

THE MIDDLE EAST: WOULD THE HELSINKI PROCESS APPLY?

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED EIGHTH CONGRESS SECOND SESSION

JUNE 15, 2004

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COMMISSIONERS

PAGE

Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe	1
Hon. Steny H. Hoyer, House Minority Whip	1
Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe	5
Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe	6

WITNESSES

Hon. Max M. Kampelman, Ambassador (ret.), Chairman Emeritus, Freedom House	8
His Excellency Natan Sharansky, Israeli Minister of Diaspora Affairs	11
Hon. Mark Palmer, Ambassador (ret.), Co-Founder and Board Member, National Endowment for Democracy	15
Peter Jones, Research Associate, Munk Centre for International Studies, University of Toronto	23
Hon. Craig Dunkerley, Ambassador (ret.), Distinguished Visiting Professor, Near East-South Asia Center for Strategic Studies, National Defense University	30
Professor Michael Yaffe, Academic Dean, Near East-South Asia Center for Strategic Studies, National Defense University	32

APPENDICES

Prepared Statement of Hon. Benjamin L. Cardin	42
Materials Submitted for the Record by Hon. Max M. Kampelman	
• Prepared Statement of Hon. Max M. Kampelman	43
• “From Helsinki to the Mediterranean and the Gulf: Building a Democratic, Prosperous and Peaceful Middle East,” a Freedom House Document	46
• “Overview of the Human Dimension Commitments of the Organization for Security and Cooperation in Europe, 1975–2003”	57
Materials Submitted for the Record by Peter Jones	
• Prepared Statement of Peter Jones	62
• The Preface and Executive Summary from <i>Towards a Regional Security Regime for the Middle East: Issues and Options</i> , by Peter Jones, Published by Stockholm International Peace Research Institute Stockholm, December 1998	70

APPENDICES (CONT'D)

	PAGE
Materials Submitted for the Record by Ambassador Craig Dunkerley	
• Prepared Statement of Ambassador (ret.) Craig Dunkerley	74
• “What the Helsinki-Middle East Analogy Should Say to U.S. Policymakers,” by Craig Dunkerley, Reprinted from <i>In the National Interest</i> , Vol. III, Issue 17, April 28, 2004	77
Prepared Statement of Michael Yaffe	80
Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan, October 26, 1994	90
Letter to David T. Johnson, Ambassador, U.S. Mission to the OSCE, from Members of the Commission on Security and Cooperation in Europe, dated July 15, 1998; and Ambassador Johnson’s Response	103
Letter from Commission Members to His Excellency Ariel Sharon, Prime Minister of Israel; His Excellency Hosny Mubarak, President of Egypt; and His Excellency King Abdullah II of Jordan, dated April 17, 2001; and Mr. Sharon’s Response	107
“Peace premised under the four ‘oughts’: Under Proper Conditions, Middle East Conference Could Work,” by Max M. Kampelman, Reprinted from <i>The Washington Times</i> , August 15, 2002	114
Letter to King Abdullah of Jordan from Members of the Commission, dated October 8, 2003	116
“The Middle East Needs its Helsinki,” by His Excellency Natan Sharansky, Reprinted from <i>The International Herald Tribune</i> , Tuesday, March 30, 2004	118

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JUNE 15, 2004

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC**

The Commission met in Room 334, Cannon House Office Building, Washington, DC, at 2:37 p.m., Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe; and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

Members of Congress present: Hon. Steny H. Hoyer, House Minority Whip and former Chairman and Ranking Member, Commission on Security and Cooperation in Europe.

Witnesses present: Hon. Max M. Kampelman, Ambassador (ret.), Chairman Emeritus, Freedom House; His Excellency Natan Sharansky, Israeli Minister of Diaspora Affairs; Peter Jones, Research Associate, Munk Centre for International Studies, University of Toronto; Hon. Craig Dunkerley, Ambassador (ret.), Distinguished Visiting Professor, Near East-South Asia Center for Strategic Studies, National Defense University; Professor Michael Yaffe, Ph.D., Near East-South Asia Center for Strategic Studies, National Defense University; Mark Palmer, Ambassador (ret.), Co-founder and Board Member, National Endowment for Democracy.

HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. The hearing of the Commission on the Security Cooperation in Europe will come to order.

I understand the Minority Whip, Steny Hoyer, a member of this Commission of long standing, a former Chairman and a great friend of the Commission, of the work of the Commission, does have to leave for another appointment.

So I yield to my good friend and colleague from Maryland for any opening comments he might have.

HON. STENY H. HOYER, HOUSE MINORITY WHIP

Mr. HOYER. I thank you very much, Mr. Chairman, and I certainly want to welcome our witnesses.

In particular, I want to welcome an extraordinary American, but a real international citizen, in Ambassador Max Kampelman; and, I suppose, even more an international citizen, a member of the Knesset, Natan Sharansky, my friend. I want to welcome the other witnesses as well.

Mr. Chairman, I regret that—and I told both Ambassador Kampelman and Mr. Sharansky—I will not be able to stay, unfortunately, because of the rescheduling. My schedule was inconsistent with the change. I apologize for that. But I want to thank you for holding this important hearing at a critical time in world affairs.

As you probably know, Mr. Sharansky had first appeared before the Commission in 1986, as well as my friend, Ambassador Kampelman, who is an architect, of course, of the Helsinki Process. He did an extraordinary job for our country in Vienna, and before that—long before that, for decades before that and since then—has been a real leader.

Mr. Chairman, you may recall this Commission first examined the possibility of a Helsinki-type process for the Middle East in a hearing held on October 14, 1993, when Senator DeConcini and I proposed the possibility of an OSCE-type process for the Middle East. We received testimony from the late Abba Eban and then-ambassador of Egypt, Ahmad Maher El-Sayed.

In the intervening years, Mr. Chairman, members of our Commission have continued to raise the possibility of such a process with leaders in the countries of Middle East in our travels to the region. I know I personally talked about this with at least two Israeli prime ministers and a number of their foreign ministers. I know that Mr. Cardin has discussed that as well.

I believe such a process was relevant then, and is perhaps even more so now. There are those who say these are different times and these are different countries than those that engaged in the Helsinki Process almost 30 years ago. This is certainly true.

However, it is my strong belief, it was then and now, that there is an analogy to be made between the very substantial gulf that existed between the Soviet Union and the West and the gulf that exists between many of the countries in the Middle East, which have existed for long periods of time.

But as the West and East were, in 1975, bitterly divided, they came together and agreed on certain principles. Some, perhaps, agreed on them rhetorically, while some agreed upon them philosophically. But in any event, we found that agreement had great power. I think that could apply in the Middle East.

Notwithstanding the deep differences that existed then, the process established a regional forum in which there was discussion of certain principles which are now almost universally accepted. They may not be universally followed, but they have been universally accepted, at least in international rhetoric.

Clearly, the governments and the peoples of the Middle East must embrace for themselves such a process in order to achieve lasting peace, stability and prosperity.

I hope that our distinguished witnesses, Mr. Chairman, will be able to provide us with some insight into how that may be achieved. Clearly, while talking together and coming together on a regular basis is not in and of itself a guarantee of success, without discussion, success is almost impossible.

What we found in the Helsinki Process was that when the Soviets entered into the agreement and achieved their own objective of Basket I, the security basket, and the agreement that political borders would not be changed by force, they, in the process, agreed to Basket III, thinking that Basket III would be much like the Soviet constitution—very fine rhetoric and almost no reality.

Having said that, they found—and Mr. Sharansky is probably one of the strongest witnesses of that reality—they found that those words and those ideas and those concepts and those commitments had great power.

And people who then had no power used those words and those concepts and those commitments to attain great power, not of armies or militias or police, but of the hearts and minds of millions of people, and openly changed the system. And we are so proud of Mr. Sharansky and Mr. Kampelman and all of you who have been involved in this process for so very long.

Mr. Chairman, I apologize for having to leave so soon, but I thank you for this opportunity. I want to thank you, Mr. Chairman, for your leadership.

Chris Smith and I have served on this Commission—I am no longer on this Commission—but have served on this Commission together for more than 2 decades. And Mr. Smith, Chairman Smith has always been a giant on principle and in courage in fighting for the rights articulated in the Helsinki Final Act.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Hoyer. And thank you for your kind remarks. And let me just note—and I think our distinguished panelists know this—you have done so much on behalf of the human rights in Central and Eastern Europe, especially during the dark days.

I remember our trips to many of the Warsaw Pact nations, our trips to Lithuania and, of course, the trips to the Soviet Union—what was then the Soviet Union. I think we did make a difference, and you certainly led this Commission very ably and honorably and effectively.

Mr. HOYER. Thank you, Mr. Chairman.

Mr. SMITH. Let me begin by saying a few opening comments. The witnesses at today's hearing will consider how the OSCE principles of democracy, human rights and security might be applied to the Middle East region. This area spreads from Morocco in the west to Iran in the east; from Sudan in the south to Turkey in the north.

Turkey is a participating State in the OSCE. And Algeria, Egypt, Israel, Jordan, Morocco and Tunisia are Mediterranean Partners for Cooperation with the organization.

One of the consequences of September 11, in addition to our focus on antiterrorism, was to spark a serious discussion in our country about the urgent need for democratization and respect for human rights in that part of the world.

The Middle East is trapped today in a polar opposite of the OSCE process. Instead of democratic principles pushing democratic progress, state repression breeds resentment and poverty, both monetary and intellectual. Instead of dialogue and confidence-building in the region, we have sullen extremism. The end result too frequently is stagnation and violence.

The considerable success of the Helsinki Process, during and after the Cold War, should not blind us, however, to the differences and difficulties of applying the OSCE framework in the Middle East.

As National Security Advisor Condoleezza Rice said recently, and I quote, "Nobody really believes that democratic development can be somehow forced from the outside. That simply is not the case. To work, willing partners are necessary."

There has been a Mediterranean dimension, as members of this Commission know, of the Helsinki Process from the outset. The 1975 Final Act included a separate Mediterranean chapter and extended the status of non-participating Mediterranean states to numerous states in the region.

More than a decade ago, this Commission held a hearing which examined—it was mentioned a moment ago by Steny Hoyer—the prospects for collective security in the Middle East.

Israel's former minister for foreign affairs, for Israel, testified, and I quote, "In the Middle East, as in Europe, the key to peace lies in institutionalized regional cooperation."

Former Egyptian ambassador to the United States, Ahmed Maher El-Sayed, expressed support for what he said was, and I quote, "a very active role by the United States and the European countries in this process in the Middle East."

The 1994 Peace Agreement between Israel and Jordan made the commitment to the creation of the Middle East, of a CSCME, Conference on Security Cooperation in the Middle East. This commitment entails the adoption of regional models of security along the lines of the Helsinki Process, culminating in a regional zone of security and stability.

To enter a series of briefings in 1995, the Helsinki Commission explored the application of the OSCE model to other regions of the world, including the Middle East.

Interested parties keep asking the question: What have we learned from history? Could the model of the OSCE institutions and the Helsinki commitments made by the participating States enhance security, promote cooperation and promote human rights in the Middle East?

There are two important differences between the current situation and the Cold War, and I hope we can try to address those this afternoon.

The first is the threat of Islamic extremism facing many of the states in the Middle East. That threat makes Middle Eastern leaders nervous about liberalization. The second is the question of the role of countries outside the region, including the United States.

I was hoping we could explore these issues this afternoon, as we go through the various testimonies.

With that as the background, it is time for us to have an open and frank discussion on how best to encourage respect for human rights and promote democratic reforms in the Middle East/North Africa region and the lessons learned that can be applied from the Helsinki Process.

I would like to recognize my good friend and colleague, Ben Cardin, for any opening comments he might have.

**HON. BENJAMIN L. CARDIN, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Well, thank you very much, Chairman Smith. I want to thank you for your active leadership on our U.S. Commission and the role that we have played on the OSCE. You have been a true leader on the human rights dimension, and we very much appreciate the fact that the Congress participation has been as involved as it has been. I also want to welcome our witnesses today.

The OSCE is truly unique among the international and regional organizations. It works through voluntary compliance of commitments, not through treaty obligations. And in some respects, it is a stronger organization as a result of the fact that it works through a consensus process, or through a process that requires a good deal of diplomacy in order to bring about results in a way that we can put spotlights on troubling issues and make progress on that.

I am reminded of the work that we did last month in Berlin, on anti-Semitism. I want to thank Mr. Sharansky for his participation. Your intervention was one of the most motivating interventions through the whole conference.

It is interesting, because Israel is not a full member in OSCE. It is part of our partners in the cooperation, and yet Israel had a major role to play in our anti-Semitism conference under the OSCE banner, which just shows, Mr. Chairman, that this hearing is a very important hearing to see how we can expand the opportunity of the OSCE in dealing with regional problems beyond just the OSCE member states.

I strongly support our effort to expand the OSCE process in the Middle East. I think it makes abundant sense. Congressman Hoyer pointed out that it has been the position of our U.S. members that we should develop a process in the Middle East to use the OSCE framework. Our original position was for a CSCME, that we have a specific and new organization that would be focused on the Middle East as its primary focus.

And I have had a chance, at times, to talk with various ministers in Israel about that, including Rabin and Perez and Sharon. I have also had a chance to talk to other world leaders, including King Abdullah and President Mubarak.

And I must tell you, in each of those conversations, as part of our official delegation in raising these issues as to whether they would be supportive of an OSCE process in the Middle East, without any reservation at all, the world leaders in the region thought it was the right thing to do, that it is the right way to try to resolve the conflicts in the region by being able to have a forum in which we could talk about it in an open manner where every state is given equal respect in dealing with the issues.

Our position has somewhat changed. I want to thank Ambassador Kampelman for his suggestion that we try not to reinvent the wheel, that we already have the OSCE and it would take decades, perhaps, for the different states in the region to develop their own commitments.

Why not just expand the OSCE with stronger participation from the countries in the Middle East?

I thought that made abundant sense. And we are now looking at ways in which we can expand our partners for cooperation, our Mediterranean Partners within then OSCE, to use that as a framework to deal with some of the issues.

I know there is every excuse in the world that can be made, that we do not want to distract from the main purpose of peace in the Middle East, that there are many other issues. But I must tell you, I am convinced that if you had a mechanism such as the OSCE in the Middle East, it would give you another dimension for trying to resolve problems and to better understand the people, the region and their right to live in peace and harmony.

So I look forward to hearing our witnesses today. I look forward to working with you, Mr. Chairman, in developing a U.S. strategy to expand our influence under the OSCE into the Middle East. Thank you.

Mr. SMITH. Thank you very much. Commissioner McIntyre?

**HON. MIKE MCINTYRE, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. MCINTYRE. Thank you very much, Mr. Chairman. And, as a newer member of the Helsinki Commission—the newest member, I believe—I want to thank you for the opportunity just to bring greetings.

Just this morning, I was in a breakfast with His Majesty King Abdullah II of Jordan, and was quite impressed with his efforts to be a mediating agent in the Middle East. I am thrilled to see this letter of October 7, 2003, addressing him about playing that type of role. Indeed, I believe, he has sought to do that, as evidenced by the meeting he had this morning with several of us from the House and Senate—and also his understanding that religion is not a divider, that it is a healer and a reconciler, and that the three Abrahamic faiths, of Judaism, Christianity and Islam, have that common denominator, from Father Abraham, literally.

And I thought that his perspective on letting religion bring us together, and not being used as an excuse to tear us apart, was very refreshing and encouraging in a land that has found tough situations.

So I am encouraged about this process and possibility for the Middle East region. And when we have players like King Abdullah II dealing with the excellent work he is trying to do from Jordan's perspective and the other countries that are showing their interest, we are very encouraged.

Thank you for letting me be a part of this today.

Mr. SMITH. Thank you very much, Commissioner McIntyre. And let me welcome our first panelist:

Ambassador Kampelman served from 1980 to 1983 as ambassador to the Conference on Security and Cooperation in Europe, and from 1985 to 1989 as counselor of the Department of State and ambassador and head of the U.S. delegation to negotiations with the Soviet Union on nuclear and space arms in Geneva.

He subsequently served as ambassador and head of the U.S. delegation to several CSCE conferences, including the Copenhagen conference on the human dimension.

In the early 1990s, he rejoined the law firm of Fried, Frank, Harris, Shriver & Jacobson, which he first joined in 1955, and where he is now of counsel. He served as Chairman emeritus of the American Academy of Diplomacy, Georgetown University's Institute for the Study of Diplomacy, and the Woodrow Wilson International Center for Scholars and Freedom House.

He also serves as counselor of the American Bar Association Committee on Law and National Security, an ABA special committee on the Central and Eastern European law initiative designed to provide assistance to the emerging democracies of Europe.

Ambassador Kampelman received his J.D. from New York University, and his M.A. and Ph.D. in political science from the University of Minnesota, where he taught from 1946 to 1948.

He also served on the faculties of Bennington College, Claremont College, the University of Wisconsin and Howard University. He served on the governing boards of a number of universities, and has received 13 honorary doctorate degrees. He now serves on a number of corporate and nonprofit boards.

Ambassador Kampelman received the Presidential Medal of Freedom, the highest civilian award in our nation, in 1999 from President Clinton. In 1989, President Reagan awarded him the Presidential Citizen's Medal. In April 2000, he was among those receiving the first Library of Congress Living Legend award.

We will then hear from Natan Sharansky. In the former Soviet Union, Natan Sharansky was one of the leaders of the Jewish immigration movement, and in 1976 was one of the founding members of the Helsinki Monitoring Group, an important element of the human rights movement led by Andrei Sakharov, which reported on Soviet compliance, or lack of it, with its international commitments to respect in internal freedoms.

Natan Sharansky was arrested by the KGB in 1977, subjected to lengthy interrogations and a show trial. Natan Sharansky was sentenced to 13 years of hard labor in prison. After serving nine, Mr. Sharansky was finally released in 1986.

In 1996, just 10 years after arriving in Israel, Natan Sharansky founded a political party dedicated to accelerating the integration of new immigrants into Israeli society, and was elected to the Knesset, Israel's Parliament. Mr. Sharansky served, in succeeding governments, as minister of industry and trade, minister of the interior, minister of construction and housing, deputy prime minister, and today serves as minister for Jerusalem in Diaspora affairs.

In his current position, Mr. Sharansky is initiating programs to strengthen Jewish identity and the ties between Jews and the state of Israel, and coordinating a renewed worldwide effort to combat the spreading wave of global anti-Semitism.

Mr. Sharansky was born in 1948 and graduated with a degree in computer science from the prestigious Physical Technical Institute in Moscow. Before entering politics in Israel, he headed the Zionist forum and co-founded Peace Watch, an independent nonpartisan group committed to monitoring the compliance of agreements signed by Israel and the PLO.

His memoir, *Fear No Evil*, was published in the United States in 1988, and it has been translated into nine languages. I would just note, parenthetically, that Commissioner Frank Wolf and I traveled to Perm Camp 36 in the mid-1980s, a couple of years after Mr. Sharansky was released, and saw firsthand that horrific gulag a thousand miles outside of Moscow, in Perm Oblast, a closed section of the country.

I am not sure I have ever seen anything as bleak and depressing.

The holding cell, the “*shizo*,” as they called it, was a place of terror and certainly of isolation. To have spent time there, as Mr. Sharansky did, and to do so bravely and honorably, is such a credit to his character. We are privileged to have you here today.

Finally, accompanying Ambassador Kampelman is Ambassador Mark Palmer, who is the president of the Capital Development Company. Ambassador Palmer, his organization, the company supports local partners in launching new enterprises in Washington and capital cities of Europe and Asia. He is the founder and co-owner of Central European Media Enterprises, CME, which is engaged in the development, ownership and cooperation of leading national, commercial television and radio stations from Prague to Kiev.

Mr. Palmer, or Ambassador Palmer, is our former U.S. ambassador to Hungary, and served as Deputy Assistant Secretary of State in charge of U.S. relations with the Soviet Union and East Central Europe, and Director of the State Department’s Office of Strategic, Nuclear and Conventional Arms Control.

Ambassador Palmer is a co-founder and sits on the board of the National Endowment for Democracy. He is a member of the board of the School for Advanced International Studies, Johns Hopkins University, International Research and Exchange Board, the Institute for the Study of Diplomacy, Georgetown University and the Association of Diplomatic Studies and Training.

Ambassador Kampelman, and all three of our gentlemen, welcome to this Commission. Please proceed as you would like.

**AMB. MAX. M. KAMPELMAN,
CHAIRMAN EMERITUS, FREEDOM HOUSE**

Amb. KAMPELMAN. It is a privilege, Mr. Chairman, to be sitting next to Mr. Sharansky, whom I consider to be one of the great heroes of our age.

Ambassador Palmer and I, on behalf of Freedom House, appreciate your invitation that we share with you and the members of your Commission a specific proposal designed to advance the Helsinki Process as a means of strengthening our national objectives to extend democracy and human dignity where it does not now prevail.

Our specific suggestion is to extend the Helsinki Process to the Mediterranean where it already has an institutional relationship.

My own exposure to the Helsinki Final Act, which created the Conference on Security and Cooperation in Europe, began in 1980 when I was asked by President Carter to co-chair our American delegation to its Madrid follow-up meeting. President Reagan asked me to continue to chair our delegation. The 3-year session contributed significantly to the spread of democracy throughout Europe.

Your Commission at that time, Mr. Chairman, was led by Dante Fascell and Millicent Fenwick, whose support was indispensable. We could not have functioned without the professional assistance of your staff.

Some years later, in 1990 and 1991 and 1992, Secretary of State Baker asked me to return to the process for one month during each of those years, in order to deal with specific CSCE conferences on the human dimension in Moscow and Copenhagen, and the CSCE conference on national minorities in Geneva.

Once again, your staff was of immense assistance to me. Subsequently, Secretary of State Christopher asked me to represent the United States in an OSCE delegation to Serbia. I consistently found my relationship with this Commission to be an effective and successful partnership, and I now come to you in that spirit.

The opening paragraph of the Helsinki Final Act, signed in 1975, includes the following, and I quote: "During the meetings of the second stage of the conference, contributions were received and statements heard from the following non-participating Mediterranean states on various agenda items: the Democratic and Popular Republic of Algeria, the Arab Republic of Egypt, Israel, the Kingdom of Morocco, the Syrian Arab Republic, Tunisia"—were the six states.

The body of the Agreement includes a section entitled, "Questions Relating to Security and Cooperation in the Mediterranean," a 13-paragraph statement clearly acknowledging the geographical, historical, cultural, economic and political relationship between Europe and the Mediterranean.

When I, as a newcomer to the process, asked about these provisions, I learned that some of the European states suggested that the six named Mediterranean countries be invited to sign the Agreement and become part of the process. But the prevailing view was that the East-West European relationships were of sufficient complexity and importance that they should not be then diluted by the addition of those six states. They were named, but not given the right to vote.

Today, as a result of the dissolution of the Soviet Union, the Helsinki Final Act has been formally expanded into Central Asia. The mechanism of the process is now at work to strengthen the Helsinki democratic principles in that area of the world.

The strength of the Helsinki Process, whatever the complexity of its origin, was that its enunciated principles were democratic, excellent statements as to how states and governments ought to behave if we were to achieve international security and cooperation.

In the 29 years since its creation, the details of that "ought" have been enlarged and enriched. We in the United States have learned how important it was to agree, for example, on our own American "ought"—the Declaration of Independence—and steadily strive to move our "is" to that "ought." We removed property qualifications for voting, ended slavery and opened the franchise to women.

The Helsinki Final Act, to me, provided an excellent international "ought" toward which to reach.

Mr. Chairman, this Commission long ago appreciated the vital importance of the Mediterranean to Europe, as well as to our country's welfare. It is true that the OSCE is now hard at work with its limited resources, undercutting the strong authoritarian tradition in much of Central Asia.

Under the leadership of this commission, the OSCE is also working to combat the poisonous message of anti-Semitism which has been tragically renewed in Europe, partially as a result of the movement of a large number of North Africans, who have not been educated in the strength and desirability of our "ought."

This interrelationship demands recognition. It is long past due for us formally to extend the OSCE family and the virtues of our "ought" to the Mediterranean. That is the essence of a Freedom House proposal

which Ambassador Palmer and I have, for three years, been urging the executive branch to accept, and which we bring to your committee today for support.

We urge that the six non-participating Mediterranean states be invited to full membership as a full step in a steady expansion to a more democratic world.

We are not alone in this urging. The Prime Minister of Denmark spoke at the Woodrow Wilson Center here in Washington some months ago and called for the expansion of the Helsinki Process into the Mediterranean area. More recently, at Davos, the Danish Prime Minister specifically proposed that the OSCE become the OSCEM.

Our presidents, Democratic and Republican, have appreciated the need for our government to identify our foreign policy with the spread of democracy and human dignity to those peoples now living in authoritarian societies.

We know that our security is directly related to that development. President George W. Bush has identified this goal as central to his presidency.

We at Freedom House, therefore, believed that the administration would enthusiastically embrace our suggestion that the six non-participating Mediterranean states be invited to become formal participating States in the Helsinki Process.

We have discussed this proposal with responsible officials in the White House and in the State Department, where we have found encouragement and support—as a matter of fact, support at the very high levels of the White House.

But the skeptics and the short-sighted seem to have temporarily prevailed. Instead of a specific, non-aggressive, constructive program, it appears as if the administration position as expressed in the Sea Island G-8 summit last week, calling for a dialogue of willing partnerships, but in effect proposing that the Arab and Mediterranean states accept our standards as they work on their own, or form an organization of their own.

It does not surprise us to have found strong opposition to that proposal.

President Chirac reportedly, according to the press, “trashed” the proposal at a lunch with Arab leaders, calling it messianic and humiliating. We had to make changes in it, retreat, and accept the statements that the mother of all conflicts is the Israel-Palestinian conflict, a convenient justification used by Middle East authoritarians.

In my opinion, Mr. Chairman, the Israel-Palestinian conflict and tension will not be solved through any international conferences.

One experienced international scholar wrote me: “The administration seems to have ended up with a much more complicated approach than your idea of inviting the Mediterranean states to full membership. It is an approach that has ruffled the feathers of many Europeans and Arabs and does not seem to promise to lead to the creation of anything very task-breaking at the summit.”

Now, in that connection, let me share with you a conversation I had with one of the North African ambassadors representing his country in Washington.

In effect, he said to me: “Our neighbors decided to form a country club. We were of some assistance in preparing the groundwork, but we were not invited into membership. This exclusive club had a fine golf

course, swimming pool, tennis courts. Would we welcome an opportunity to be part of that club, with a requirement that we live by its rules? Yes. But instead, we are now asked to form a club of our own. We are not good enough to join the exclusive club, yet we are asked to make sure that our club confirms to the rules of this exclusive club. That is insulting," he said to me.

He added that his government would be pleased to join the OSCE, primarily, in his government's case, because of the economic advantages arising out of Basket II.

Mr. Chairman, our intent at the G-8 summit was noble. Our execution, in my opinion, was poor. Our substance was inadequate. We hope, however, that it will be a small step forward, but our Freedom House proposal is still relevant and even more essential.

Mr. Chairman, I believe that part of our problem is the fact that for many years now, the Helsinki Process has been a stepchild within the State Department. It has been a major effort and a cause of this Commission.

For example, when I refer to the Copenhagen meeting with people at the State Department, I am too often met with blank looks.

But a few weeks ago, the U.S. Institute of Peace held a conference of international law professors. There was general agreement that the Copenhagen document was the most important international human rights document since the Magna Carta. But we do not know if this is familiar to the people in the department.

I had the privilege of helping to create that charter in the month we spent in Copenhagen. I am disappointed to be met with blank expressions when talking about it with some of our government officials.

Freedom House, Mr. Chairman, is eager to work with your Commission in an effort to elevate the Helsinki Process to the relevance required to advance our national interests.

I have reason to believe that some people key to policy formation in our government would welcome that initiative on the part of the Commission. Thank you.

Mr. SMITH. Mr. Ambassador, thank you very much for your eloquent testimony. It is precisely because of your advocacy and that of Freedom House, in general, and others who are concerned about this, that we are having this hearing to begin building a case. You put it very well in your testimony, and we are very grateful for that.

Mr. Sharansky?

**HIS EXCELLENCY NATAN SHARANSKY,
ISRAELI MINISTER OF DIASPORA AFFAIRS**

Min. SHARANSKY. Thank you, Mr. Chairman and distinguished members of the committee. For me it is a special pleasure to come back to this committee, this committee which was called, in my criminal case, the papers of KGB, "the main foreign address for criminal subversive activity for dissidents like myself."

So it is only natural that I am coming now for the third time to this committee which was home for us former Soviet dissidents. This time I come not to speak about problems of human rights and relations between the free world and the former Soviet Union, but to speak about the situation in the Middle East.

And I welcome the proposal of Freedom House. I am glad to appear together with Ambassador Kampelman and Ambassador Palmer. I believe that is a very constructive idea to apply the Helsinki Process to the Middle East. I have no doubt, it has to be pursued and implemented.

Let me speak about specific aspects of this process which ensured its success in Europe. In recent months, there has been much talk about creating a Helsinki strategy for the Middle East.

President Bush, Prime Minister Blair and other world leaders have spoken about the connection between freedom and security. They have noted that the lack of freedom in the Middle East breeds fundamentalism, hatred and, ultimately, the terrorism that endangers the region and our entire world.

Calls for reform have also come from within. Documents produced 2 months ago, at the end of the Alexandria conference, which was attended by representatives of civil society institutions within the Arab states, pointed to the urgent need for political, economic and social reforms in the Arab world.

These are certainly very positive developments.

I know there are those who argue that the free world has no right to impose democracy on the other countries. I do not accept the premise that by helping free societies emerge, that we are imposing anything on anyone. We must always remember that non-democratic regimes do not represent their people, and therefore have no right to claim to speak on their behalf.

Those who argue that Arabs do not want to live in democratic societies should put their ideas to the test. They will find that, like Americans, Britons, Germans, Italians, Japanese, Taiwanese, South Koreans and all other peoples, Arabs also want to live in free society.

They may not want to live in a Western democracy, but they will seek to live in free societies that reflect the heritage, culture and tradition of the Arab world.

I will be happy to expand on these ideas further, but the primary purpose of my testifying here is not to engage in abstract debates, but rather to discuss how a Helsinki strategy for the Middle East might work in practice. Fortunately, the democratic world has had some experience with helping free societies emerge, and it is to this experience that you can turn now for guidance.

Let me start by reminding everyone that many dissidents behind the Iron Curtain initially saw the Helsinki Agreement as a sell-out. They were concerned that the Soviets were being granted real political and economic benefits in exchange for lip service on human rights.

Their concerns were not unjustified. The Soviet leadership surely believed that they were hoodwinking the West with an empty promise in a non-binding agreement.

Moreover, just as today many are willing to have reform in the Middle East take a back seat to various other objectives, a generation ago, many in the West were fully prepared to sweep human rights under the rug of detente.

But some dissidents, including myself, saw Helsinki as a potential watershed. For the first time, the USSR's international standing was linked to the regime's treatment of its own citizens. The critical question was how to turn that formal linkage into a practical tool for pressuring the Soviets to change their human rights policies. This would not be easy.

Unlike the Jackson Amendment, which set clear standards for compliance and clear penalties for non-compliance, Helsinki was non-binding with no monitoring mechanism.

But we dissidents believed that if we could turn those non-binding Helsinki commitments into an internationally accepted measure of Soviet intentions, then the agreements could become a catalyst for change.

I remember vividly my meeting with a group of American congressman, and Millicent Fenwick one of them, in Moscow some weeks after the Helsinki Final Act. Both sides were concerned how not to permit the Soviet Union to turn these obligations into lip service. That is why we formed the Helsinki group in Moscow in 1976. That is why Congressperson Millicent Fenwick initiated the legislation which brought to the creation of this committee.

Because of your work, because of our work, because of the work of courageous leaders of the West who insisted the Helsinki commitments be upheld, the strategy worked. The Soviets soon realized they could not take one step in the international arena without the spotlight of world opinion exposing their human rights policies and their treatment of political dissidents.

Before Helsinki, the Soviets could have it both ways. They could have the benefits of cooperation of the West—legitimacy, trade, scientific and technological cooperation and a host of other benefits—and at the same time control and repress their own people.

But in the atmosphere that was created after Helsinki, the Soviets were forced to choose: Respect human rights, or give up all the benefits of cooperation with the free world. What many had once viewed as lip service to human rights turned out to be one of the most fateful decisions of the Cold War.

My dear friends, in order to ensure that the free world's commitment to democracy in the Middle East becomes more than lip service, as has unfortunately been the case so many times in the past, non-democratic regimes in the region must understand that they, too, face a clear choice.

If they continue to repress their people and stifle dissent, then they will lose all the benefits the free world, led by the United States, has to offer, from legitimacy and security guarantees, to direct aid and trade privileges.

The free world does not need to wait for dictatorial regimes to consent to reform. If there are courageous citizens in the Arab world who are genuinely willing to democratize and liberalize their countries, then we should applaud and support them fully. But if we condition reform of the agreement on non-democratic leaders, it may never come. We must be prepared to move forward on the policy of linkage, despite their objections.

The non-binding recommendations of the Alexandria conference, that discuss a number of political, economic and social reforms that should be made to the Arab world, could be turned into a yard stick to measure the intentions of different governments and to chart their progress. For that to happen, governments, the media and human rights activists in the West must be willing to shine the spotlights on dissidents and other advocates of democracy within the Arab world.

I want to remind you that only in the last weeks, many dissidents were arrested in Arab countries. Fathi al-Jahmi in Libya, Aktham Naisse in Syria and many others were arrested in the last weeks in their countries for promoting liberty and democracy. Their names, and

the name of Saad Eddin Ibrahim, who spent 3 years in a prison in Egypt, and other dissidents have to be as much in the center of your attention as the fate of Soviet dissidents, or dissidents from the Eastern Bloc, the center of your attention in the past.

I am often asked: Where are all the Arab dissidents? Where is the Arab Sakharov? I have heard it said time and again that the lack of dissidents in the Arab world is proof that, unlike the people of the Soviet Union, the Arabs do not want to be free, that they really do not want democracy.

I would like to remind the skeptics that in the 1930s, there were no dissidents in the Soviet Union whose voices were heard in the West. The reason was not that no one in the USSR wanted to be free, but that the price for dissent was death. In the 1970s, when the price of the dissent was prison or exile, a few hundred dissidents emerged. But we dissidents still were only the tip of an iceberg. Beneath the surface were hundreds of millions who wanted their freedom.

The lack of dissent in the Arab world today is a function of the lack of international concern for how Arab regimes deal with dissent. I am certain that the more support we give those fighting for democracy in the Arab world, the more other Arabs who support them will have the courage to step forward. International scrutiny over how these regimes treat their own people will turn the trickle of dissent we see today into a real flood.

For the Helsinki strategy to work, potential dissidents and civil institutions working for democratic reform in the Middle East must be confident that the free world will not turn a blind eye to the harsh measures of these regimes, which will almost certainly employ against them.

No less important, these dissidents must know that the free world's support for their efforts will not be abandoned in the name of achieving stability or preserving good relations with the non-democratic regime or some other goal. They must be assured that the free world believes that the best guarantor of stability and good relations with any country is for democracy to take root.

The free world must also be willing to link its international policies to how Arab regimes treat their own people. In many ways, Middle Eastern regimes today are even more dependent on the West than the USSR was in 1975. If the free world uses this leverage, Arab regimes will no longer be able to violate human rights with impunity.

The United States, for example, might insist that if the Saudi regime wants American protection, it will have to change its Draconian immigration policies and improve its record of human rights. The direct aid and grants that are provided to other countries in the region might be withheld if the recipient countries imprison dissidents, particularly advocates for democracy.

European states, for their part, might demand that if the Palestinian Authority wants to keep receiving financial support, it will have to show that these monies are being used to improve the lives of the Palestinian people and not to fund terrorism and corruption.

The lesson of Helsinki is that when demands to uphold human rights are backed by effective action, the cause of freedom and peace can be advanced. The danger today is that the commitment to spread human rights and democracy in the Middle East will remain an empty promise. That would be most unfortunate.

Just as Helsinki helped liberate hundreds of millions of people and defeat an evil empire that threatened the democratic world, the same approach today can transform the Middle East from a region awash in terror and tyranny into a place that provides freedom and opportunity to its own people, as well as peace and security for the rest of the world.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much.

Ambassador Palmer?

**AMB. MARK PALMER, CO-FOUNDER AND BOARD MEMBER,
NATIONAL ENDOWMENT FOR DEMOCRACY**

Amb. PALMER. Ambassador Kampelman really spoke for both of us. Let me just make two quick points.

One, I was present in Helsinki in 1972 and in 1975. It seems to me that what made that process really work was that there was a voice inside the tent, that is there were governments inside the process, who represented—who were the proxy for the people who were enslaved.

And if we look at the Middle East today, if you had a forum or a process that includes only the governments of the Middle East, you do not have a similar structure, you do not have any proxy voice for the people of the Middle East, because not a single government, as Mr. Sharansky has just said, not a single government in the region is a legitimate government. They are all unelected, and they are all dictatorships of one degree or another.

The other point I wanted to make is that I lived as both a student and a diplomat in communist countries for eleven years. I lived through the periods that Mr. Sharansky has just mentioned, from great fear to somewhat less fear to final triumph. I have spent quite a bit of time in the last few years traveling in the Middle East, and it seems to me that we are seeing that now very visibly.

Mr. Sharansky mentioned the Alexandria Library Declaration. I have never seen a document, in all my years of studying documents, I have never seen a document as exciting and as good as that document is. It is perfect. It is a remarkable document. It was followed just a couple of weeks ago by the Doha Document, also by hundreds of Arab intellectuals, business people and others, equally good.

If you compare those two documents, and many other things—petitions being submitted to the royal family, to Crown Prince Abdullah in Saudi Arabia, many other documents that are pouring forward now in the Arab world—if you compare them with the most recent declaration written by governments of the Arab world, the Sanaa Declaration in Yemen, which also came out pretty recently, it is nowhere near as good because it was written by these non-representative governments.

It proves to me, at least, that we have to have a structure that replicates the Helsinki structure. As Ambassador Kampelman mentioned, he and I have for 2 years tried to persuade people in this town that we have that structure. It does not have to be invented. Congressman Cardin said, we have this, and there is no reason on Earth to reinvent the wheel.

Let me just say, as a career foreign service officer, there are times when you all have to push, and there are people at very high levels in the White House, and at very high levels in the State Department, who want you to push and who agree.

And then there are people at a level just below that who are resistant, who think this is going to be a lot of work, it is going to overstretch the OSCE, that the Arabs would not welcome it. Of course, they have not bothered to ask the Arabs whether they would welcome it.

So I feel very passionately that this is the right course, that it is an exciting time now. The ice is clearly breaking in the region. People are clearly coming forward now, and they need our support.

Mr. SMITH. Mr. Palmer, thank you very much.

And thank you all for your very fine statements. I think, as I said at the outset, this does provide us with a launching pad to make the case and to entertain any thoughts about what might work, or what might not work.

You know, one of the things I think Mr. Sharansky said—and it is a very good point, about the dissidents—not only, when you are in the room meeting in a process, rather than just a bilateral meeting that happens from time to time, it provides an accountability. I mean, one thing that we always did as a Commission—I remember Secretary Schultz never went anywhere without a list of dissidents that were being held.

All the other secretaries of state and everyone else from there on, including our ambassadors to the OSCE or the CSCE before it, always had a list. So there is a sense of accountability.

Even our trip to Perm Camp 35, Frank Wolf and I back in the mid-1980s, that took 2 years of negotiations, starting with the Procurator General in the Soviet Union who said, “Anybody can come to the Soviet Union.” So we put our hands up and said: We want to come, we want to visit a camp that is notorious and filled with political prisoners.

But it was the process that made it possible. There is no such process that even comes close or approximates the OSCE process. So I think your point is very well taken.

And the OSCE process provides a mirror, so countries can learn from that reflection, whether it be a reflection they do not like to see or not, and hopefully take curative action to reform themselves.

You know, I would point out that among the existing OSCE states, 39 are free, according to Freedom House, 11 are partly free, and five are not free. With the five that are not free, as well the 11 who are partly free, we work very hard with prisoner lists and other kinds of engagements with them to promote the human rights issue.

I also think it gives those who are being held hope. Hope is an intangible, but it is certainly—you know, it says in the scriptures, without hope, the people perish. You have got to have hope, and no one knows that better than Natan Sharansky, who I remember told a committee of the International Relations Committee that he mediated on the Psalms and drew great strength from them.

So, basically, my only question, I guess, would be, because you made very excellent recommendations, when I look at the countries that are our partners right now, Mediterranean Partners, according to Freedom House, only one is free. That is Israel. Algeria, Egypt and Tunisia are designated as not free. Jordan and Morocco are designated as partly free.

How do we convince those countries—first of all, we have got to convince our own OSCE leaders here in Washington and in Europe—to agree to something, a process? What is the carrot that they might see for them by allowing themselves to be held to account when it comes to human rights, on which they have a very bad record?

Amb. KAMPELMAN. Mr. Chairman, let me say that we have talked to a number of ambassadors from that area. I do not think I have found one negative view.

Now, they were not speaking for their capitals, but I am sure that they had some basis for what they were saying. Nobody has invited them to membership. Really the only official announcement has been that of the Danish Prime Minister.

What we should have done as a country is gotten in touch with the Danish Prime Minister and said, "What a great idea. Let's get together. How do we do this?"

But we did not. But I think you have put your finger on the problem, but I do not think it is an insoluble problem.

Min. SHARANSKY. Mr. Chairman, let me remind you that when the Helsinki Process started, if you look at the figures, indexes of Freedom House, then ... [Inaudible.] ... I am sure that the figures were as disappointing about all these countries as they are today in the Middle East.

And they all ... [Inaudible.] ... more, if the characteristics of these countries were different, if they were free, we would not need the Helsinki Process. The idea of the Helsinki Process was to link the interests—economic, military and cultural interests—of the non-free countries with the question of human rights.

And I believe that in this case, this linkage can be even stronger, because, as I mentioned, the countries of the Middle East are even more dependent on the readiness of the free world to cooperate with them than the countries of the Eastern Bloc.

If you take the Palestinian Authority, for example, 100 percent of its budget comes from the free world—from Israel, from America, from Europe, from Japan, from Canada. At the same time, the needs are great. Leaders have made it absolutely clear that the free world is ready to make some very big efforts, I would call it sometimes the new Marshall Plan, but this money would have to be used for taking people out of the refugee camps, for creating jobs, for creating normal systems of education, for giving some basic freedoms to the citizens.

Then, if this linkage will be very strong, then we will finally have a partner for democratic change in the Palestinians. The same could be said also about other countries.

The key question is this linkage. What price is paid by Libya, who arrested the dissidents these last 2 months, or the price that is paid by Syria? Well, of course, the American Congress made some very tough and very strong decisions about Syria which is good, but is it linked to the question of the fate of Syrian dissidents and what is happening with them?

So I believe that the opportunities for linkage are there. The need for the assistance to the people, their interests in economic and the cultural development of their countries is there. What is needed is the determination of the free world led by the United States of America.

Mr. SMITH. Let me just ask, Ambassador Kampelman, in your conversations with the administration as well as with foreign leaders in Europe, have any of those—I mean, how high did it go? Did it go to the level of Secretary of State Colin Powell? And are they at liberty to divulge that?

And, talking about the European leaders, were they thinking along these lines as well? Or were they just waiting for someone to step into the breach and provide that leadership, or what?

Amb. KAMPELMAN. Let me say that we have not gone higher than the ambassadors here, because we do not have any authority to do this. But in a number of cases, the ambassadors here have consulted with their capitals and have informed their capitals. Certainly that is the case. I do not want to be too specific because we do not want to embarrass those who have spoken to us within their own country.

As far as the United States is concerned, Ambassador Palmer and I, and I think he may correct me here, I think we have seen three under secretaries of state and maybe three assistant secretaries of state, and I must say, not a single one of them took issue with us, to be perfectly candid about it.

I have talked to people on the White House staff. I believe Mark has also talked to people on the White House staff. Well, actually, together, we have met with one of the assistants in this area at the White House staff.

So it is not a new idea. As a practical matter, without mentioning names, I will say I had lunch just about 2 weeks ago with a senior person on the White House staff and alerted him to the fact that you were going to hold hearings and that I intended to be critical in my testimony to you. He nodded his head and understood the issue.

May I use this occasion, Mr. Chairman, to ask you for authority, which I would leave out during my testimony?

Freedom House has developed a small group of documents that I would like to be part of the record of this session and submitted.

Mr. SMITH. Without objection, those submissions or any additional will be made a part of the record.

Amb. KAMPELMAN. One of those documents is a study done by Professor of the Northwestern University Law School, who, with his associates, studied all the materials beginning with 1975 until 1993, and wrote a memorandum detailing all of the humanitarian requirements that exist within that context. And I think it would be useful to your staff, as well.

Mr. SMITH. Thank you.

Before you leave, Mr. Cardin, I do want to thank you for the compliment you paid to the Helsinki staff. We do have a staff, past and present, that is second-to-none, walking institutional knowledge about the whole process of Helsinki, and do provide Ambassador Minikes, our current OSCE ambassador, I think, a very good bit of support here in Washington, and as well as Indiana. So I thank you for that compliment you paid to them.

And let me also just say in response to your comment about the idea of stepchild, that the OSCE is not always seen for the very valuable opportunity it presents: I would agree with you 100 percent. There are many people at State that do not recognize it as such. They would rather engage in bilateral diplomacy rather than a multilateral, and I think the wave of the future increasingly is multilateral.

And we can lead or we can follow or say "What is happening?" And I hope that we choose to lead. And Mr. Cardin and I will follow up with the administration. And again, that is why we have held this hearing, to gather more information and your insights.

Mr. Cardin?

Mr. CARDIN. Well, Mr. Chairman, it is keeping with the tradition of Helsinki that we raise—we can criticize our friends. So it is perfectly OK for us to criticize the State Department.

Even though, as you know, this Commission is uniquely situated, in that we are an independent Commission, we are both executive and legislative, and we have direct relationships with the State Department, so it is a unique opportunity for us.

But I could not help but think, Mr. Ambassador, as you were going through the brilliant documents that have come out of OSCE that have been somewhat ignored by the State Department at times, that the crisis that we are currently undergoing in regards to the torture in Iraq, we only need to look at the Helsinki commitments to know that there is good information that should have been made available immediately by the State Department and by the Defense Department as to commitments that we have made that were violated in what happened in Iraq.

So it is clear that the understanding or acknowledgment that the OSCE, within the bureaucracy of the State Department, always is a challenge. And we do have a lot of good friends within the State Department, but I think many of us join in concern that we wish there were more sensitivity and respect for this process in the State Department itself.

I want to come back though to the—and I said there are exceptions to that. I particularly want to thank Secretary Powell for his active involvement in what happened in Berlin. We would not have had a successful conference but for the fact that he was actively involved, so I think we have strong support. And you are right about Ambassador Minikes. We could not have a stronger representative within the State Department than our own ambassador.

I want to come back though to the membership. Mr. Ambassador, you are suggesting that we should invite the six current partners for full membership in the OSCE. Well, as you know, the Mediterranean and the Middle East area have many other countries that are absolutely critical to have a critical mass for discussing the sensitive issues in the Middle East. If we restrict the membership to the six current partners, then we will be leaving out a lot of other countries.

And then secondly, Mr. Sharansky, I would also like you to respond to this: If we invite all of the countries in that region to join, Israel's the only democratic country, and you have already addressed that issue, but are you concerned that Israel could become isolated in this regional organization since it is only one country among many, and most of the other countries have a common interest that sometimes is contrary to Israel?

Amb. KAMPELMAN. Let me try to answer that question, if I may. And let me also apologize for the fact that I am hard of hearing at my age. I got the thrust, I think, of what you were saying.

The reason we distinguish the six from the rest of the area is because they have an organic relationship already existing with the Helsinki Final Act. They are there. That is why I quoted the two places in the Act in which they are mentioned.

Now, our hope would be that the six would welcome full membership, whatever their motives may be. Their motives may not be ours — why did the Soviet Union sign these commitments? They probably thought nobody would pay attention to it, but they signed. They felt were getting other advantages out of it. Some of the six may feel nobody will pay attention to it, and they may look for the economic advantages. That is why I talked about the importance of an “ought.” If we agree on an “ought,” we have got a standard by which to judge, to interfere, to press.

Now, assuming the six come in or are invited in, my thought and our thought as we have talked is that we can then expand it further if it is desirable and appropriate. You have got the option of asking the six whether they have a seventh in mind that they would like us to invite? This comes with discourse. This comes with conversation. This comes with a desire to move. But to break the barrier is what we are trying to do with this proposal, and that is why we try to make it as simple as possible, because there is already a relationship existing.

Mr. CARDIN. Thank you.

Amb. KAMPELMAN. I do not know if I have answered . . .

Mr. CARDIN. That is very helpful.

Mr. Minister, do you have a view as to whether Israel's going to be isolated? There are other international organizations that I would argue that Israel is not exactly welcomed, even though they are a member of.

Do you worry that this could become a similar type of a circumstance?

Min. SHARANSKY. Well, if I understand your question to me correctly, you asked me: Are not you concerned that Israel being involved in this process will find itself the only democratic country among many non-democratic countries?

No, we are not concerned. Unfortunately, we are used to being the only democratic country in that part of the world. The worst thing which can happen, there will be no process and there will be status quo, which does not encourage non-democratic regimes to change. This type of status quo is the worst thing which can happen for democracy and also for security.

I think we will be more than willing to be actively involved in this Helsinki Process for the Middle East, and I am sure that our partnership with the free world can contribute a lot to this process.

Mr. CARDIN. Mr. Minister, let me try to pin you down a little bit more. I happen to believe this is the right way to go. So this is a question that I ask knowing that there is some risk involved. I think the risks are worth taking.

Right now, in the Parliamentary Assembly, next month in the Parliamentary Assembly, we are liable to be confronted with a resolution concerning the status of Jerusalem because one of the representatives wants to raise that issue. Quite frankly, the U.S. delegation does not believe that is an appropriate resolution for what we should be taking up. But, as you know, Helsinki works through a consensus process where you do not like to block by one, you would like to work around your differences.

My question is that Israel is perceived to have an agenda that may be different from the Arab states that surround Israel, and that if you are in the Helsinki Process with so many other states that have agenda items that are contrary to what Israel believes is appropriate, are you concerned that being a member of the Helsinki Process could work to Israel's disadvantage?

Min. SHARANSKY. Well, as you mentioned, the Helsinki Process is based on consensus. And the Soviet Union, if you remember, thought that would guarantee the Soviet Union's success there, that despite the occupation after WWII in Eastern Europe, they would get legitimacy, and no changes in Basket III would take place without the agreement of the Soviet Union. And they were wrong.

The fact that there is some consensus mechanism guarantees that it will be difficult to use the majority of non-democratic regimes to impose some non-democratic decisions. But, at the same time, what was so important to the Helsinki Process, it helped to bring moral clarity. It helped to clarify whether this country absolves human rights or not, whether this country can be called democratic or not.

And that brought a lot of difference and a very different approach to the international relations. I think that Israel can only benefit a lot, if it will be part of the process that will bring this moral clarity to the Middle East.

Mr. CARDIN. I thank you for that response.

Thank you, Mr. Chairman.

Amb. Kampelman. I will just take a further moment here. The Spanish government was the host government at the Madrid meeting, and the United States persuaded the Spanish government to invite the six non-participating Mediterranean states to make presentations at the opening day of the session. Israel was there. My recollection is that there were only three of the six that accepted that invitation, but Israel took advantage of it. I think Egypt took advantage of it. I think Morocco may have been the third, but I do not in fact remember that. But I do remember vividly the Israeli presence, because Israel sent its ambassador from Paris there.

And it led ultimately, I must say, to a decision by the Spanish government to recognize Israel for the first time.

Mr. CARDIN. Let me point out that the OSCE Parliamentary Assembly has been moving in this direction, and Israel has been an active participant to expand the role of our Mediterranean Partners. We have had meetings, as you know, on the Mediterranean Partnership, well-attended, and Israel's been an active participant.

We have not had always the full participation of all the other Mediterranean Partners, but Israel has always been there—some times, even scheduled at the most inconvenient times, including during a major Jewish holiday once, in Rome.

But we worked around that. We still had participation. So I agree. I think you will find that this is an opportunity. And we also need to know, remember, that the membership in OSCE includes such countries as the United States, and we are not timid in expressing our views as to what we think is appropriate and not appropriate to be taken up.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Cardin.

I want to thank our very distinguished panel for your recommendations. This, like I said, I think can become the launching pad, or to relaunch what you have already launched.

Thank you so much.

We do have three votes, so I would like to introduce our next panel, and then we will break for those votes and then reconvene to continue our hearing.

The first will be Mr. Peter Jones, who is a research associate of the Munk Centre for International Studies at the University of Toronto and was leader of the Middle East Security and Arms Control Project at the Stockholm International Peace Research Institute from 1995 to 1999. He also serves as policy adviser on security issues in the Privy Council Office in Ottawa, previously having served with Canada's Department of National Defense and Department of Foreign Affairs and International Trade.

Dr. Jones holds a Ph.D. in war studies from King's College, London, and an M.A. in war studies from the Royal Military College of Canada. He is the author of numerous articles and books on arms control, confidence-building, peacekeeping, and regional security in the Middle East, Europe and Asia.

We will then hear with the next panel Ambassador Craig Dunkerley who is distinguished visiting professor, Near East-South Asia Center for Strategic Studies, National Defense University, is a career member of the Foreign Service, senior Foreign Service. He recently served as associate dean at the Foreign Service Institute responsible for the senior seminar.

As the Secretary of State's Special Envoy for Conventional Armed Forces in Europe, the CFE, from 1997 through 2001, he led both the successful U.S. negotiating effort to adapt the CFE Treaty, signed at the Istanbul OSCE Summit in 1999, and a subsequent diplomatic campaign to facilitate the stage two withdrawal of Russian military forces from Georgia and Moldova.

He was confirmed by the U.S. Senate with the rank of ambassador in this capacity. In the early 1990s, he served in Vienna as Deputy Chief of Mission of the newly formed U.S. mission to the OSCE.

He also served as director of the Office of European Security and Political Affairs and managed one of the Department of State's largest offices with day-to-day responsibility for political-military issues related to NATO's first round of post-Cold War enlargement, and those associated with NATO's post-Dayton Agreement engagement in Bosnia.

Ambassador Dunkerley is a graduate of Amherst College and the Fletcher School of Law and Diplomacy and entered the Foreign Service in 1971.

Finally, we will hear from Professor Michael Yaffe, who is the academic dean and professor at the Near East-South Asia Center for Strategic Studies. Prior to joining the NESAC Centre, Dr. Yaffe was a career foreign affairs officer in the U.S. Department of State, where he focused on Middle East security and weapons of the mass destruction nonproliferation.

From 1993 until 2001, he served on the U.S. Delegation to the Middle East Peace Process, focusing on multilateral negotiations in the arms control and regional security working group. Additionally, he organized

and managed U.S. Government's Middle East regional security Track Two program, fostering regional security dialogue and promoting confidence-building measures.

As an expert on nonproliferation and arms control, he also served as the senior adviser and lead U.S. negotiator on Middle East issues in the Nuclear Non-proliferation Treaty Preparatory Committee and the 2000 review conferences as well as the Annual General Conferences on International Atomic Energy Agency. As a senior action officer, he focused on the proliferation activities in the Middle East, including in Iran and Iraq.

In the immediate aftermath of the attack of September 11, 2001, he served as a coordinator on the counterterrorism task force in support of Operation Enduring Freedom. During 1992 and 1993, Dr. Yaffe supported Operation Restore Hope by managing a program in Mogadishu that provided 100 civilian translators for U.S. forces in Somalia.

He was a recipient of two State Department superior honors awards, a group meritorious honors award and a Department of the Army certificate of appreciation.

In 1989 to 1993, Dr. Yaffe was a post-doctoral fellow at Harvard University's John M. Olin Institute for Strategic Studies, an associate fellow of the Center for Science and International Affairs at the J.F. Kennedy School of Government, and a peace scholar at the U.S. Institute of Peace.

Dr. Yaffe's undergraduate education was in economics at the University of Massachusetts at Amherst. He received a Master's degree in International Relations from the London School of Economics and a Ph.D. from the University of Pennsylvania. He has published innumerable articles on the Middle East, on security, arms control, diplomatic history and strategic studies.

I regret that we do have to take a brief pause here for these votes, and then we will reconvene immediately thereafter.

[Recess.]

Mr. SMITH. The hearing will continue its sitting. And, again, I want to apologize to our witnesses for the delay.

Mr. Jones, if you could begin?

**PETER JONES, RESEARCH ASSOCIATE,
MUNK CENTRE FOR INTERNATIONAL STUDIES, UNIVERSITY
OF TORONTO**

Mr. JONES. Thank you very much, Mr. Chairman. My thanks to you, sir, and to the Commission's staff for inviting me to be here today in my personal capacity.

Coming from Canada, let me start by playing to the American desire for plain-speaking. Let me just address the basic question and answer; yes, the OSCE does have relevance for the Middle East as an example of a regional security system in the general sense, and in terms of some of the ideas and points that have emerged from the experience of the OSCE. For example, the idea that social, economic, and political reform is an integral part of security in a region; the concept that emerged of indivisible security; and the idea of a process to stimulate and manage change based upon a code of conduct and a review mechanism, these are all extremely important lessons of the OSCE experience. And they do have relevance in the Middle East.

But I would have to say that the OSCE, as such, is not a model that can be specifically extended or replicated in the Middle East. Let me give you some background for that statement.

For the past decade or more, both inside the Canadian government and in academia, I have been intensively examining the question of creating a regional security system for the Middle East. A key element of this work has been leading a series of study groups composed of officials and elected representatives and academics from across the Middle East. Some of the results of that work have been published, and I have sent the references to the commission's staff.

As part of this work, we have looked at other regional models. We have looked at the OSCE, which, incidentally, is where I began my government career. I spent some time in Vienna negotiating European CSBMs in the late 1980s and early 1990s before moving on to Middle East efforts in the arms control group of the peace process.

But we also looked at ASEAN and at the Organization of American States as models, as examples of regional security systems. And we have concluded that there is much in these experiences for the Middle East to learn from, especially, as I said, the OSCE.

However, we have also concluded that the Middle East really has to develop its own model, drawing on these different experiences, but placing them in the context of the Middle East's history, culture, and its political needs. And this will be a long-term process; there do not appear to be any shortcuts which seem acceptable in the region for political and other reasons.

Let me make some general points, and then move on to try to address some specific questions. As I say, the general points are based on extensive work and discussions across the region at high levels. I just returned from two months traveling around the Middle East. We visited 16 countries to promote an idea that Canada and Denmark have been working on for the creation of a regional security system in the Middle East.

And I must, I am afraid, correct Ambassador Kampelman. The Danish Prime Minister's interest is in creating an indigenous regional security system in the Middle East, not so much in extending the OSCE. And Canada and Denmark have been working very closely on that for some time now.

But the first general point that I would make is that one must remember, as has been said here by yourself, sir, and others, that the idea of creating some kind of a regional system in the Middle East is not a new one, and neither is it an external idea. There have been various official proposals and references to it in official documents. And there are now, as has been mentioned, a number of unofficial civil society ideas that are circulating, as well.

The second point that I would make is that ideas for change in the region cannot be, and perhaps even more importantly, cannot be seen as quick fix proposals which are designed to meet the needs of a particular electoral cycle or political moment. These are proposals which call for fundamental change.

And just as it was not realistic to expect in the OSCE case that these changes would happen overnight or that countries would accept them overnight, it is not realistic to accept that they will do so in the Middle East, either. It would be nice if they would, but it is not realistic.

Third, as has been said in many cases, no one-size-fits-all model is going to work. The Middle East is a vast and diverse region. And just as there is a need for some kind of region-wide system, we must recognize that sub-regional and bilateral dynamics will also be important within the overall.

In the work that we have been doing over the years, the concept of "geometry variable" has emerged and has become seen as very attractive by people from the region; the idea that within an overall framework of norms and standards, some countries, some regions, some sub-regions will move at different speeds but they will all be moving toward the same goals.

Fourth point: Any system that emerges must be truly a Middle Eastern model of regional security. It will be a unique one which is specifically designed by the peoples of that region for their own historical, social and political realities. As I said a moment ago, the other regional experiences can be drawn on.

And, as a general point, I am increasingly convinced that one of the things that is really required at this point is for the development of a community of experts, both in government and out, both in our part of the world and in the Middle East, who know about both regional security systems and the Middle East.

One of the things that I have found over the years is that there are a great many people who know about how different regional security mechanisms work, be it the OSCE or ASEAN, but they do not know much about the Middle East, and vice versa.

So one of the areas where I think this commission and the OSCE secretariat and other bodies could play a great role is in this process of dialogue and discussion about how these systems work, but also learning how the Middle East works, as well. I think that is a critical deficiency.

Finally, while I subscribe fully to the idea that the pursuit of some kind of a cooperative regional system in the Middle East, with the promotion of social and political reform at its heart, is vitally important in its own right, I am increasingly convinced that it will happen in concert with progress toward the resolution of the issues of the peace process and of Iraq.

This does not mean that we should delay the beginning of this process, and I am quite alive to the fact that there are many people in the region who have used the peace process as an excuse not to embark upon reform. That is certainly something one sees a great deal.

But I think one also has to recognize that the state of public opinion in the region is such that steps to begin the creation of a regional security system must go hand in hand with steps to address the issues of the peace process, which does not mean to say that a discussion cannot begin or should not begin in the near term, right away, in fact.

Let me now address some specific questions.

First of all, what do we mean by the Middle East?

In the work that we have done over the past several years, the definition of the Middle East that has emerged and proved most acceptable to the regional participants in these discussions has been the states of the Arab League, Iran, Israel, with some form of very close association for Turkey.

We recognize, as I say, that within the Middle East, there are sub-regions, and this concept of “geometry variable” comes into play. But the idea of a region-wide system based on a set of norms including those countries seems to be very important.

But also, the work that we have done has brought forward the idea, mainly from the people from the region, that there is a critical role for the extra-regional countries, extra-regional powers, in the development and the operation of a regional system, a future regional system in the Middle East.

We have discussed this very intensively. The definition of the sort of extra-regional countries that should be part of this regional security system is the overlapping memberships of the states of the G-8, the Permanent Five, plus the E.U. and the U.N. as institutions.

If one is trying to conceive of some kind of an architecture of a system, the idea that seems to garner most acceptance in the region is the ASEAN architecture, where you have a group of countries at the core, the ASEAN countries, or in this case the Middle East countries, but then around it, you have the ASEAN Regional Forum, composed of many countries from outside the region who have the same rights at the table and who take part in the discussions.

So you have a regional core and then an extra-regional group of countries who participate. That seems to be, in general terms, the architecture.

Let me speak for a moment, if I may, about the idea that has been suggested of extending the OSCE in some sense, in some way, to the region. This has appeal for three reasons:

One, it would be fast if it worked.

Two, it could avoid the region going through a lengthy debate over what various concepts, such as democracy, mean, which might lead to definitions of which we do not agree. There is a ready-set group of definitions there.

Three, it would give extra-regional countries automatic membership in the regime. Although, as I say, I do not think that is a problem, because the Middle East countries want that in my experience.

I am not immune to this argument, but I do not support this approach. It is not clear to me that the OSCE can, in fact, shift its priorities to accommodate the region, even if it begins, as Ambassador Kampelman has now said, with the six. And I do not think it would do the OSCE much good. I think decision-making in Vienna is already hard enough; adding a new set of countries would be more problematic.

More importantly, as I said, there are no shortcuts to fundamental change. If we really want the states of the Middle East to develop a true regional security system which recognizes the critical role of social and political reform, they have to undertake the process of thinking this through and developing their own models.

We instinctively understand what such ideas as indivisible security mean, because we spent many years working them out. They were not instinctively understood by North Americans and Europeans 25 years ago. It is not realistic, it seems to me, to expect people in the Middle East or any other region to just pick these concepts up and really understand what they mean right away.

And finally, it may smack of the West, and I have to say primarily the U.S., trying to rope regional countries into systems where the West controls the rules, the content, and the membership. It seems highly unlikely that the Middle East states will agree. Their publics, given the present mood, are going to be particularly negative about this.

There is also an idea of beginning with sub-regional dynamics, beginning with the Persian Gulf, the Levant, and the Maghreb. That is a very attractive idea. It may well be the way forward, and I do not say that we should not be working on that and thinking about that.

But I would draw attention to the fact that there are issues in the Middle East which span the entire region: weapons of mass destruction, ballistic missiles, certain aspects of the peace process, the question of Jerusalem, for example. And so there will also be a need for a set of region-wide understandings on or, at least, a process to develop understandings on those issues at the same time as one pursues sub-regional dynamics.

Splitting up the Middle East into sub-regions too firmly may have the unintended consequence of demonstrating that different standards of reform and different standards of political progress are acceptable in different parts of the region. I would invite you to imagine what would have happened in the CSCE–OSCE context if the West had accepted the notion that the standards sought in the three baskets could be developed sub-regionally around Europe rather than as a region-wide set of norms.

A third question: Which basic assumptions should we take as the founding principles, if you will, of this new regional security system that we are working toward? Should they be, for example, the universal values as enshrined in the human rights documents of the U.N. and the U.N. charter, the democratic standards as we know them in the West, for example?

My answer is that the universal values are just that: they are universal. And all of the countries of the Middle East have signed the U.N. Charter, have signed the universal declaration of human rights and other key documents, even if some of the governments in the region had little intention of honoring many of these commitments.

There is now a push, both within the region and without, to make these commitments stick. But it must be done in a way which comes from the region. Democracy as we understand and practice it in the West is not necessarily the only model of representative government, for example.

And it should be remembered that concepts of democracy and women's rights and so on are not alien to the Middle East. The Charter of Madinah, which was signed by the Prophet Muhammad 500 years before the Magna Carta, contains ideas that are in line with what we now regard as democratic pluralism.

My sense is that what is required now is an effort to develop understandings of what the underlying concepts inherent in these documents mean in the Middle East context culturally, socially, historically, and politically, and to reinforce them in the current political regional context.

There is a very important discussion that needs to be held over what is meant in the Middle East, and in our own cultures, as we approach the Middle East, when we use words like "democracy" and "secular-

ism.” We need to go through the process of discussing those ideas, and I suspect that we may have to develop a set of concepts that bridge some gaps as we try to understand what these things mean.

A fourth question: how can the West best help this process, particularly after the prison torture scandal and so forth? Have these events weakened the power that the West needs to push for reforms?

In the short-term, they probably have. But I think we have to be careful to separate the feelings of the region toward particular governments and policies from its feelings toward the ideals for which the West stands. As I frequently remind my Middle East friends, just as we Westerners have to remember that there is no monolithic Middle East, there is no monolithic West.

And I sense that most in the Middle East, frankly, do not hate the West at all. They greatly respect much about the West, including much about the United States. Perhaps many Middle Easterners perceive and are angered by the fact that they feel that some Western leaders do not honor their professed beliefs. But then, as I remind my Middle East friends, that is not a uniquely Western problem, either.

In terms of how the West can help, I think we need to begin with humility. We do not have the answers, and only the region can define what they may be. But it is important for the Middle East to be honest with itself, as well.

When one looks, for example, at the question of ownership, the idea that this must come from the region, be owned by the region, it is a very important point. But one has to be frank with people in the Middle East and point out that they cannot own a region-wide initiative at this point because many of their governments do not recognize one another. There is a need for external facilitation.

But it is vital that people on both sides understand what facilitation is. We need to have a discussion of what we mean by facilitation and what the boundaries of facilitation are.

And I think we in the West, frankly, should not be embarrassed to openly state as part of that discussion that we have an interest in reform in the Middle East. It is evident that instability in that region affects us, and we have a right to say so and to try to mitigate that instability. And done right, this is not interference; it is facilitation.

What is the result of all this? As I said a moment ago, all this Track Two work has led to a proposal that the governments of Canada and Denmark are taking around the region. And I will reflect on that just for a moment before I conclude.

My sense is that some ideas are emerging around the creation of a regional system or a regime in the Middle East. They call for the creation of an ongoing process in the region involving the elaboration of norms of conduct.

And I think these norms of conduct really can be thought of as a set of three interlocking bargains.

One is a bargain between the regional states, in terms of how they deal with one another; a set of norms of conduct and standards that they should adhere to in their relations with one another.

The second is a bargain, if you will, between the regional states and their peoples, in terms of social, political and economic reform; what the peoples have a right to expect of the states, and what the states have a right to expect of the peoples who are going to take part in the mainstream of change and reform in the region.

And the third bargain is between the regional states and the rest of the world, in terms of the expectations and responsibilities that each has toward the other.

Ultimately what we seem to be striving toward is some kind of a charter or document which frames those three interlocking bargains and lays out a set of norms, which would then be subject to ongoing implementation and review. The purpose of such a system would be to give the region a set of tools to help it manage a period of transition and change.

As we have gone around the region, one of the questions we have had is: "Why should we sign up to such a thing? Why is it in our interest?"

The answer back is, simply—and many of them know it anyway—that change is coming. They can either be on the right side of history and try to manage this change and lead it to some sort of productive outcome, or they can try and stop it, which they can, perhaps, for a time, but not forever. And a process which helps them to manage a period of change is very much necessary.

So in considering the basic ideas on which an indigenous Middle East regime should be based, I think the following ideas are critical.

First of all, the system must be based on a set of rules of conduct for the region, and regional states must take the lead in elaborating them with outside facilitation and participation as required.

Second, the regime should not be thought of a static thing, but rather as a process which will evolve over time, probably beginning very slowly. And I think we should not forget the lesson here of the Helsinki process. It began very slowly and rather modestly, and it evolved over time. And there is no reason to expect that we can fast-forward 30 years and have a system in the Middle East today which will contain all of the lessons of the Helsinki process, as we have understood them for more than 30 years.

Thirdly, such a process must be inclusive and open to all regional countries, even if not all of them may elect to join at the outset, and to a group of extra-regional powers who have a role to play in terms of facilitation and in terms of providing things like security guarantees, as the process moves forward.

Fourth, a one-size-fits-all approach is not going to work. The idea of "geometry variable," the idea of sub-regional dialogues where appropriate, is very critical.

Fifthly, the process must take a broad definition of security to include questions of social and political transformation in the region, as well as traditional security questions.

And finally, governments may lead in some respects, but there is also a critical role for civil society in developing these ideas. And we are beginning to see, with things like the Alexandria and Doha documents, that civil society is beginning to step up to the plate, and that is a very encouraging development.

Thank you very much.

Mr. SMITH. Thank you very much, Mr. Jones.
Ambassador Dunkerley?

**AMB. CRAIG DUNKERLEY (RET.),
DISTINGUISHED VISITING PROFESSOR,
NEAR EAST-SOUTH ASIA CENTER FOR STRATEGIC STUDIES,
NATIONAL DEFENSE UNIVERSITY**

Amb. DUNKERLEY. Thank you, Chairman.

I do want to express appreciation to members of the Commission for the opportunity to participate in today's discussion. I can think of no better group to help move debate on this particular topic in an informed and constructive direction.

I will offer some very brief observations. They represent very much personal views. They do not reflect any official position or agency assessment. I am a spokesman for no one but myself.

The impetus for today's discussion rests with the positive examples that the Helsinki Final Act principles and subsequent OSCE experience might be able to provide for other regions. As the chair has noted, this is not an entirely new idea.

But I think Ambassador Kampelman, Minister Sharansky and Freedom House have once again done good service in underscoring its possible application to the Middle East at this time.

To my mind, the value of Helsinki's lessons will, in the first instance, lie more for U.S. policymakers as to the requirements and possible tactics of crafting a successful, long-term, collaborative strategy for the United States in the Middle East, and less in any sense of prescribing a pre-conceived institutional template to be laid down on the region from the outside.

I will confess I am skeptical of using an immediate focus on organizational models and end-states as the starting point for this particular discussion. And this is not just because there are many profound differences in the recent histories of Europe and the Middle East.

As previous speakers have noted, right now in the region there are growing voices for change. But there are also widely held popular sensitivities to any notion of an external formula for change, let alone misperceptions of an American desire simply to impose our own plans or structures.

That notwithstanding, we have an important and continuing role to play in moving these issues forward. And in doing so, we should be alert to and resist efforts by some regimes to try to invoke resistance to outside ideas and pressures simply as an excuse for inaction.

But I think it would be a serious mistake for us to neglect a critical political fact of life within the region. To be effective and to be meaningful, genuine reform, regional security dialogue and overall change must be seen as driven largely from within the region itself.

Therefore, amidst all the factors that members of the Commission have to consider, I would suggest that the most important question will be whether any such process of reform and regional dialogue can come to be perceived as genuinely owned and led by a growing community of local stakeholders, both governmental and nongovernmental in nature, and drawn from among the different states and societies of the Middle East.

Faced with that sort of challenge, a close reading of Helsinki's history over the past 3 decades might give policymakers certain help. And here, given your role as keeper of that history, I think the Commission has a special role to play.

First of all, Helsinki's history should flag for us the need for a sense of strategic perspective, political dedication and great patience. Supporting the sort of transformative agenda within a region that is even more challenging than Cold War Europe is going to require a much longer-term and sustained commitment of energy and resources than our political calendars usually allow for. In other words, this should be seen in terms of a major generational commitment.

It was useful that the G-8 summit statement of last week on "A Partnership for Progress and a Common Future" with the region was beginning to speak in those terms, albeit still at a very high level of generality. Clearly, much still needs to be done.

Second, Helsinki's history would also suggest the importance of tactical flexibility on our part. As circumstances and expectations evolve within the region, we should take care not to lock into either a one-size-fits-all pattern, as Mr. Jones has noted, but also not into any single organization concept too early on.

There will be a variety of ideas coming from within the region. There will be different opportunities arising within individual countries. And there may be different possible experiments with individual issues or sub-regional arrangements which we should be prepared to explore and, as appropriate, encourage.

Indeed an openness to consider possible sub-regional steps, whether, for instance, in the Persian Gulf or in the Maghreb, might provide the best chance for early progress.

Third and not least, the Helsinki Process succeeded in no small part because its agenda was broad enough to reflect issues seen as important in various and different ways by almost all of its participants, both in the East and West.

I would suggest that this past strategy of inclusiveness has a direct relevance for any comparable future effort within the Middle East.

In some circles within the Middle East, the labels Helsinki or OSCE are perceived, or misperceived, as almost exclusively focused on a U.S.-driven agenda of Western human rights standards, which in turn is aimed solely at advancing our own strategic advantage.

That is, of course, a serious misreading. Not least, it is a misreading of the breadth of the Helsinki Baskets. It especially slights, for example, the degree to which OSCE's experience in political-military confidence-building could offer much to the development of a regional security dialogue, an idea which has been actively explored, as the Chair has noted previously, during the last decade.

But I fear that Helsinki-inspired efforts in this direction, especially if cast on a comprehensive or pan-regional basis, will risk being undercut, as they have been in the past, if their sponsors are not seen as taking account of those security and political questions which many in the Middle East see as central.

Two examples: Rightly or wrongly, long-standing frustrations, on all sides, over a lack of progress toward a resolution of the Israeli-Palestinian question on terms that might produce a viable Palestinian state, as well as ensure Israeli security, will inevitably cloud any local debate over any new initiative.

Similarly, the degree and pace at which security and well-being are restored within a sovereign Iraq will have a profound influence on local perceptions of regional stability and the possibility for a regional security dialogue.

Mr. Chairman, to cite these various complications is not to deny the important challenge set by previous speakers, the need for all of us to think seriously and creatively about Helsinki's potential lessons for the Middle East. Rather, it is to underscore that any American strategy to that end would have to be long-term in perspective, collaborative in nature, broad in substance, sufficient in its resources, and widely seen as meeting the political needs, both real and perceived, of the region itself.

Mr. Chairman, in closing, I think that members of this Commission could have a constructive role in framing any further consideration of such a long-term strategy by: first, continuing the useful discussion begun today with a follow-up focus on hearing directly from a greater number of concerned and appropriate individuals from throughout the Middle East, especially from the Arab states and societies; secondly, exploring ways to give both visibility and moral support for those civil society groups and individuals from within the Middle East who are seeking the application of Helsinki-type principles and standards within their own societies; and, finally, by strengthening substantive engagement on these very questions with your own legislative counterparts from throughout the Middle East, both on a bilateral basis and as opportunities arise through the vehicle of the OSCE Parliamentary Assembly.

Thank you, Chairman.

Mr. SMITH. Thank you very much for your statement and very thoughtful recommendations. Perhaps we should invite some of the ambassadors from the countries in question, as well as some of their academics. It is a very good idea.

Professor Yaffe, if you would proceed?

**PROFESSOR MICHAEL YAFFE, ACADEMIC DEAN,
NEAR EAST-SOUTH ASIA CENTER FOR STRATEGIC STUDIES,
NATIONAL DEFENSE UNIVERSITY**

Prof. YAFFE. Thank you, Mr. Chairman. I want to thank you and the other members of the Commission for offering me this opportunity to discuss the Helsinki Process and reforms in the Middle East. With your permission, I will offer some brief observations, trying not to duplicate too much my colleagues here. I will offer a longer written statement elaborating on my points.

For more than a decade, I have been involved at the government-to-government and civil society level in promoting regional security in the Middle East, as part of the peace process team, as a coordinator for Track Two for the U.S. Government, and now as the academic dean at the Near East-South Asia Center at National Defense University.

As such, I must begin at the outset by saying that what follows are my views alone, and not those of the U.S. Government, Department of Defense, Department of State, and National Defense University.

Today there are a host of proposals on the table focusing on a system in the Middle East to bring about change in the interests of individual freedom, modernization, prosperity and enhanced security. Many of these proposals come from the Middle East.

Now, rather than critique this current crop of proposals, I would offer some insights from previous attempts to bring about change in the region so that future initiatives might avoid the pitfalls that dogged earlier efforts. And then taking this critique a step further, I intend to

provide six suggestions the Commission might want to consider as it proceeds in promoting reform, cooperation and security in the Middle East.

Efforts to promote change in the Middle East have a long history. The modern phase of this effort can be traced to the Madrid Peace Process established in the aftermath of the first Gulf War in October 1991. Of particular note from this process was the Arms Control and Regional Security [ACRS] Working Group, which was one of five multilateral working groups established under the peace process.

And it brought together Israel, 13 Arab states, and Palestinians. Iraq, Iran and Libya were excluded. Syria and Lebanon refused to attend. It was chaired by the United States and Russia, and it brought together a score of countries, mostly the OSCE countries, as well as entities such as the OSCE.

ACRS met in plenary four times and had 31 expert-level working group sessions between January 1992 and September 1995. During that time, the group negotiated some of the same issues that the United States and Europe addressed in the CSCE and the OSCE process more than 2 decades earlier.

After long hours in negotiation, agreements were reached on several key topics, such as communication networks, maritime confidence-building measures, declaratory statements and so on, a major achievement when you consider that this was the first time that many of these countries concluded any agreement which involved Israel, for which most of them were still in a state of war, and did not recognize a state of Israel.

Now, the last ACRS meeting occurred in September 1995, basically to conclude negotiations on a draft mandate to establish a regional security center in Amman, Jordan, and associated centers in Tunis and Doha. This mandate was to provide the institutional base for region-wide dialogues on security and cooperation, and establish the norms, principles and framework of the work itself for the center.

It was a uniquely Middle East mandate, borrowing and rejecting ideas from other regional organizations. Some of the states favored modeling the mandate after the OSCE, especially Jordan, which had codified its support for a conference on security and cooperation in the Middle East in the 1994 treaty between Israel and Jordan. Most of the states rejected this approach when they talked about the region-wide mandate.

Before the regional security center mandate and other agreements could be fully adopted or implemented, ACRS ended abruptly in the autumn of 1995. Failure to make progress in the two principal pan-regional issues, the Arab-Israeli conflict and nonproliferation of weapons of mass destruction, converged to freeze the activities within ACRS and later the other multilateral working groups.

Essentially, the bilateral peace and end-of-conflict negotiations between Israel and its neighbors set the pace for the amount of progress achievable on all region-wide initiatives.

To keep the regional parties engaged in dialogue while ACRS was in abeyance on hard security and soft security issues, the United States began sponsoring in 1996 the Middle East Regional Security Track Two Program.

This program was funded initially by the Department of State, and now Congress funds the Department of Defense to run it. Several European governments contribute to it.

The program sponsors workshops, task forces, online discussion groups, training courses, and studies that collectively have brought together more than 1,200 official and non-officials from throughout the Middle East, United States, Europe and Asia.

Some fascinating studies have emerged from this Track Two process, many of which have direct bearing on the subject of today's hearing, including some of the ideas which Dr. Jones has raised.

Now, I provide this brief background in order to provide a context for understanding my critique of current initiatives under way and those being contemplated.

First, my suggestion is to minimize pan-regional initiatives, charters and forums. Cooperative pan-regional approaches involving all parties, from Morocco to Iran, do not work in the Middle East. Treating the region as a common entity has proven to be a mirage for every initiative seeking greater interaction and cooperation throughout the region. The lack of pan-regional organizations in the Middle East is emblematic of the lack of political, social and economic cohesiveness in the region. Only 4 percent of all trade in the region is between Arab states. The rest of it is external.

Given all this, I would counsel, as my colleagues have also done, against forming a broad institution such as the proposed (at least at one time) 78-member Organization for Security and Cooperation in Europe, the Mediterranean and the Middle East, as a means to create greater unity and cohesion. And as such, I would also counsel against an OSCE that is expanded to include the Mediterranean, and I will underscore this as I go along here.

One of the negative consequences of the pan-regional approach is that it permits the hijacking of the political agenda so that the peace process between Israel and its neighbors becomes the primary issue of concern. Another consequence is that when the peace process becomes stagnated or experiences setbacks, it tends to undermine regional cooperative initiatives. But this suggestion of minimizing pan-regional approaches is not an argument for ignoring those issues that have pan-regional implications.

Second point: Emphasize sub-regional or a three-zonal approach for security cooperation. I believe that most of the hard and soft security problems facing the states of the Middle East are best addressed at the sub-regional level.

New security and cooperative initiatives should be based on taking action in small groupings with common cultural values, history and security interests in specific geographic areas. Using this formula, the Middle East can be divided into nearly three distinct sub-regions: Western Mediterranean, Eastern Mediterranean, and the Gulf.

The Western Mediterranean sub-region encompasses southwest Europe, North Africa, and to some degree, sub-Sahara. The Eastern Mediterranean sub-region covers the Levant and Eastern or Southeastern Europe. In the Gulf region, or Southwest Asia sub-region, includes the six Gulf Cooperation Council states, Iraq, Iran, Yemen, and even possibly Pakistan.

Essentially, this approach advocates moving beyond the traditional connotation of what constitutes the Middle East and, to some degree, somewhat that of Europe. Indeed, it might even be better to think about it as a cooperative interaction occurring in security zones, rather than the confines of continental groupings.

We saw this movement toward sub-region actually in the ACRS process when we, as I talked about earlier, had the mandate to establish the regional security centers. The idea for that was put on the table by Jordan, and for a long time we expected it to be one center to cover the entire region in Jordan. And suddenly, Qatar and Tunisia said they wanted centers because they felt their sub-regions deserved to be adequately addressed.

So already you started to see a split that was taking place. That is what I am trying to say. There's this kind of natural occurrence toward those sub-regions.

Now, that does not mean that the OSCE, even if it does not take a pan-regional approach, cannot help the sub-regions in helping with the agenda for the sub-regions.

Now, third point: Actualize bilateral programs for assisting economic, social and political change. I would argue that in the Middle East the most successful reform initiatives are tailored for each country, tailored through bilateral interactions between states of the Middle East and outside states and organizations.

Many of the most promising ideas coming out of the June summits are focused on bilateral programs, rather than multi-lateral initiatives. Where cooperation between regional or zonal states is necessary, this should occur bilaterally or within sub-regional forms, but not at the pan-regional level.

Fourth point: Recognize the needs for a comprehensive strategy as a prerequisite for change. Compartmentalizing the problems in the sub-regional groupings helps to make the problems more manageable, but it is important to recognize the pan-regional issues need to be addressed at the same time.

The Arab-Israeli conflict has a bearing on the success of initiatives promoting cooperation and reforms throughout the Middle East. What is needed is a comprehensive strategy that deals with all the problems facing the region and in the right settings, be it at the bilateral, sub-regional or the pan-regional.

Ambassador Kampelman talked about that many of the governments in the Middle East have used the idea of the lack of progress in the Middle East peace process as an excuse for not producing change and reform. I would agree that is correct.

But that is no excuse for us not to continue to push in that area. It does have regional implications. We have seen where people who never marched on the streets before in very quiet capitals throughout the Middle East do march on the capital when things go sour in the peace process.

My fifth point: Maximize Middle East ownership of the security and development process. Ideas for developing cooperative regional security regimes, dialogues, codes of conduct, charters, must belong to the region if they are to succeed.

One of the reasons that the Madrid process made as much progress when it did was because the regional parties believed that they were all equal parties to the process, able to shape the agenda and have their security concerns addressed.

Indeed, when I first join the ACRS working group in 1993—a year after it began—I asked many of the regional parties, “Whose idea was this?” And it was very interesting. Almost all of them claimed it was their own.

Now, when the regional parties began to feel that the process was not addressing their security concerns adequately, the process became an orphan and ultimately failed. Many of the initiatives coming out of the June summits, I fear, are becoming not orphans, but the sole custody of Western parents without Middle East partners.

Likewise, it can be expected that many Middle East parties will actually reject the idea of joining Western organizations that expand their membership to include the Middle East. We have heard at official levels and at the non-official levels by scholars and so on who have rejected joining the OSCE, or modeling their security charters after the ARF or the Africa Regional Security Forums or Latin America. They want their own model that suits them.

There is very deep suspicion that organizations from the West are pursuing only what is of interest to them. For example, many of the regional parties view the Barcelona process, which encompasses some of the OSCE plus the Med idea, as something that was concocted by the European Union to keep North Africans out of Europe. North Africans want the aid that the Europeans offer, but resent the linkages. So it may be better to start with organizations anew.

My sixth point, and my last: Multilateral types and layers of interactions between governments and civil society should be expanded. There are many ways to assist states in the Middle East to provide for enhanced security and progress. I believe that the OSCE has a strong role to play here.

It should not seek, however, again, to set up another mass forum for dialogue or duplicate other initiatives. Instead, the OSCE should seek to fill the biggest gap in the programs of the other initiatives; namely, supporting societal interactions, dialogue, particularly on the issues of security, cooperation, human rights and freedom.

In particular, OSCE should seek to provide financial and organizational support to ongoing and future Middle East Track Two programs. Such programs are always in need of funding in order to ensure that the regional parties have at least some venues where they can meet regularly. Track Two provides both a safety net, in case the governments fail in their initiatives, and it can serve as an incubator for reformist and security ideas that can be fed to the governments.

No Track Two program for the Middle East to date has financial security to be assured that it will be in operation from one year to the next, and the OSCE can provide for that assurance. It can also think about shifting the region at a functional level in trying to expand what I would call a "culture of change."

Ambassador Dunkerley mentioned the idea of inter-parliamentary dialogues. One can think of that as something that is very needed. One can think about having dialogues between doctors between the regions, between educators, and so on, to build out the society level.

As both my colleagues have said, change is coming to the Middle East no matter what, no matter if we produce reform initiatives, no matter how much cooperation. It is changing because of demographics, because of succession issues, because of a host of other issues within the region itself.

States in the region should work together in appropriate forums to create a calm and stable security environment in the Middle East so that the reforms can grab hold and not be swept away by political uncertainties and those who oppose change. And in this, again, I think the OSCE has a role to play.

Mr. SMITH. Thank you very much, Professor Yaffe, and all of you for your very insightful comments which we will look at, and especially your written statements which will extend upon the oral statements you have all made.

And members of the Commission and staff will look at it very carefully, as you know. You have been around long enough to know that just because the place is not full of members of right now, it does not mean the information will not be widely disseminated and digested. And it will.

Just a comment, and you might want to respond to it, but you know, the issue of ownership was stressed by at least two of you.

Mr. Jones, Dr. Jones, you talked about the ASEAN model. And I have worked somewhat on the issue of human rights in Asia, particularly in Vietnam. I have authored a human rights act twice now. It has passed the House. It is pending in the Senate.

I have been over there a number of times. I worked with China. I worked with some of the other countries. But with Vietnam in particular, a member of the ASEAN countries, interestingly enough, there are a group of human rights advocates, Vietnamese, who actually call themselves the "Helsinki Group" because they are dissatisfied with existing mechanisms, because of the lack of emphasis that is given to human rights.

Dissidents and others are not dealt with, whether it be Father Lee or any of the other people who are mistreated in Vietnam or any other country, it does not seem like the ASEAN framework provides that opportunity.

One of the things that struck me in hearing all three of you was that one reason why there is an attractiveness to the OSCE including, at least initially, the six states and then, perhaps, expanding it if it proves itself, is that Israel is so—the balance of population and physical territory, and even military capability, is disproportionate to the side of nations who may not look at Israel in a very positive way, to say the least.

Whereas if there is a partnership and the mentoring—and I do not think that is a lack of humility—frankly, I think countries that have not had democracy, or at least anything that resembles it, will be the first to tell you, particularly those that emerged from Eastern Europe and the Soviet Union, that they are grateful for the mentoring. They need to learn this process. It is not something that is a given.

And I think we are seeing now with Iraq, God willing that works and the transition occurs unimpeded on June 30, and they matriculate into a full-fledged democracy. They are no less capable of owning a democracy that is second-to-none, but there are stages that—baby steps, if you will, that every country needs to take.

That might be provided, especially given the propensity of the European countries to be more likely to be associated with the Arab viewpoint and the United States with the Israel viewpoint. That is a simplistic, perhaps, view. But it seems to pan out over time.

How does Israel, given all of these countries that do not always have their interests at heart, really meld into a framework that might be indigenous and may actually exclude—I mean, many of these countries still do not recognize Israel's right to exist in the way that we would like them to. Certainly, Jordan is an exception, and Egypt is a major exception.

So that is a concern, where if you had an overlay of a process where you do not talk about definitions again. One of you testified about or mentioned that the universal declaration of human rights can be the definition. But that is not a given. I remember the Bangkok declaration that came out of the East that tried to redefine what human rights were. We always see a revisionist view there—I mean, the Soviets extolled that. And the Chinese, the PRC, does so today, as do the Vietnamese and others.

So I am wondering whether or not that is not a given. We already have a clear-cut working definition of human rights that certainly tracks universal declaration as part of the Copenhagen document and all the other OSCE accords, including the Helsinki Final Act.

So I just raised that as kind of a response slash question.

Mr. JONES. May I just respond quickly on two points?

First of all, the question of the ASEAN model. I was making a reference there to the architecture, not so much the content; to the idea that the ASEAN model contains a mechanism whereby the states of the region own the process, they are at the center of the process, but there are states from outside the region who are an integral part of it.

I agree with you that the content of the ASEAN model may not be appropriate, but I would also point out that ASEAN is itself evolving. The concept that we understand as indivisible security in the European context was rejected by ASEAN for many years; the idea that one could comment on the events in another country was rejected.

But with things like the Indonesian forest fires clogging the air over Kuala Lumpur, they are beginning to realize that they do have a right to comment on one another's land-clearing practices. It is a slow process, but nevertheless I very much agree with you that in terms of the substantive aspect of what might emerge, the OSCE provides some very important lessons, perhaps rather than ASEAN.

In terms of Israel, I would simply say that your concern is obviously a very valid one. But I would point out that there are many other issues in the region.

And one of the things that strikes me when I travel the region—as I do extensively—and talk to senior officials is that, particularly as one gets further and further away from the immediate area of Israel, is that they will tell you quietly that, frankly, Israel is not their main concern; it is not really a particular concern that they have. They have much greater concerns about their immediate neighbors in the Persian Gulf, or in the Maghreb, or whatever the case may be. Israel is a convenient rhetorical tool.

Now, they do have concerns about the extent to which events in Israel and Palestine inflame their street. That is a concern that they have. But they do not have a concern for Israel.

So there is a danger, as you say, of Israel being isolated within such an organization. I do not think it is perhaps so grave as it might appear at first. Rhetorically, Israel may be isolated, but in terms of real secu-

rity issues and concerns, I do not think it would be. And I think that this is another place where this role of the external powers, who will be part of this process, would be an important aspect of this.

As to the question of definitions and the universal declaration of human rights; yes, of course, there will be an attempt on many parts to redefine the commitments contained in such documents. That is a given. That is part of the give-and-take of politics and diplomacy, and it plays out over several years. And we will see that happen.

I tend to believe, though, that if some kind of a process is created over a period of time, one will see, and one is already beginning to see within the region, the flowering of the kinds of people, such as Mr. Sharansky, within those countries. They will say, "Now, wait a minute. You signed these things. That is not acceptable."

But that will be part of a normal discourse, the give-and-take. That will take place over many, many years. Thank you.

Amb. DUNKERLEY. Chairman, I will respond briefly to both your points.

First of all, and in connection with your reference to ASEAN, I fully agree that, as we seek to go forward with a variety of experiments and initiatives in the Middle East region, we have foremost in mind the need to avoid the trap that so many past ministerial communiques and summit level initiatives have fallen into, which is, agreement on paper to high-sounding principles which rapidly fall into neglect.

That means that we have to bring a sensitivity that any future regional dialogue ought to include mechanisms and procedures for a review and debate on the status of implementation of commitments undertaken, and at the same time also, we have a political strategy to encourage and enable those participants who are most interested to be able to take full use of that opportunity.

That, in essence, is a very positive lesson from the Helsinki experience. From my conversations, at least, I think a number of the individuals involved in civil society projects within the region have assimilated this lesson, and that is what they will be looking for, as well. So you are quite right. That has to be one of our *desiderata*.

On the second question, which relates to the issues of Israel, specifically in the context of an OSCE expanded to include the six Mediterranean Partners—this is a new idea. It is different from the one earlier put forward in the Freedom House paper, and it is one I, quite honestly, would need to think more about.

I can certainly see the utility in, for instance, providing an incentive and an opportunity for a country like Morocco, again following your comments, to be encouraged to assume closer ties with the United States and Europe in a context of Helsinki principles and standards.

But I think there also will be a series of price tags in connection with this proposal, which we do have to be open and clear about. One is that it would provide an almost inevitable importation of a whole host of Arab-Israeli issues into OSCE debate. I think Congressman Cardin's mention of the problem that you may have at the next Parliamentary Assembly meeting would be there in spades.

What I am afraid is that the dynamic would not simply be one of Israel having perhaps a slightly better numerical odds, but that you would end up having a replication of sterile, U.N.-type debates, in which we are supporting Israel, and a number of the Europeans are either in-between or supporting Arab positions. That would have an unfortunate affect on the political agenda of the OSCE in this regard.

I think that your basic point that at some point there has to be an end-state where there is a genuine normalization of relations between Israel and its neighbors, that it has to be seen as a full-fledged member of a regional community, is the objective that we should be aiming for.

But I am afraid that is not going to be jump-started by simply replicating the U.N. debate within the OSCE. It has to come from within the region itself with a regional solution that they have to work through very much on their own. It will be a very tough, long, hard slog.

Prof. YAFFE. Briefly, just to add a couple points and to second much of what has been said, but particularly with regard to the question of Israel, my fear is exactly that. If Israel does become a partner along with the other five, in this case, the agenda of the OSCE plus Med would be hijacked by the Arab-Israeli conflict.

And I say that not just by speculating. I say that based upon what we have seen in the Barcelona process, what we have seen in other multilateral institutions, U.N. institutions, the IAEA, all these places where the Israel-Arab conflict comes up in its own little way, percolates through the agenda, and it turns into clashes.

In this sense, what happens is, and I understand your desire not to have Israel isolated, Israel becomes isolated then within those programs. In this sense, I would argue not against dialogue which involves these states, but I would argue against membership, because that is a question of who controls the agenda. And if you are a member, you are part of controlling that agenda.

That would be my biggest concern. I cannot make any predictions, obviously, when the peace process will come to fruition and there will be a comprehensive settlement. More likely than not, though, the history is that it will have its ups and downs. And when it is down, those problems related to the Arab-Israeli conflict will be brought into other fora, in this case, an expanded OSCE, if that were the case.

But I would also go back to this notion, again, of the sub-regional. The question of what is of interest to Morocco and Algeria on the one hand is very different from that of Yemen and other places in the Gulf. And by going to the sub-regional you contain the security interest immediately to those particular countries of concern.

By my proposal, of course, I am saying that you may be able to make good progress in the Western Med and maybe good progress in the Gulf, and maybe not so much in the Levant right away. But, again, to have one sub-region hold down the rest is a big problem that we have to grapple with.

And I would say that a lot of entities are trying to grapple with this question, right down even to our combatant command, which are dealing with these very issues, as well.

Mr. SMITH. Thank you very much for that.

You know, I remember 24 years or so, I made probably the classic mistake that many members made when I was talking about the Warsaw Pact. I met with members 2 years later when I was in Bucharest, and realized immediately that they all thought of themselves, notwithstanding their alliance with the Soviet Union, as individual countries with very specific issues related to themselves and maybe their immediate neighbors.

So I think your point on the regional focus was very well taken. I thank you for that.

I want to thank all three of you for your very appropriate insights, your expertise, which I think will help us as we navigate this as a Commission, and for your time. You have been very generous with your time, both in preparation for today, and today itself. So I am very grateful for that. Thank you.

The hearing is adjourned.

[Whereupon, at 5:38 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, RANKING MEMBER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Thank you, Chairman Smith, for conducting this hearing at such a critical and opportune moment. The ongoing development of the Bush administration's policies for the Middle East plainly show the need for the Commission to examine the applicability of the Helsinki Process as a possible model for the region.

Embracing the standards of democracy and human rights embodied in the OSCE—particularly by the new governments in Afghanistan and Iraq and elsewhere in the Middle East, could help establish a lasting peace and prevent the continuous slaughter of innocents. The Helsinki Process could be instrumental in this context in several respects.

First, by embracing commitments similar to those of the OSCE, Afghanistan and the new Iraqi state can, in a sense, tie themselves to the mast of reform. If extremist, illiberal domestic elements were to attempt to return to power, this kind of commitment could serve as a partial buffer, a kind of linchpin for the current democratic momentum. Second, simply put, commitments encourage ordinary citizens in signatory states to push for government and individual accountability.

Elsewhere in the Middle East, Israel's commitment to democracy and the rule of law stands in stark contrast to the repressive policies of the other regimes. In Iran, the legislative elections in February of this year demonstrated once again the clerics' inveterate opposition to a real opening of the political system. In Lebanon, Syrian troops remain in control of the southern part of the country, despite Israel's withdrawal in 2000. And in Morocco, Tunisia, and Egypt there are serious restrictions on the press and opposition groups. The establishment of an OSCE-like process in these countries, supported by the United States and her allies, would lighten the heavy hand of dictatorship by providing support for real democrats in the region.

As the Helsinki Watch Monitoring Groups did in Mr. Sharansky's day, NGOs could garner international recognition as they call for reform.

Regional minorities are in need of protection. In Iran, for example, there are close to 12,000 Jews who face constant restrictions on the practice of their religion. The Bahá'ís face similar persecution by Iranian officials. Indeed, one of the keys to the future stability of Iraq will be adequate protections for the Sunni and Kurdish minorities. The adoption of OSCE-like principles in the Middle East would mark an important starting point for resolving these issues, among others, and bringing peace and stability to the region.

I welcome this opportunity to hear how the region could be encouraged to develop habits of communication and principles of cooperation that will benefit the security of all.

**PREPARED STATEMENT OF
HON. MAX M. KAMPELMAN, AMBASSADOR (RET.),
CHAIRMAN EMERITUS, FREEDOM HOUSE**

Thank you, Mr. Chairman. Ambassador Palmer and I, on behalf of Freedom House, appreciate your invitation that we share with you and the members of your Commission a specific proposal designed to advance the Helsinki process as a means of strengthening our national objectives to extend democracy and human dignity where it does not now prevail. Our specific suggestion is to extend the Helsinki process to the Mediterranean, where it already has an institutional relationship.

My own exposure to the Helsinki Final Act, which created the Conference on Security and Cooperation in Europe (CSCE), began in 1980 when I was asked by President Carter to co-chair our American delegation to its Madrid follow-up meeting. President Reagan asked me to continue to chair our delegation. The three year session contributed significantly to the spread of democracy throughout Europe. Your commission, at that time, Mr. Chairman, was led by Dante Fascell and Millicent Fenwick, whose support was indispensable. We could not have functioned without the professional assistance of your staff. Some years later, in 1990 and 1991, Secretary of State Baker asked me to return to the process for one month during each of those years in order to deal with two CSCE Conferences on the Human Dimension in Moscow and Copenhagen, and a CSCE Conference on National Minorities in Geneva. Once again, your staff was of immense assistance to me. Subsequently, Secretary of State Christopher asked me to represent the United States in an OSCE delegation to Serbia. I consistently found my relationship with this Commission and your staff to be an effective and successful partnership, and I now come to you in that spirit.

The opening paragraph of the Helsinki Final Act, signed in 1975, includes the following:

During the meetings of the second stage of the Conference, contributions were received, and statements heard, from the following non-participating Mediterranean States on various agenda items: the Democratic and Popular Republic of Algeria, the Arab Republic of Egypt, Israel, the Kingdom of Morocco, the Syrian Arab Republic, Tunisia.

The body of the Agreement includes a section entitled "Questions Relating to Security and Cooperation in the Mediterranean," a 13-paragraph statement clearly acknowledging "the geographical, historical, cultural, economic, and political" relationship between Europe and the Mediterranean.

When I, as a newcomer to the process, asked about these provisions, I learned that some of the European states suggested that the six named Mediterranean countries be invited to sign the Agreement and become part of the process, but the prevailing view was that the East-West European relationships were of sufficient complexity and importance that they should not be diluted by the addition of these six states. They were named but not given the right to vote.

Today, as a result of the dissolution of the Soviet Union, the Helsinki Final Act has been formally expanded into Central Asia, and the mechanism of the process is now at work to strengthen the Helsinki democratic principles in that area of the world.

The strength of the Helsinki process, whatever the complexity of its origin, was that its enunciated principles were democratic, excellent statements as to how states *ought* to behave if we were to achieve international security and cooperation. In the 29 years since its creation, the details of that “ought” have been enlarged and enriched. We in the United States had learned how important it was to agree on our “ought”—the Declaration of Independence—and strive to move our “is” to that “ought.” We removed property qualifications for voting, ended slavery, and opened the franchise to women. The Helsinki Final Act, to me, provided an excellent international “ought” toward which to reach.

Mr. Chairman, this Commission long ago appreciated the vital importance of the Mediterranean to Europe as well as to our country’s welfare. It is true that the OSCE is now hard at work, with its limited resources, undercutting the strong authoritarian tradition in much of Central Asia. Under the leadership of this Commission, the OSCE is also working to combat the renewed poisonous message of anti-Semitism which has been tragically renewed in Europe, partially as a result of the movement of a large number of North Africans, who have not been educated in the strength and desirability of our “ought,” to Europe. This inter-relationship demands recognition. It is long past due for us to formally extend the OSCE family and the virtues of our “ought” to the Mediterranean. That is the essence of the Freedom House proposal which we have for two years been urging the Executive Branch to accept, and which we bring to your Committee today for support. We urge that the six “non-participating” Mediterranean states be invited to full membership as a first step in a steady expansion to a more democratic world.

We are not alone in this urging. The Prime Minister of Denmark spoke at the Woodrow Wilson Center here in Washington some months ago and called for the expansion of the Helsinki process into the Mediterranean area. More recently, at Davos, he specifically proposed that the OSCE become the OSCME.

Our Presidents, Democrat and Republican, have appreciated the need for our government to identify our foreign policy with the spread of democracy and human dignity to those peoples now living in authoritarian societies. We know that our security is directly related to that development. President George W. Bush has identified this goal as central to his presidency. We at Freedom House, therefore, believed that the Administration would enthusiastically embrace our suggestion that the six non-participating Mediterranean states be invited to become formal participating States in the Helsinki process.

We have discussed this proposal with responsible officials in the White House and in the State Department, where we have found encouragement and support. But the skeptics and the short-sighted seem to have temporarily prevailed. Instead of a specific non-aggressive constructive program, it appears as if the Administration position is, as expressed in the Sea Island G-8 summit last week, calling for a dialogue of “willing partnership,” in effect proposing that the Arab and Mediterranean states accept our standards as they form an organization of their own. It does not surprise us to find strong opposition to that proposal. President

Chirac reportedly “trashed” the proposal at a lunch with Arab leaders calling it “messianic” and “humiliating.” We had to make changes in it, retreat and accept the statement that “the mother of all conflicts is the Israel-Palestinian conflict,” a convenient justification used by Middle East authoritarians. One experienced international scholar wrote: “... The Administration seems to have ended up with a much more complicated approach than your idea of inviting the six Mediterranean states to have full membership. It is an approach that has ruffled the feathers of many Europeans and Arabs and does not seem to promise to lead to the creation of anything very path-breaking at the summit.”

In that connection, let me report on a conversation I had with one of the North African ambassadors representing his country in Washington. In effect, he said to me: “Our neighbors decided to form a country club. We were of some assistance in preparing the ground work, but we were not invited into membership. This exclusive club has a fine golf course, swimming pool, and tennis courts. Would we welcome an opportunity to be part of that club, with a requirement that we live by its rules? Yes. But instead, we are now asked to form a club of our own; we are not good enough to join the exclusive club. Yet we are asked to make sure that our club conforms to the rules of the exclusive club—that is insulting.” He added that his government would be pleased to join the OSCE, primarily because of its economic advantages arising out of Basket II.

Mr. Chairman, our intent at the G-8 summit was noble. Our execution was poor. Our substance was inadequate. We hope that it will be a small step forward. Our Freedom House proposal is still relevant and even more essential.

Mr. Chairman, I believe that part of our problem is the fact that for many years now, the Helsinki process has been a step-child within the State Department. For example, when I refer to the Copenhagen meeting, I am too often met with blank looks. Yet, a few weeks ago, the U.S. Institute of Peace held a conference of outstanding international law professors. There was general agreement that the Copenhagen document was the most important international human rights document since the Magna Carta. I had the privilege of helping to create that Charter in the month we spent in Copenhagen. I am disappointed to be met with blank expressions when talking about it with some of our government officials.

Freedom House is eager to work with your Commission in an effort to elevate the Helsinki process to the relevance required to advance our national interests.

**FREEDOM HOUSE DOCUMENT SUBMITTED FOR THE RECORD
BY HON. MAX M. KAMPELMAN**

**FROM HELSINKI TO THE MEDITERRANEAN AND THE GULF:
BUILDING A DEMOCRATIC, PROSPEROUS AND PEACEFUL
MIDDLE EAST**

There is a new focus on human dignity and democracy in the Mediterranean and in the Middle East, as well as a growing awareness of their relationship to prosperity and peace. Freedom House is actively engaged in promoting and encouraging that movement.

One of Freedom House's activities is to persuade the United States and our friends in Europe to appreciate that the economic and political gains that have benefited our populations—gains that undermine our terrorist opponents—are readily available to the people of the Mediterranean area adjacent to Europe and the rest of the Middle East. The Conference on Security and Cooperation in Europe (CSCE, now OSCE) came into being as the result of a European conference and an agreement, the Helsinki Final Act of 1975. All European countries, including the Soviet Union, joined the United States and Canada in agreeing that cooperation and security required a human freedom ingredient alongside vital political, economic and military ingredients. We knew that democracies do not wage wars against one another. We knew that the standard of living was far higher in free market democracies than in closed, controlled dictatorships. This agreement as to what was required for freedom, security and prosperity became Europe's goal, the "ought," and Europe worked steadily to achieve that goal—to make the "is" closer to the "ought." That effort has spread to Eurasia as 14 countries joined the OSCE after the demise of the Soviet Union.

Freedom House believes the OSCE message should be extended to the countries in the Mediterranean and the Middle East that are not now OSCE members—an area where there is today no agreed-upon "ought." This region extends from Morocco to Iran. Six countries already are OSCE "Mediterranean Partners for Cooperation": Algeria, Morocco, Tunisia, Egypt, Israel and Jordan. The region also includes these 17 countries: Iran, Iraq, Syria, Lebanon, Kuwait, Bahrain, Qatar, UAE, Oman, Yemen, Saudi Arabia, Sudan, Eritrea, Djibouti, Ethiopia, Somalia, and Libya.

There are strong indications that some in the area are ready for the OSCE message. The United States and our European partners therefore should call upon the OSCE to organize a conference of those Mediterranean and Middle Eastern states to explore and urge their willingness to endorse the "ought" of principles arrived at in the Helsinki process and thus guide the area towards, democracy, prosperity and peace. The key documents include: the 1975 Helsinki Final Act, the 1983 Concluding Document of Madrid, the 1989 Concluding Document of Vienna and the 1990 Copenhagen Document on the Human Dimension.

Once the "ought" is endorsed, the conference should launch the steady process required to move the "is" closer to the "ought." This could include membership for those endorsing these documents, potentially expanding the membership from 55 to 78 members and renaming it the Organization for Security and Cooperation in Europe, the Mediterranean and the Middle East (OSCEMME). It could, in the alternative, establish a separate and cooperating entity.

New security relationships could emerge—just as NATO's Partnership for Peace and eventual expanded membership reached out to the central and east Europeans and transformed the security environment in Europe, so NATO's expanding role beyond Europe could include a dialogue with willing regional nations about another Partnership for Peace and holding open the possibility of eventual membership in an expanded NATO for those achieving democracy.

Similarly on the economic front, a region suffering from protectionism, low levels of trade with one another and little foreign investment, needs a new partnership in this new global era with Europe, the United States and other leading countries to open and transform their economies.

The OSCEMME should launch a dialogue with each participating nation about a peaceful path and timeline to achieve democracy and human rights. Major emphasis must also be placed upon the participation and strengthening of civil society, including through Middle East Watch groups analogous to the Helsinki Watch groups which played such a central role in Europe.

We turn now to a more extensive discussion of the Freedom House proposal:

If there is a positive development to come out of the tragic events since 9/11, it can be found in the new focus on freedom and democracy in the Middle East. Today policymakers and academic experts are less inclined to argue that the promotion of democracy in Arab countries is antithetical to the American national interest. If there is not yet a consensus on the importance of freedom to the development of a peaceful Middle Eastern environment, the view is widely accepted that political repression and the denial of fundamental civil rights has contributed to an alarming increase in extremism, violence, and terror in the region.

Freedom House has long been on record in voicing its concern about the lack of freedom in the Middle East. We are concerned about the impact of repression on the individual citizen: the persecution of political dissidents, a press that functions as a mouthpiece for the elite, discrimination against religious and ethnic minorities, blatant sexual inequality, a failure of independent civic institutions to thrive. Freedom House is also troubled by the ongoing and escalating cycle of violence between Israel and the Palestinians, and the inability of the two sides to find a common ground of mutual trust as the basis of a genuine and lasting peace could be built. Freedom House is also acutely aware that more Muslims have died in the region at the hands of other extremists who falsely claim to act in the name of Islam, and at the hands of indigenous dictators, than from any other source. This makes us fully cognizant that achieving regional security requires going well beyond the Palestinian-Israeli conflict.

We are unimpressed by the lingering arguments that in seeking to advance American interests in the Middle East and to effectively prosecute the war on terrorism, we must put aside issues of human freedom, because, as some still contend, the people of the region do not value or are not ready for elections, a free press, and other basic rights that other societies enjoy as a matter of course.

It is worth noting that similar arguments were once advanced about another part of the world notable for its near-total lack of freedom: the Soviet Union and the Communist countries of central and eastern Europe. Just recently a number of these countries were formally admitted

to membership in NATO as full democracies and a number will soon join the European Union. Yet during the Cold War many policymakers and academic experts argued against incorporating human rights criteria into the fabric of American foreign policy on the grounds that these societies had little or no tradition of freedom and actually preferred strong rule by the state to a government chosen democratically that is subordinate to the rule-of-law.

Subsequent events have demonstrated that the proposition that the people of Central and Eastern Europe would chose dictatorship has been demonstrated to be utterly wrong. Nevertheless, even for those of us who advocated an American policy to promote freedom in the Communist bloc, the problem of finding an effective vehicle to prod these regimes towards reform represented a serious problem.

That vehicle was found, in part, in what was called the Helsinki process. This process was initiated in 1972, when the Communist bloc, Western Europe, and the United States and Canada began a conference to negotiate, and by 1975 finalized and signed the Helsinki Final Act and established what is now known as the Organization on Security and Cooperation in Europe. Implementing meetings, agreements and on-the-ground programs ensued and continue. Despite considerable skepticism about its potential effectiveness at the time of its creation, the Helsinki process is now seen as having played an important role in encouraging the spread of a democratic opposition in the Communist world and in pushing Communist regimes towards liberalizing changes that eventually led to the peaceful collapse of totalitarian rule in that part of the world. The OSCE is still working away in Belarus, Ukraine and the Central Asian states to bring these countries into compliance with their OSCE commitments.

We believe that the model established by the Helsinki process and the OSCE can be effectively used to help propel the Middle East towards enhanced freedom, peace, cooperation and understanding between the countries of the region and between the region and the Western world. It has the virtue of involving Europe, the U.S. and the entire transatlantic community in the process of advancing freedom.

Although the Helsinki process is usually associated with human rights, it is, in fact, a wide-ranging agreement that touches on a number of critical areas that are pertinent to conditions in the Middle East.

The original agreement has three sections or baskets. Basket I contains a Declaration of Principles Guiding Relations between participating States, including the Principle VII on human rights and fundamental freedoms. It includes such security-related provisions as respect for borders, confidence building measures, and others aspects of security and disarmament meant to promote transparency on military matters. Basket II covers economic, scientific, technological, and environmental cooperation, as well as such issues as migrant labor, vocational training and tourism. Basket III focuses on such human concerns as the free movement of people across borders, human contacts, freedom of information including working conditions for journalists, and cultural and educational exchanges. Subsequent agreements, for example those reached in Madrid, Vienna and Copenhagen, made even more explicit commitments, including to the full range of democratic institutions and practices.

Unlike the formal treaties between sovereign states or United Nations' covenants, the Helsinki accords were not binding on the signatories and there was no enforcement mechanism in the agreement. Nonetheless, the OSCE proved uniquely successful in advancing the goals of freedom and openness in totalitarian countries and was particularly successful in encouraging the development of democratic opposition movements in the Soviet Union and Eastern Europe. The Helsinki accords stimulated the creation of Helsinki Monitoring Groups throughout the Soviet bloc, and it was these nascent opposition committees that formed the nucleus of broader democracy movements that helped bring down the entire Communist edifice.

Another important aspect of the Helsinki process was the regular conferences that were convened to review compliance with the agreement's provisions. Although these conferences were often marked by long and acrimonious debate, they did serve several important purposes. First, they provided a forum for publicizing the violations of the accords by dictatorships. These human rights statements took on the characterization of commitments and promises that delegitimated those states that did not live up to them. Second, the review conferences were premised on the superiority of the free values of the democracies, and forced Communist regimes to acknowledge their failure to fulfill these values. Finally, the conferences provided a mechanism whereby members of the democratic opposition could air their concerns, if not directly, then indirectly through representatives of the United States and other democracies.

Finally, the OSCE is a functioning organization with a secretariat, staff, institutions, structure, and programs. We attach a description at the end of this paper.

In short, the Helsinki process served and serves the purpose of holding repressive regimes accountable for their misdeeds while at the same time encouraging the development of nascent civil societies into full-scale democracies, the creation of market economies and a framework of durable security for its members.

Could something similar to the Helsinki process contribute to peace, prosperity, and freedom in the Middle East?

We believe that a Helsinki-like process could help move the Mediterranean and the Middle East from its current condition of recurring cycles of violence, political dictatorship, and economic and cultural stagnation.

Despite the disturbing state of affairs in the region, the Mediterranean and the Middle East might prove at least as open to change through something akin to the Helsinki process as was the European Communist world. With a few notable exceptions, the countries of the region are not governed by regimes that are ideologically hostile to the liberal democracies of Europe and North America—their dictators simply want to remain in power as opposed to trying to spread Communism and Soviet power. The countries of the Mediterranean and the Middle East are tied to Europe through economic relations, diplomacy, and increasingly by emigration. There are, to be sure, issues that divide the countries of North Africa and the Arab core from the West. But those differences are no greater than the yawning gap that separated the United States from the Soviet Union.

Furthermore, despite the generally bleak political picture in today's Middle East, there are hopeful signs of a new interest in breaking out of the current cycle of stagnation and despotism. There are growing indications of civic activism in several important North African countries as well as expressions of openness to democratic ideas by government officials in North Africa and in some of the Gulf kingdoms. In a UN Arab Development Program report last year, 30 leading Arab intellectuals and scholars identified and deplored three inter-related gaps at the heart of the region's backwardness: freedom, gender and knowledge. Iranians are in the streets virtually every week calling for democracy. Even the Saudi leadership has met with and welcomed a group of 104 Saudi businessmen and intellectuals who propose a "Vision for the Present and Future of the Homeland" which includes "freedom of expression, association, assembly, the right to vote and participate, as well as all other human rights." The Saudi leadership itself has proposed a new Charter for the entire region, which would provide for greater political participation. If Iraq becomes a democracy, it could serve as a model for the region as President Bush has suggested. President Bush also has broken new ground by proclaiming a vision of democracy, prosperity and peace for the entire region, coincides with the vision and commitments of the Helsinki Accords and process.

However, today there is no forum at which representatives of the Mediterranean and the Middle East can meet with representatives of Europe and North America to agree upon what a new Middle East "ought" to be and how to get there. Nor is there a vehicle to facilitate discussion of issues that most concern democracy advocates or those who seek justice rooted in the rule of law, minority rights, associational freedoms, and a free press.

What should be the process by which an expanded OSCEMME could be launched?

Participation. Who should be invited at the outset? The options range from just six Mediterranean states, to a broader but still selected core group, to every country from Morocco to the Gulf including Iran.

- There already exists a precedent for incorporating at least some countries of North Africa and the Middle East in the existing Helsinki process. In the original 1975 Helsinki Final Act, provision was made for a special status, Mediterranean Partners for Cooperation, that enabled countries outside Europe to play an unofficial role in the OSCE. Six countries took advantage of this opportunity: Algeria, Jordan, Egypt, Israel, Morocco, and Tunisia. The 1975 Final Act contains what is called a "Mediterranean Chapter" that suggests that there is a link between European and Mediterranean security. Two disadvantages of starting with just these six countries are that: it is so close to the existing Euro-Mediterranean Association and process that the Europeans will just see it as the United States trying to invite itself to their party; and it does not include some key Gulf and other states in the region showing interest in reform.
- A somewhat broader core group could be selected to launch the process and ensure that control of the conference was in the hands of those inside and outside the region that have demonstrated at least some genuine interest in building a new Middle East. The 12 nations from the region who qualified either as full participants or observers and were invited to the Community of Democracies meeting in Seoul in November 2002 could form this core

group (the six OSCE Mediterranean Partners listed above are all in this group as are Bahrain, Kuwait, Lebanon, Oman, Qatar, and Yemen). These 12 nations were selected after careful consideration by the Community of Democracies own core group of 10 liberal democracies as the least repressive and most moderate governments in the Middle East. Other nations could be added on a case-by-case basis, as changes dictate. For example, a post-Saddam Iraq could be included. Nations expressing a strong interest and commitment to the process could be considered, perhaps as observers, for this initial group even if they did not qualify for the Community of Democracies meeting.

- Of course eventually all nations in the region should participate just as all European nations did and do participate in the Helsinki process. A central purpose is to deal with the problem cases. But the special situation we face in the Middle East is different from that in pre-Helsinki Europe -- with the exception of Israel, there is not a single fully Free nation (to use Freedom House's categories of Free, Partly Free and Not Free) in the region, and a significant number of truly awful dictators. Getting them all together from the outset might invite an Arab League type of lowest common denominator. The resulting "ought" document might look a lot more like the Cairo Declaration on Human Rights of August 1990 (which legitimizes, even worsens the status quo and states inter alia that "Islamic Shari'ah is the only source of reference for the explanation or clarification of the articles of this Declaration") than the Helsinki Accords or the Universal Declaration of Human Rights.

On balance we favor the third option. We believe the OSCE should be urged by the U.S. to invite all 23 nations in the region to the conference. Some of the most repressive states could well boycott the conference. And if they were to come, work could proceed on an informal basis with the core group defined above to make progress.

The logic of this approach already was adopted by 110 governments in the Seoul Plan of Action of the Community of Democracies, including the Middle Eastern participants. It specifically states "Recognizing that democratic countries are stronger economic, security, and political partners, and that the promotion of democratic ideals strengthens regional stability and cooperation, we intend to promote regional democratic progress, individually through regional institutions and through various measures including: in each respective region, developing and fully implementing regional instruments which call upon regional partners to build democratic institutions, adhere to democratic principles, and provide assistance; developing regional human rights and democracy monitoring mechanisms; and convening regional meetings of representatives of the government, political parties and civil society....to develop or strengthen mechanisms in regional organizations' charters and procedures that promote democracy."

Structure. There are two options worth considering on structure. One would be to create a new organization. Mediterranean states would include those on the north—Spain and Portugal, France, Italy, Croatia, Serbia-Montenegro, Albania, Greece, Turkey, Malta and Cyprus. And as with the existing OSCE, key outside nations would be full members from the start, including the United States, Canada and other interested European states such as UK and Germany. However, a new orga-

nization just covering the Mediterranean and the Middle East increases the difficulty of making a fresh start, with a new framework. It is much more likely to get bogged down such divisive issues as the Palestinian question. The issue of Israeli membership would be present at the outset. There would be huge pressure for Arab participants to act as a bloc.

The other possibly preferred approach would be aimed at expanding the membership of the existing OSCE. Middle Eastern countries committed to the process would be invited to become full members of the OSCE. Ultimately this could mean that the membership of the OSCE would go from its present 55 to 78. The advantage of this approach is that control would remain firmly in the hands of the democratic majority already in the OSCE. Joining a European organization might have real appeal to Middle Eastern countries, even though it presumably would need to be retitled the Organization for Security and Cooperation in Europe, the Mediterranean and the Middle East (OSCEMME). There may be resistance on the part of some Europeans to adding further burdens on an organization still wrestling with the problems in Europe and Central Asia, but the advantages to Europe from a stable and peaceful Mediterranean are clear. There would also be the issue of ensuring that the expanded OSCE has a democratic majority.

On balance we favor expanding the membership of the OSCE, while working to ensure that it remains majority democratic.

Ought Document(s): Principles, Standards and Objectives. In deciding what to do about an “ought” document for the Mediterranean and the Middle East, there are these options.

1. We could strive to negotiate a new document ab initio, or
2. We could seek adherence to the existing Helsinki documents, the Helsinki Final Act and the key follow-on accords from Madrid, Vienna and Copenhagen, but also importantly adherence to the June 2000 Warsaw Declaration of the Community of Democracies, the Universal Declaration of Human Rights and others as providing the exclusive principles and “ought” documents.

We favor the second option.

Building Consensus. Three constituencies need to be persuaded of the wisdom of attempting to apply the Helsinki process to the Middle East: Americans, Europeans and the peoples of the Middle East. Freedom House is encouraged by its initial, very preliminary findings and discussions.

First, this is not an entirely new idea. As noted earlier, the 1975 Helsinki Final Act itself included a Mediterranean Chapter and Mediterranean Partners. The 1991 Madrid Peace Conference launched a process of multilateral meetings on security and economic issues in which 13 Arab nations, Israel and Palestine took part (there was no democracy dimension). In 1993 Jordan proposed to have OSCE-like meetings of the countries in the Middle East, and the Israel-Jordan peace treaty of October 1994 stated that they “recognize the achievements of...the Conference on Security and Cooperation in Europe and commit themselves to the creation in the Middle East of a Conference on Security and Cooperation in the Middle East (CSCME).” During this period, Turkey also promoted an OSCE-like process in the Middle East.

In parallel, the United States in a variety of ways has encouraged a multilateral process. Congressional members of the Commission on Security and Cooperation in Europe have supported applying the Helsinki process to the Middle East for over a decade, have held hearings, encouraging discussions with Israelis, Palestinians, Europeans and others. Freedom House's own discussions in recent months with members of the Commission and others in Congress indicate that their support and interest remain strong. In part as a result of Freedom House's dialogue with them, members and staff of the Commission have had discussions with their European colleagues as recently as January 2003, and propose holding hearings this spring. Freedom House's initial conversations with senior members of the Bush Administration have been positive. We also have consulted with a few key European diplomats and OSCE officials and received encouragement.

It is clear from the history and recent soundings that two things are true:

- Without U.S. leadership, nothing will happen.
- Without strong support from Arab opinion leaders and at least a few Arab and European governments, nothing will happen.

This must ultimately be, and be seen to be, an initiative coming jointly from the Middle East and Europe as well as the United States. The Helsinki process had numerous parents. The Soviet Union began calling for an all-European security conference in the early 1950s. In 1969, the Government of Finland sent a memorandum to all European countries, the United States and Canada offering Helsinki as a venue. In agreeing to participate, the Western democracies broadened the agenda beyond just security and economic cooperation to include human rights.

We propose that the President and Secretary Powell in consultation with the Congress appoint an Ambassador-at-Large with a mandate to quietly explore the potential for a Helsinki-process in the Mediterranean and the Middle East. She should begin by meeting discretely with key Europeans and government and civil society figures in the Mediterranean and the Middle East. The OSCE would be in the lead, but we should also involve the Community of Democracies, the UNDP and other United Nations' bodies, the World Bank, the IMF and so forth. Much as the Community of Democracies has its NGO Forum (created by Freedom House), we need to design a strong role for Western and NGOs from the Middle East region in this process.

Priority might be given to early discussions with the Spanish Government *inter alia* as Madrid might be a logical location and host for the conference itself. It is both a Mediterranean and European country with a long history in the entire region. Madrid hosted the immensely productive and symbolically and substantively important OSCE conference of the early 1980s as well as the Middle East peace conference of the early 1990s.

What are some of the incentives the Ambassador-at-Large could propose to persuade people in the Middle East and Europe to support such a conference and process. Beyond the already existing "ought" documents, what is some of the possible content for each of the three baskets?

BASKET I—SECURITY

The Helsinki process contributed to transforming the security situation in Europe in significant measure because a strong military alliance among the democrats (NATO) made it suicidal for the dictators to commit aggression. Eventually it became clear to the dictators that they were even declining in terms of relative military power. The Helsinki accords provided a security framework (non-aggression, recognition of borders, confidence building measures) for the political transition and ultimately led to NATO offering the Partnership for Peace and eventual NATO membership to former members of the Warsaw Pact.

With Europe now largely secure, NATO is exploring possible out-of-area mandates, including reaching across the Middle East to assume leadership of the multinational peace force in Afghanistan. The United States, NATO's most powerful member, is now militarily present in large parts of the region, and already providing a security umbrella for many of the potential initial participants in an OSCE-like process. Launching a new conference and process now permits a creative look at ways to transform the region's security, including through new institutional arrangements. By their commitment to move towards the "ought," including democracy and peaceful relations within the region, the initial participants form a potential core group for a Partnership for Peace-analogue and eventual military alliance as members of an expanded NATO. The objective would be to draw in the other countries of the region as they commit to and move towards the "oughts."

An additional advantage would be the discussion of appropriate counter-terrorism cooperation and a dialogue that would establish appropriate best practices in dealing with terrorist threats. Such efforts could not only enhance the uprooting of terrorist movements, but could improve protections for civil liberties in the context of effective counter-terrorism initiatives.

BASKET II—PROSPERITY

As former U.S. trade representative Charlene Barshefsky has noted, the Middle East has more trade barriers than any other part of the world. Eight of its eleven largest economies remain outside the World Trade Organization. The Middle East has the world's youngest and fastest growing population and a shrinking share of its economy—job creation is not keeping up with population increase, which is a lethal trajectory. As many Arab intellectuals have realized, the region has reached an economic dead end and needs a new approach—economic liberalization as well as improved education, empowerment of women and political reform.

In discussions of the potential for Basket II, the United States could offer various initiatives in return for economic liberalization. We could propose duty free industrial zones, free trade agreements, trade preferences, accelerated World Trade Organization membership, investment guarantees—a more comprehensive approach to the region similar to what already exists for Latin America and Africa. Participants in the OSCE process would be given preference in receiving these economic benefits as an incentive for performing across all three baskets. Again as Ambassador Barshefsky has noted, such an approach already has yielded significant benefits to Jordan. Its comprehensive revision of economic and trade policy, combined with various American trade and investment initiatives led Jordan's exports to the United States to grow

from \$16 million in 1998 to \$400 million in 2002, with some 40,000 Jordanians—many of them Palestinian women living in depressed areas—finding jobs in a newly energized economy.

Japan, Republic of Korea and Thailand are OSCE “Partners for Cooperation” and could play an important role in this economic basket as well.

BASKET III—DEMOCRACY

The essential task is to help each country launch a dialogue between the government and civil society designed to define a peaceful path and timeline for the achievement of full-scale democracy.

OSCEMME could open a mission in each of the participating countries as OSCE has done in the lagging European and Central Asian states. This could help coordinate the vast range of opening programs envisioned under this basket—from educational exchanges to political party building.

CONCLUSION

American leadership, working closely with friends in the Middle East and Europe can take the lead in pulling these ingredients together. An international conference called to adopt its own series of “oughts” (building upon the OSCE process) would create the foundation for democracy, prosperity and peace in the Mediterranean and Middle East. The result could well be an atmosphere conducive to the development of a peace agreement between Israel and the Palestinians in a Mediterranean and Middle East region committed to human dignity, democracy and peace.

ADDENDUM

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, the OSCE undertakes, a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of the Permanent Council are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

SELECTED OSCE INSTITUTIONS AND STRUCTURE

Summits. Heads of State or Government of ME OSCE States set priorities and provide orientation at the highest level.

Review Conferences. Review implementation of all OSCE commitments.

The Ministerial Council. Foreign Ministers of the OSCE States act as the central decision-making and governing body of the OSCE activities.

The Senior Council. Responsible for the overview, management and coordination of the OSCE activities.

The Permanent Council. Responsible for the day-to-day operation of the OSCE.

The Forum for Security Cooperation (FSC). Negotiates and consults on concrete measures aimed at strengthening security and stability throughout Europe.

The Chairman-in-Office (CiO). Vested with overall responsibility for executive action and coordination of current OSCE activities.

The Secretary General and the Secretariat. Consists of the four permanent administrative departments under the Secretary General.

The Office for Democratic Institutions and Human Rights (ODIHR). Responsible for furthering human rights, democracy and the rule of law.

The High Commissioner on National Minorities (HCNM). Responds at the earliest possible stage to ethnic tensions that have the potential to develop into a conflict within the OSCE region.

The Representative on Freedom of the Media. Assists governments in the furthering of free, independent and pluralistic media.

The Coordinator of OSCE Economic and Environmental Activities. Addresses economic, social and environmental issues of security.

OSCE Missions. Serve as instruments of conflict prevention and crisis management in a number of participating States.

The OSCE Parliamentary Assembly (OSCE PA). Meets annually to examine issues important to the national legislatures of the OSCE States.

The Court of Conciliation and Arbitration. Established to settle disputes submitted to it by OSCE States.

**FREEDOM HOUSE DOCUMENT SUBMITTED FOR THE RECORD
BY HON. MAX M. KAMPELMAN**

**OVERVIEW OF THE HUMAN DIMENSION COMMITMENTS
OF THE ORGANIZATION FOR SECURITY AND COOPERATION
IN EUROPE
1975-2003¹**

GENERAL HUMAN DIMENSION COMMITMENTS

- *Government responsibility for human rights:* The government has primary responsibility for the protection and promotion of civil, political, economic, social, cultural and other rights and freedoms, all of which derive from the inherent dignity of the human person.
- *Universality of human rights:* Participating States recognize the universal significance of human rights and fundamental freedoms.
- *Human rights, democracy and rule of law:* Participating States recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms.
- *Human dimension as "international concern":* Participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern.
- *Obligations under international law:* Participating States agree to fulfill in good faith their obligations under international law, whether such obligations arise under customary international law or through treaties.
- *Human rights treaties:* Participating States will act in conformity with the U.N. Charter and the Universal Declaration of Human Rights. They will also fulfill their obligations under other human rights agreements, including the International Covenants on Human Rights.
- *Commitment to implement:* Participating States affirm their commitment to implement the U.N. Charter, the Helsinki Final Act, the Charter of Paris, and all other OSCE documents to which they have agreed.
- *Derogations and states of emergency:* Any derogations from obligations relating to human rights and fundamental freedoms during a public emergency must be limited to the extent required by the situation. The imposition of a state of public emergency must be proclaimed officially, publicly, and in accordance with the provisions laid down by law.

¹ This overview was drawn from a December 2003 paper prepared by Professor Douglass Cassel of Northwestern University Law School, which in turn summarized a 2001 OSCE compilation of human dimension commitments through 2000 and added references to OSCE documents from 2001 to 2003. The purpose of this overview is to provide a rough guide to the substance of the human dimension commitments made through the Helsinki process. It does not purport to be an exhaustive description of these commitments, which would require many more pages. Any errors in this document are the sole responsibility of Freedom House.

- *Terrorism and human rights*: Participating States undertake to conduct all counter-terrorism measures and cooperation in accordance with the rule of law, the United Nations Charter and relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law. Participating States reaffirm their commitment to protect human rights and fundamental freedoms against terrorist acts.
- *International humanitarian law*: Participating States will in all circumstances respect and ensure respect for humanitarian law, including protection of the civilian population.

DEMOCRACY AND RULE OF LAW

- *Rule of Law*: Rule of law is not merely a formal legality that assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression. Democracy is an inherent element of the rule of law.
- *Free elections*: Participating States should hold elections at regular intervals and through procedures, such as secret ballot, that ensure in practice that electors may freely elect their representatives. Participating States should guarantee universal and equal suffrage to adult citizens.
- *Representative government*: Governments should be representative in character, and the executive should be accountable to the elected legislature or the electorate. All seats in at least one chamber of the national legislature should be freely contested in a popular vote.
- *Political parties*: Participating States should respect the right of citizens to organize political parties and organizations and provide them with the necessary legal guarantees to compete equally in elections. There should be a clear separation between political parties and the state.
- *Independence of the judiciary*: The impartial operation of the public judicial service should be assured. In addition, the independence of legal practitioners should be protected.
- *Power of the prosecution*: Criminal procedure laws should clearly define the powers of the prosecutor and prosecutorial procedures.
- *Adherence to the law*: Government and public authorities, including the judiciary, must adhere to the constitution and the law.
- *Civilian control of military*: The military and police should be controlled by and accountable to civil authorities.
- *Human rights institutions*: Participating States agree to facilitate the establishment and strengthening of independent national human rights institutions, such as ombudsmen offices.
- *Access to legislation*: Legislation and regulations should be published and made accessible to citizens.
- *Equality*: All persons are entitled to equal protection under the law.

- *Remedies:* Citizens should have effective means of redress for infringement of their rights by the state, including by law enforcement officials.
- *Corruption:* Participating States pledge to strengthen their efforts to combat corruption and to promote a positive framework for good government practices and public integrity.

CIVIL AND POLITICAL RIGHTS

- *Self-determination of peoples:* Participating States will respect the equal rights of peoples and their right to self-determination.
- *Right to life and capital punishment:* Participating States note that capital punishment has been abolished in a number of countries and that in participating States where it has not been abolished, it may be imposed only for the most serious crimes and in accordance with international law. The participating States agree to keep the question of capital punishment under consideration.
- *Torture and other cruel, inhuman or degrading punishment or treatment:* Participating States agree to prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices.
- *Trafficking in human beings:* Participating States affirm that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and coordinated response from participating States and the international community.
- *Arbitrary arrest or detention and pre-trial detention:* Participating States will ensure that no one will be subjected to arbitrary arrest, detention or exile.
- *Fair trial:* Individuals shall have the right to a fair and public hearing within a reasonable time before an independent and impartial tribunal, including the right to present legal arguments and to be represented by the legal counsel of one's choice. No one shall be tried for any offense not stipulated by law, and everyone shall be presumed innocent until proven guilty.
- *Effective remedies:* Participating States should ensure that individuals who claim that the state has violated their human rights and fundamental freedoms are aware of and have access to effective remedies.
- *Freedom of thought, conscience, religion or belief:* Participating States agree to respect the freedom of thought, conscience, religion or belief for all without distinction as to race, sex, language or religion.
- *Freedom of expression, free media and information:* Participating States recognize the right of individuals to freedom of expression without state interference. Participating States also affirm the right of the media to collect, report and disseminate information, news, and opinions.

- *Freedom of association, including human rights defenders and nongovernmental organizations:* Participating States agree to ensure that individuals are permitted to exercise the right to association, including the right to form political parties, trade unions, and nongovernmental organizations. Nongovernmental organizations that seek to promote and protect human rights shall have unhindered access to similar bodies within and outside their own countries.
- *Right of assembly:* Everyone shall have the right of peaceful assembly and demonstration.
- *Freedom of movement:* Participating States agree to recognize the rights of individuals to freedom of movement within the borders of each state and to leave any country, including their own, and to return to their countries.
- *Private and family life:* Participating States reaffirm the right to the protection of private and family life, domicile, correspondence and electronic communications. Searches and seizures of persons and private premises and property will take place only in accordance with standards that are judicially enforceable.
- *Rights of the child:* Participating States agree to accord particular attention to the rights of the child.
- *Persons with disabilities:* Participating States decide to ensure protection of persons with disabilities and to take steps to ensure their full participation in society.
- *Nationality:* Participating States recognize the right to nationality and agree to take measures not to increase statelessness.
- *Property rights:* No one may be deprived of property except in the public interest, subject to law, and consistent with international commitments and obligations.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- *Economic and social rights:* Participating States will promote and encourage the effective exercise of economic and social rights, paying particular attention to the areas of employment, housing, social security, and health.
- *Workers' rights:* Participating States will ensure the right of workers to establish and join trade unions, as well as the right of trade unions to exercise their rights freely, including the right to strike.
- *Cultural rights and heritage:* Participating States will promote the effective exercise of cultural rights.
- *Right to education:* Participating States will pay special attention to education.
- *Human rights education:* Participating States agree that human rights education is essential and will encourage their competent authorities to design effective human rights related curricula and courses for students at all levels.

TOLERANCE AND NON-DISCRIMINATION

- *Equality and non-discrimination, including equal rights of women and men:* Participating States will ensure human rights and fundamental freedoms to everyone within their territory, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Participating States will take all measures necessary, including legislative measures, to promote equally effective participation of men and women in political, economic, social and cultural life.
- *Aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and ethnic cleansing:* The participating States clearly and unequivocally condemn these phenomena and declare their intention to intensify their efforts to combat them. They draw particular attention to the problems of the Roma and Sinti.
- *Migration, refugees, displaced persons and returnees, and migrant workers:* Participating States express concern over the problem of refugees and displaced persons and pledge to refrain from any policy of “ethnic cleansing” or mass expulsion. Participating States will allow all refugees who so desire to return safely to their homelands. Participating States invite host countries and countries of origin to make efforts to improve further the economic, social, cultural and other conditions of life for migrant workers and their families legally residing in the host countries.

**PREPARED STATEMENT OF
PETER JONES, RESEARCH ASSOCIATE,
MUNK CENTRE FOR INTERNATIONAL STUDIES,
CANADA'S PRIVY COUNCIL**

Introduction

Let me begin by thanking the Commission on Security and Cooperation in Europe for the invitation to speak at this hearing. My remarks will outline some thoughts and experiences based on almost ten years of activity on the idea of developing a new approach to security and reform in the Middle East. Much of this activity has been inspired by the European security model, though, as I shall make clear, I believe that the European experience goes only so far as a possible model for the Middle East.

I would like to make six general points. Some of them are self-evident, but they bear repetition as they must underpin any analysis of the way forward. I will then try to address what strikes me as seven key questions to be borne in mind in considering this topic. My remarks will then conclude with some thoughts as to a possible way ahead.

General Points

The first general point is that one must remember that the idea of creating some kind of a regional system for the Middle East, which has reform and change at its core, is neither a new nor an "external" idea. Rather it is very much a long-standing idea that comes from the region. The Plan presented by Egyptian President Mubarak for a regional approach to disarmament contains thoughts on a new approach to regional relations, as does the Peace Process proposal presented by the Saudi Crown Prince to the Arab League meeting in Beirut. Regional leaders, such as the former Crown Prince of Jordan have mused publicly about the idea of a new regional system for the Middle East. It is also extremely important to remember that there are reform and change efforts underway in the Middle East, some of which are official (political reforms in some countries, for example) and some of which are NGO based (such as the Alexandria meeting). So there is not a vacuum as regards regional thinking and action on these issues, as is sometimes assumed by Westerners.

Second, ideas for change in the region cannot be, or be seen as, "quick fix" proposals to meet the requirements of a political moment or electoral cycle. These are proposals which call for fundamental change and it is not realistic to imagine that this will necessarily come in the Middle East in months when it took decades for it to do so in Europe and elsewhere. Perhaps we need not necessarily be looking at decades in the Middle East context, but we are certainly looking at years. However, it is important to note that, even if it will take time to reach a fully fledged regime in the Middle East, the initial steps, however modest, may begin to have a positive impact soon.

Third, this must come from the region. To the extent that extra-regional states are involved, it must be on the basis of true partnership. The imposition, or the apparent attempt to impose, outside models will not work. Nor, no matter how well-intentioned, will attempts to cut and paste various other models and institutions, or to make progress largely contingent upon the desires of extra-regional countries or insti-

tutions. The region's sense of itself is such that this course will not be accepted by the people or their governments. However, while the idea of "regional ownership" is very important, the region must also be honest with itself and admit that this "ownership" will not be accomplished in absolute terms anytime soon due largely to region's inability to initiate and sustain truly inclusive dialogues—more on this subject in a moment.

Fourth, no "one size fits all" model will work. The Middle East is a vast and diverse region. Just as there is a need for a region-wide system of some sort, we must recognise that sub-regional and bilateral dynamics will be important within the overall. In the work that I have done over the years, the concept of "Geometry Variable" is critical. Put simply, this idea holds that, within an overall regional framework, different players may advance at different speeds on particular issues. This will be a dynamic process, and we must recognise that a need will exist for a degree of flexibility to allow individual players to move towards agreed goals in their own way.

Fifth, any system that emerges must be a truly Middle Eastern model of regional security. It may be helpful for Westerners to tone down references to the idea of creating a "Middle Eastern OSCE". While such references may be intended to draw attention to an idea in conceptual terms, they seem to ring in Middle Eastern ears as statements that the Middle East has only to adopt a model developed elsewhere for all to be well. In fact, any model which emerges in the Middle East will have to be a unique one, which is specifically designed by the peoples of that region for their own historical, social and political realities. The other regional experiences which exist (such as the OSCE, ASEAN, the OAS and others) can be drawn on in developing ideas for a unique Middle Eastern system and the various projects I have been involved in have done this. But these models are not things that can simply be "transferred" to the Middle East. As a more general point, I am increasingly convinced that a need exists for the development of a community of experts who know about both Regional Security Regimes and the Middle East. There are people who know about how regional systems have developed and others who know about the Middle East, but relatively few who have some grounding in both and can make the required connections between conceptual ideas and regional realities.

Finally, while I subscribe fully to the idea that the pursuit of a co-operative Middle East regime, with the promotion of social and political reform at its heart is vitally important in its own right, I am increasingly convinced that it will happen in concert with progress towards the resolution of the issues of the peace process, and, more immediately, the Iraq issue. This does not mean that the development of new regional co-operation ideas should be held hostage to the MEPP or Iraq. The security of the Middle East is about more than the Peace Process. We should never forget that many more have died in the Middle East in conflicts between and within Muslim countries than in all of the Arab-Israeli wars and that the cases of actual WMD use in the region have not involved the confrontation with Israel. This is not an attempt to downplay the importance or centrality of the MEPP, but it is a call to recognise that there are many issues of regional security that have nothing to do with the Arab-Israeli conflict and that some regional leaders have hidden behind that conflict as an excuse not to address other reform issues.

But we must face the fact that the states of the region are unlikely to be prepared to initiate the steps required to develop a new approach to regional relations unless they can show their publics that the peace process and Iraq are on their way to some kind of acceptable resolution and that perceived “biases” are being corrected.

Questions

Beyond these general points, however, there are some key questions that need to be considered, amongst which are the following seven. As you might expect, there are no easy answers. As a wise man said long ago; if this were easy it would have been done by now.

1. *What do we mean by the Middle East?*

We must begin by accepting that the term “Middle East” is itself a Western construct, going back to early years of the Twentieth Century. That said, most in the region would agree that, in at least some ways, one can point to something called the Middle East. But what is it? Political scientists have spent much time trying to define what a region is, without achieving consensus. In the end, a sense of region is something that develops over time. It involves ethnic, religious, historical, security and economic factors, in varying degrees. Perhaps the only way to define a region is to say that it is an area within which events in one country have a particular resonance for countries around it that they do not for others further afield. A region can be multi-layered and multi-faceted.

In the work that we have done, the definition of the Middle East that has proved most acceptable to regional participants has been: the states of the Arab League, Iran and Israel, with some form of very close association for Turkey, which will obviously play a critical role in whatever is constructed. Within the Middle East there are critical sub-regions: the Persian Gulf; the Levant; and the Maghreb. And there are also countries which belong to the Middle East and other regions (Africa, the Caucasus, etc.) simultaneously. Finally, there are some countries which are not part of this definition, but whose policies and actions dramatically affect those who are. Flexibility and the concept of “geometry variable” come into play. Finally, the work that we have done has developed the idea that there is a critical role for extra-regional powers in any future regional system, which we have come to define as being the overlapping memberships of the states of the G-8, the P-5 and the EU and UN as institutions.

2. *Are there alternatives to the idea of an indigenous, Middle East-wide regional system for cooperation?*

There are always alternatives. The question: which is the best alternative? My own view is that an indigenous, region-wide cooperation system must be developed, over time, in the Middle East. But there are at least two possible alternatives.

The first is to “extend” in some way an existing institution, or institutions, such as the OSCE or NATO to the region. This has appeal for three reasons. One, it could be fast. Two, it could avoid the region going through a lengthy debate over what the various concepts mean that could lead to definitions the West is not happy with, or just avoiding topics like democracy. Three, it would give external countries automatic membership in the regime.

While not immune to these arguments, I do not support this approach. It is not clear that the existing fora such as the OSCE or NATO can shift to accommodate the region. Moreover, I am not sure this would do either of these institutions or the region any good. Decision-making in Brussels and Vienna is already hard enough!

Most importantly, there are no short-cuts to fundamental change. If we really want the states of the Middle East to develop a true regional security system, which recognizes the critical role of social and political reform in regional security, they have to undertake a process of thinking this through and developing their own models. We understand what such ideas as “indivisible security” mean because we went through a process of developing them. The Middle East has to do the same in its own historical and political context. It will take time, but has to be done. Just trying to extend our definitions of these concepts risks their not being accepted as legitimate.

Moreover, it may smack of the West, and primarily the United States, trying to rope the regional countries into systems where the West controls the rules, the content and the membership. It is highly unlikely the Middle East states will agree, and their publics will be particularly negative about this. Indeed, presenting the idea this way may simply be seen as a thinly veiled attempt to control the agenda and not allow the region to take a lead in developing its own model of the future. This is not to say that there are not roles for the OSCE and NATO in terms of the possible expansion of their existing dialogue projects with certain countries in the region. But these relationships cannot replace the need for an integrated vision for the region with the Middle East states themselves at its centre.

The second idea for creating a regional security system is to concentrate on sub-regional issues, particularly in the Persian Gulf. A set of sub-regional systems, including the Maghreb and the Levant could then be inter-locked.

Again, there is an attraction in this. Concentrating on sub-regions may help “insulate” issues from the Peace Process. But many issues have both sub-regional and region-wide dimensions. The proliferation of WMD and ballistic missiles cannot be addressed just in the Gulf as Israel must also be factored in. Moreover, the push to make social and political reform a major part of this process will be strengthened if it is region-wide. Splitting up the overall Middle East may have the unintended consequence of demonstrating that different standards of reform are acceptable in different parts of the region. Imagine in the CSCE/OSCE context if the West had accepted the notion that the standards sought in the three Baskets (including the “democratic reform” Basket) could be developed sub-regionally around Europe, rather than according to standards that applied across the continent as a whole.

Thus, while some issues can and should be addressed on a sub-regional basis, this does not obviate the need for a region-wide approach as well. The way forward is for the creation of a Regional Security Regime to complement sub-regional institutions and organizations and bilateral relations. It may be that a region-wide system would, in the first instance, seek to address those issues that can be tackled at the region-wide level, while establishing the principle that various sub-regional efforts that are pursued must be undertaken within the framework of an overall set of region-wide norms.

3. *How can a reform initiative for the Greater Middle East be constructed to guarantee maximum ownership in the region?*

There are no guarantees. It should be remembered that there will not be a single initiative; there will be many, some of which will be official, some of which will be purely civil society and some of which will be both. The most effective will probably somehow combine the two and be capable of evolving over time. We are still at a stage where many flow-ers will bloom on different levels (official, civil society, etc.) and this is probably healthy, if a little confusing at times. The key may not be so much to design a single initiative as to recognise and build on the syn-ergies and opportunities that the different approaches present.

One of the critical points is dialogue within the region and between the region and the extra-regional countries as to how these projects should go forward. For all the talk in the region about wanting to own things, we must remember that no region-wide and fully inclusive dia-logue run entirely by the region is yet possible, due to problems with certain key players refusing to recognise each other. Many of those in the region who berate any idea for a discussion do so because “outsid-ers” would be involved in helping to run it, but those same players refuse to start a serious discussion themselves if it involves certain others in the region—an impossible, and all-too-convenient, reason for not doing anything that might lead to real change. There is thus a role for outside players as facilitators, if the objective is really to include everyone in the region, but facilitation is different from ownership. Those who would put themselves forward for the role of facilitator need to understand that, and to work very hard to make sure that they and their regional interlocutors have a common concept of what facilitation means.

4. *Who should own such an initiative: all governments in the region, only “reform countries”, democratic civil society or all of the above?*

The key question is not this one, but rather who gets to make this decision anyway? If, as noted above, many ideas are going to be in play on many levels, the idea of the ownership of a specific initiative may be moot. At some point, if consideration of the issue begins to gel around one process, this may become a concern. My advice on a basic level is to strive for inclusiveness to the extent possible—talking only to those who share your perceptions may be satisfying, but is not likely to bridge gaps. Our definition in going forward is that any regional system that emerges must be inclusive and must leave a seat at the table for all regional players, even if some of them may not be willing to take it at first.

5. *Which basic assumptions do we take: universal values as enshrined in the UN Human Rights Charter; democratic standards such as an independent judiciary, multiparty system, separation of powers, etc.?*

The universal values are just that; universal. All of the countries in the region have signed the UN Charter, the Universal Declaration of Human Rights and other key documents, even if some governments in the region had little intention of honouring many of the commitments. There is now a push, both within the region and without, to make these commitments stick, but it must be done in a way which comes from the region. “Democracy” as we understand and practice it in the West is

not necessarily the only model of representative government, for example. It should also be remembered that concepts of democracy, women's rights and so on are not alien to the Middle East. The Charter of Madinah, signed by the Prophet Muhammad over 500 years before the Magna Carta, contains ideas that are in line with what we now regard as democratic pluralism.

My sense is that what is required now is an effort to develop understandings of what the underlying concepts inherent in these documents mean in the Middle East context, culturally, socially, historically and politically, and to reinforce them in the current regional context. There is a very important discussion that needs to be held over just what we mean when we use words like "democracy" and "secularism"—I suspect we may find that we have to develop a set of concepts and terms that bridge some gaps.

6. How can the West best help this process, particularly in an era where there is growing regional anger? Has Abu Ghraib weakened the "soft power" that the West needs to push for those reforms?

In the short term, yes. But we should be careful to separate the feelings of the region towards particular governments and policies from its feelings towards the ideals for which the West stands. As I frequently remind my Middle East friends, just as we Westerners have to remember that there is no monolithic Middle East, there is no monolithic "West" either. I sense that most in the Middle East do not hate the West at all—they greatly respect much about the West. Perhaps many Middle Easterners perceive, and are angered by the fact that some Western leaders do not honour their professed beliefs. But then that is not a uniquely Western problem either.

In terms of how the West can help, I think we need to begin with humility; we do not have the answers. Only the region can define what they may be. But it is important for the Middle East to be honest with itself as well. As noted a moment ago in discussion of the "ownership" question, the Middle East is not in a position to launch discussions over ideas that are truly inclusive and region-wide. Facilitation is required—but it is vital that people on both sides have a discussion over what they mean by facilitation.

We in the West should also not be embarrassed to state openly that we have an interest in reform in the Middle East. It is evident that instability in that region will affect us and we have a right to say so and to try to mitigate that instability. Done right, this is not "interference" in a negative sense.

7. What's in it for the United States?

First, the creation of this kind of a Regional Cooperation System in the Middle East supports basic U.S. policies and objectives. President Bush's vision of democracy as a key driver of change in the Middle East is the right one. A system which made social and political transformation a key component of the region's dialogue on security supports this. Such a transformation does not happen overnight, of course, but the creation of new region-wide norms—backed by an ongoing process and by implementation and review mechanisms as part of that—has been shown to greatly assist the process of change.

Second, the creation of a regime which included from the beginning the states of the region and extra-regional partner states would tend to regularize the relationship between the region and the United States, Europe and others. As happened in Europe and Asia, the question of whether the extra-regional states have a right to be present in the region would be answered. At the same time, as happened with ASEAN and the associated ASEAN Regional Forum, the region would be able to take a role in establishing some of the ground rules of its relationship with the outside world. This bargain would be a healthy thing for both sides.

Third, as noted above, though not intended to be either part of or to supplant the peace process, this project would tend to support that process.

Fourth, a multilateral regional security system would provide a place whereby the United States can talk on a regular basis with countries like Iran. This is not meant to replace the need for full bilateral relations, of course. But it could be a useful way-station on the road to eventual full relations.

Finally, this is a process that can support a renewed trans-Atlantic agenda in the Middle East. There will be differences between the United States and Europe as this goes forward, but the basics (both in content and process) are things that we all fundamentally agree on. This will be a multi-faceted process that would unfold over many years and there are many opportunities for the trans-Atlantic community to work together in support of it. It will be important as this evolves to avoid a sense of competition between the United States and Europe.

Conclusion

So what is the result of all this? The way forward remains fuzzy, but my sense is that some ideas are emerging around the creation of a regional “System” or “Regime” in the Middle East. They call for the creation of an ongoing “process” in the region involving the elaboration of norms of conduct. These norms may be thought of as a set of three inter-locking bargains: between the regional states in terms of how they deal with each other; between the regional states and their peoples in terms of political, social and economic reform; and between the region and the rest of the world in terms of the expectations and responsibilities each has towards the other. These norms are then subject to ongoing review and implementation. The purpose of such a system will be to give the region a set of tools to help it manage a period of transition and change.

In considering the basic ideas on which such a regime must be based, the following ideas are critical:

- the system must be based on a set of rules of conduct for the region and regional states must take the lead in elaborating them, with outside facilitation as required;
- the regime should not be thought of a static thing, but rather as a process which will evolve over time;
- such a process must be inclusive and be open to all regional countries, even if not all of them may elect to join at the outset, and to a group of extra-regional Partners (most likely to include the P-5; the G-8; and the EU and UN);
- no “one size fits all” approach—geometry variable is critical;

- the process must take a broad definition of security, to include questions of social and political transformation in the region;
- governments may lead in some respects, but there is a critical role for civil society in developing these ideas.

**MATERIALS SUBMITTED FOR THE RECORD BY
PETER JONES, RESEARCH ASSOCIATE,
MUNK CENTRE FOR INTERNATIONAL STUDIES,
CANADA'S PRIVY COUNCIL**

The Preface and Executive Summary from

**TOWARDS A REGIONAL SECURITY REGIME
FOR THE MIDDLE EAST: ISSUES AND OPTIONS
BY PETER JONES**

**PUBLISHED BY
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PREFACE

The Stockholm International Peace Research Institute (SIPRI) inaugurated a Middle East Security and Arms Control Project in October 1995. As the first major initiative of the project a Middle East Expert Group was formed to consider how a regional and comprehensive security regime might be developed in the Middle East. The Expert Group held four meetings between February 1997 and October 1998: in Alexandria, Egypt (February 1997) in association with the Swedish Alexandria Institute; Sigtuna, Sweden (May 1997); Amman, Jordan (November 1997) in association with the Department for Security Studies; and Rabat, Morocco (October 1998) in association with the Moroccan Centre for Strategic Studies.

The group members came from Europe, Japan, the Middle East, North America and Russia.¹ All acted in their private capacities and did not represent any official body or government. The discussions were off the record. The objective was to identify and explore the issues which the group members felt would have to be addressed in any future attempt to create a Middle East security regime and to suggest ideas for further discussion.

This report is both a synthesis of the Expert Group's discussions and an attempt by Dr. Peter Jones, Leader of the SIPRI Middle East Security and Arms Control Project and Chairman of the Expert Group, to develop the wide variety of ideas reviewed. It highlights the areas of convergence and disagreement which came out in the sessions and suggests possible ways forward which emerged. Dr. Jones is solely responsible for its content. The report was discussed intensively at the final meeting of the Expert Group. However, not every group member necessarily agrees with every idea expressed in this report.

On behalf of SIPRI, I would like to thank all those who took part in the work of the Expert Group. Dr Jones and his research assistants, Gunilla Flodén and Anders Jägerskog, also deserve special thanks. The editing and preparation of camera-ready copy was carried out with experience, professionalism and thoroughness by Jetta Gilligan Borg and Connie Wall.

¹ A list of participants in the Expert Group is included as appendix 1 to this report. The agendas of the 4 meetings are summarized in appendix 2.

The project was funded by the Swedish Ministry for Foreign Affairs and the Canadian Centre for Foreign Policy Development of Canada's Department of Foreign Affairs and International Trade. SIPRI was solely responsible for organizing and conducting the meetings and for the findings.

Adam Daniel Rotfeld
Director of SIPRI

EXECUTIVE SUMMARY

The SIPRI Middle East Expert Group met four times over an 18-month period to consider how a regional security regime might be developed. The principal points of this report are:

- Further progress in the Middle East peace process would create a suitable political climate for consideration of a regional security regime.
- The states of the region should begin to explore the ideas inherent in the creation of a security regime as soon as possible to further the peace process and address the many security concerns of the region.
- Cooperative security is the only possible basis for a security regime in the Middle East.
- A set of guiding principles for conduct in the region should be created.
- Attempts to create a Middle East security regime must stress the evolutionary process of developing such a regime. The regime should be flexible, pragmatic and emphasize voluntary participation.
- The Middle East was defined as the states of the Arab League, Iran and Israel. The importance of 'proximate' states was also stressed.
- States outside the Middle East will play an important role, particularly the permanent members of the United Nations Security Council.
- A regional security regime will initially be characterized by informal political arrangements rather than legal, binding commitments. However, institutions, such as a Regional Security Centre, could be created as needed.
- Not all the states of the region are likely to take part in the initial efforts to establish a security regime. The process should start with the willing states and leave a seat at the table for others to join when they are ready. Latecomers will have to accept decisions that have already been made.
- Confidence- and security-building measures are necessary to build such a regime. Among those which should be considered are: openness and transparency measures to reduce the likelihood of surprise attack and lessen the demand for weapons; communication networks and links to provide exchange of information; declarations of peaceful intent to reduce tension; measures to provide for cooperation between military authorities in noncombat areas; and the creation of a Regional Security Centre.
- A weapons of mass destruction-free zone should be created to abolish all weapons of mass destruction (nuclear, chemical and biological) in the Middle East. Such a zone should be a central objective of a regional security regime, and discussion of its establishment and design should commence as soon as possible.
- The zone would include, at least, the states of the Arab League, Iran and Israel. The cooperation of 'proximate' states would be vital, and their role would need to be defined. The permanent members of the Security Council would be called upon to provide security guarantees.

- A weapons of mass destruction-free zone must include special verification provisions for intrusive and reciprocal regional inspections, including challenge inspections. Many group members also believed that the states of the region will have to adhere to international regimes as regards the nonproliferation of weapons of mass destruction.
- As regards conventional arms control, a regional security regime can create an environment in which states can exercise restraint. Extra-regional suppliers of weapons must accept this and also demonstrate restraint in their sales of weapons to the region.
- In contrast to a weapons of mass destruction-free zone, which must exist region-wide, conventional arms might best be dealt with subregionally, within the context of a broad overall approach.
- Initially, there should be discussion of threat perceptions, doctrines and the reasons for the acquisition of conventional weapons.
- A regional security regime must seek to eliminate ballistic and antiballistic missiles from the region, although this will be a long-term goal.
- In the immediate future, the control of ballistic missiles will eral restraint. Ultimately, binding restraints will be necessary. Measures which would be particularly useful in the meantime include: pre-notification of launches, range limitations and the capping of missile stocks.
- Although official dialogue on many of the issues addressed in this report may not be possible for some time, informal and academic discussions can proceed, and the governments of the region should support them.

[*Note:* This publication in its entirety can be accessed at

<<http://projects.sipri.se/mideast/MEreport.pdf>>]

**PREPARED STATEMENT OF
HON. CRAIG DUNKERLEY, AMBASSADOR (RET.),
DISTINGUISHED VISITING PROFESSOR,
NEAR EAST-SOUTH ASIA CENTER FOR STRATEGIC STUDIES**

Mr. Chairman, members of the Commission, thank you for the opportunity to participate in today's discussion. Consideration of Helsinki's possible lessons for the Middle East is timely and relevant. I can think of no better group to move debate on this topic in an informed and constructive direction. With your concurrence, I will offer some brief observations. These are very much personal views. They do not reflect any official position or agency assessment.

The impetus for today's discussion rests with the positive examples that Helsinki Final Act Principles and the OSCE experience might provide for other regions. Ambassador Kampelman and Minister Sharan-sky have once again done great service by underscoring their possible application within the Middle East.

To my mind, the value of Helsinki's lessons will, in the first instance, lie more for U.S. policymakers in the requirements and possible tactics of shaping a successful long-term collaborative strategy for the United States in the Middle East—and less in the sense of prescribing any preconceived institutional template to be applied to that region from the outside.

I am skeptical of using an immediate focus on specific organizational models or transplants as a starting point for this discussion. This is not just because there are profound differences between the problems and recent histories of Europe and the Middle East. Even more important right now are widely-held popular sensitivities throughout the region to any notion of an external formula for change, let alone misperceptions of an American desire simply to impose our own plans and structures.

We have, of course, an important role to play in moving these issues forward—and we should be alert to efforts of some regimes to try to invoke resistance to external ideas and pressures simply as an excuse for inaction. But it would be a serious mistake for our policies to neglect a critical political fact of life: that to be effective, genuine reform and major change must be seen as driven largely from within the region itself.

Thus more fundamental and immediate questions relate to how the United States (and Europe) might support more effectively advocates of reform from within the Middle East.

How can we best differentiate our bilateral approaches to take account of different problems and diverse opportunities within individual countries of the region?

How—and under what conditions—should we try encourage a process of greater multilateral dialogue on issues of regional cooperation, security and fundamental freedoms? How could any such sort of initially informal dialogue gradually be given both operational focus and meaningful follow-up?

But the most important question will be whether any such process can come to be perceived as genuinely “owned and led” by a growing community of stakeholders, both governmental and non-governmental in nature, drawn from among the different states and peoples of the Middle East.

Good answers to those questions will not come quickly or easily—and our process of developing answers will have to be seen as taking place in collaborative partnership with governments, groups and individuals of the region itself.

That sort of broad exchange has begun, evidenced in part by the G-8 Summit's statement last week on "Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa." But, as the bumpy diplomatic road to the Sea Island meeting illustrated, moving from generalities to specifics will continue to be very difficult. The issues themselves are tough—and there are persistent differences of tone, emphasis and vision not just between the United States and specific governments of the region but among many of those governments themselves as well as with other G-8 members as well.

Faced with this challenge, a close reading of Helsinki's history of the last three decades might give certain help. First, it would flag the need for a sense of strategic perspective and great patience: Supporting this sort of transformative agenda within a region even more challenging than Cold War Europe will require a much longer-term and sustained diplomatic commitment than American political calendars usually allow for. This should be seen as a generational project.

Second, Helsinki's history would also suggest the importance of tactical flexibility on our part, especially as circumstances and expectations within the region evolve. We should take care not to lock into any single organizational concept too early on.

There will be a variety of ideas from within the region—different possible experiments with regard to individual issues or sub-regional arrangements—which we should be prepared to explore and encourage as appropriate. An openness to consider specific sub-regional steps might provide the most chance for initial progress.

Third and not least, the Helsinki process succeeded in no small part because its agenda was cast broadly enough to reflect issues seen as important, in various and different ways, for almost all of its participants, both in the East and West. This past strategy has direct relevance for any comparable future effort within the Middle East.

In some circles within the Middle East, the labels "Helsinki" or "OSCE" are perceived—or misperceived—as almost exclusively focused on a U.S.-driven agenda of human rights issues alone which, in turn, is aimed solely at advancing our own strategic advantage. That is, of course, a serious misreading of the breadth of the Helsinki "Baskets."

In its philosophy and practice, the OSCE reaffirms an equal status and legitimacy for each of its participants and their respective security concerns. It stresses reciprocity and continuous engagement. On that very basis, it has been often noted that the OSCE experience in political-military confidence-building could offer much, for example, in the development of a multilateral forum on regional security issues within the whole or parts of the Middle East.

But Helsinki-inspired efforts in this direction, especially on a comprehensive or pan-regional basis, will risk being undercut, as they have been before, if they are not seen as taking account of those security and political questions perceived by many who live within the Middle East as central.

Two examples: Longstanding frustrations—on all sides—over lack of progress towards a meaningful resolution of the Israeli-Palestinian question on terms that produce a viable Palestinian state as well ensure

Israeli security will inevitably cloud local debate over any new initiative. Similarly the degree and pace at which security and well-being come to be restored within a sovereign Iraq will have a profound influence on perceptions of regional stability.

To cite these various complications is not to deny the important challenge for U.S. policy-makers set by the previous speakers: the need to think creatively about Helsinki's potential lessons and examples for the Middle East.

Rather this is to underscore that any American strategy to that end would have to be long-term in perspective, collaborative in nature, broad in substance, and widely perceived as meeting the political needs, both real and perceived, of the region itself.

Mr. Chairman, I think that the Commission could have a constructive role in framing any further consideration of such a long-term strategy by:

- continuing the useful discussion begun through today's hearing with a follow-on focus on hearing directly from a greater number of concerned and appropriate individuals from throughout the Middle East;
- exploring ways to provide both visibility and moral support for those groups and individuals from within the Middle East who seeking the application of Helsinki-like Principles and standards within their own societies; and
- strengthening substantive engagement on these very issues with your legislative counterparts from throughout the Middle East, both on a bilateral basis and multilaterally through the OSCE Parliamentary Assembly.

**MATERIALS SUBMITTED FOR THE RECORD
BY HON. CRAIG DUNKERLEY, AMBASSADOR (RET.),
DISTINGUISHED VISITING PROFESSOR,
NEAR EAST-SOUTH ASIA CENTER FOR STRATEGIC STUDIES**

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**WHAT THE HELSINKI-MIDDLE EAST ANALOGY
SHOULD SAY TO U.S. POLICYMAKERS**

BY CRAIG DUNKERLEY

The general notion of “a Helsinki model for the Middle East” has become a new catch phrase, easily cast out in any debate over U.S. intentions in the region. As it has come to be associated with discussion of the Administration’s interest in launching a Greater Middle East Initiative (GMEI) as part of its 2004 summit schedule, the ebb and flow of “Helsinki’s” invocation suggests its own cautionary lessons for the states and societies of the Middle East. But these would be insights for a far longer-term and sustained diplomatic effort than American political calendars usually allow for—a broad strategy not just for the next few months but the coming decade and beyond.

The basic idea is not a new one: to seek to apply among the countries of the Middle East positive examples drawn from the political process launched in Europe by the Helsinki Final Act and eventually resulting in the Organization for Security and Cooperation in Europe (OSCE). Signed largely as a *détente* set piece in 1975, the Final Act came to serve as a statement of basic principles for Europe as a whole. These were to govern not only how the states of a then still-divided Europe ought to deal with each other—respecting existing borders and fore-swearing the threat or use of force, but no less importantly, how their governments should treat their respective citizens on the basis of fundamental freedoms and human rights.

It has been the policy emphasis on democratic and economic reform throughout the region, signaled by the President’s address to the National Endowment for Democracy in November of last year and reiterated as a “Forward Strategy for Freedom” in the latest State of the Union address, which has given the latest special impetus to the Helsinki-Mideast analogy. The Helsinki reference appeared in initial backgrounding on the Administration’s GMEI, itself built upon the previous year’s Middle East Partnership Initiative (MEPI). It was readily picked up as a convenient descriptive tag line among journalists. Despite the subsequent effort of American spokesmen to avoid such labels and to suggest a more nuanced picture, the notion of a Helsinki model is now well-established in public commentary, both here and abroad.

The Helsinki process succeeded because its agenda of “regional security and cooperation” was deliberately cast in terms broad enough to reflect issues seen as important in various ways for almost all of its participants, both in East and West. Helsinki proved to be flexible enough to evolve dramatically in both its rationale and its structure as political circumstances and expectations changed with time. It succeeded because, although the United States came to be one of its strongest supporters and to exercise great influence in all of the OSCE’s activities,

the process has not borne the exclusive fingerprints of any one country. Throughout the years, Helsinki has been able to convey credibly the sense of a much wider community of stakeholders to be found throughout its area of coverage.

Today, there are an increasing number of voices throughout the Middle East which, in varying ways, speak of political, economic and social reform as both necessary and urgent. But in marked contrast with the Helsinki experience, development of any comparable regional community of supporters of American objectives in this direction will be complicated by a perceived lack of American credibility—even legitimacy—on these very issues. This may represent the most critical challenge for any long-term American strategy on behalf of reform in the region, let alone any new high-profile initiatives.

American diplomatic efforts to promote reform from within the Middle East will not be judged solely on their own merits. Frustration over a lack of progress towards a meaningful resolution of the Israeli-Palestinian conflict and a viable Palestinian state, and a widespread perception throughout the region of a persistent U.S. policy imbalance in favor of Israel, will inevitably color any local debate over U.S. motives in pressing reform.

Nor will any such efforts be seen in isolation from the effectiveness of continued American engagement in Iraq. At its potential worst—increasing violence, political conflict and a stalemated transitional authority—the Iraqi situation would provide other regimes with yet further reason to resist the uncertainties which greater liberalization might engender. Even a far more optimistic prospect—a more secure and prospering Iraq able to demonstrate a new definition of political legitimacy and pluralism to the region—might have unexpected implications for its neighbors, especially given longstanding sensitivities between Sunni and Shiite within these societies.

The very complexity and unpredictability of such outcomes will pose new challenges for American policymakers. In considering how to stabilize and strengthen a rapidly changing strategic environment, even as the United States moves to a new force posture within the region and wrestles with the task of deterring and dissuading Iranian nuclear ambitions, they may well need to think beyond traditional solutions.

Deterring future threats within the Gulf, for example, will depend in the first instance on regional diplomatic and defense efforts in which a continued U.S. role will likely prove critical. But we also might take a page from Helsinki's book to complement these efforts with expanded dialogue and cooperative mechanisms designed to promote greater military transparency and predictability and reciprocal reassurance in the face of longstanding differences found throughout the Gulf. As various commentators have noted, one such option would be to explore, informally at first, the beginnings of a regional security dialogue among all of the Gulf states. Such an approach might serve as a useful element in a comprehensive and multi-faceted strategy for dealing with both Iran and a post-Saddam security balance within the Gulf over the longer term.

At issue is whether American political leaders—both of the current Administration and those that follow—will be prepared to sustain as ambitious a goal as “transforming” the political culture of the Middle East through more active and consistent support for political, economic and social reform. If they prove to be, the United States would be entering into a relationship with the region far more extensive and intimate than has existed previously. It would, in effect, represent an unprecedented effort on our part to engage in seeking change on all levels of states and societies within this region. But such a new relationship would also play out against the backdrop of profound differences and controversies—perhaps a good deal more tenacious than those between the United States and other regions in the past. The United States would not enjoy the inherent advantages of its previous diplomatic efforts elsewhere.

And so Helsinki’s real lesson for policymakers might well be to convey a proper sense of proportion with regard to the pace and time scale which such endeavors would require. Neither Helsinki’s history nor popular attitudes now found throughout the region should be read to deny the importance or validity of the strategic goal of reform and transformation. But they do suggest that, like the slow and crabwise movement of the Helsinki Process as it played out over a number of years, our strategy would need to prepare for a timeline measured in decades.

Craig Dunkerley, a former Foreign Service officer with extensive OSCE experience, is currently a Distinguished Adjunct Professor at the Near East South Asia Center for Strategic Studies of the National Defense University. The views expressed are his own and do not reflect those of the National Defense University or U.S. Government.

**PREPARED STATEMENT OF
MICHAEL YAFFE, PH.D., ACADEMIC DEAN,
NEAR EAST-SOUTH ASIA CENTER FOR STRATEGIC STUDIES**

I want to thank Congressman Smith and other members of the Commission on Security and Cooperation in Europe for offering me this opportunity to discuss the Helsinki Process and Reforms in the Middle East. The issue of reform and security cooperation in the region is an important subject that merits constant support, debate, and a full airing of views of how to extend such support. With your permission, I will offer some brief observations on earlier efforts and six suggestions on how to support change in the Middle East today, and submit a written statement elaborating on these points.

For more than a decade, I have been involved at the government-to-government and civil society levels in the promotion of regional security cooperation and dialogues on creating regional security frameworks in the Middle East. I have had the privilege of being a member of the U.S. delegation to the Middle East Peace Process (specifically the multilateral Arms Control and Regional Security Working Group), serving as the State Department coordinator for the on-going U.S. Government-sponsored Middle East Regional Security Track Two program, and now the Academic Dean and Professor of National Security Affairs at the Near East South Asia Center for Strategic Studies at National Defense University. As such, it is important to state at the outset that what follows are my personal views and not necessarily those of the United States Government, the Department of Defense, Department of State, National Defense University or the Near East South Asia Center for Strategic Studies.

My intention today is to provide some observations on approaches for assisting the Middle East to bring about change in the interest of individual freedom, modernization, prosperity and enhanced security. Change is definitely on the minds of many in the Middle East and outside the region. There are a host of proposals on the table, introduced in many international meetings, summits, academic symposium, joint studies, and workshops. These proposals include, inter alia, establishing a regional security and cooperation forum for the Middle East; a dialogue forum for strengthening relations between the Arab World and the outside world; expanding the mission of institutions like the OSCE to encompass the wider Middle East from Morocco to the Gulf; broadening the focus of enhanced security to address both hard security issues (i.e., wars between states and peoples) and soft security issues (i.e., economic development, social improvement and political freedom) that often lead to civil unrest, terrorism, arms races, and wars; and a charter of principles governing intra-regional relations and internal government-civil society relations. The trick with most of these proposals is to establish mechanisms for implementing them, and then implementing them in such a way as to achieve positive benefits for the people of the Middle East without provoking instability and extremism.

This hearing is emblematic of a larger movement that began in 2001 when individuals and governments in the Middle East, Europe, the United States, and elsewhere started to examine in earnest how they could cooperate to put an end to terrorism and extremism that threaten them while promoting human dignity, economic development and enhanced security. The three "western-oriented" summits being held this month in the United States, Ireland and Turkey—the G-8, US-EU,

NATO—are a culmination of a many working sessions that have been held since 2003 on this topic. Central to the agendas of the June summits are the reform initiatives now falling under the moniker ‘Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa.’

Rather than critique the current crop of proposals and agreements, I want to offer some broad insights from previous attempts to bring about change in the region so that future initiatives might avoid the pitfalls that dogged those earlier efforts. Taking this critique a step further, I intend to provide concrete, and hopefully, useful advice on measures the Commission might want to consider as it proceeds with promoting reform, cooperation and security in the Middle East.

Arms Control and Regional Security Working Group

Efforts to promote security, reform, cooperation and dialogues on democracy and human rights in the Middle East have a long history. The ‘modern phase’ of this effort can be traced to the Madrid Middle East Peace Process, established in the aftermath of the first Gulf War in October 1991. The main objective of this process was to settle the Arab-Israeli conflict through a series of bilateral negotiations. To support these negotiations, regional parties agreed to participate in a broader, multilateral process involving Israel, 13 Arab states and the Palestinians (Iran, Iraq and Libya were excluded and Syria and Lebanon refused to participate). Five working groups were set up to deal with functional issues regarded as vital to long-term security, prosperity and stability in the region: Economic Development, Water, Environment, Refugees and the Arms Control and Regional Security (ACRS).

ACRS met in four plenary sessions and 31 expert-level meetings between January 1992 and September 1995. During that time the group negotiated many of the same issues that Europe addressed in the CSCE/OSCE process two decades earlier. Indeed, input from OSCE representatives was invaluable to the ACRS process. ACRS began by reviewing a list of OSCE confidence and security building measures and selecting several areas on which to focus initially: communications, maritime cooperation, military information exchange, and a conflict prevention center. Human rights and other human dimensions of the security equation were not accorded prominence at the outset as the process began with small, less controversial steps. It was noted in several declaratory measures, however, that respecting human rights would be critical to enhancing security and peace. Much attention was given to the idea of broadening the “culture of peace” in the region needed to provide the under girding for a comprehensive peace settlement.

The working group produced a declaratory statement on norms, principles, intentions and steps to enhance regional security. After long hours of negotiations, agreements or significant progress were made on several key topics; a major achievement given that many of the states were, and continue to be, in a formal state a war with each other and most do not recognize the state of Israel.

The last ACRS meeting in September 1995 concluded negotiations on a draft mandate to establish a regional security center in Amman, Jordan, with associated centers in Tunisia and Qatar. This mandate provided both an institutional base for region-wide dialogues on security and cooperation and established the norms, principles and framework guiding the work of the center. It was a uniquely Middle East mandate,

borrowing and rejecting ideas from other regional organizations. Some states favored modeling the mandate after the OSCE. Indeed, creating a “Conference on Security and Cooperation in the Middle East,” based largely on OSCE Principles, was already enshrined in Article IV of the 1994 Israel-Jordan peace treaty. But many states rejected this approach.

Before the regional security center mandate and other agreements could be fully adopted or implemented, ACRS ended abruptly in the autumn of 1995. Failure to make progress in the two principal pan-regional issues, the Arab-Israeli conflict and non-proliferation of weapons of mass destruction, converged to freeze activities within ACRS and later the other multilateral working groups too. Essentially, the bilateral peace and end-of-conflict negotiations between Israel and its neighbors set the pace for the amount of progress achievable on all region-wide initiatives.

Regional Security Track Two Programs: Studies, Workshops, Charters

To keep regional parties engaged in dialogue on hard and soft security issues, the United States began sponsoring in 1996 a “Middle East Regional Security Track Two Program.” This program was funded initially by the Department of State, and now Congress funds it through the Department of Defense. Several European governments contribute too. The program sponsors workshops, task forces, on-line discussion groups, training courses, and studies that collectively have brought together more than 1200 officials and non-official security experts from Middle East, United States, Europe, and Asia. It is not a substitute for the formal ACRS process, although it continues to address many of the same issues raised in ACRS.

Some fascinating studies have emerged from the Track Two process, many of which have direct bearing on the subject of today’s hearing. These include proceedings of workshops focusing on lessons learned and potentially applied to the Middle East from security and cooperation regimes in Asia, Africa, Europe and Latin America. It includes reports from working groups on promoting democracy, investment and economic development, Gulf security and Mediterranean security. It also includes semi-annual workshops bringing together senior military leaders. And it produced a joint study by Israeli and Jordanian experts on how to “bridge the gap” and construct a Middle East Cooperative Security Framework.

One notable ‘experts group’ in which I was fortunate enough to participate in drafting a report on the issues and options of creating a Middle East regional security regime in its fullest dimension. Dr. Peter Jones was the director of that 1998 study. The study led to the formation in 2002 of a new academic group with participants from most Middle East countries, again under the auspices of the Track Two program, who reviewed efforts for implementing the proposals presented in the 1998 study. The principal idea is to create a permanent dialogue mechanism within the region on economical, social and security related issues.

The working group developed a model “Charter” of general principles based on the UN charter (peaceful co-existence, respect for sovereignty, non-intervention, respect for human rights, etc.). The Charter should be seen as a template to be adapted by the regional governments to fit their needs, not as something to be swallowed whole. Mostly, the charter provides a tool for handling development and change by setting norms,

standards and a code of conduct for relations between countries in the region and their populations and between extra-regional parties and those from Middle East. Advancing the charter to the point that regional parties feel that it is their own initiative will take a long time. But, as we have seen in Europe and elsewhere, establishing new norms, standards and codes of conduct are worthy initiatives that should be pursued with incessant commitment with the long-term in mind. The road will be bumpy, full of setbacks, and detours.

Applying the Lessons from Previous Efforts to Current Initiatives:

I provide this brief background, first, in order to highlight that many people have been thinking about and trying to implement dialogues and programs promoting region-wide security and cooperation in the Middle East for a long time. The OSCE model has been well studied and many parts of it have been rejected by those in the Middle East. Second, this context is useful for understanding my critique of previous efforts and for discerning lessons from those efforts that might apply to current initiatives underway or being contemplated.

1. Minimize pan-regional initiatives, charters, and forums

Cooperative pan-regional approaches—involving all parties from Morocco to Iran—do not work in the Middle East. Treating the region as a common entity has proven to be a mirage for every initiative seeking greater interaction and cooperation throughout the region. This is one of the dangers when using phrases such as the “Wider Middle East,” the “Broader Middle East,” and the “Greater Middle East.” It is perceived negatively by many Arabs as a label imposed on the region, conjured up by outsiders who view the Middle East as a unified area with all parties loyal to the region. The lack of pan-regional organizations in the Middle East is emblematic of the lack of political, social and economic cohesiveness in the region. And what few exclusive regional organizations that do exist are notable for their ineffectiveness and orientation towards maintaining the status quo. Given all this, I would counsel against forming broad institutions such as the proposed 78-member “Organization for Security and Cooperation in Europe, the Mediterranean and the Middle East” as a means to create greater unity and cohesion.

The Middle East is a very diverse grouping of states, tribes, nations, religions, sects, and civilizations and as such should not be treated as a single geographic block. Its people have multiple and competing identities and loyalties, and those identities are under constant change. There are fewer bonds holding the region together than those in Europe with its legalistic and commercial traditions. Only four percent of all trade by Arab states is with other Arab states. Even the Arab League, an exclusive pan-national grouping of what seemingly is like-minded states with a common language, has proven to be relatively ineffective and fraught with internal disputes that prevent realization of unified actions. High profile issues cannot generate unity in the League. The Arab states, for example, were unable to hold together as a block when declaring that their adherence to the Chemical Weapons Convention would depend on Israel’s adherence to the Nuclear Nonproliferation Treaty. During the last few months we witnessed the trouble the Arab

League faced in arriving at a common position on reform in the region. Expanding this grouping to include non-Arab League states in some new forum is a recipe for inaction.

During the last four decades the United States and Western nations have tended to view the Middle East as a common area, with a large, relatively homogenous Arab population mixed with two non-Arab states, namely Israel and Iran. By looking at the Middle East through such a prism the key to enhanced security and progress in the region has been relegated to the resolution of the single issue that resonates throughout the region, namely the Arab-Israeli conflict. This issue dominates the hard and soft security agenda, and the Levant has become the primary focus of policy especially in the diplomatic arena. There are and have been other major issues of concern, of course, such as oil, states with hegemonic designs, WMD proliferation, water resources, civil wars, and extremism. But these issues have been largely compartmentalized to minimize their impact on promoting peace in the Levant.

One of the negative consequences of pursuing the pan-regional approach exclusively is that it hijacks the political agenda so that the peace process becomes the primary issue of concern. Diplomatic attention to other problems in the region are shunted to the side or relegated to the military to handle. Some justified this approach by accepting the proposition that most problems could be better managed only after a resolution to the Arab-Israeli conflict. Too frequently outrage about gross human rights violations and infractions are subordinated to the politics of promoting the peace process between Israel and its neighbors. States in the region also tend to promote the peace process as a top priority when dealing with the West, and often use it as a reason or excuse for delaying the implementation of political, social and economic reforms at home.

Another consequence is that when the peace process becomes stagnated or experiences set backs it tends to undermine regional cooperation initiatives. This was the fate of the Madrid multilaterals. ACRS ended just as it appeared to be taking on a life of its own, apart from the bilateral peace negotiations. Indeed, ACRS's growing independence from the peace process was one of the reasons for its demise. It was reaching agreements on pan-regional declarations, confidence-building measures, and institutions in spite of events at the bilateral negotiating tables. Ultimately, unhappiness with the state of the bilateral negotiations manifested itself in the multilaterals. Rather than the multilaterals supporting the bilaterals as originally intended, the bilaterals held the multilaterals hostage.

I fear that some of the newly proposed pan-regional initiatives, such as creating formal institutions on security and democracy dialogues and regional charters laying out codes of conduct, norms for peaceful inter-state inactions, principles governing internal affairs, and so on, will also suffer the fate of the Madrid multilaterals, the Arab League, and the Barcelona Process. It is not hard to imagine what would happen at the opening meetings of a new, fully-inclusive region-wide organization, such as the proposed "Organization for Security and Cooperation in Europe, the Mediterranean and the Middle East" if there is not an active peace process. As the only venue in which Arabs and Israelis are meeting, the agenda will quickly narrow to focus on the Arab-Israeli conflict. Indeed, Arab leaders might be considered politically inept by their populations should they miss such an opportunity on the world

stage to raise the issue. Other controversial issues unrelated to economic and political reforms will also hijack the agenda, including Israeli adherence to the Nuclear Nonproliferation Treaty (NPT), Iranian non-compliance with its NPT obligations, and Iraq.

This suggestion of minimizing pan-regional approaches is not an argument for ignoring those issues with pan-regional implications. Indeed, the process of encouraging change, reform, and security cooperation throughout the region must include a forthright effort to deal with the two security issues that have regional overtones, namely the Arab-Israeli conflict and the proliferation of weapons of mass destruction. Addressing these issues in a forthright manner is important for creating a security environment conducive to states to implement reforms and cooperation. I will elaborate on this point later.

2. Emphasize "sub-regional" or 3 zonal approaches for security cooperation

Most of the hard and soft security problems facing the states in the Middle East are best addressed at the sub-regional level. New security and cooperation initiatives should be based on taking action in small groupings with common cultural values, interests, history and security issues of highest concern to specific geographic areas divided into the sub-regions. Using this formula, the Middle East can be divided into nearly three distinct sub-regions: Western Mediterranean, Eastern Mediterranean, and the Gulf. It is important to note that these sub-regions do not necessarily fit squarely inside the present configuration of what is generally regarded as the Middle East.

The "Western Mediterranean sub-region" encompasses Southwest Europe, North Africa and to some degree Sub-Saharan. The "Eastern Mediterranean sub-region" covers the Levant and Southeast Europe. The "Gulf sub-region" or "Southwest Asia sub-region" includes the six Gulf Cooperation Council states, Iraq, Iran, Yemen, and possibly Pakistan.

Essentially, this approach advocates moving beyond the traditional connotation of what constitutes the Middle East, and somewhat that of Europe. Indeed, it might even be better to think about cooperative interactions as occurring in "security zones" rather than the confines of continental groupings or sub-regions. Programs, dialogues, and new institutions created based on this novel delineation should be more cohesive than broader organizations where solutions to problems tend to be reduced to the common denominator in order to accommodate all views. This does not negate that countries may have simultaneous allegiance to both sub-regional and pan-regional issues and interactions, or that some issues need to be dealt with mainly at the pan-regional level. It simply argues that most dialogues and issues are better dealt with in smaller sub-groupings.

A workable approach to sub-regional security zones is to deal with the problems of most interest to those states affected by those problems. The Western Mediterranean sub-region is mainly concerned about soft security issues such as immigration, drugs, environmental degradation of the Mediterranean, and crime. The Levant is caught up with the hard security problems related to the Arab-Israeli conflict. Other hard security issues are of note such as the Cyprus issue and the PKK and Turkey. The Gulf is focused on both hard and soft security issues, in-

cluding political aspirations of Iran, instability in Iraq, religion-motivated terrorism, drug smuggling, immigration, and light arms smuggling.

Each sub-region should approach its security situation according to the functional nature of the problems they face, and reflect their own common values, cultures and history. One can imagine creating new security forums for the Gulf and Western Mediterranean in the near term. Underpinning Gulf security is a balance of power system mixed with bilateral security arrangements with the United States. This is an area where a new forum on security cooperation and dialogue could prove most beneficial. The Western Mediterranean does not have such quasi-alliance arrangements. The Levant will have a mixture of security relationships, but the main focus for advancing security, cooperation and reform will take place in concerted peace negotiations.

In most cases, progress in addressing specific issues in one sub-region will not hinge on the status of problems in the other sub-regions. A corollary of this approach means that lack of progress on the Arab-Israeli in the Levant will have a bearing throughout the Middle East but it is less likely to hold back progress in addressing problems in the Gulf and Western Mediterranean sub-regions.

There is evidence that these sub-regional zones are already forming. The United States and Europe are beginning to view security in Northwest Africa as part of the broader pan-Sahel area. Some participants in the Barcelona Process are considering the advantages of breaking their work into two zones, Western Mediterranean and Eastern Mediterranean as it has been ineffective in being a forum for all states bordering the Mediterranean Sea. Even in the ACRS process back in 1995, we witnessed the initial idea of a single regional center in Jordan (Levant), being rejected by the regional parties in favor of two additional sub-regional centers in Tunisia (Western Mediterranean) and Qatar (the Gulf).

3. Actualize bilateral programs for assisting economic, social and political change

It has often been said, including most recently by Egyptian President Hosni Mubarak, that in the Middle East area 'one size does not fit all.' I would argue that in the Middle East most successful reform initiatives need to be tailored for each country. Reforms being adopted throughout the Middle East vary greatly from country to country and from sub-region to sub-region. Most of the hard work of reform and change will be experienced within individual states, sometimes in concert with a few of their neighbors. As such, outside programs dealing with change and reforms should occur directly between states of the Middle East and outside states and organizations.

Many of the most promising ideas coming out of the June summits are focused on bilateral programs, rather than multilateral initiatives. This is the best approach, especially as bilateral programs tend to be less divisive and more politically palatable. Receiver states generally feel like partners and in control. Giver states can moderate assistance and provide measures to effectively ascertain if the program should continue receiving support. Where cooperation between regional or zonal states is necessary, this should occur bilaterally or within sub-regional forums; not at the pan-regional level.

4. Recognize the need for a comprehensive strategy as a prerequisite for change

The problems facing the Middle East are daunting and fraught with trouble. Compartmentalizing the problems into sub-regional groupings helps to make those problems more manageable. But it is important to recognize that pan-regional issues need to be addressed at the same time. The Arab-Israeli conflict has a bearing on the success of initiatives promoting cooperation and reforms throughout the Middle East.

The plight of the Palestinians and uncertain status of Jerusalem resonate throughout the Arab world. When progress towards ending the Israeli-Palestinian conflict looked most promising during the 1992-1996 period, regional cooperative initiatives flourished. Failure at Camp David in 2000 and the new intifada sent despair throughout the region. Ultimately, it led to Arabs protesting on the street, not for domestic reforms but for action to resolve the Arab-Israeli conflict. And this occurred in places far from the Levant, in Rabat, Muscat, and Sana'a, streets where protest is generally unheard of.

What is needed is a comprehensive strategy that deals with all the problems facing the region and in the right settings, be it at the bilateral, sub-regional and the pan-regional levels. Presently, there are three issues with pan-regional implications: Arab-Israeli conflict (especially between Israel and Palestinians), weapons of mass destruction proliferation, and Iraq. It has been argued that failure to resolve the Arab-Israeli conflict is used by Arab governments as an "excuse" for not enacting much needed reforms. On one level this is true. But given the urgent need for reforms, it is important not to let this argument become an excuse for less than forthright effort in the peace process.

5. Maximize Middle East ownership of the security and development process

Ideas for developing cooperative regional security regimes, dialogue forums, or code of conduct charters must belong to those in the region if they are to succeed. One of the reasons the Madrid process made as much progress when it did was because the regional parties believed they were all equal partners to the process, able to shape the agenda and have their security concerns addressed. Indeed, when I first joined the ACRS working group in 1993, a year after it began, many of the regional parties, the United States and other extra-regional parties claimed that the idea for the multilateral was their own. When the regional parties began to feel that the process was not addressing their security concerns adequately, the process became an orphan and ultimately failed.

It is equally important to appreciate that Middle East parties—both officials and non-officials—reject modeling Middle East regional security structures after those established in Europe, Asia-Pacific, Latin America and Africa. They see their own situations as unique. They are willing to learn from other regions and borrow ideas accordingly, but they want their own specialized systems appropriate to their circumstance, history, needs, and cultures. That said, they are more inclined to look favorably at the ASEAN Regional Forum as a model than the OSCE, largely because the ARF appears to emphasize less internal security matters. We saw this sentiment manifest itself repeatedly in the ACRS process and in many Track Two workshops.

Likewise, it can be expected that Middle East parties will reject the idea of joining Western organizations that expand their membership or dialogues to include the Middle East. There is deep suspicion that these organizations are pursuing their initiatives only for the purpose of benefiting the West. For example, many regional parties view the Barcelona Process as something concocted by the European Union to keep North Africans out of Europe. North Africans want the aid that the Europeans proffer, but resent the linkages often tied to it.

Most of the initiatives coming out of the June summits face becoming, not orphans, but the sole custody of “Western-parents-without-Middle-East-partners.” Despite the lofty titles assigned to the various initiatives emphasizing partnerships and text in communiqués referencing various statements and declarations from Middle East organizations favoring change, including the Tunis Arab League Summit, the initiatives are viewed by many Arabs as something being imposed on the Middle East from outside. Indeed, there has been expression that these efforts are meant mostly to stop the export of terrorism from the Middle East rather than for the benefit Middle Easterners.

On the other hand, programs such as Track Two dialogues, which are organized by U.S. and European NGOs, are flourishing because the Middle East parties see their thumbprints on the agenda and welcome the opportunity to engage in dialogue and joint work as equal parties. Moreover, they reach out to people beyond the elite political sphere and concentrate on civil society interactions. They also tend to be more inclusive, inviting all parties with interest in security, cooperation and reform, including from Syria and Iran. These are the types of programs that should be encouraged and financed permanently and effusively by all OSCE governments.

6. Multiply types and layers of interactions between governments and civil societies

There are many ways to assist states in the Middle East to provide for enhanced security and progress. Most of the current effort is being oriented towards state-to-state interactions. Some are already occurring at the sub-regional level, such as the GCC, 5+5 talks, the NATO Mediterranean Partnership, and the OSCE Cooperative Partnership. The Arab League is trying to promote a unified position on reform. Three new initiatives are being introduced this month in various summits: the G-8's ‘Partnership for Progress and the Common Future in the Broader Middle East and North Africa,’ the European Council's ‘Strategic Partnership with the Mediterranean and the Middle East,’ and NATO's ‘Istanbul Cooperation Initiative.’ Most of the programs under these initiatives are being oriented towards bilateral programs between individual states.

I believe that the OSCE has a strong role to play. It should not seek, however, to set up another mass forum for dialogue or to duplicate other initiatives. Instead, the OSCE should seek to fill the biggest gap in the programs of the other initiatives, namely supporting societal interactions. In particular, OSCE should seek to provide financial and organizational support to on-going and future Middle East Track Two programs. Such programs are always in need of funding in order to ensure that regional parties have at least some venues where they can meet regularly. Track Two provides both a safety net in case the government initiatives fail and can serve as an incubator for reformist and security

ideas that can be fed into governments. No Track Two program for the Middle East to date has financial security to be assured that it will be in operation from one year to the next. The OSCE can help by providing such assurance.

The Commission has an important role to play too. It should continue sponsoring forums on ways the OSCE can maintain political and moral support for groups and organizations seeking to bring about change based on the Helsinki Principles.

Conclusion

Change is coming to the Middle East no matter what cooperative or reform initiatives are pursued. The impetus for this change is coming from multiple and competing sources, including demographic surges, political succession, conflicts between modernizers and reformers and traditionalists and obstructionists, technological change, water shortages, drug abuse, economic stagnation, economic growth, satellite television, internet, educated and non-educated. But change, especially rapid change and the process of establishing democracy, can be by its very nature unstable and lead to violence, displacement and greater tyranny. States in the region and outsiders should work together in appropriate forums to create a calm and stable security environment in the Middle East so that reforms can grab hold and not be swept away by political uncertainties and those opposed to change. Thank you.

**TREATY OF PEACE
BETWEEN THE STATE OF ISRAEL
AND THE HASHEMITE KINGDOM OF JORDAN
OCTOBER 26, 1994**

PREAMBLE

The Government of the State of Israel and the Government of the Hashemite Kingdom of Jordan:

Bearing in mind the Washington Declaration, signed by them on 25th July, 1994, and which they are both committed to honour;

Aiming at the achievement of a just, lasting and comprehensive peace in the Middle East based on Security Council resolutions 242 and 338 in all their aspects;

Bearing in mind the importance of maintaining and strengthening peace based on freedom, equality, justice and respect for fundamental human rights, thereby overcoming psychological barriers and promoting human dignity;

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and recognising their right and obligation to live in peace with each other as well as with all states, within secure and recognised boundaries;

Desiring to develop friendly relations and co-operation between them in accordance with the principles of international law governing international relations in time of peace;

Desiring as well to ensure lasting security for both their States and in particular to avoid threats and the use of force between them;

Bearing in mind that in their Washington Declaration of 25th July, 1994, they declared the termination of the state of belligerency between them;

Deciding to establish peace between them in accordance with this Treaty of Peace;

Have agreed as follows:

ARTICLE 1—ESTABLISHMENT OF PEACE

Peace is hereby established between the State of Israel and the Hashemite Kingdom of Jordan (the “Parties”) effective from the exchange of the instruments of ratification of this Treaty.

ARTICLE 2—GENERAL PRINCIPLES

The Parties will apply between them the provisions of the Charter of the United Nations and the principles of international law governing relations among states in times of peace. In particular:

1. They recognise and will respect each other’s sovereignty, territorial integrity and political independence;
2. They recognise and will respect each other’s right to live in peace within secure and recognised boundaries;

3. They will develop good neighbourly relations of co-operation between them to ensure lasting security, will refrain from the threat or use of force against each other and will settle all disputes between them by peaceful means;
4. They respect and recognise the sovereignty, territorial integrity and political independence of every state in the region;
5. They respect and recognise the pivotal role of human development and dignity in regional and bilateral relationships;
6. They further believe that within their control, involuntary movements of persons in such a way as to adversely prejudice the security of either Party should not be permitted.

ARTICLE 3—INTERNATIONAL BOUNDARY

1. The international boundary between Israel and Jordan is delimited with reference to the boundary definition under the Mandate as is shown in Annex on the mapping materials attached thereto and co-ordinates specified therein.
2. The boundary, as set out in Annex I (a), is the permanent, secure and recognised international boundary between Israel and Jordan, without prejudice to the status of any territories that came under Israeli military government control in 1967.
3. The parties recognise the international boundary, as well as each other's territory, territorial waters and airspace, as inviolable, and will respect and comply with them.
4. The demarcation of the boundary will take place as set forth in Appendix (I) to Annex I and will be concluded not later than nine months after the signing of the Treaty.
5. It is agreed that where the boundary follows a river, in the event of natural changes in the course of the flow of the river as described in Annex I (a), the boundary shall follow the new course of the flow. In the event of any other changes the boundary shall not be affected unless otherwise agreed.
6. Immediately upon the exchange of the instruments of ratification of this Treaty, each Party will deploy on its side of the international boundary as defined in Annex I (a).
7. The Parties shall, upon the signature of the Treaty, enter into negotiations to conclude, within 9 months, an agreement on the delimitation of their maritime boundary in the Gulf of Aqaba.
8. Taking into account the special circumstances of the Naharayim/Baqura area, which is under Jordanian sovereignty, with Israeli private ownership rights, the Parties agreed to apply the provisions set out in Annex I (b).
9. With respect to the Zofar/Al-Ghamr area, the provisions set out in Annex I (c) will apply.

ARTICLE 4—SECURITY

1.
 - a. Both Parties, acknowledging that mutual understanding and co-operation in security-related matters will form a significant part of their relations and will further enhance the security of the region, take upon themselves to base their security relations on mutual trust, advancement of joint interests and co-operation, and to aim towards a regional framework of partnership in peace.
 - b. Towards that goal the Parties recognise the achievements of the European Community and European Union in the development of the Conference on Security and Co-operation in Europe (CSCE) and commit themselves to the creation, in the Middle East, of a CSCME (Conference on Security and Co-operation in the Middle East).

This commitment entails the adoption of regional models of security successfully implemented in the post World War era (along the lines of the Helsinki process) culminating in a regional zone of security and stability.
2. The obligations referred to in this Article are without prejudice to the inherent right of self-defence in accordance with the United Nations Charter.
3. The Parties undertake, in accordance with the provisions of this Article, the following:
 - a. to refrain from the threat or use of force or weapons, conventional, non-conventional or of any other kind, against each other, or of other actions or activities that adversely affect the security of the other Party;
 - b. to refrain from organising, instigating, inciting, assisting or participating in acts or threats of belligerency, hostility, subversion or violence against the other Party;
 - c. to take necessary and effective measures to ensure that acts or threats of belligerency, hostility, subversion or violence against the other Party do not originate from, and are not committed within, through or over their territory (hereinafter the term “territory” includes the airspace and territorial waters).
4. Consistent with the era of peace and with the efforts to build regional security and to avoid and prevent aggression and violence, the Parties further agree to refrain from the following:
 - a. joining or in any way assisting, promoting or co-operating with any coalition, organisation or alliance with a military or security character with a third party, the objectives or

activities of which include launching aggression or other acts of military hostility against the other Party, in contravention of the provisions of the present Treaty.

- b. allowing the entry, stationing and operating on their territory, or through it, of military forces, personnel or materiel of a third party, in circumstances which may adversely prejudice the security of the other Party.
5. Both Parties will take necessary and effective measures, and will co-operate in combating terrorism of all kinds. The Parties undertake:
 - a. to take necessary and effective measures to prevent acts of terrorism, subversion or violence from being carried out from their territory or through it and to take necessary and effective measures to combat such activities and all their perpetrators.
 - b. without prejudice to the basic rights of freedom of expression and association, to take necessary and effective measures to prevent the entry, presence and co-operation in their territory of any group or organisation, and their infrastructure, which threatens the security of the other Party by the use of or incitement to the use of, violent means.
 - c. to co-operate in preventing and combating cross-boundary infiltrations.
 6. Any question as to the implementation of this Article will be dealt with through a mechanism of consultations which will include a liaison system, verification, supervision, and where necessary, other mechanisms, and higher level consultation. The details of the mechanism of consultations will be contained in an agreement to be concluded by the Parties within 3 months of the exchange of the instruments of ratification of this Treaty.
 7. The Parties undertake to work as a matter of priority, and as soon as possible in the context of the Multilateral Working Group on Arms Control and Regional Security, and jointly, towards the following:
 - a. the creation in the Middle East of a region free from hostile alliances and coalitions;
 - b. the creation of a Middle East free from weapons of mass destruction, both conventional and non-conventional, in the context of a comprehensive, lasting and stable peace, characterised by the renunciation of the use of force, reconciliation and goodwill.

ARTICLE 5—DIPLOMATIC AND OTHER BILATERAL RELATIONS

1. The Parties agree to establish full diplomatic and consular relations and to exchange resident ambassadors within one month of the exchange of the instruments of ratification of this Treaty.

2. The Parties agree that the normal relationship between them will further include economic and cultural relations.

ARTICLE 6—WATER

With the view to achieving a comprehensive and lasting settlement of all the water problems between them:

1. The Parties agree mutually to recognise the rightful allocations of both of them in Jordan River and Yarmouk River waters and Araba/Arava ground water in accordance with the agreed acceptable principles, quantities and quality as set out in Annex II, which shall be fully respected and complied with.
2. The Parties, recognising the necessity to find a practical, just and agreed solution to their water problems and with the view that the subject of water can form the basis for the advancement of co-operation between them, jointly undertake to ensure that the management and development of their water resources do not, in any way, harm the water resources of the other Party.
3. The Parties recognise that their water resources are not sufficient to meet their needs. More water should be supplied for their use through various methods, including projects of regional and international co-operation.
4. In light of paragraph 3 of this Article, with the understanding that co-operation in water-related subjects would be to the benefit of both Parties, and will help alleviate their water shortages, and that water issues along their entire boundary must be dealt with in their totality, including the possibility of trans-boundary water transfers, the Parties agree to search for ways to alleviate water shortage and to co-operate in the following fields:
 - a. development of existing and new water resources, increasing the water availability including co-operation on a regional basis as appropriate, and minimising wastage of water resources through the chain of their uses;
 - b. prevention of contamination of water resources;
 - c. mutual assistance in the alleviation of water shortages;
 - d. transfer of information and joint research and development in water-related subjects, and review of the potentials for enhancement of water resources development and use.
5. The implementation of both Parties' undertakings under this Article is detailed in Annex II.

ARTICLE 7—ECONOMIC RELATIONS

1. Viewing economic development and prosperity as pillars of peace, security and harmonious relations between states, peoples and individual human beings, the Parties, taking note of understand-

ings reached between them, affirm their mutual desire to promote economic co-operation between them, as well as within the framework of wider regional economic co-operation.

2. In order to accomplish this goal, the Parties agree to the following:
 - a. to remove all discriminatory barriers to normal economic relations, to terminate economic boycotts directed at each other, and to co-operate in terminating boycotts against either Party by third parties;
 - b. recognising that the principle of free and unimpeded flow of goods and services should guide their relations, the Parties will enter into negotiations with a view to concluding agreements on economic co-operation, including trade and the establishment of a free trade area, investment, banking, industrial co-operation and labour, for the purpose of promoting beneficial economic relations, based on principles to be agreed upon, as well as on human development considerations on a regional basis. These negotiations will be concluded no later than 6 months from the exchange the instruments of ratification of this Treaty.
 - c. to co-operate bilaterally, as well as in multilateral forums, towards the promotion of their respective economies and of their neighbourly economic relations with other regional parties.

ARTICLE 8—REFUGEES AND DISPLACED PERSONS

1. Recognising the massive human problems caused to both Parties by the conflict in the Middle East, as well as the contribution made by them towards the alleviation of human suffering, the Parties will seek to further alleviate those problems arising on a bilateral level.
2. Recognising that the above human problems caused by the conflict in the Middle East cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following:
 - a. in the case of displaced persons, in a quadripartite committee together with Egypt and the Palestinians;
 - b. in the case of refugees,
 - i. in the framework of the Multilateral Working Group on Refugees;
 - ii. in negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the territories referred to in Article 3 of this Treaty;

- c. through the implementation of agreed United Nations programmes and other agreed international economic programmes concerning refugees and displaced persons, including assistance to their settlement.

ARTICLE 9—PLACES OF HISTORICAL AND RELIGIOUS SIGNIFICANCE

1. Each party will provide freedom of access to places of religious and historical significance.
2. In this regard, in accordance with the Washington Declaration, Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem. When negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.
3. The Parties will act together to promote interfaith relations among the three monotheistic religions, with the aim of working towards religious understanding, moral commitment, freedom of religious worship, and tolerance and peace.

ARTICLE 10—CULTURAL AND SCIENTIFIC EXCHANGES

The Parties, wishing to remove biases developed through periods of conflict, recognise the desirability of cultural and scientific exchanges in all fields, and agree to establish normal cultural relations between them. Thus, they shall, as soon as possible and not later than 9 months from the exchange of the instruments of ratification of this Treaty, conclude the negotiations on cultural and scientific agreements.

ARTICLE 11—MUTUAL UNDERSTANDING AND GOOD NEIGHBOURLY RELATIONS

1. The Parties will seek to foster mutual understanding and tolerance based on shared historic values, and accordingly undertake:
 - a. to abstain from hostile or discriminatory propaganda against each other, and to take all possible legal and administrative measures to prevent the dissemination of such propaganda by any organisation or individual present in the territory of either Party;
 - b. as soon as possible, and not later than 3 months from the exchange of the instruments of ratification of this Treaty, to repeal all adverse or discriminatory references and expressions of hostility in their respective legislation;
 - c. to refrain in all government publications from any such references or expressions;
 - d. to ensure mutual enjoyment by each other's citizens of due process of law within their respective legal systems and before their courts.

2. Paragraph 1 (a) of this Article is without prejudice to the right to freedom of expression as contained in the International Covenant on Civil and Political Rights.
3. A joint committee shall be formed to examine incidents where one Party claims there has been a violation of this Article.

ARTICLE 12—COMBATING CRIME AND DRUGS

The Parties will co-operate in combating crime, with an emphasis on smuggling, and will take all necessary measures to combat and prevent such activities as the production of, as well as the trafficking in illicit drugs, and will bring to trial perpetrators of such acts. In this regard, they take note of the understandings reached between them in the above spheres, in accordance with Annex III and undertake to conclude all relevant agreements not later than 9 months from the date of the exchange of the instruments of ratification of this Treaty.

ARTICLE 13—TRANSPORTATION AND ROADS

Taking note of the progress already made in the area of transportation, the Parties recognise the mutuality of interest in good neighbourly relations in the area of transportation and agree to the following means to promote relations between them in this sphere:

1. Each party will permit the free movement of nationals and vehicles of the other into and within its territory according to the general rules applicable to nationals and vehicles of other states. Neither party will impose discriminatory taxes or restrictions on the free movement of persons and vehicles from its territory to the territory of the other.
2. The Parties will open and maintain roads and border-crossings between their countries and will consider further road and rail links between them.
3. The Parties will continue their negotiations concerning mutual transportation agreements in the above and other areas, such as joint projects, traffic safety, transport standards and norms, licensing of vehicles, land passages, shipment of goods and cargo, and meteorology, to be concluded not later than 6 months from the exchange of the instruments of ratification of this Treaty.
4. The Parties agree to continue their negotiations for a highway to be constructed and maintained between Egypt, Israel and Jordan near Eilat.

ARTICLE 14—FREEDOM OF NAVIGATION AND ACCESS TO PORTS

1. Without prejudice to the provisions of paragraph 3, each Party recognises the right of the vessels of the other Party to innocent passage through its territorial waters in accordance with the rules of international law.

2. Each Party will grant normal access to its ports for vessels and cargoes of the other, as well as vessels and cargoes destined for or coming from the other Party. Such access will be granted on the same conditions as generally applicable to vessels and cargoes of other nations.
3. The Parties consider the Strait of Tiran and the Gulf of Aqaba to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight. The Parties will respect each other's right to navigation and overflight for access to either Party through the Strait of Tiran and the Gulf of Aqaba.

ARTICLE 15—CIVIL AVIATION

1. The Parties recognise as applicable to each other the rights, privileges and obligations provided for by the multilateral aviation agreements to which they are both party, particularly by the 1944 Convention on International Civil Aviation (The Chicago Convention) and the 1944 International Air Services Transit Agreement.
2. Any declaration of national emergency by a Party under Article 89 of the Chicago Convention will not be applied to the other Party on a discriminatory basis.
3. The Parties take note of the negotiations on the international air corridor to be opened between them in accordance with the Washington Declaration. In addition, the Parties shall, upon ratification of this Treaty, enter into negotiations for the purpose of concluding a Civil Aviation Agreement. All the above negotiations are to be concluded not later than 6 months from the exchange of the instruments of ratification of this Treaty.

ARTICLE 16—POSTS AND TELECOMMUNICATIONS

The Parties take note of the opening between them, in accordance with the Washington Declaration, of direct telephone and facsimile lines. Postal links, the negotiations on which having been concluded, will be activated upon the signature of this Treaty. The Parties further agree that normal wireless and cable communications and television relay services by cable, radio and satellite, will be established between them, in accordance with all relevant international conventions and regulations. The negotiations on these subjects will be concluded not later than 9 months from the exchange of the instruments of ratification of this Treaty.

ARTICLE 17—TOURISM

The Parties affirm their mutual desire to promote co-operation between them in the field of tourism. In order to accomplish this goal, the Parties—taking note of the understandings reached between them concerning tourism—agree to negotiate, as soon as possible, and to conclude not later than three months from the exchange of the instruments of ratification of this Treaty, an agreement to facilitate and encourage mutual tourism and tourism from third countries.

ARTICLE 18—ENVIRONMENT

The Parties will co-operate in matters relating to the environment, a sphere to which they attach great importance, including conservation of nature and prevention of pollution, as set forth in Annex IV . They will negotiate an agreement on the above, to be concluded not later than 6 months from the exchange of the instruments of ratification of this Treaty.

ARTICLE 19—ENERGY

1. The Parties will co-operate in the development of energy resources, including the development of energy-related projects such as the utilisation of solar energy.
2. The Parties, having concluded their negotiations on the inter-connecting of their electric grids in the Eilat-Aqaba area, will implement the interconnecting upon the signature of this Treaty. The Parties view this step as a part of a wider binational and regional concept. They agree to continue their negotiations as soon as possible to widen the scope of their interconnected grids.
3. The Parties will conclude the relevant agreements in the field of energy within 6 months from the date of exchange of the instruments of ratification of this Treaty.

ARTICLE 20—RIFT VALLEY DEVELOPMENT

The Parties attach great importance to the integrated development of the Jordan Rift Valley area, including joint projects in the economic, environmental, energy-related and tourism fields. Taking note of the Terms of Reference developed in the framework of the Trilateral Israel-Jordan-US Economic Committee towards the Jordan Rift Valley Development Master Plan, they will vigorously continue their efforts towards the completion of planning and towards implementation.

ARTICLE 21—HEALTH

The Parties will co-operate in the area of health and shall negotiate with a view to the conclusion of an agreement within 9 months of the exchange of instruments of ratification of this Treaty.

ARTICLE 22—AGRICULTURE

The Parties will co-operate in the areas of agriculture, including veterinary services, plant protection, biotechnology and marketing, and shall negotiate with a view to the conclusion of an agreement within 6 months from the date of the exchange of instruments of ratification of this Treaty.

ARTICLE 23—AQABA AND EILAT

The Parties agree to enter into negotiations, as soon as possible, and not later than one month from the exchange of the instruments of ratification of this Treaty, on arrangements that would enable the joint development of the towns of Aqaba and Eilat with regard to such matters, inter alia, as joint tourism development, joint customs, free trade zone, co-operation in aviation, prevention of pollution, maritime mat-

ters, police, customs and health co-operation. The Parties will conclude all relevant agreements within 9 months from the exchange of instruments of ratification of the Treaty.

ARTICLE 24—CLAIMS

The Parties agree to establish a claims commission for the mutual settlement of all financial claims.

ARTICLE 25—RIGHTS AND OBLIGATIONS

1. This Treaty does not affect and shall not be interpreted as affecting, in any way, the rights and obligations of the Parties under the Charter of the United Nations.
2. The Parties undertake to fulfill in good faith their obligations under this Treaty, without regard to action or inaction of any other party and independently of any instrument inconsistent with this Treaty. For the purposes of this paragraph each Party represents to the other that in its opinion and interpretation there is no inconsistency between their existing treaty obligations and this Treaty.
3. They further undertake to take all the necessary measures for the application in their relations of the provisions of the multilateral conventions to which they are parties, including the submission of appropriate notification to the Secretary General of the United Nations and other depositories of such conventions.
4. Both Parties will also take all the necessary steps to abolish all pejorative references to the other Party, in multilateral conventions to which they are parties, to the extent that such references exist.
5. The Parties undertake not to enter into any obligation in conflict with this Treaty.
6. Subject to Article 103 of the United Nations Charter, in the event of a conflict between the obligations of the Parties under the present Treaty and any of their other obligations, the obligations under this Treaty will be binding and implemented.

ARTICLE 26—LEGISLATION

Within 3 months of the exchange of ratifications of this Treaty the Parties undertake to enact any legislation necessary in order to implement the Treaty, and to terminate any international commitments and to repeal any legislation that is inconsistent with the Treaty.

ARTICLE 27—RATIFICATION

1. This Treaty shall be ratified by both Parties in conformity with their respective national procedures. It shall enter into force on the exchange of instruments of ratification.
2. The Annexes, Appendices, and other attachments to this Treaty shall be considered integral parts thereof.

ARTICLE 28—INTERIM MEASURES

The Parties will apply, in certain spheres, to be agreed upon, interim measures pending the conclusion of the relevant agreements in accordance with this Treaty, as stipulated in Annex V .

ARTICLE 29—SETTLEMENT OF DISPUTES

1. Disputes arising out of the application or interpretation of this Treaty shall be resolved by negotiations.
2. Any such disputes which cannot be settled by negotiations shall be resolved by conciliation or submitted to arbitration.

ARTICLE 30—REGISTRATION

This Treaty shall be transmitted to the Secretary General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at the Arava/Araba Crossing Point this day Heshvan 21st, 5775, Jumada Al-Ula 21st, 1415 which corresponds to 26th October, 1994 in the Hebrew, English and Arabic languages, all texts being equally authentic. In case of divergence of interpretation the English text shall prevail.

For the State of Israel
Yitzhak Rabin, Prime Minister

For the Hashemite Kingdom of Jordan
Abdul Salam Majali, Prime Minister

Witnessed by:

William J. Clinton
President of the United States of America

List of Annexes, Appendices and Other Attachments

Annex I:

- a. International Boundary
- b. Naharayim/Baqura Area
- c. Zofar Area

Appendices (27 sheets):

- I. Emer Ha'arava (10 sheets), 1:20,000 orthophoto maps
- II. Dead Sea (2 sheets), 1:50,000 orthoimages
- III. Jordan and Yarmouk Rivers (12 sheets), 1:10,000 orthophoto maps
- IV. Naharayim Area (1 sheet), 1:10,000 orthophoto map
- V. Zofar Area (1 sheet), 1:20,000 orthophoto map
- VI. Gulf of Eilat (1 sheet), 1:50,000 orthoimage

Annex II: Water
Annex III: Crime and Drugs
Annex IV: Environment
Annex V: Interim Measures
Agreed Minutes

**COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

234 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-1901

July 15, 1998

The Honorable David T. Johnson
Ambassador
U.S. Mission to the Organization for
Security and Cooperation in Europe
Obersteingasse 11/1
A-1190 Vienna, Austria

Dear Ambassador Johnson:

We write to convey our growing concern over attempts by some participating States to provide the Mediterranean partners for cooperation an expanded role within the OSCE, including in the human dimension. We urge you to oppose any proposal that would undermine the human dimension implementation review process or open the door to a host of Middle East issues which could quickly overwhelm the OSCE.

Disputes over a role for certain non-European Mediterranean states in the Helsinki process have consumed a considerable amount of time since the early 1970s. Over the years, the Mediterranean has become a major side issue in the Helsinki process through an incremental process of building upon earlier compromises designed to meet the special interests of a limited number of participating States. In fact, no single narrow issue before the OSCE has consumed more time than the Mediterranean issues with so little to show for it. (Since 1975, no fewer than six experts meetings and seminars have been held devoted to Mediterranean issues.)

While we do not oppose efforts to encourage closer cooperation among Mediterranean littoral states, this objective can be pursued at any of the numerous fora, institutes, and seminars dedicated to enhancing cooperation across a wide spectrum of fields. We understand that a series of high-level meetings, including ministerial meetings, have been held since the adoption of the comprehensive 1995 Barcelona Declaration of the Euro-Mediterranean Conference and are devoted specifically to this purpose.

More to the point, attempts to alter and expand the role of these states in the OSCE context would likely have a profound impact on the structure and focus of the OSCE, with serious negative consequences for the Helsinki process, including the human dimension.

Involving the Mediterranean partners for cooperation in implementation review, including the human dimension, is inappropriate. None of the countries is bound by the provisions of the Helsinki Final Act or other OSCE documents; accordingly, it is unclear on what basis their own performance would be reviewed. The prospect of a one-sided review—with the Mediterranean partners entitled to raise questions regarding American or European practices while they remain aloof from scrutiny—is a highly unattractive prospect. We also find it notable that

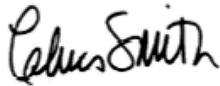
some of the same participating States which have sought to broaden the scope of implementation by involving certain Mediterranean countries have, at the same time, pressed for abbreviated human dimension follow-up and are generally more reticent about raising human dimension violations. One could conclude that their Mediterranean initiative is part of an overall effort to misdirect, dilute, and defeat effective human dimension compliance review within the OSCE.

The association between Mediterranean states and the Helsinki process has expanded on an incremental basis. Allowing for the participation of Mediterranean states in human dimension implementation will inevitably lead to new pressures for an ever-expanding role for these countries in a process focused first and foremost on Europe and Central Asia.

The fact that the OSCE operates on the consensus principle to reach decisions is central to evaluation of any effort to include Mediterranean states as participating States. The OSCE already struggles to reach consensus and engage in concerted action with a membership that has expanded from 35 to 55 in less than a decade; further expansion would open the door to a host of Middle East issues and perspectives which would quickly overwhelm the organization. While consensus is now denied by some states on some decisions for reasons unrelated to the substance of those decisions, it takes no imagination at all to assess the increased likelihood that denial of consensus for extraneous reasons would become a routine practice if these Mediterranean states were admitted, with disastrous consequences for the OSCE as an institution.

Mr. Ambassador, we strongly suspect that, on this issue, the OSCE totters on the edge of a slippery slope. We hope you will resist the pressure to expand the role of the Mediterranean partners for cooperation.

Sincerely,



Christopher H. Smith, M.C.
Co-Chairman



Alfonse D'Amato, U.S.S.
Chairman



Steny H. Hoyer, M.C.
Ranking Member



UNITED STATES MISSION
ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE
VIENNA, AUSTRIA

September 8, 1998

Dear Senator D'Amato:

Thank you for your letter expressing concern about the attempts by some Participating States to provide the Mediterranean Partners for Cooperation an expanded role within the OSCE, including in the human dimension. I am also sending this reply to Representative Christopher Smith and Representative Steny Hoyer. I want to assure you that I share your concerns about ensuring that our cooperation with the Mediterranean partners does not dilute or encumber the OSCE's structure and focus.

During the first half of this year, we worked hard to develop new modalities for the Human Dimension Implementation Review that would reinvigorate and strengthen this important OSCE activity. While the revised modalities adopted by the Permanent Council in July included provisions for participation by the Mediterranean partners, their role will be limited and will not hinder this critical aspect of the OSCE's work.

A number of Participating States attach considerable importance to providing the Mediterranean Partners for Cooperation with a greater role in the OSCE. The pressure is particularly strong from those who feel that their own security is closely tied to conditions in the southern Mediterranean. The United States has long advocated enhanced cooperation in concrete activities between the OSCE and the Mediterranean Partners. For this reason, we strongly supported a Permanent Council decision earlier this year to invite Mediterranean Partners to participate in election monitoring and visit OSCE Missions. We see this as an effective way to demonstrate OSCE principles and commitments in action.

We have supported efforts to enlighten the Mediterranean partners on the wide range of OSCE activities by use of the Mediterranean Partners for Cooperation Contact Group. Over the past six months, the Contact Group has provided an ideal forum for direct dialogue between the partners and the Director of the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, the Representative for Freedom of the Media, and for a briefing on development of a Document/Charter on European security. These sessions greatly strengthen Mediterranean partner understanding of the OSCE, but do not interfere with the important tasks of the organization.

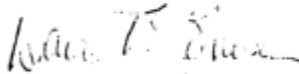
The Honorable
Alfonse D'Amato
Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, D.C. 20515

The United States also was a principal advocate of making the human dimension the focus of this year's Mediterranean Seminar. I was especially pleased to learn that a member of the Commission's staff, Mr. Chad Gore, will be the principal speaker on "Preventing Threats to the Human Dimension Aspect of Security" and a member of our delegation to the OSCE Mediterranean Seminar on "The Human Dimension of Security, Promoting Democracy and the Rule of Law," in Valletta, Malta, October 19-20. I value this Commission contribution to our efforts in the OSCE highly, and believe it will further demonstrate to our Mediterranean friends the depth and breadth of the U.S. commitment to the human dimension.

The United States will continue to be vigilant in ensuring that the OSCE's cooperation with the Mediterranean partners does not misdirect or weaken human dimension compliance review or any other aspect of the OSCE's work and focus.

I appreciate your sharing your frank concerns with me. Please let me know if I can answer any other questions or be of any other assistance to you.

Sincerely,

A handwritten signature in dark ink, appearing to read "David T. Johnson", is written over the typed name.

David T. Johnson
Ambassador

Congress of the United States

Washington, DC 20515

April 17, 2001

His Excellency
Ariel Sharon
Prime Minister of Israel

Dear Mr. Prime Minister:

As House Commissioners of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, we are writing to urge you to consider using the Organization for Security and Cooperation in Europe model and process for seeking peace and security in the Middle East.

In 1975, the leaders of the 35 participating States gathered in Helsinki and signed the Final Act of the Conference on Security and Cooperation in Europe (CSCE). In 1976, the United States Congress created the Helsinki Commission, which is an independent U.S. Government agency charged with monitoring and encouraging compliance with the Helsinki Final Act and other commitments of the CSCE, now known as the Organization for Cooperation and Security in Europe (OSCE). Currently, your nation serves as a Mediterranean Partner for Cooperation to the OSCE.

Since 1975, the OSCE has contributed to positive developments in Europe by providing a comprehensive framework for the consideration of questions relating to security, including a regime of confidence and security building measures; cooperation in the fields of economics, science and technology, and the environment; and cooperation in humanitarian and other fields. Many have credited the Helsinki process for broaching the division in Europe during the Cold War by highlighting human rights and religious freedom issues in the former Soviet Union and its satellite nations.

We believe that it is in the interest of the United States and the international community to promote security and cooperation in the Middle East through a process of strengthening democratic institutions and respect for human rights, and the rule of law. We also believe that the framework and mechanisms of the OSCE, including those devoted to conflict prevention, could serve as useful models for enhancing security, promoting cooperation, and protecting human rights in the Middle East.

In 1993, the Helsinki Commission held hearings on the prospects for collective security in the Middle East, and discussed the possible formation of a Conference on Security and Cooperation in the Middle East (CSCME). Dr. Abba Eban, the former Minister of Foreign Affairs for Israel, testified that "[i]n the Middle East, as with Europe, the key to peace lies in institutionalized regional cooperation." Former Egyptian Ambassador to the United States, Ahmed Maher El Sayed, testified that he supported "a very active role by the United States and

the European countries in this process in the Middle East. We know that already in the process of the CSCE in Europe, there is mention of the link between security in the Middle East and security in Europe. Security in Europe is very closely linked to the security of the United States....I cannot imagine a situation where this process we are envisaging would take place in the Middle East without an active participation of the United States and Europe." In a subsequent letter to the Helsinki Commission, El Hassan Bin Talal, the former Crown Prince of the Hashemite Kingdom of Jordan, wrote that he had "been campaigning for several years for the establishment of a CSCME....The Conference on Security and Cooperation in Europe has set up a precedent that we should emulate so that we may be able to ensure the kind of progress which Europe has managed to obtain."

The Helsinki Commission also held a two-day seminar in 1995 to explore the application of the OSCE model to other regions, including the Middle East.

Ultimately, we hope that the creation of a CSCME will assist leaders in the Middle East as they attempt to overcome the legacy of the past, strengthen peace and understanding, and develop relations based on mutual respect and confidence, respect for human rights and the rule of law, and economic cooperation.

We look forward to working with you on this matter in the near future. For additional information please contact Mr. Chadwick Gore, Commission on Security and Cooperation in Europe, 234 Ford House Office Building, Washington, DC 20515, telephone (202) 225-1901.

Sincerely,


Benjamin L. Cardin
Member of Congress


Steny H. Hoyer
Member of Congress


Christopher H. Smith
Member of Congress

Congress of the United States

Washington, DC 20515

April 17, 2001

His Excellency
Mohamed Hosny Mubarak
President of the Arab Republic of Egypt
Cairo

Dear Mr. President:

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Sincerely,



Benjamin L. Cardin
Member of Congress



Steny Hoyer
Member of Congress



Christopher H. Smith
Member of Congress

Congress of the United States

Washington, DC 20515

April 17, 2001

His Majesty
King Abdullah II Bin Al Hussein
of the Hashemite Kingdom of Jordan
Amman

Your Majesty:

As House Commissioners of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, we are writing to urge you to consider using the Organization for Security and Cooperation in Europe model and process for seeking peace and security in the Middle East.

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Sincerely,



Benjamin L. Cardin
Member of Congress



Steny H. Hoyer
Member of Congress



Christopher H. Smith
Member of Congress

ראש הממשלה
Prime Minister

May 1, 2001
ת' אייר, תשס"א

Dear Congressmen Cardin, Hoyer and Smith,

I have received your letter dated April 17 in which you ask me to consider using the OSCE model and process for seeking peace and security in the Middle East.

Since assuming office as Prime Minister, I have always said that I will do everything possible to bring peace to my people and to the region. However, as I am sure you are aware, Israel is going through difficult times with the Palestinian Authority, which is using terror and violence as a strategic weapon to force Israel to make more concessions.

As mentioned to Congressman Cardin when we met last month as part of the recent CODEL to the region, we are willing to return to the negotiating table with the Palestinians, but only after the violence has stopped. When that happens, the formation of a CSCME based on the model of the OSCE, could be one of the options to strengthen and develop relations so that they would be based on mutual respect and confidence, respect for human rights and the rule of the law, as well as economic cooperation.

I would like to emphasize that Israel is committed to peace and security, and that stability in the Middle East remains a joint American-Israeli interest.

I take this opportunity to thank you once again for all the support Israel received from the U.S. Congress, and look forward to working with Congress on the peace process in the Middle East, as well as other issues of mutual interest.

Sincerely,

Ariel Sharon

Ariel Sharon

Congressman Benjamin L. Cardin
Congressman Steny H. Hoyer
Congressman Christopher H. Smith
Congress of the United States
Washington, D.C.
U.S.A.

Jerusalem, Israel

**MATERIALS SUBMITTED FOR THE RECORD
REPRINTED FROM THE WASHINGTON TIMES,
AUGUST 15, 2002**

**PEACE PREMISED UNDER THE FOUR 'OUGHTS':
UNDER PROPER CONDITIONS,
MIDDLE EAST CONFERENCE COULD WORK
BY MAX M. KAMPELMAN**

The president's definitive statement of June 24 on the crisis in the Middle East has set a firm foundation for a constructive, attainable and stable peace in the area. Our government's policy is that Yasser Arafat must go; the Palestinians must implement meaningful reforms to reflect democratic processes; and terrorism must be eradicated. And yet as Secretary of State Colin Powell learned at a recent New York meeting of the "Quartet," the European Union, Russia and the United Nations resist our emphasis on Mr. Arafat. An international program for democracy and human dignity in the Middle East must, therefore, be placed on the front burner of our diplomacy.

It was my privilege, 20 years ago, to represent the United States in a unique diplomatic experience that contributed to the ending of our Cold War with the Soviet Union. It can provide us guidance for the current Middle East crisis.

The Helsinki Final Act, signed in 1975 by all 33 European countries, the United States and Canada, created a Conference on Security and Cooperation in Europe (CSCE-OSCE). At the time, President Ford's decision to sign it was severely criticized. It seemed to give the Soviet Union a legitimacy it did not deserve in return for essentially unenforceable language supporting human rights and the rule of law. Over time, however, and with U.S. diplomatic effort, those human rights statements took on the characterization of commitments and promises that, if not adhered to, delegitimized those states which did not live up to them. The Soviet Union was eventually so delegitimized.

Swedish social scientist Gunnar Myrdal, in his ground-breaking study of racial prejudice in our country, *An American Dilemma*, described the prevailing American ethic as the belief that human dignity for all "ought" to prevail. He observed that America historically worked steadily and consistently to bring the "is" closer to that "ought." CSCE-OSCE declared a detailed universal commitment to human rights and human dignity as the necessary "ought" if security, cooperation and peace in Europe were to be achieved.

With an agreement on the "ought," CSCE could legitimately examine the "is" within each of the signatory countries and publicly judge and criticize the sins of omission and commission that were uncovered.

This historical perspective suggests that achieving peace in the Middle East will require an agreed-upon "ought" with respect to democracy, the rule of law and human dignity. Israel is now the only democracy in the Middle East, and the president has appropriately said that one of our objectives must be to introduce and strengthen democracy within Israel's neighbors.

Equally vital is the need to replace the refugee camps in the West Bank and Gaza with bona fide local communities designed to encourage economic development. The potential for developing the healthy and

vibrant democratic environment necessary for democratic elections is threatened by pervasive hostile and oppressive factors, including an unemployment rate of 45 percent, the more than two-thirds of Palestinian households that exist below the poverty level and the growing malnutrition of Palestinian children. The region's Arab peoples have every right to achieve the political, economic and social human dignity they deserve, and we should encourage the forces within those societies who yearn for those freedoms. The \$4 billion contributed by European and Arab states to the Palestinian Authority has obviously been used for other purposes.

Practically speaking, how do we achieve these objectives? An international conference designed to develop a Conference on Security and Cooperation in the Mediterranean and the Middle East, based on an agreed-upon civilized human rights "ought" could be successful if it incorporates what theologian Michael Novak calls the "four universal liberties" rooted in Islamic tradition: liberty to worship; liberty to study, write and speak; liberty from poverty; and liberty from tyranny—thereby addressing a fundamental flaw in the relationships between Israel and its neighbors.

The region is ready for this approach. A Euro-Mediterranean Parliamentary Forum already exists. The Fifth European-Mediterranean Conference of Foreign Ministers is working on a "framework document" based on a commitment to democracy, human rights and the rule of law. The European Union in 1990 issued a "Venice Declaration" affirming the right of states in the Mediterranean area, including Israel, to live within "secure and recognized" borders, within a democratic framework. The Islamic Institute, the Heritage Foundation and the University of Qatar recently sponsored in Qatar a Second Conference on Democracy and Free Markets.

American leadership can pull these ingredients together. An international conference called to adopt its own series of "ought" would create the foundation for democracy and peace in the Middle East. Secretary of State Colin Powell is uniquely qualified to organize such a conference and establish its tone. The result might well be an atmosphere conducive to the development of a peace agreement between Israel and the Palestinians in a Mediterranean and Middle East region committed to democracy.

Max M. Kampelman was Counselor of the State Department, US. ambassador to the Conference on Security and Cooperation in Europe; and ambassador and US. negotiator with the Soviet Union on Nuclear and Space Arms. He is now chairman emeritus of Freedom House, the Georgetown University Institute for the Study of Diplomacy, and the American Academy of Diplomacy.

**COMMISSION ON
SECURITY AND COOPERATION
IN EUROPE**

234 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6460
(202) 225-1901
FAX: (202) 226-4199
www.cscce.gov

October 8, 2003

His Majesty King Abdullah II
King of The Hashemite Kingdom of Jordan
The Royal Hashemite Court
Amman - Jordan

Your Majesty:

We are writing to you as Members of the Commission on Security and Cooperation in Europe, welcoming your remarks concerning democracy and human rights made during your recent visit to Washington. Mindful of Jordan's participation as an OSCE Mediterranean Partner, we respectfully urge you to explore avenues for the establishment of a multidimensional regional framework for the Middle East, encompassing the security, human and economic dimensions.

Your personal leadership, together with willing partners from the region, would be essential in realizing such an ambitious undertaking. Leading by example through implementation of the kinds of democratic and human rights reforms you discussed with human rights activists in Washington could be a catalyst for change elsewhere in the region. We believe this is the time your leadership can play a key role, can be such an agent, in the successful development of a process for the countries of the region similar to that which has brought notable transition and change in Europe.

Jordan's role as a leader in the region was well established by your father, most notably when he signed a Treaty of Peace with the State of Israel in October 1994 that envisioned development of a framework for the region. Jordan's participation in NATO's Mediterranean Dialogue has continued the development of constructive regional ties. The seminar to be held later this month in Aqaba on the comprehensive approach to security, "The OSCE experience and its relevance for the Mediterranean region," organized by the OSCE Secretariat and Jordan, could be a helpful step in furthering discussions on such a multidimensional process.

In 1993, the Helsinki Commission held hearings on the prospects for collective security in the Middle East, and discussed the possible formation of a Conference on Security and Cooperation in the Middle East (CSCME). In a subsequent letter to the Helsinki Commission, El Hassan Bin Talal, the former Crown Prince of the Hashemite Kingdom of Jordan, wrote that he had "been campaigning for several years for the establishment of a CSCME....The Conference on Security and Cooperation in Europe has set up a precedent that we should emulate so that we may be able to ensure the kind of progress which Europe has managed to obtain."

His Majesty King Abdullah II
October 8, 2003
Page Two

At the parliamentary level, the OSCE Parliamentary Assembly will convene a "Forum on the Mediterranean" on October 11 in Rome. Sessions will include: Security and Stability in the Mediterranean; The Euro-Mediterranean Partnership; Developing the OSCE Mediterranean Dimension; and, Democracy and Human Rights. Additionally, there are numerous wide-ranging discussions among non-governmental as well as government officials about a multidimensional process for the Middle East.

While such initiatives may play a useful role in stimulating ideas and discussion, the challenge will be to develop a meaningful framework with willing partner countries from the region committed to working cooperatively and inclusively on issues of common concern. In this regard, the Declaration of Principles which have guided the Helsinki Process could serve as a useful basis upon which to build a framework.

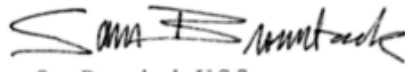
We hold no illusions with respect to the formidable obstacles to progress in overcoming the legacy of the past. Building a new era rooted in principles of democracy, human rights and fundamental freedom is essential if the countries in the region are to move toward prosperity and peace with security.


We welcome your vision and leadership!

Sincerely,


Ben Nighthorse Campbell, U.S.S.
Co-Chairman

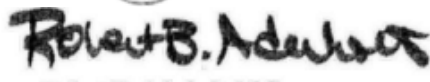

Christopher H. Smith, M.C.
Chairman


Sam Brownback, U.S.S.
Commissioner


Benjamin L. Cardin, M.C.
Ranking Member


Saxby Chambliss, U.S.S.
Commissioner


Frank R. Wolf, M.C.
Commissioner


Robert B. Aderholt, M.C.
Commissioner


Joseph R. Pitts, M.C.
Commissioner

MATERIALS SUBMITTED FOR THE RECORD

**REPRINTED FROM
THE INTERNATIONAL HERALD TRIBUNE,
TUESDAY, MARCH 30, 2004**

**THE MIDDLE EAST NEEDS ITS HELSINKI
BY NATAN SHARANSKY**

The cancellation of this week's Arab Summit is most unfortunate. Among the items on the agenda was a discussion of the document produced at the Alexandria conference held two weeks ago and attended by representative of civil society institutions within the Arab states.

The Alexandria document pointed to the urgent need for political, economic and social reform in the Arab world. No doubt, the non-democratic Arab regimes decided to cancel the summit rather than seriously address the lack of freedom in their countries. But to those who do want to build democracy in the Middle East, the Alexandria document still presents an important opportunity to begin pursuing a "Helsinki" strategy for the region.

The Helsinki agreements, signed by the United States, Canada, the Soviet Union and most European countries in 1975, included three "baskets." The first conferred international recognition of the Soviet Union's control over Eastern Europe; the second granted the Soviets various economic benefits; the third committed the USSR and its puppet governments to respect the human rights of their subjects.

The Soviet leadership believed it was hoodwinking the West with an empty promise in a non-binding agreement. Moreover, many in the West were prepared to sweep human rights under the rug of détente.

But some dissidents, including me, saw Helsinki as a potential watershed. For the first time, the USSR's international standing was linked to the regime's treatment of its own citizens. The critical question was how to turn that linkage into an effective tool for pressuring the Soviets to change their human rights policies. We believed that if we could turn the non-binding Helsinki commitments into an internationally accepted measure of Soviet intentions, the agreements could become a catalyst for change. Accordingly, we decided to form a human rights monitoring organization called the Helsinki Group.

While all the members of the Helsinki Group were eventually imprisoned or exiled or both, our strategy succeeded. The Soviets could not take one step in the international arena without the spotlight of world opinion exposing its human rights policies and its treatment of political dissidents.

What many had viewed at the time as an insignificant declaration on human rights turned out to be one of the most fateful decisions of the cold war. Within 15 years of Helsinki, the Berlin Wall had crumbled, East Europe was free and the Soviet Union had collapsed. To be sure, there were many factors that contributed to the end of the cold war, but that this chain of events occurred so quickly was due in no small measure to the human-rights provision of Helsinki and to the tremendous international pressure that it brought.

In order for a Helsinki-like initiative to work in the Middle East today, we must ensure that the free world's commitment to democracy in the region becomes more than lip service. The non-binding recommen-

dations of the Alexandria conference, which detail the political, economic and social reforms that should be made in the Arab world, should be turned into a yardstick to measure the intentions of Arab governments and to chart their progress.

For that to happen, governments, the media and human rights activists in the “West” must be willing to shine the spotlight on dissidents within the Arab world. International scrutiny will give more and more Arabs who support democracy the courage to step forward.

Second, the free world must be willing to link its international policies to how Arab regimes treat their own people. Middle Eastern regimes today are even more dependent on the West than the USSR was in 1975. If the free world uses this leverage, Arab regimes will no longer be able to violate human rights with impunity.

The United States, for example, might insist that if the Saudi regime wants American protection, it will have to change its draconian emigration policies and improve its record on women’s rights. European states, for their part, might demand that if the Palestinian Authority wants to keep receiving financial support, it will have to show that this money is being used to improve the lives of the Palestinian people and not to fund terrorism and corruption.

The lesson of Helsinki is that when demands to uphold human rights are backed by effective action, the cause of freedom and peace can be advanced. The danger today is that the commitment to spread human rights and democracy in the Middle East will remain an empty promise.

That would be most unfortunate. Just as Helsinki helped liberate hundreds of millions of people and defeat an evil empire that threatened the democratic world, the same approach today can transform the Middle East from a region awash in terror and tyranny into a place that provides freedom and opportunity to its own people as well as peace and security for the rest of the world.

Natan Sharansky is a minister without portfolio in the Israeli government. He was a founding member of the Helsinki Group and a political prisoner in the former Soviet Union.

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