



## Why We Need New Communication & Conference Processes and How They Could Come about

### The Classical Role of This Track II Initiative

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*This New Publication Series POLICY FORUM is in addition to the Two Expert Panels conducted at the First NPT PrepCom in Vienna on May 8 and 10, 2017 our second Track II tool. Both aim at presenting, discussing, and disseminating the jointly developed Cooperative Ideas as potential rallying points for the most important actors in the entire Middle East/Gulf. The main goal is to help achieving what is most needed: re-launching New Communication & Conference Processes in the disarmament & non-proliferation area; this is seen as the core element of, ultimately all-inclusive, security arrangements for the region consisting of two centers of gravity relevant for our new, comprehensive approach for the entire Middle East/Gulf.*

#### Background and Context: Failures and Opportunities in the Region

Our initiative to present a broad range of Cooperative Ideas/concepts builds on our previous activities, especially the two International Expert Conferences/Workshops in Frankfurt (December 8-9, 2015) and Berlin (May 3-4, 2016). There, some 50 experts mainly from the conflict region jointly developed relevant disarmament concepts. One sobering result emerging from both events is that though there was heated debate over ideas, none of the ideas was supported by all experts representing a broad cross-section of countries with their specific experiences and favored concepts. *There is no silver bullet, i.e., no idea or concept has been proposed, around which all relevant states (Arab countries plus Iran and Israel) can unite.* Admittedly – and this relativizes our sober finding – not all ideas were discussed adequately in Frankfurt and Berlin. Some issues took more time than others, while some other concepts were only superficially touched upon.

This new initiative is tailored to the challenges associated with the 2020 NPT Review Cycle which starts with the First NPT PrepCom in Vienna and, after two additional events in 2018 (Geneva) and New York (2019), will culminate in the 2020 Review Conference that also marks the 50th anniversary of this fundamental Treaty. But the Track II endeavor is not confined to this certainly important, yet narrow context reflecting the traditional Egypt-led Arab-Israeli antagonism with its focus on creating a regional Zone Free

of Weapons of Mass Destruction (WMD) and their Delivery Vehicles (DVs) such as missiles (WMD/DVs Free Zone). We take a comprehensive look at the Middle East/Gulf, which will allow us to consider the second center of gravity in the sub-region of the Gulf with its own problems – and opportunities in the form of the Joint Comprehensive Plan of Action (JCPOA), agreed upon by the U.S., Russia, China, France, Germany, and the UK (E/EU 3+3) and Iran on July 14, 2015.

For positioning our Track II activities *in the traditional context of the Arab-Israeli antagonism* two contradictory developments are relevant: on the one hand a commitment of the three Co-Conveners to do everything possible to re-launch a new Communication & Conference Process – an effort that finds its echo at the Middle East/Gulf level with the Arab states, who have expressed regret at not having any adequate regional communication mechanisms available. On the other hand, in view of the consistently unyielding positions on substantive issues, there is a danger that the previous development leading to the two failures may start again and result in an even more challenging outcome. In the following we will elaborate on these two contradictory developments.

The new dialogue process that Russia, the UK, and the U.S. are striving for may be similar to the Glion/Geneva Process in 2013-2014. The five meetings of all major regional actors held in Switzerland, however, did not lead to the envisaged conference in Helsinki, at which a WMD/DVs Free Zone was to be discussed. This failure, which was mainly due to the

disagreement on creating such a zone in the Middle East/Gulf, explains to a considerable degree why a consensus document could not be achieved at the Review Conference of the Nuclear Non-Proliferation Treaty (NPT) in New York in the spring of 2015. Once again the gulf between traditional positions held especially by Arab League (AL) countries, led by Egypt [“Disarmament First!”], and Israel [“Regional Peace First!”] could not be bridged – despite some tactical flexibility on the part of the only nuclear-weapon state in the region.

*At the international level* the new commitment of the three Co-Conveners found expression in their “Joint Statement” before the United Nations on October 27, 2016 in New York. The fundamental concern of all three nuclear-weapon states is to preserve the Treaty in view of two open flanks: the zonal issue and even more so the humanitarian impact of nuclear weapons topic. In reaffirming their commitment for the zone based on the 1995 Middle East Resolution, they emphasize not only the continued value of the endangered Treaty but also the importance of striving for a Conference à la Helsinki. Thus, the former three Co-Conveners set the stage for the formalized NPT Review Process up to 2020, starting in Vienna.

*At the regional level* the Secretary-General of the Arab League had already decided in March 2016 to establish a Wise Persons Commission, whose ten members are requested to evaluate and propose new zone-related ideas and options on how to proceed after the failed NPT Review Conference in New York. The Ministerial

Council discussed the report, which was due in March 2017, and decided that each member would study it carefully and meet on April 19 to adopt the required recommendations and formulate it as an action plan. The creation of this Commission indicates that the Arab governments want to play an active part in overcoming the stalemate of non-communication.

Contrary to these activities, the confidential workshops at the Track I and I,5 level, which took place in Moscow (May 23, 2016), Nagasaki (December 14, 2016), and Amman (January 25, 2017) reveal: It was not possible for the Arab countries and Israel to resolve major disagreements that led to the two failures in New York and Helsinki, let alone overcome. Everybody – not only the representatives from the region but also the UN representatives – repeated in Moscow the positions held before the 2015 NPT Review Conference. This is why the Russian Foreign Ministry has not planned a follow-up meeting. The gathering in Nagasaki was a variation on this theme. A very short media release was published in Japanese mentioning only “that the meeting was held without any substance.” In Amman, the three representatives of Russia, the UK and the U.S. as well as the members of the Wise Persons Commission played the ping-pong game of mutual expectations again: While the three extra-regional diplomats stressed the need for initiatives from the Middle East/Gulf to overcome differences, the Arabs present asked the three Co-Conveners for impulse proposals.

The often unspecified new and ‘fresh’ ideas asked for by all relevant actors in order to overcome the current impasse (for instance by all participants at the meeting in Nagasaki) may have an adverse effect on the construction of the NPT as a whole. Here, the Arab option of ‘re-visiting’ the Resolution of the 1995 NPT Review Conference on the Middle East comes to mind. The Arab states accepted the unlimited extension of the Treaty in exchange for putting the WMD/DVs Free Zone on the agenda. One extreme scenario could entail threatening to withdraw from the NPT, or, more probably, requesting that the WMD/DVs Free Zone be made a permanent ‘fourth pillar’ of the Treaty if members want to preserve unlimited extension of the NPT. Although the Commissions’ report is not known to us, we are confident the Arab countries

are interested in suggesting practical exit strategies for overcoming the current situation.

### The Comprehensive Approach of Our Track II Initiative

It is the task of Track II actors such as APOME and GCSP to provide a strategy to circumvent a looming predicament in the traditional Egypt-led/Arab-Israeli antagonistic center of gravity by offering alternatives. Our specific approach is twofold:

- *First*, in *conceptual* terms, as indicated above, we approach the conflict region in a comprehensive way – the Arab-Israeli antagonism is complemented by a focus on the Gulf as a second center of gravity with the distinct Iranian-Saudi rivalry. This allows us to a) analyze the often overlooked disarmament & non-proliferation problems in the sub-region of the Gulf; and b) to widen the Israel-related focus in the Near East by adding the exploration of the yet to-be-concretized transformation potential of the Joint Comprehensive Plan of Action struck by the E/EU 3+3 and Iran in mid-2015. Also, in accordance with our premise that conflict formations generally matter more than weapons as such, we strive for embedding weapon issues in security arrangements that are ultimately all-inclusive – this is why we consider the traditional and unfruitful juxtaposition of “Disarmament First!” vs. “Regional Peace First!” obsolete. Based on our previous work, the outlining of the *conceptual* dimension implies our basic *analytical* assumption that the security dilemma with its features of unilateralism, zero-sum-thinking, and predominantly military ‘solutions’ applies to both centers of gravity (Finaud/Khalil [eds] 2012; Kubbig/Fikenscher [eds] 2012; Kubbig/Weidlich 2015).
- *Second*, in *normative* terms, cooperation is the main means of at least reducing the security dilemma in both centers of gravity. The basic instrument will be concretized by the presentation of Cooperative Ideas at the Two Expert Panels in Vienna as well as in our New Publication Series POLICY FORUM. Mostly due to our unique situation of having jointly developed a broad range of Cooperative Ideas for both centers

of gravity, we hope to offer proposals which are compromise-oriented and conciliatory.

### Positioning Our Cooperative Ideas in the Context of the Traditional Center of Gravity

Against the backdrop of the developments and disagreements described, the broad scope of our Cooperative Ideas especially for the First Expert Panel, *are designed to resolve or at least narrow the considerable gaps present in order to help re-launch a New Communication & Conference Process that is more than a replay of past efforts, i.e., without repeating earlier mistakes while striving towards a forward-looking and constructive as well as compromise-oriented mechanism of formal dialogue.* This implies the following aspects:

*Adequately analyzing the Glion/Geneva Process and the conditions of failure/success:* The representatives of the Arab world have a point when they criticize the lack of coordination by the Co-Conveners in previous years.

*Addressing the broader context of the endangered NPT while making use of new opportunities:* We would like to explore the possible benefit from the ban-the-bomb movement, because its claim for universal nuclear disarmament goes hand in hand with the traditional demand for zonal disarmament in the Middle East/Gulf: Can this fresh idea lead to a new and potentially fruitful alliance between two groups of actors who so far have not visibly coalesced?

*Taking potentially constructive proposals from regional actors seriously:* The UN Envoy as an alternative follow-up to the Facilitator may not be the core solution (due to the fundamental disagreements over security concepts). But this proposal may be a good starting point for involving the United Nations more deeply. The proposal of bridging the fundamental security disagreements through *parallel working groups* on the nuclear dimension (Egypt-led Arab concern) and regional issues (relevant for Israel) could be discussed again – it is at this point that our conceptual requirement to embed the weapons issue in broader security arrangements will be of particular importance.

*Making alternative, practical, and less demanding proposals to the complex and longstanding goal of creating a WMD/DVs Free Zone:* On the one hand, building blocks such as a



Nuclear-Test-Free Zone come to mind, while at the same time a number of ready-to-start initiatives such as the joint fight against radiological weapons in the hands of sub-state/hybrid actors such as ISIL serve as a unifying factor. A variant of practical steps is to look at existing zones and disarmament dynamics – also going beyond the narrow military/disarmament security realm. The Nuclear Non-Proliferation Treaty as well as the Geneva Protocol, the Biological and Toxin Weapons Convention (BTCW), and the Chemical Weapons Convention (CWC) are cases in point: How can these be built on, especially in view of Syria's adherence to the CWC and events such as the poison gas attack on the town of Khan Sheikhun in Idlib in early April 2017, which killed more than 80 people? To increase the impact of the ideas generated, we suggest widening the scope by providing new *flanking ideas* that are not rooted in the narrow military/disarmament area, but can be derived from the spill-over potential of other promising areas such as the environment/water (or the economic/financial realm in the second sub-regional Gulf center of gravity).

*Reacting constructively to criticism of our broad scope of ideas developed in the two centers of gravity:* At our two International Expert Conferences in Frankfurt and Berlin the reactions to the various ideas – new and old ones – relating to both centers of gravity ranged from outright rejection and skepticism to strong support, revealing different political/conceptual coalitions among the experts from the Middle East/Gulf. This may suggest that decision-makers are unlikely to favor just one idea. We can expect reactions like 'We have heard this again and again – what is new?' Or: 'This sounds new, but it is one-sided and unrealistic.' We conclude that we will continue *listening to regional decision-makers/experts as well as inviting them to comment on our Cooperative Ideas*.

We hold that the Two Expert Panels allow us to cluster the broad scope of Cooperative Ideas in two groups. This implies the opportunity to mix ideas from the two groups, find new combinations and possibly alliances for compromise-oriented proposals. Thus, it is hoped that all this will help governments to look for truly constructive solutions and to coalesce accordingly. Initial attempts in this regard will be made by convening an ad hoc gathering with selected and available

decision-makers and experts toward the end of the First PrepCom.

### Positioning Our Cooperative Ideas in the Context of the Sub-regional Gulf Center of Gravity

The Saudi-Iranian rivalry, which has become the dominant feature of the entire conflict region, positions the sub-region of the Gulf with its own dynamics, power constellations, and problems as the second center of gravity focused on in our initiative. By the same token, the regional picture cannot be regarded as entirely negative. This is due to the Joint Comprehensive Plan of Action with its inherent deal of Iran accepting restrictions to its nuclear activities in return for the lifting of nuclear sanctions by the E/EU 3+3 partners. This major achievement contains unparalleled restrictions and verification requirements for any nuclear ambitions of the Islamic Republic, and can thus be seen as a viable disarmament and non-proliferation instrument in the sub-region of the Gulf. *We argue that the JCPOA should not be seen as a panacea, but be used as a vital focal point for building a region-wide dialogue mechanism by assessing its transformation potential in three ways: a) for improving the badly needed communication mechanisms especially between the two major regional rivals; b) for enhancing the military-political and economic/financial situation in the Gulf; and c) for inspiring the debates in the Egypt-led/Arab-Israeli antagonism.*

The JCPOA suggests that the sub-region revives the old discussion of a WMD Free Zone in the Gulf. Its yet to-be-explored transformation potential regards the unparalleled monitoring role of the International Atomic Energy Agency (IAEA) as a confidence provider, especially with respect to Iran's main rival Saudi Arabia. In accordance with our approach of embedding weapons (and conversely disarmament & non-proliferation measures) in the broader security context, the multilateral accord should be assessed as a starting point for reducing the Saudi-Iranian rivalry, and associated with Riyadh's and Tehran's hegemonic claims for the entire region, even for addressing and ending the proxy wars for instance in Yemen. In a more promising scenario, the JCPOA could become the focal point for all-inclusive security arrangements that are reminiscent of the essentials of the successful

Conference on Co-operation and Security in Europe (see Hanelt/Koch 2015).

Due to its financial/economic section, the transformative potential of the JCPOA is not confined to security and stability: *At the Iranian domestic level* the lifting of sanctions provides opportunities for improving the situation in the Islamic Republic; in view of the strong domestic criticism by the fundamentalist segments, this will be essential to keep the moderate government of President Hassan Rouhani in place beyond 2017. *At the regional level* the JCPOA opens the door for the often overlooked cooperation potential with all of Iran's Arab neighbors in the Gulf, above all in the energy sector. The vital economic/financial section implies an opportunity to bring businesspeople – both inside and outside the region – with their vested interests into the arena as possible actors for change. These positive aspects need to be complemented by the security concerns the E/EU 3+3 Agreement with Iran has caused or aggravated among Iran's neighbors, notably Saudi Arabia (see on all this Harnischfeger/Kubbig).

Our comprehensive approach will also allow us to broaden the narrow Egyptian-Israeli context. This will be done by exploring the JCPOA's transformation potential for disarmament and non-proliferation beyond the sub-region of the Gulf. We assume that the specifics of each sub-region do not preclude the transfer of ideas and positive experiences from one center of gravity to the other. We propose this transfer as an important measure, despite UNSCR 2231 and the IAEA Board of Governors' endorsement that the provisions of the Accord apply exceptionally to Iran and do not establish any precedent for safeguards implementation by the Agency in general.

In the spring of 2017, i.e., more than one year after Implementation Day (i.e., the date when the parties to the JCPOA started implementing their various commitments), there are additional strong reasons for making the case for exploring its transformative power – certainly without ignoring the criticism and the fears of Tehran's neighbors. In fact, five of the six extra-regional signatories of the Accord used its first anniversary to signal to the highly skeptical Trump administration how important the Agreement was for improving stability in the Middle East/Gulf.





Indeed, concluding the Agreement is a double victory of diplomacy in that it has prevented both a nuclear Iran and the so-called military option against the nuclear and missile-related facilities of this country. Additional strengths become important for assessing the transformative potential of the Agreement: Its unparalleled verification requirements ('Additional Protocol Plus') could act as the gold standard for any further measures to strengthen the NPT; and the Joint Committee of the JCPOA could function as a confidence-building device for addressing and solving controversial issues.

And yet the adversarial stance in the United States toward the Accord adds significantly to the skepticism from Iran's Gulf neighbors. Nevertheless, it seems safe to state that Donald Trump, in his meeting with Israeli Prime Minister Benjamin Netanyahu in February 2017, did not express any interest in a direct breach or cancellation of the multilateral Accord (nor did Netanyahu). This is mainly due to the fact that both critics do not dare start a conflict with all the other signatories who have expressed their unequivocal commitment for preserving the JCPOA.

The Agreement certainly remains endangered by the introduction in the U.S. Congress of new bills aimed at scrapping the deal or by demands for sanctions not covered by the Accord. The good news is that EU representatives had already reached out at the end of 2016 to the incoming Trump administration making red lines about what kind of new sanctions were (and would be) unacceptable to the European Union fairly clear (see on all this Kubbig, January 19, 2017).

*All in all we conclude that the – strictly implemented and complied with – JCPOA should be taken as a fact of political life whose merits should be explored and whose strengths should be built on for the purposes laid out for our Track II initiative.*

### The Major Tools for Implementing Our Track II Initiative: Getting Started in Vienna – Creating Sustainability during the 2020 NPT Review Cycle

The following instruments are promising for putting the cooperative ideas developed into practice in a way that guarantees not only a fresh start but also sustainability during the 2020 NPT Review Cycle:

- The Vienna event is *the* forum for making our ideas known to the international Track I and Track II communities in the form of the Two Expert Panels. It is our *first tool*. At the same time it is the starting point for the New NPT Review Cycle, which will remain our major point/process of reference.
- The New Publication Series, POLICY FORUM FOR DISARMAMENT AND NON-PROLIFERATION IN THE MIDDLE EAST GULF, is our *second tool*. It is *the* instrument for creating sustainability in the interval between the First PrepCom and the second meeting of this kind scheduled for spring 2018 in Geneva. The POLICY FORUM would be our medium for discussing and disseminating ideas and inviting comments. We should of course be flexible enough to respond to proposals presented especially by our colleagues within the Arab League.

We should also opt for discussing a third group of Cooperative Ideas related to the so-called Vienna issues, which are of a more technical and perhaps less controversial nature, such as IAEA safeguards and verification activities as well as export controls and the dimension of nuclear safety/security.

It should be worth creating an additional region-wide dialogue mechanism by bringing the traditional disarmament & non-proliferation community together with the technical community – implying the possibility of mutual learning. A concrete focus could be the urgent issue of *how to frame and assess the threat/risk of material/weapons of terror in the hands of sub-state/hybrid actors such as ISIL (perhaps with an emphasis on illicit trade/smuggling of radiological/nuclear material)? What can be done together against such a frightening prospect in the Middle East/Gulf?*

- Depending on the funding situation, a *third tool* would be the establishment of a New Cycle of small-scale Workshops, in order to deepen and broaden discussions with Track I and II representatives, especially those from the Middle East/Gulf.

*To sum up, this Track II initiative with all its tools is committed to being cooperative, open-minded, and inviting by not only analyzing the issues and making recommendations, but also by creating ways of discussing controversial issues – and by finding compromise-oriented solutions. ■*

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### Sources/Further Reading

- Marc Finaud/Ayman Khalil (eds) 2012 *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/Amman: GCSP/AISS.*
- Christian-P. Hanelt/Christian Koch (2015) *A Gulf CSC Could Bring Peace and Greater Security to the Middle East: spotlight europe #2015/02—July 2015. Online, available at [https://www.bertelsmann-stiftung.de/fileadmin/files/user\\_upload/spotlight\\_02\\_2015\\_ENG.pdf](https://www.bertelsmann-stiftung.de/fileadmin/files/user_upload/spotlight_02_2015_ENG.pdf).*
- Fionn Harnischfeger/Bernd W. Kubbig, *The JCPOA: A Potential "Game Changer" for a Regional WMD/DVs Free Zone as Part of Cooperative Security Arrangements, POLICY BRIEF No. 48. Online, available at [academicpeaceorchestra.com](http://academicpeaceorchestra.com).*
- Bernd W. Kubbig/Sven-Eric Fikenscher (eds) 2012 *Arms Control and Missile Proliferation in the Middle East, London: Routledge.*
- Bernd W. Kubbig/Christian Weidlich (2015) *A WMD/DVs Free Zone for the Middle East: Taking Stock, Moving forward towards Cooperative Security, Frankfurt/M.: APOME/PRIF.*
- Bernd W. Kubbig (January 19, 2017) *Presentation at a Media and Expert Briefing in Berlin on January 19, 2017. Online, available at [academicpeaceorchestra.com](http://academicpeaceorchestra.com).*