



Modest Confidence- and Security-building Measures for the Middle East

No-first Use Declarations, Transparency Measures, and Communication Structures

Marc Finaud and Anna Péczeli

The conference on a zone free of nuclear weapons and other weapons of mass destruction (WMD) as well as their delivery vehicles (DVs), called for by the 2010 Non-Proliferation Treaty Review Conference, did not take place as planned in Helsinki in December 2012. The Finnish Facilitator remains in consultation with the interested parties to ensure that this conference will be held as soon as possible with all the states of the region. One of the reasons for this delay is the deep-rooted climate of mistrust among states of the region, which is marred by protracted conflicts and arms dynamics. As one possible way forward, the confidence- and security-building measures (CSBMs) proposed in this POLICY BRIEF could be a first step towards a WMD/DVs Free Zone.

Confidence- and Security-building Measures: Providing Assurances, Establishing Communication, and Enhancing 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, factors which are essential for avoiding unintended conflicts. Bilateral CSBMs were first introduced between the United States and the Soviet Union after the 1962 Cuban missile crisis. The concept of multilateral CSBMs was codified in the 1975 Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) and later expanded in the

CSCE and the Organization for Security and Co-operation in Europe (OSCE). Since then, these measures have been introduced in various conflict areas and have proved a useful tool in preventing armed conflicts.

Basic CSBMs usually cover four main areas: communication, constraint, transparency and verification.¹ While more demanding or far-reaching CSBMs usually rely on concrete technical measures (about deployment of forces, targeting etc.), modest CSBMs are not necessarily weapon-related and do not include operational measures. Modest CSBMs aim at providing the opponent with assurances about one's intentions and actions by means of a declaratory policy of no-first use (NFU) – 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.

In line with the CSBM framework laid out in POLICY BRIEF No. 18, the main focus of this issue is the applicability of modest CSBMs as a step on the path towards establishing a WMD/DVs Free Zone in the Middle East. The first part of this POLICY BRIEF highlights the main generic options for confidence- and security-building measures in the areas of declaratory policy as well as transparency and communications, both with respect to missiles and WMD potentials. The second part addresses the following questions: how do these measures contribute to initial norm building? What opportunities do they provide for trade-offs and bargaining? How do they establish a link between conventional arms and weapons of mass destruction? And finally, what are possible positive spill-over effects of implementing modest CSBMs?

Abstract

The incremental process towards a zone free of weapons of mass destruction (WMD) and their delivery vehicles (DVs) in the Middle East could benefit from two sets of modest confidence- and security-building measures (CSBMs). Their objective would be to reassure potential enemies that one's intentions are not aggressive and that military capacities are used only in a defensive mode. The long-term hoped for effect could be to defuse tensions, develop mutual trust, and pave the way for more far-reaching measures required for the establishment of a WMD/DVs Free Zone.

The first set of CSBMs would be mutual no-first use declarations regarding WMD and/or their DVs. It could take the form of a minimum approach for no-first use of unconventional missiles against states which do not possess such missiles themselves (and right of retaliation in case of attack), or it could take the more ambitious shape of an unconditional no-first use of any missiles (except in case of invasion). The second set of CSBMs would be transparency and structures for the exchange of data related to military forces (holdings, use, doctrine, movements, etc.). As the experience of bilateral hotlines and the European multilateral network has shown, such measures can prevent misperceptions and avoid conflict escalation.

In either case, the adoption could be unilateral or negotiated among the relevant states, possibly with the assistance of mediators in the negotiation and implementation phases. The Arms Control and Regional Security talks in the 1990s emphasized the usefulness of such measures. For the time being, they may be the only common denominator among regional states for reaching agreement and making progress on the disarmament front. ■



Marc Finaud is Senior Advisor of the Emerging Security Challenges Programme of the Geneva Centre for Security Policy (GCSP). He joined the French Foreign Ministry in 1977 working mainly on issues related to the Conference on Security and Co-operation in Europe, and was later a delegate to the Geneva Conference on Disarmament. In 1996 he was appointed Deputy Head of Mission of the French Embassy in Tel Aviv and joined the Team of Negotiators of the EU Special Envoy to the Middle East. Since 2004 he has been seconded to the GCSP, where he has been teaching and conducting research on arms control and Middle East issues.



Anna Péczeli is an Adjunct Fellow at the Hungarian Institute of International Affairs (HIIA). From December 2012 she spent a three-month visiting research fellowship at the Peace Research Institute Frankfurt (PRIF) and she will start a six-month Fulbright fellowship at the Nuclear Information Project of the Federation of American Scientists (FAS) in Washington, D.C., in October 2013. She holds an MA in International Relations from the Corvinus University of Budapest and is presently working on her PhD. Her fields of research are U.S. nuclear policy and contemporary American-Saudi relations.

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We will outline previous applications of these measures and, based on the lessons of the past, highlight how they might be introduced and implemented in the Middle East and what policy recommendations can be drawn. It is important to bear in mind that modest CSBMs have their limitations and only constitute a first step towards WMD and DV disarmament rather than the ultimate solution.

Our analysis is part of a series of POLICY BRIEFS. In the first two issues the security concerns and the motives behind the weapon programs of the key regional actors were identified, in order to highlight the conditions for a successful Middle East arms control/reduction process (see POLICY BRIEFS Nos. 13 and 14). The third step addressing the general concept of CSBMs and focused on missile/delivery vehicle-related measures and their contribution to tackling the issue of military asymmetries in the region (see POLICY BRIEF No. 18). This POLICY BRIEF will identify concrete measures to be applied in unilateral, bilateral, or multilateral dimensions to provide the groundwork for more demanding CSBMs and ultimately for a WMD/DVs Free Zone in the Middle East.

Central Political Challenges to Implementing CSBMs in the Middle East

To implement even modest CSBMs, states need to have achieved a certain level of mutual trust and they must be willing to establish a cooperative environment. Not only is a collective regional security framework absent, but in many cases even

official dialogue between the key players is lacking. This makes it extremely difficult to negotiate and implement CSBMs, much less to convene a multilateral meeting for the parties to discuss concrete steps towards a WMD/DVs Free Zone.

Relying on a declaratory policy of no-first use and establishing communication channels or enhancing transparency with regular data exchanges requires a minimum level of mutual trust. It is also important to ensure a basic commitment from the regional actors to cooperate, or at least a common understanding of the benefits each country could derive from these CSBMs. Therefore, the greatest obstacles to modest CSBMs in the Middle East are:

- Highly adversarial relations among regional actors with an ever-present potential for escalation;
- asymmetric military capabilities among states which generate differing threat perceptions and security concerns;
- domestic instability and attempts by other actors to instrumentalize these internal conflicts for political gain; and
- a lack of regional security regimes and very little experience in the field of disarmament and verification mechanisms.

However, it is also important to emphasize that modest CSBMs have not only limitations, but in some cases could even backfire. If trust is lacking, a declaratory policy will not be able to address existing military asymmetries and might even provide (temporary) relative advantages to less forthright players or turn into an incentive for military build-ups. Similarly, transparency measures and information gathered through communication channels can be misused for initiating hostile actions against an opponent.

In light of these considerations, the value of modest CSBMs must not be overestimated. In any case, implementing these measures is only a first step towards the goal of a WMD/DVs Free Zone in the Middle East. Confidence- and security-building measures are not disarmament measures and they are no substitute for genuine dialogue on arms reductions.

Generic Options for Modest CSBMs: No-first Use Declarations, Transparency, and Communications

Options in the field of modest CSBMs include on the one hand no-first use



declarations (for missiles and/or WMD) and, on the other hand, transparency measures (reporting, notifications, data exchanges) as well as communication structures (hot-lines, institutional frameworks for data exchange).

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 declarations have, in the past, proved to be a useful confidence- and security-building measure.

Implementing a no-first use policy, however, should not be restricted to nuclear weapons. Extending its scope to other WMD and their delivery vehicles could build confidence among long-time adversaries and provide further benefits, especially in a region like the Middle East. Participation in the 1925 Geneva Protocol² banning the use in war of chemical and biological weapons can appear as a legally binding no-first use policy, even for those states which still reserve the right to use those means if they are attacked by weapons of the same type or by non-states parties.³ For the states unwilling to accede to such an agreement, unilateral and politically binding declarations could be an acceptable substitute. Moreover, a possible new application of this declaratory policy could be the implementation of a missile no-first use policy applied to all states in possession of missiles.

A missile NFU policy at its core is a declaration by participating states that ‘they will not be the first to launch missiles onto each others’ territory.’ Although there is no precedent for such a mechanism on a global or regional level, a step-by-step implementation of such a policy would be worth pursuing and might be achievable.

A *minimum approach* could be a no-first use declaration limited to unconventional missiles (missiles capable of carrying WMD), complemented with 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 assure that unconventional missiles could only be used in a retaliatory strike, thus underscoring the defensive character of these weapons.

Box No. 1: Nuclear No-first Use Declarations

China, India, and North Korea have declared a policy of no-first use of nuclear weapons. Both China (1964) and India (1998) made their declarations immediately after their first successful military tests and maintain them despite some recent ambiguity about China’s declaration.ⁱ Prior to its first nuclear test, North Korea also declared in October 2006 that its “nuclear weapons will serve as reliable war deterrent for protecting the supreme interests of the state and the security of the Korean nation from the US threat of aggression and averting a new war.”ⁱⁱ The Soviet Union also made a nuclear no-first use declaration in 1982 but Russia withdrew it in 1993 in order to counterbalance the growing advantages in NATO’s conventional military capabilities. In 2010, both the United States and the United Kingdom took some steps towards a no-first use declaration, with assorted conditions and reservations. The Israeli announcement in the mid-1960s that “Israel will not be the first country to introduce nuclear weapons to the Middle East” is also considered by some as an indirect no-first use declarationⁱⁱⁱ – although the exact meaning of “introducing” is still not clear.

Declaring a nuclear no-first use policy has several benefits. First, it is a good confidence- and security-building measure between states that have had a long history antagonism. Second, a NFU declaration reduces reliance on nuclear weapons in military doctrines, switching the emphasis from an offensive to a defensive strategy. Third, reducing reliance on these weapons can contribute to non-proliferation efforts and pave the way for actual disarmament. If the option of first use is retained by some, other states might feel encouraged to develop their own nuclear weapons to guarantee their national security. But accepting a global (or regional) NFU policy would discourage states from acquiring nuclear weapons for national security reasons. Moreover, in the case of nuclear-weapon-states, maintaining a first strike option requires a robust nuclear arsenal, while focusing solely on a second-strike capability (and upholding nuclear capabilities exclusively for retaliatory purposes) can create favorable conditions for substantial nuclear reductions. The importance of this second-strike capability for some nuclear-armed states explains their concern about ballistic missile defense that would neutralize it.

i. Rachel Oswald (2013) ‘China’s New Defense Paper Causes Stir Over No-First-Use Nuke Policy’, Global Security Newswire, April 24. Online, available at <http://www.nti.rsvp1.com/gsn/article/chinas-new-defense-white-paper-causes-stir-over-questions-no-first-use-policy/?mgh=http%3A%2F%2Fwww.nti.org&mgf=1> (June 4, 2013).

ii. ‘World Warns of Robust Response’, Reuters, October 9, 2006. Online, available at <http://www.heraldsun.com.au/archive/news/world-warns-of-robust-response/story-e6frf7lf-111112333171> (June 4, 2013).

iii. Avner Cohen (1999) Israel and the Bomb, New York, NY: Columbia University Press, p. 159.

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 missiles, 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 of 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 loophole if a country is under massive

attack by ground forces and/or aircraft and must fear for its very existence.

Transparency Measures and Communication Structures

Relatively early in the Cold War, the two superpowers realized the danger – for themselves and the world – of accidental or unauthorized use of nuclear weapons. This is why they initiated a series of agreements meant to prevent such occurrences. Decisive steps eventually were taken as a result of the Cuban missile crisis of October 1962. On June 20, 1963, the U.S. and the Soviet Union signed the “Memorandum of Understanding [...] Regarding the Establishment of a Direct Communications Link.” Each government was responsible for the connection on its own territory, including continuous functioning and prompt delivery of communications to its top leadership. The direct link comprised: two terminal points with teletype equipment, a full-time duplex wire telegraph circuit, and a full-time duplex radiotelegraph circuit.

This ‘Hotline’ has proved its usefulness, in particular during the Arab-Israeli wars in 1967 (when the U.S. tried to avoid having its fleet’s movements in the Mediterranean from being misinterpreted) and in 1973.⁴ Due to new technological developments, especially satellite communications, the 1963 Hotline Agreement was improved by a 1971 agreement which was concluded alongside the Strategic Arms Limitation Talks. As a consequence, two satellite communications circuits were established between the U.S. and the Soviet Union, with a system of multiple terminals in each country. The circuits became operational in January 1978. A new treaty, signed on July 17, 1984, added a facsimile transmission capability to the ‘Hotline,’ which became operational in 1986 and was updated in 1988.

The facsimile equipment allowed heads of government to exchange rapid messages and to send detailed graphic material such as maps and charts. In 1987, the U.S. and the Soviet Union established a Nuclear Risk Reduction Center (NRRC), which provided a new direct communication link. Although it was used primarily for the exchange of notifications under existing bilateral and multilateral treaties, the NRRC has periodically proved useful in other events (such as communication on the re-entry of the Salyut 7 space station or during the U.S. Moscow embassy fire in 1991). The possibility of using the NRRC to deal with cyber

warfare has been under discussion since April 2012.⁵

Once the usefulness of hotlines between nuclear powers had been demonstrated, other states, whether nuclear-armed or not, established such communication links between their governments, and in some cases between their armed forces, coast guards or even border guards: France-Soviet Union (1966); United Kingdom-Soviet Union (1967); Russia-China (1998 and 2008); U.S.-China (1998); India-Pakistan (1971, 1989, 2004, 2005, 2007, 2012); South Korea-China (2008 and 2012); India-China (2010); and Vietnam-China (2012).

The India and Pakistan case is an interesting example in that bilateral agreements provide for regular data exchanges both at the highest level (the ‘Hotline between Prime Ministers’) and at lower operational levels (between police officers or border guards), a non-use of force and non-attack of nuclear facilities agreement as well as mutual notification of military exercises and ballistic missile test launches. In 1990, the two countries set up a voice communication channel between their respective Director Generals of Military Operations which has only been used intermittently in practice and so far has not proved its value during a crisis. However, it was useful during certain small skirmishes.

The Hotline between the Prime Ministers, which was established in 1989, has been used several times (e.g., during the Kargil crisis in 1999), but overall infrequently. In terms of prior notification of military exercises, the two countries agreed to notify each other about exercises involving two or more divisions in specified locations (e.g., in Kashmir) and on a prohibition on military activities within five kilometers of their common international border. This CSBM has been rarely used since most of the countries’ military maneuvers fall outside the scope of the accord. In 1998, both states agreed not to attack each others’ nuclear facilities. Within the ‘Agreement on the Non-Attack on Nuclear Facilities’ India and Pakistan annually exchange lists on the location of nuclear-related installations and commit not to attack them. However, the definition of the facilities that must be declared is vague.

Although India and Pakistan have agreed on a number of CSBMs, their record on implementation is relatively weak. This is why in 2011 a Canadian-sponsored joint

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group called the “Ottawa Dialogue”⁶ recommended expanding the existing CSBMs: both countries were called upon to give assurances that missiles would not be tested during periods of tension; that surprise ‘bolt out of the blue’ nuclear attacks were not part of either side’s doctrine and planning; and that measures would be taken to prevent unauthorized or unintended launches of nuclear weapons, including a mutual commitment to maintain the current practice of separating warheads from delivery systems. India and Pakistan were also encouraged to commit to informing each other well in advance of tests of any new systems.⁷

Apart from the bilateral level, there is the multilateral/regional experience of the OSCE Communications Network. Established in 1990, this system is meant to encourage transparency and openness in order to strengthen security. The Network allows the 57 states currently participating to exchange military information related to several arms control agreements and treaties (the Vienna Document, the Treaty on Conventional Armed Forces in Europe, the Treaty on Open Skies, and the Dayton Peace Accords). It provides them with a reliable, timely, and secure channel for transmitting military information to supplement diplomatic ways of communication. It is considered one of the OSCE’s most successful CSBMs, although it now involves the transmission of routine information and is used less often for emergency communication.⁸

Application of Modest Confidence- and Security-building Measures in the Middle East

No-first Use Declarations

In general, a no-first use policy (for missiles or any other weapons) is a voluntary declaration and does not involve any legal obligations (therefore – as mentioned above – it requires a certain level of trust). Regarding the implementation of such an agreement, previous nuclear NFU policies were unconditional and equally valid for all participating states. In a best-case scenario, a missile no-first use declaration in the Middle East should be part of a multilateral cooperative framework encompassing all states in the region which are in the possession of missiles. The option of applying unilateral or bilateral no-first use policies, however, should not

Box No. 2: The CSCE/OSCE Confidence- and Security-building Measures

The aim of the early confidence- and security-building measures adopted within the framework of the Conference for Security and Co-operation in Europe of 1975 was to contribute to reducing the dangers of armed conflict and of misunderstanding or miscalculation of military activities which could give rise to apprehension, particularly in a situation where the participating states lack clear and timely information. On the basis of the successive politically binding documents adopted since then, the following measures have been implemented by the participating states:

- *Prior notification of major (as well as other) military maneuvers;*
- *exchange of observers;*
- *prior notification of major military movements;*
- *exchange by invitation among their military personnel, including visits by military delegations;*
- *provisions on annual calendars of planned military activities;*
- *verification by compulsory on-site inspections relating to military activities;*
- *annual exchange of information on existing forces, including the structure of the armed forces, their deployment, peacetime authorized strength, and major weapons and equipment systems down to brigade/regiment level; information about the planned deployment of major weapons and equipment systems; annual military budgets;*
- *establishment of points of contact for hazardous incidents of a military nature;*
- *a communications network able to transmit computerized information;*
- *emergency meetings to clarify unusual military activities;*
- *‘constraining measures,’ taking into account the size of exercises as regards manpower and material involved, and the frequency of activities;*
- *invitations to make visits in order to dispel concerns about military activities;*
- *increased openness in defense planning, obligating participating states to provide information, inter alia, about their defense policies and doctrines, force planning, budgets etc.;*
- *a program for military contacts and co-operation, including, inter alia, joint military exercises and training, provision of experts, seminars on co-operation, etc.;*
- *‘stabilizing measures’ for localized crisis situations, including, inter alia, measures of transparency; measures of constraint, such as the introduction of a cease-fire, establishment of demilitarized zones by the parties involved, de-activation of certain weapons systems, treatment of irregular forces; measures to reinforce confidence; and measures for monitoring compliance and evaluation.*

Source: ‘What is the Forum for Security Co-operation?’, Factsheet of the Organization for Security and Co-operation in Europe. Online, available at www.osce.org/fsc/77535 (June 4, 2013).

be excluded. Even a unilateral declaration can have positive effects and contribute to a process of confidence building.

Potentially, the implementation of a missile NFU policy could be as successful as nuclear no-first use declarations have been. It is a valuable confidence- and security-building measure that does not require states to reduce their existing military capabilities or forego future modernization. Moreover, it can be implemented without committing oneself to a detailed declaration of actual military capabilities: the Israeli announcement about the ‘no-first introduction’ of nuclear weapons for example signals restraint to its regional adversaries but does not imply an affirmation of its possession of these weapons. The same logic applies to ballistic missiles. Israel has not officially declared that it

possesses them, but this is no impediment to its agreeing to a NFU policy against their use.

Such a policy can 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, 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 (GCC) where the threat of WMD-use is not currently imminent but where conventional missiles are widely seen as having a destabilizing impact.

In addition to the benefits of confidence-building, a missile no-first use declaration in the Middle East would considerably reduce the significance of missile defense systems and it could also have a spill-over effect to all other fields of WMD. As a result of the distance between Israel and Iran or Iran and the GCC countries, missiles are obvious means of delivery for nuclear, biological, and chemical weapons – therefore limiting the use of these delivery vehicles would set the ground for restraining the use of all WMD.

Just as in the case of the missile NFU policy, the benefits and advantages of a no-first use declaration for weapons of mass destruction would considerably exceed the costs of its implementation: first, establishing a WMD/DVs Free Zone in the Middle East is not a prerequisite for implementing a weapons of mass destruction no-first use policy. This declaration, on the other hand, could ease tensions in the region and reduce the threat of WMD use. Moreover, it could also contribute to the ratification of the WMD-related non-proliferation and disarmament treaties.

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 third, if the NFU policy proved to be successful in lowering tensions, it could have a negative effect on the overall goal of establishing a WMD/DVs Free Zone by reducing the incentive for establishing such a zone. The success of a no-first use policy might only provide an excuse for postponing important next steps towards disarmament and the realization of a WMD/DVs Free Zone.

Transparency Measures and Communication Structures

During the Arms Control and Regional Security talks within the Middle East multilateral peace process 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.⁹ Although the entire package of CSBMs was never formally adopted, those talks demonstrated an understanding of the usefulness of such communication measures. This is even more true 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 confidence- and security-building measures could be negotiated either directly among the states of the region or indirectly with the assistance of a mediator. Thus, depending on the level 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 idea behind CSBMs is not to establish legal obligations but to appeal to enlightened self-interest and the benefits derived from reciprocal agreement ('win-win' situation). Agreement on 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.

» A missile no-first use declaration should be part of a multi-lateral cooperative framework [...]. The option of applying unilateral or bilateral no-first use policies, however, should not be excluded. Even a unilateral declaration can have positive effects and contribute to a process of confidence-building.«



Future discussions or negotiations on a WMD/DVs Free Zone will 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 lessons which have been learned from experience and which can be applied to the Middle East are:

- 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/OSCE confidence- and security-building measures and the Conventional Armed Forces in Europe agreements was to lower the risk of a large-scale conventional offensive or surprise attack in Europe; similarly, 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.¹⁰
- Due to technological developments and potential escalation risks, a Middle East CSBM system would need to include the exchange of data on missile test launches.¹¹ As for missiles, a minimum requirement could be the accession to, or application of, the Hague Code of Conduct, which includes politically

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Endnotes

1. Holly Higgins (2002) 'Applying Confidence-Building Measures in a Regional Context', Paper presented at the Institute for Science and International Security. Online, available at <http://isis-online.org/uploads/conferences/documents/higginspaper.pdf> (June 4, 2013).
2. In the Geneva Protocol, which entered into force in 1928, the parties accept to prohibit "the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" as well as "the use of bacteriological methods of warfare." See the 'Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare'. Online, available at http://www.un.org/disarmament/WMD/Bio/pdf/Status_Protocol.pdf (June 4, 2013).
3. All states in the Middle East are party to the Geneva Protocol except the United Arab Emirates and Oman. Bahrain, Iraq, Israel, Jordan, and Kuwait maintain "retaliation" reservations, while Syria only has a reservation about the non-recognition of Israel. For more information, see Marc Finaud (2011) A Middle East Free of Weapons of Mass Destruction: For a Comprehensive and Incremental Approach, Policy Paper No. 18, Geneva: Geneva Centre for Security Policy.
4. 'Hot Line Agreements', Federation of American Scientists. Online, available at www.fas.org/nuke/control/hotline/intro.htm (June 4, 2013).
5. Richard C. Clarke (2012) 'Cyber Attacks Can Spark Real Wars', Wall Street Journal, February 16. Online, available at <http://online.wsj.com/article/SB10001424052970204883304577219543897943980.html#> (June 4, 2013).
6. 'Practical Steps Towards Nuclear Confidence-building in South Asia', Statement adopted by the members of the Ottawa Dialogue at their meeting in Copenhagen, December 12-13, 2011. Online, available at http://ssms.socialsciences.uottawa.ca/vfs/horde/newsfeed/000301_001324577320_Copenhagen_ENG%20%282%29.pdf (June 4, 2013).
7. Other proposals of the "Ottawa Dialogue" include assurances that sensitive targets will be avoided in the case of conventional conflict; the development of common terminology on strategic issues; regular discussions on doctrinal issues and strategic stability; the inclusion of cruise missiles in the Agreement on Pre-Notification of Flight Testing of Ballistic Missiles; a dialogue on ballistic missile defense; the creation of nuclear risk reduction centers; and upgrades of existing hotlines down the chain of command. Particular concern is expressed about the growing emphasis on short-range weapons, and calls are made for the elimination of short-range nuclear weapons. Both sides are also called upon to forego the development of missiles with multiple nuclear warheads.
8. 'What is the Forum for Security Co-operation?', Factsheet of the Organization for Security and Co-operation in Europe. Online, available at www.osce.org/fsc/77535 (June 4, 2013).
9. Emily B. Landau (2008) 'ACRS: what worked, what didn't, and what could be relevant for the region today', Disarmament Forum, No. 2, 13-20, here p. 13.
10. 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 warships, missiles, and small arms and light weapons. The Arms Trade Treaty adopted the same full list.
11. Another issue, cyber attacks or cyber defense, is very complex and, in order to be discussed as part of a package of CSBMs, would require more trust and cooperation among the states of the region.
12. Currently, only five states in the Middle East and North Africa region are subscribing states to the Hague Code of Conduct Against the Proliferation of Ballistic Missiles: Iraq, Jordan, Libya, Morocco, and Tunisia. For the full text of the accord, see 'Hague Code of Conduct Against Ballistic Missile Proliferation'. Online, available at http://www.hcoc.at/documents/Hague-Code-of-Conduct-A_57_724-English.pdf (June 4, 2013).



Further Reading

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binding transparency measures such as advance notification of missile test launches.¹²

Conclusions and Recommendations

The introduction of a system of modest confidence- and security-building measures 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, then modest CSBMs would not preclude and perhaps encourage parallel negotiations on more far-reaching CSBMs or even progress on actual disarmament measures. This approach may seem to ignore the interest of some states to tackle more controversial issues such as Israel's nuclear capability. 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.

In any event, this approach would require a level of dialogue among the states of the region, whether directly or through mediators. In the early phase where trust has yet to be established and levels of diplomatic contact among the parties differ, recourse to generally acceptable third parties (neutral states or jointly appointed envoys) may facilitate the exchange of data. This is especially true if a certain degree of confidentiality is to be preserved in order to avoid conflicts with official rhetoric or fuelling calls for arms build-ups.

With the Helsinki Conference still on the horizon, regional states may make use of the opportunity to discuss and implement the proposed modest confidence- and security-building measures in the fields of no-first use declarations, transparency, and communications. The introduction of a system of modest CSBMs in the Middle East offers benefits to all states of the region and could facilitate the negotiation of a WMD/DVs Free Zone. ■

About the ACADEMIC PEACE ORCHESTRA MIDDLE EAST (APOME)

The ORCHESTRA is the follow-up project of the "Multilateral Study Group on the Establishment of a Missile Free Zone in the Middle East". The ACADEMIC PEACE ORCHESTRA MIDDLE EAST is a classical Track II initiative: it consists of some 100 experts – mainly from the Middle East/Gulf, one of the most conflict-ridden areas of the world. The ORCHESTRA is meeting regularly in working groups (CHAMBER ORCHESTRA UNITS) on specific topics in the context of a workshop cycle from 2011-2014. The main goal of this initiative is to shape the prospective Middle East Conference on the establishment of a zone free of weapons of mass destruction and their delivery vehicles agreed upon by the international community in May 2010.

For this reason, these experts develop ideas, concepts, and background information in a series of POLICY BRIEFS which are the results of intense discussions within the CHAMBER ORCHESTRA UNITS. In this framework, the broader normative Cooperative Security Concept will be further developed, embedded, and institutionalized in the region. At the same time, the ORCHESTRA meetings serve as venues for confidence building among the experts. The networking activities of PRIF's Project Group are documented by the ATLAS on Track II research activities in or about the Middle East/Gulf region.

Editor/Project Coordinator: Adj. Prof. Dr. Bernd W. Kubbig
Co-Editors: Hannah Broecker, MA, Mag. Michael Haas, MSc,
and Christian Weidlich, MA.

Peace Research Institute Frankfurt,
Baseler Straße 27-31, D-60329 Frankfurt am Main,
Phone: +49-69-95910436, Fax: +49-69-558481,
E-Mail: kubbig@hsfk.de,
Internet: www.academicpeaceorchestra.com



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