INTRODUCTION

The formidable political, security and existential challenges that the emerging State of Palestine faces are insurmountable in the near-to-medium term. As Palestine considers all its options for realizing its long-standing desire for political and sovereign independence, it is also assessing its regional and global duties and responsibilities. One such critical geostrategic issue is engagement with the Middle East weapons of mass destruction-free zone (ME WMDFZ) process.

PALESTINE’S INCENTIVES

Palestine’s engagement with the ME WMDFZ would be in line with its national interest and would serve to solidify its reputation as a member of good standing in the international community. As a new State, Palestine bears a responsibility to present itself as a peaceful nation that rejects all forms of violence and adheres to global rules embracing peace and promoting regional and international cooperation. As such, it seeks to be a free State that places restrictions on all forms of aggression and war. It will create national disincentives in order to make war, including civil war, unattractive. This will go a long way to support its stance on limiting arms and militarization, and on preventing the acquisition of weapons of mass destruction (WMD), be it chemical, nuclear or biological. In turn, this will support and foster open diplomacy. Palestine has previously articulated such a stance regarding a zone free of WMD in negotiations with Israel, including at Annapolis in 2007. It will also aid Palestine’s social and economic development and will constitute a net gain for its political reputation.¹ Earning such a reputation regionally and internationally would enhance Palestine’s standing and support its de-militarization objectives. It would also pave the way for building new alliances with other States, regionally and globally.

¹ Based on the author’s personal exchanges.
For many years, the overarching Palestinian aspiration has been a sovereign State free from occupation. Reaching independence through a negotiated permanent-status agreement with Israel remains key to achieving this end. This is despite the suffering of the Palestinian people, including dispossession, displacement; years of prolonged occupation; dehumanization; closures of internal borders within the West Bank and between the West Bank and besieged Gaza, and denial of access to Jerusalem; territorial shrinkage due to build-up of Israeli settlements; as well as the imposition of systematic, economic and financial hardship and restrictions on local and international trade leading to heavy reliance on international aid. Security needs are further fragmented by the geographical discontinuity and the Separation Wall imposed by Israel between the different parts of the West Bank, the Gaza Strip and East Jerusalem, as well as the internal political Palestinian schism between Fatah and Hamas. The diaspora Palestinians add another layer of complexity to the security equation.2

Against this backdrop and to support its stance on non-violence, the most prominent incentive for Palestine to be part of the ME WMDFZ is its security. Palestine and its people have been constantly exposed to Israel’s overwhelming and hostile military power. Israel’s ardent emphasis on achieving maximum security for itself continues to trump that of Palestine. The security needs of Palestinians have not been equal place with those of Israel. The undermining of Palestinian security needs, coupled with the extended occupation and the continued infringement of Palestinian rights and needs, have created a deep sense of insecurity and vulnerability.3 This will be difficult to overcome. Unless the conflict is resolved, the trauma and insecurity will persist.

However, Palestine understands that it cannot compete with Israel’s military force; thus, its only remaining format to achieve independence and its own security is to be largely demilitarized. Joining the ME WMDFZ or any similar endeavour would further this goal and would give Palestine protection without undermining Israel’s security. It would also act to deter Israel and hasten the implementation of any agreed solution.4 These are especially important given that Palestine and Israel “occupy a single strategic space”5 and the “scope for error would be very small considering the constraints of time-space”,5 making threats against either of them a threat against the other. There are tangible examples of both this shared space and the possible threats against it, including shared water and electricity sources, and the Islamic Republic of Iran’s recent attacks on Israeli-linked merchant vessels.6 Moreover, the limitations on arms imports and manufacturing entailed by a WMDFZ would mean that joining would add credibility to the negotiating position previously expressed by the Palestine Liberation Organization (PLO) of Palestine becoming a “State with limited arms”.

Notwithstanding the challenges, national security and protection against all forms of security threats internally and externally remain paramount. It is fundamental that the

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4 Hussein Agha, Personal interview, 10 June 2010.

5 Hussein Agha and Ahmad Samih Khalidi, “Palestinian National Security”, in M. Levine and M. Mossberg (eds), One Land, Two States: Israel and Palestine as Parallel States, University of California Press; p. 117.

6 Ibid., p. 118.


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Given that Palestine and Israel “occupy a single strategic space” and the “scope for error would be very small considering the constraints of time-space”, making threats against either of them a threat against the other.
State of Palestine, its people and their livelihoods are afforded protection against any potential threats and use of force. Achieving Palestinian national security involves protection against “the use of superior Israeli force in aggressive, preventive, coercive, or punitive actions; violence aimed at Palestinian communities abroad; threats from third-party conflicts with Israel, including the threat and possible use of weapons of mass destruction; assassinations, incursions, punitive raids, property damage, and home demolitions”.

These security interests become even more pronounced in the light of the repercussions of the ever-decreasing chances of reaching an end-of-conflict settlement with Israel, including denying Palestinians the ability to defend themselves and the constant demands for Palestinians to demilitarize. The challenge for the State of Palestine would be dealing with these external factors and forces and finding security agreements with its neighbours. Joining the ME WMDFZ would propel such a safety measure and create a potential safety net. It would deter aggression by either Israel or third parties hostile to Israel, including the radical proxies of neighbouring regimes, which would by implication threaten Palestine’s security given the close proximity. Thus, importantly, Palestine’s incentives for joining would be weakened if Israel did not join. But overall, the ME WMDFZ could provide safety for the region as a collective over the individual State interest, and thus Palestine stands to obtain another net security gain.

Again, Palestine has no interest in posing an offensive military threat to any State but would rather maintain a self-defence capability in a largely non-militarized State. Such an interest has often been communicated during negotiations with Israel, especially during those concerning exceptions to Israeli military withdrawal from Palestinian territories (topics discussed include early warning stations, military presence in the Jordan Valley, use of Palestinian airspace and use of the electromagnetic spectrum). Given that it is unlikely that Palestine will, in the foreseeable future, acquire a military capacity that may be sufficient for its national security, the focus should instead be on building “a multi-tiered regime of psychological, diplomatic, economic and political barriers sufficient to protect Palestinian interests, and to dissuade any potential aggressors from the pursuit of their goals via the use of force”.

The non-military defence plank of a Palestinian security doctrine necessitates reaching binding commitments regarding use of and resort to force. This plank may be facilitated, and its proper enforcement guaranteed by the international community. A ME WMDFZ treaty may be a good step in this direction. It would be useful if the treaty were to provide for some sort of international monitoring with the aim of ensuring respect and compliance with the commitments that it contains. International oversight could also involve ensuring that countermeasures, penalties and sanctions are imposed on ME WMDFZ members that violate their obligations. In such an event, this treaty could act as a strategy that raises the cost of developing or using WMD for non-compliant members. This strategy could be further strengthened by ensuring that non-compliance with the ME WMDFZ is condemned by the

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8 A secure Palestine would also require that its borders, airspace and international waters are preserved, and access to vital resources and natural assets are maintained. Without guaranteeing these, it would be hardly possible to envision a secure Palestine.
10 Ibid., p. 104.
11 Ibid., p. 105.
12 Ibid., p. 106.
international community and may therefore damage the reputation of non-abiding members, which in turn may have an adverse impact on engagement with these members on other issues. However, without mechanisms that ensure enforcement of negative security assurances, there remains a need to maintain some level of militarization and self-defence powers. As such, the ME WMDFZ treaty may need to tackle this in some detail for Palestine to consider joining. An indirect advantage here would be that faith in the ability of the international community to play a leading role in oversight and "policing" functions could be restored.

Moreover, participation in such a regional oversight framework would fit with relatively recent Palestinian moves towards internationalizing the conflict with Israel, such as by achieving observer status at the United Nations, a shift that Daniela Huber and Lorenzo Kamel have documented. Similarly, if other Arab States were to join a ME WMDFZ, this could boost Palestine’s relative power in bilateral interactions with those States, due to the further regionalizing and institutionalizing of these diplomatic relations, as has perhaps been the case with Palestinian involvement in the Arab League and United Nations. This could counter the effects on Palestine of Israel’s recent efficacious diplomacy with several Gulf states, including Bahrain and the United Arab Emirates (formalized in the Abraham Accords).

Joining the ME WMDFZ treaty will pave the way to enhancing Palestine’s security by somehow creating "military power" symmetry. It may contribute to putting Palestine on a somewhat equal footing with other States in the region that possess WMD, and which may use them in a way that would harm Palestinians. It would, therefore, make it cost-effective and potentially easier for Palestine to enhance its security, and would enable neighbouring States to strengthen their security without endangering Palestine’s. This, however, will also depend on which States join the ME WMDFZ treaty. The chances of Palestine joining the ME WMDFZ would most likely increase if States that are believed or alleged to possess WMD join too. Moreover, for national security to qualify as an incentive for joining the ME WMDFZ, the implementation of several factors must be ensured so as to build confidence in the added value of the ME WMDFZ treaty. These include:

Credible measures to enforce treaty obligations and hold States that commit breaches accountable, possibly including:

1. the threat of sanctions and diplomatic ostracization;
2. a guarantee of proper enforcement through countermeasures, penalties and sanctions being imposed on ME WMDFZ members that violate their obligations;
3. effective monitoring of non-compliance, perhaps through a system of mutual inspections, similar to the aerial surveillance flights under the 1992 Treaty on Open Skies;
4. and penalizing them as needed.

Given the wide belief that Israel possesses nuclear weapons — although the Dimona reactor is believed to be ailing — as well as allegations that it has both biological and chemical weapon programmes, Israel’s signing of the ME WMDFZ treaty may have a positive impact on the everlasting Israeli–Palestinian conflict. This would be particularly noticeable with respect to the security and stability question, since it may function as a confidence-building mechanism between the two parties (it has been suggested that Palestine would be willing to discuss joining a ME WMDFZ before the resolution of its bid for statehood in the United Nations). This, in turn, may cause or influence a return to peace talks and negotiations, which may decrease incidents that incentivize violence and “justify” the acquisition or use of weapons. This would also help neutralize security threats and achieve a power balance among States with varying military capacities, while also maintaining the security of the States’ national interests and boundaries and securing more peace in the region. Furthermore, as Prince Turki Al Faisal has written in his essay¹⁴ on Saudi Arabia’s views, the durability and effectiveness of a ME WMDFZ, as well as other regional security regimes, would partly rely on a resolution of the Israel–Palestine conflict, as well as other regional issues.

All weapons, including conventional, chemical, biological, nuclear and technological, as well as other forms of warfare, constitute threats, even though their risks and threats are different. Palestine, being a small, defenceless country squeezed amid giant and potentially hostile third parties, has an incentive to join the ME WMDFZ. As such, it is not only a reputational issue, but a matter of survival and peaceful existence among nations.
POSSIBLE STEPS FORWARD

For Palestine to meaningfully engage with and ultimately join a ME WMDFZ treaty, it would need to consider not just its adherence to international treaties, but also some national measures, such as formulating national regulations exclusively specifying peaceful uses of dual-use technologies and acceptable safeguards that ensure the continuity of peacefulness of such uses.

For a ME WMDFZ to contribute towards enhancing Palestine’s national security, the negotiations and subsequent treaty would also have to take into account or ensure the following:

1. Identifying practical confidence-building measures, such as a system of mutual inspections;
2. Discussing possible and acceptable countermeasures and penalties that can be imposed on States that violate their obligations under the ME WMDFZ treaty; and
3. Including States that are alleged to possess WMD in the region, without whom the central incentive for Palestine’s participation would not be met.