channels should be pursued further but not in a business-as-usual fashion.

7.1 Concrete Diplomatic Action to Foster Cooperative Security in the Middle East

7.1.1 *Renewing the Helsinki Mandate with Qualifications*

At the 2015 NPT Review Conference and thereafter the *conveners* – the U.S. administration in particular, but also the Russian and British governments as well as the UN Secretary-General – whether they like it or not will remain the extra-regional ‘custodians’ of the zonal project in the Middle East. They should make every effort (despite the current East-West confrontation) to give such an arrangement in the conflict region higher priority on their foreign policy agendas and demonstrate in practice a greater commitment for turning the Helsinki Conference into reality. The achieved Framework Agreement with Tehran has shown that more intense efforts can in principle pay off. The American administration could increase efforts to induce Israel to become more forthcoming on trust-building steps outlined in this COMPACT STUDY (see 4.2-4.5) that do not directly impinge on its security but signal goodwill and seriousness especially to Egypt.

As to the role (certainly limited by the mandate) of the *Facilitator*, Ambassador Jaakko Laajava, it would be helpful if he continued in his non-confrontational manner which dispenses with finger-pointing, but also provided more transparency: Where are the stumbling blocks in the informal pre-Helsinki process? Which regional actor has how far moved in which substantive area and how has it done so? Which of the venues used have been the most promising ones? Which roads have not been taken? While we understand the value of classical ‘Kissingerian style’ diplomacy of secrecy, it may at some junctures be helpful to cautiously reach out to the informed (Track II) public, the media included.

The *regional states*, and here the NPT members in particular (whether they like it or not), will remain the major players. They are together with Israel part of the conceptual and political stalemate. The challenge remains of how to induce Israel to join the Helsinki Conference process without losing sight of the Arab core request to have that country ultimately dismantle its nuclear arsenal and join the NPT as a non-nuclear weapon state. The most promising way to bridge these challenges remains to become more flexible and cultivate more patient, medium- and long-term thinking. Even if the conveners increased their efforts towards achieving such a zone – expectations have to be kept at a realistic level. It would also be helpful if Egypt extended its foreign policy portfolio by adding the Arab Peace Initiative which is to be relaunched. This could be a way of continuing and endorsing its status/leadership position among the Arab countries. Making the API a prominent part of the Egyptian agenda would signal to Israel that its core ‘Peace First!’ demand is something Cairo is taking seriously in concrete terms. Of course, Israel

should also demonstrate its willingness to partake in a process of nuclear arms control, thereby taking in particular Egypt's concerns and demands seriously. From the great variety of proposals presented in this COMPACT STUDY, Israel should voluntarily offer to place a certain aspect of its unsafeguarded nuclear activity under inspection (see 4.3.2).

Should a Final Accord on the Iranian nuclear conflict reduce threat perceptions over time, especially among the Gulf states, members of the Arab League such the United Arab Emirates, Qatar, and Oman could ask Egypt to become more flexible and compromise-oriented on the Israeli nuclear issue. Such a development would demonstrate how Arab countries are taking a business-as-not-usual approach in this policy area. In addition, this broadened view could resort more frequently to a variety of other paths – those which already exist and new ones (see 7.2 and 7.3). Also, given the fundamental changes in the entire Middle East/Gulf, would it not make sense to have the tremendous impact upon the security concepts of all states made by these changes reflected in appropriately modified wording of the Helsinki Mandate – certainty after an in-depth discussion and evaluation? Without touching upon the central importance of the WMD/DVs Free Zone, the renewed mandate would in this respect make regional security concerns part of the agenda and thus overcome the unproductive contrast between 'Disarmament First!' and 'Peace First!'.

7.1.2 Exploring Different Paths

Making the NPT, BTWC, CWC, and CTBT Universal: When it comes to arms control and disarmament, the Middle East does not have to start from scratch. In terms of membership to the two Treaties and two Conventions, the groundwork for a regional WMD/DVs Free Zone is already pretty well laid.²⁰⁰ With regard to the question of universalizing the relevant arms control/disarmament accords in the Middle East, stakeholders of the Helsinki Conference will face a strategic question: Should Egypt, Israel, and Syria (as well as Saudi Arabia in the case of the CTBT) join the respective Treaties and Conventions immediately or at a later stage? Placing ratification or accession up front could lead to blockage of the entire regional disarmament process due to the three countries presently preferring to remain outside the respective accords. In contrast, choosing to make formal adherence to those agreements a goal to be achieved at a later stage creates space to explore existing treaty mechanisms to enhance transparency, build confidence, verify compliance, and design as well as test additional measures where they are deemed necessary. In this setup the following could be taken as a point of departure: to abide by the

200. All states in the region – with the exception of Israel – are members to the NPT. Furthermore, merely Saudi Arabia and Syria remain to sign the CTBT, whereas Israel, Iran, Yemen, and Egypt have signed but are yet to ratify the Treaty. Similarly it holds for chemical and biological weapons. After the accession of Syria to the CWC in 2013, Egypt is the only regional non-member to the Convention, which Israel has signed but not yet ratified. Egypt and Syria have signed but not ratified the BTWC while Israel remains outside the accord.

stipulations of the respective two Conventions and two Treaties without formally becoming a signatory.²⁰¹

A Missile Free Zone as a Possible Alternative Starting Point: While including delivery vehicles seems to complicate the Helsinki Conference at first sight, missiles could generally play a facilitating role for the process of creating a comprehensive zone – the reason being that they are, in most states, less controversial than for example nuclear weapons and may prove to be an area holding potential for early compromise. If the numbers of missiles were reduced or even eliminated, WMD arsenals would become less threatening and less useful to the regional actors holding or attempting to acquire them (admittedly, alternative means of delivery are also available).²⁰² As stated (see 4.6.1), becoming part of the solution rather than the problem, discussing the issue of delivery vehicles – and missiles in particular – could help lessening deep-rooted mistrust among the relevant actors; initiating a serious and credible arms control dialogue; causing spill-over effects into the WMD area; and, finally, exploring opportunities for trade-offs and compromise solutions.²⁰³

Establishing a Middle East Expert Group on Technical Aspects (Verification) – Making Use of Broader Track II Activities: In the foreseeable future, the states in the region should consider ‘de-politicizing’ the zonal issue by establishing as a clearly cooperative undertaking a Track I (or II or mixed) expert group on technical aspects related to the Middle East arms control and reduction process towards disarmament. The verification issue dealt with extensively in this COMPACT STUDY (see Chapter 6) comes to mind in this context. The utility (and sometimes indispensability) of the preliminary work of expert groups for successful conclusion of arms control treaties is firmly established (the Group of Scientific Experts for the CTBT is the most prominent example). Such a group designated by the regional actors could have a clear, specific, and viable mandate, focusing exclusively – as far as this is possible – on technical features and thus avoid political difficulties. It can be agreed in advance that the expert group be tasked with producing an agreed document, yet this would not necessarily have to commit governments for the later official negotiation process. The work of an expert group with a focus on technical issues and verification as outlined above can be extended – and certainly enriched – by linking it to experiences in other regions such as South America (see 7.2.2).

The NPT Review Conference should also take note that, with the assistance of various third-party initiatives, many workshops to discuss zonal issues have been held to support the convening of the Helsinki gathering. They have been organized by

201. See POLICY BRIEF No. 34 by Jean Pascal Zanders in Cooperation with Nisreen Al Hmoud, David Friedman, Dorte Hühnert, and Iris Hunger.

202. For the concept of a Missile Free Zone in the Middle East, see Kubbig and Fikenscher (eds) (2012).

203. See POLICY BRIEF No. 18 by Bernd W. Kubbig.

civil society actors and have taken place in conferences such as those convened by the ACADEMIC PEACE ORCHESTRA MIDDLE EAST and other initiatives in various European locations, in the U.S., and in the region itself. These activities have helped to raise public and government awareness about the importance of convening the Helsinki Conference as a first step in moving towards a zonal arrangement in the Middle East. They have also created a network of regional civil society activists, which lays the foundation for future awareness-raising activities and initiatives. This work should continue as should the Track I activities coordinated and inspired preferably by Ambassador Laajava and his Finnish colleagues.

7.2 General Support: ‘Flanking’ the Helsinki Conference as an Element of a Regional Peace Strategy

Given the difficult situation in general in the Middle East and in particular with respect to the problematic consultations in Glion and Geneva, the supportive measures discussed above should focus on concrete proposals on how to move forward. The following suggestions are based on our conceptual premise (see 1.1 and 1.2) that the Helsinki Conference itself is a vital element of a regional peace strategy aiming at reducing if not overcoming the acute security dilemma in the region. Helsinki still represents the ‘golden opportunity’ to develop a Cooperative Security Concept for the Middle East building on the principles that real security cannot be achieved in opposition to, but only in cooperation with neighbor(s) and that under certain circumstances, fewer weapons could mean more security.

7.2.1 *Intra-regional Learning: The Past as Prologue for More Cooperation*

Concrete areas of cooperation – rare as they are – are often overlooked in the Middle East/Gulf.²⁰⁴ The ACRS working group is only one example. Therefore, it is important to focus on intra-regional learning, i.e., evaluating regional experiences with regard to cooperative security. Another relevant case in point is the Multinational Force and Observers (MFO) peacekeeping force that originates in Annex I to the 1979 Peace Treaty between Egypt and Israel and its 1981 Protocol.²⁰⁵ The MFO has four tasks, among them: operating checkpoints, observation posts, and conducting reconnaissance patrols on the international border. The MFO represents a classic example of cooperative security that actually succeeded because

204. Such areas include also the entire economic field. See on this POLICY BRIEF Nos. 26/27 by Samir Abdullah Ali, Amneh Badran, Abeer Hazboun, Sema Kalaycioglu, Majdi Haj Khalil, Bernd W. Kubbig, Sara Nanni, Mansour Abu Rashid, Paul Rivlin, Erzsébet N. Rózsa, and Baruch Spiegel.

205. The example of the Multinational Force and Observers is based on a background paper by Mahmoud Karem, prepared for the ACADEMIC PEACE ORCHESTRA CONFERENCE in Istanbul on May 27-29, 2013.

it established confidence in a system that factually and physically monitors the provisions of the Peace Treaty with boots on the ground. It created a dual, equal, and reciprocal reporting system for investigations on alleged violations instead of allowing a crisis to escalate. It also allows interlocutors to play an effective and significant role in reducing tension, and in building confidence among the parties. The annual and periodic MFO meetings in Rome offer closer contacts and a chance for personal exchange at the diplomatic and military levels. The MFO Annual Reports constitute a viable incentive for both parties to continue on the path of cooperation.

The example of the Multinational Force and Observers shows that engagement is possible and that there is the clear need for transforming the discourse from confrontation to cooperation. Most positive experiences are often overlooked and regional actors usually even conceal their cooperative activities; in fact, personal exchanges take place between Israeli and Egyptian military and intelligence representatives. Any such undertakings provide an ample source of models and options for collaboration and coordinated action; they should be exploited to the greatest possible extent.

7.2.2 Inter-regional Learning towards Adapting Core Elements of Cooperative Security

Any approach of inter-regional (or intercontinental) learning must be designed to offer (not to 'export' or even impose) incentives and broader perspectives for adopting and adapting experiences, successes, and opportunities. For the Middle East this implies giving up the traditionally fixed and non-compromise-oriented positions of various regional actors, which lie at the heart of the difficult road to the Helsinki Conference. Three focuses for such initiatives have been identified:

Overcoming the 'Nuclear Fixation': Lessons Learned from South Africa's WMD/DVs Disarmament. While the nuclear dimension of the Helsinki Mandate is overemphasized, the biological and chemical components as well as the question of delivery vehicles are usually not given sufficient consideration. Egyptian diplomacy centers on nuclear disarmament and usually refers to the example of South Africa, which unilaterally destroyed its nuclear arsenal. While this is of course true, it is more important to draw attention to the fact that Pretoria destroyed its entire WMD arsenal plus the delivery vehicles, i.e., nuclear, biological, and chemical weapons as well as missiles, in the early 1990s (see 5.3.4).²⁰⁶

The comprehensive WMD/DVs approach provides opportunity for constructive bargaining and actual compromise. The corresponding South African example,

206. For a detailed analysis of the motivations for and the technicalities of the comprehensive WMD/DVs disarmament in South Africa, see POLICY BRIEF Nos. 28/29 by R.F. 'Pik' Botha, Dave Steward, and Waldo Stumpf (with a special statement by FW de Klerk).

which Israel usually dismisses as a role model because it was ‘so different’, for many experts remains the most likely technical model Israel might follow in the context of the establishment of a regional WMD/DVs Free Zone.²⁰⁷ Israeli colleagues would do well to work directly with South African experts on security-compatible transparency. It would behoove Egyptian diplomacy to make use of the Helsinki Mandate and explore how the different categories of weaponry as well as related trust-building measures open up opportunities for comprehensive agreement – without losing sight of the nuclear dimension.

ABACC: Guaranteeing a ‘Management of Trust’ between Competitors. Simplistic views can be avoided by identifying concrete transfer potentials: In the case of Argentina and Brazil, which have experienced a political rapprochement, the ‘management of trust’ is an important aspect. Both countries developed a cooperation model through the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials. ABACC emphasizes verification and thus offers far more than only a framework for ‘neighbor-to-neighbor’ safeguards and mutual control at a regional level.²⁰⁸ The ABACC concept is ‘living proof’ of how the Argentine-Brazilian relationship developed into a successful way of overcoming historical differences. These experiences provide ample opportunities for intercontinental learning. Therefore, we suggest that the ABACC Secretariat invite interested Track I and II actors from the Middle East to Rio de Janeiro and Buenos Aires and establish an (in)formal but a continuous working relationship with them. The Facilitator and his team should be involved in such a process as well.

Developing Sustainable Dialogue Structures: The Central Asian NWFZ and the Council for Security Cooperation in the Asia Pacific (CSCAP) as Successful Examples. Building sustainable dialogue structures is never an easy task – whether for the Middle East, where such structures basically do not exist, or any other region. The example of creating the NWFZ in Central Asia offers ways to tackle this controversial issue in the Middle East. It shows how important it is to familiarize the different actors with each other, using all means available from informal meetings and expert conferences up to high-level negotiations.²⁰⁹ The Central Asian states have successfully taken a step-by-step approach based on the principle that the zone should be established on arrangements freely arrived at by the countries in the region. Therefore, the introduction of a habit of dialogue in the Middle East/Gulf would be useful. Experts from like-minded states and international organizations such as the United Nations should support the process to the greatest extent possible.

207. See POLICY BRIEF No. 17 by Edward M. Ifft in Cooperation with Khaled AbdelHamid, Nisreen Al Hmoud, Ephraim Asculai, Benjamin J. Bonin, Christian Charlier, David Friedman, Olli Heinonen, Dorte Hühnert, Roberta Mulas, Tariq Rauf, Ibrahim Said, Hartwig Spitzer, and Jean Pascal Zanders.

208. On the ABACC concept and its implementation between Argentina and Brazil, see POLICY BRIEF No. 32 by Irma Argüello and Emiliano J. Buis.

209. See POLICY BRIEF No. 42 by Tsutomu Ishiguri.

A second example illustrating the perhaps greater attractiveness (and transferability) of less formal communication and cooperative structures can be found in the Asia-Pacific region. The Council for Security Cooperation in the Asia Pacific with its study groups on regional security could work as a role model for creating cooperation-oriented forums in the Middle East. CSCAP, which is the official Track II mechanism of the Association of Southeast Asian Nations (ASEAN) Regional Forum, has been instrumental in establishing and maintaining dialogue about regional security issues since the 1990s, helping to raise awareness of shared vulnerabilities and build consensus on the need to address them. The organization's approach reflects the mode of communication that has evolved within the ASEAN since it was founded in 1967, which has come to be known as the 'ASEAN way'.²¹⁰

This style of diplomacy differs from that of the West, which is perceived as 'formalistic' and focused on 'legalistic' procedures. It instead stresses patience, informality, pragmatism, and above all, consensus without coercion. Over the years, CSCAP has slowly transformed a regional mind-set from an old security paradigm to a new cooperative security vision through institutional dialogue. This is arguably its greatest achievement and is the most significant take-away from the CSCAP experience, since it shows that reassessing one's perspective in security matters is possible. In this respect, Middle Eastern actors could consider launching a CSCAP-type dialogue to discuss regional security challenges and adopting an approach similar to the 'ASEAN way' to promote effective communication.²¹¹

7.2.3 Capacity-building Initiatives: Laying the Ground for More Cooperative Security Policies

While understanding that it took other regions decades to develop cooperative security structures, it is of central importance for the Middle East to empower regional actors and tackle the lack of faith shown towards incremental mid- and long-term processes. Against his background, educating young diplomats and academics from the Middle East on conflict prevention, mediation, inter-religious dialogue, regional cooperation, and arms control as well as disarmament approaches also continues to be an especially important task.²¹² These training efforts could be

210. The European experiences in the context of the Conference on Security and Co-operation in Europe and its relevant lessons for the Middle East are analyzed in POLICY BRIEF No. 19 by Hans-Joachim Schmidt.

211. See POLICY BRIEF No. 39 by Bernd W. Kubbig and Christian Weidlich in Cooperation with Tadatashi Akiba, Emiliano J. Buis, Edward M. Ifft, Tsutomu Ishiguri, Robert A. Jacobs, Kwa Chong Guan, Tanya Ogilvie-White, and Dave Steward.

212. On mediation, see in greater detail POLICY BRIEF No. 4 by István Balogh in Cooperation with Andreas Auer, S. Güliden Ayman, Gawdat Bahgat, Carolin Goerzig, Nursin Atesoglu Güney, Bernd W. Kubbig, Judith Palmer Harik, Erzsébet N. Rózsa, and Omar Shaban; as well as POLICY BRIEF No. 31 by Asaf Siniver. Inter-religious dialogue is covered in POLICY BRIEF No. 35 by Claudia Baumgart-Ochse, Mohammed Dajani Daoudi, Svenja Gertheiss, and Rabbi Ron Kronish.

coupled with the intercontinental learning activities, which together could contribute to developing curricula geared to those particular target groups. Reaching out to potential ‘agents of change’ would complement badly needed efforts to enhance regional norm-building. All these capacity-building endeavors could and should start now, but they will only pay off in the medium- and long-term:

Training a Cadre of Experts to Increase Capabilities: Even if a political agreement to initiate negotiations on a WMD/DVs Free Zone in the Middle East materialized, many countries in the region lack both diplomatic and technical expertise and resources to support a regional arms control process or its implementation. Negotiation and implementation of regional verification instruments requires each state in the Middle East to have the requisite national authorities and institutional mechanisms to handle the technical and legislative processes involved; they must be staffed with relevant personnel and equipped with the technical and political knowledge as well as sufficient resources. The establishment or strengthening of these capacities in each state can and should proceed as soon as possible in order to create a solid foundation for a Helsinki Conference-related regional arms control process.²¹³

Educating in the Nonproliferation and Disarmament Area: A comprehensive disarmament curriculum needs to be developed – both at the national and regional level – as a complementary step.²¹⁴ Efforts in this regard were boosted by the 2002 UN resolution on nonproliferation education, which received wide support, while its implementation in the form of specific programs lags behind its ambitions. Three recent examples in the nuclear field are, nevertheless, encouraging:

- In March 2010, the *International Nuclear Security Education Network* was established under the auspices of the IAEA and now includes over 60 universities from all geographic regions. Members of the network jointly develop teaching materials and programs, actively exchange academic and extra-curricular programs, and share best practices and resources.
- In November 2010 a global network of young scholars and practitioners – the *International Network of Emerging Nuclear Specialists* – was established, which brings together professionals with a policy and technical background from many countries and continents.
- Launched in 2011, the *Capacity Development Initiative* by the Comprehensive Nuclear-Test-Ban Treaty Organization aims at contributing to education and training in the nuclear disarmament sphere.²¹⁵

213. See POLICY BRIEF No. 46 (forthcoming) by Aviv Melamud, Akiva Eldar, and Christian Weidlich.

214. For a comprehensive introduction to the issue of disarmament and nonproliferation education, see UNIDIR (2001) *Education for Disarmament, Disarmament Forum*, No. 3, Geneva: UNIDIR.

215. These initiatives are discussed in detail in Elena K. Sokova (2012) ‘Disarmament and non-proliferation education: Recent developments and the way forward’, in *CTBTO Spectrum*, No. 19, 16-18.

While Middle Eastern states should actively engage in these programs, disarmament and nonproliferation should become much more prominent in academic institutions, both at undergraduate and graduate schools. Despite the increase over the past decade of such activities at several universities, these issues are still far from being part of the regular humanities or sciences curriculum – especially in the Middle East.

A stepping-stone in this regard is the running of ‘Peace Academies’, such as those planned by the ACADEMIC PEACE ORCHESTRA MIDDLE EAST – with a clearly formulated focus on young promising ‘actors of change’.²¹⁶ The participants will be empowered to gain systematic insight into the political, military, and weapon-related dynamics of the Middle East/Gulf. Whether they (later) work as military officers, diplomats, and journalists – they are expected to be able to use their knowledge in a way that helps to understand and endorse conference processes such as the envisaged Helsinki gathering as an indispensable component of a peace strategy for the Middle East. In such a format, practitioners, (former) ambassadors, professors from leading universities within and outside the region as well as technical experts from international institutions will provide their unique knowledge aimed at strengthening regional cooperative security.

Empowering Journalists and Media Representatives: The relevant scientific community should be encouraged and supported to disseminate its unique expertise, for they hold key knowledge in any discussion of nuclear, chemical, and biological weapons and industries. Media is of course the most prominent empowering agent, and the necessary tools for covering relevant reports should be made available to journalists (e.g., access to relevant academic or political experts for their reporting and as sources, or introductory training on relevant terminology). Such developments are needed in all regional states and will undoubtedly support both domestic and regional dialogue, which is currently almost completely absent. In this context, it is important to address journalists and media representatives in the Middle East and to increase their ability to report accurately on issues of WMD nonproliferation and disarmament. As a direct link to the public, the media constitutes an important target group for non-proliferation and disarmament education. A first successful step in this direction was taken by the Arab Institute for Security Studies and Atomic Reporters, which jointly organized a one-day workshop on “Reporting in WMD Issues” for some 20 journalists and media representatives in November 2013 in Amman, Jordan.

7.2.4 Reviving the Idea of a Regional Security Center

During the Arms Control and Regional Security talks in the 1990s, 14 Middle Eastern actors reached agreement on the establishment of three Regional Security

216. A ‘Pilot Academy’ will be conducted in autumn 2015 by the ACADEMIC PEACE ORCHESTRA MIDDLE EAST.

Centers (RSCs), intended to enhance security and stability in the Middle East. Although the centers have never been realized, they remain an important means that could foster – or even institutionalize – a WMD/DVs reduction process and strengthen the security cooperation of regional actors. Such Regional Security Centers could become promising avenues dealing with issues such as regional emergency preparedness and response to disasters, formal risk reduction and communication capacities as well as procedures for information exchange and consultation.²¹⁷

A good starting point for breathing new life into this idea would be the draft mandate from the 1990s covering goals, structure, operations, immediate objectives, and division of labor between the three RSCs. In September 1995 all the parties with the exception of Egypt had agreed to establish such an institution in Amman with associated centers in Tunis and Doha.²¹⁸ Ultimately, the participants should of course seek to include states that were not originally part of the ACRS process.

The Regional Security Centers could also prove valuable for institutionalizing interregional learning and capacity-building initiatives: Arms control specialists from both inside and outside government as well as from international organizations could build on and strengthen regional expertise on arms control and disarmament. Initiatives could be further optimized by learning from the experience with arms control-related centers in other regions (such as Latin America and Europe), but also by assessing the success of Middle East institutions and analyzing their transfer potential to the arms control area. In addition, RSCs could also be the meeting point for constructive interaction between Track I and Track II initiatives. The hurdle for participation in a formal series of conferences could be decreased by installing an informal preparatory process, which the parties could use for extensive consultations at a preliminary stage.²¹⁹

It is at this point that the role of the European Union should be addressed. The EU which, as stated in the Helsinki Mandate, offered to hold a seminar, has in practice been much more active. As the establishment of the EU Non-Proliferation Consortium demonstrates, the European Union thinks and acts in institutional terms. Would it not make sense to reach out to actors in the Middle East/Gulf by proposing a joint design – in fact a cooperative transregional project – that aims at creating a Regional Security Center? In tandem with the energetic Ambassador Jacek Bylica, Principal Adviser and Special Envoy for Non-proliferation and Disarmament, Federica Mogherini, the newly elected High Representative of the European Union for Foreign Affairs and Security Policy would have a concrete chance of writing history by turning an old idea into a new reality.

217. See POLICY BRIEF No. 46 (forthcoming) by Aviv Melamud, Akiva Eldar, and Christian Weidlich.

218. Kaye (2001), p. 92.

219. See Martin Senn et al. (2012), p. 271.

7.3 Discovering the Advantages of Regional Cooperative Security

We have chosen to conclude this COMPACT STUDY by summarizing the theme of the regional upheavals presented in the outline at the very beginning of this volume together with our Cooperative Security Concept as a way out of the serious security dilemma. Besides the envisaged Helsinki Conference process, a successfully concluded Final Accord with Iran are seen as concrete exit strategies – or as constructive efforts to initiate cooperative security in the Middle East/Gulf. The preceding sections have attempted to make the detailed case for Helsinki. The case for cooperation can be made for the entire Middle East/Gulf with respect to the intensified rivalry between Saudi Arabia and Iran as the dominant feature of regional dynamics (see 1.1). The Arab Spring was identified as one crucial factor for this development. In addition, the fear of a nuclear Iran and the less active role of the United States in the region has forced Saudi Arabia (and to a lesser extent Qatar) to adapt their policies in such a way that they continue to serve their interests of maintaining regime security by preserving (and in fact extending) their regional influence. Despite issues unique to each country, the same strategy applies to Iran.

We have assessed the results of this strategy (certainly a moving target) by mainly focusing on the influence of Iran, Saudi Arabia, and Qatar – sometimes called the three ‘Hegemons of the Gulf’ – with respect to their ability to maintain or change the status quo in line with their interests at three levels: the sub-regional status quo, the broader Middle East outside the narrow confines of the Arab/Persian Gulf, and at the international level. We have found that all three countries must contend with considerable gaps between their foreign policy aspirations and their actual successes.²²⁰

Our main conclusion is that for all three states under consideration there are heavy costs involved in a policy of being a hegemon/dominant regional power. Indeed, a more suitable strategy would be for Iran, Saudi Arabia, and Qatar with their limited power and influence to seek out opportunities for cooperation as an alternative. Collaboration would be a more cost-efficient and less risky route than pursuing the current strategy regime survival by securing sub-regional, regional, and international influence in a competitive setting. This policy change by the relevant elites would also positively impact upon the envisaged Helsinki Conference – again: The most tangible and perhaps most important would be if the E3+3 and Iran reached a comprehensive agreement on the nuclear issue that

220. See on Iran POLICY BRIEF No. 43 by Lars Berger, Bernd W. Kubbig, and Erzsébet N. Rózsa in Cooperation with Güliden Ayman, Meir Javandanfar, and Irina Zvyagelskaya. See also POLICY BRIEFS Nos. 44 and 45 (forthcoming) by Lars Berger, Bernd W. Kubbig, and Erzsébet N. Rózsa on Saudi Arabia and Qatar.

also satisfied Saudi Arabia and Qatar (and certainly Israel). Such a result could be a door-opener especially for Israel and Iran to join the Helsinki Conference as constructive, compromise-oriented participants.

In contrast to our rather bleak introductory remarks on the fundamental regional upheavals, we would like to end on quite an optimistic note based on the observations of Edward M. Ifft, an eminent player in the ACADEMIC PEACE ORCHESTRA MIDDLE EAST. His observations refer to an important topic of this COMPACT STUDY, the transfer potential of experiences for instance from the East-West context to the seemingly different (and by implication) more difficult situation in the Middle East.²²¹ This finding is at least modified by providing a new perspective that accepts major differences between regions but emphasizes the positive aspects in the Middle East:

First, the Helsinki Conference centers on a ban on weapons of mass destruction, not just limitations. Such a ban is easier to define and to verify than limitations on numbers. Second, it seems fair to say that the Middle East is starting with relatively small quantities of weapons of mass destruction – zero for most of the countries – not thousands of items and huge military-industrial complexes supporting these weapons, as was the case for the United States and the Soviet Union. This is a major simplification. Third, as stated above, most of the countries in the Middle East are already parties to the various relevant conventions and treaties. Thus, they are already prohibited from having WMD and are experienced with declarations and on-site inspections. When Washington and Moscow started the START negotiations, only the NPT existed. Fourth, we now have a great deal of relevant experience implementing a great number of nuclear and conventional arms control agreements, along with five nuclear weapon free zones and various activities by the Organization for Security and Co-operation in Europe. We also have very valuable multilateral organization experience by the International Atomic Energy Agency and the Organisation for the Prohibition of Chemical Weapons, both of which have won the Nobel Peace Prize. There is also relevant experience available from securing and removing chemical weapons from Syria under very difficult conditions.

All this experience means that assistance from outside the zone would be available, if requested. This includes not only technical assistance and likely security guarantees, but there are ready-made definitions, conversion or elimination procedures, and rules for on-site inspections. Almost none of this was available to the U.S. and Soviet Union when they began their negotiations. And finally – and probably most distinctly – the Middle East does not have huge areas that are dark and cloudy much of the year as people had to deal with in the East-West

221. See POLICY BRIEF No. 40 by Edward M. Ifft.

agreements. In fact, the clear skies and open terrain of the Middle East make for an ideal environment for monitoring by overhead imagery, both by satellite and perhaps an Open Skies regime.

To summarize, in some ways, the Middle East environment is certainly different, but actually advantageous to those who are trying to bring about a WMD/DVs Free Zone. This is not in any way intended to minimize the difficulties faced in the Middle East, but it could be useful to look at the situation from this different perspective. However, the fundamental challenge and opportunity remains to make ample use of two magic formulas: first, compromise in the context of the Helsinki Conference and, second, the firm belief that the envisaged WMD/DVs Free Zone as one nucleus of any cooperative regional security architecture will increase security for all states in the region.

Appendix A:

Participants of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST

All members participated in their private capacities. Not all members participated in every meeting (* indicates [additional] participation in the ORCHESTRA'S SIX CONTINENT INITIATIVE at the United Nations on May 6, 2014; ** indicates additional participation in the ORCHESTRA'S SPECIAL PANEL during the Berlin Conference at the Federal Foreign Office on March 11, 2015).

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A WMD/DVs Free Zone For The Middle East Taking Stock, Moving Forward Towards Cooperative Security

So far, the Helsinki Conference on the creation of a WMD/DVs Free Zone in the Middle East has not taken place. But it should – and could – happen. This is the assumption of this COMPACT STUDY of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST, a Track II initiative consisting of almost 150 international and regional experts. The study takes stock of diplomatic developments since 2010 and analyzes the stumbling blocks towards convening the Helsinki Conference. It offers constructive proposals with regard to a regional confidence-building process and develops a comprehensive arms reduction and disarmament approach. This COMPACT STUDY presents a variety of verification measures and makes concrete proposals for moving ahead at both the Track I and Track II levels. While conditions for zonal disarmament remain challenging, there is no alternative to working towards the Helsinki Conference in a business-as-not-usual way. The Conference is a vital element of a cooperative regional security architecture. If there is any magic formulas for progress, it would be *compromise* and firm belief that the envisaged WMD/DVs Free Zone will *increase security for all states* in the Middle East/Gulf.

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