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**THE EURO-MEDITERRANEAN CHARTER
FOR PEACE AND STABILITY:
PERSPECTIVES AND PRIORITIES**

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THE EURO-MEDITERRANEAN CHARTER FOR PEACE AND STABILITY: PERSPECTIVES AND PRIORITIES

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This paper has the task of introducing the panel discussion on the outlook for a Euro-Mediterranean Charter within the Euro-Mediterranean Partnership¹.

It includes two main sections: (1) a discussion of the rationale of the Euro-Mediterranean Charter for Peace and Stability; (2) some suggestions to set up a EuroMeSCo research agenda on the Charter to be pursued by the Working Group on Confidence-Building, Arms Control and Conflict Prevention. Furthermore, the paper includes three appendices highlighting suggestions and ideas on specific topics to be searched within the main research agenda of the Working Group: (i) on instruments to build up an human dimension within the Charter; (ii) on the implementation of CBMs/CSBMs; (iii) on the establishment of a EMP conflict prevention centre.

1. The rationale of the Euro-Mediterranean Charter for Peace and Stability

As it is well known the Senior Officials Committee have set out two main agendas for the EMP to take action: the Action Plan and, later on, the Euro-Mediterranean Charter for Peace and Stability.

Initiated under the Italian Presidency, in the first semester of 1996, the Action Plan envisages six areas in which the Partners would take action jointly. Under the Irish Presidency, in the second semester of 1996, the outright formula of the Action Plan was replaced by negotiations on the adoption of a more normative and institutionalised policy framework, the Euro-Mediterranean Charter for Peace and Stability (predicated on earlier proposals put forward by France and Malta). The Action Plan was translated into a rolling list of topics to be picked up just in case, whether in relation to negotiations on the Charter or not.

While the Action Plan didn't undergo significant changes after its inception, the draft of the Charter that was negotiated before the second EMP ministerial Conference in Malta of April 1997 has been replaced by a new draft submitted by Luxembourg's Presidency in the second semester of 1997. This draft is the one being presently considered by the Senior Officials. What is the difference between these two broad policy-frameworks?

The first difference is that the Action Plan is a list of commitments that the Partners can select and negotiate over time according to priorities and modes they remain free to gradually agree upon. The Charter is an institutional framework with a normative

¹ This paper is adapted from the concluding chapter (on "Conflict prevention in the Euro-Mediterranean context") of a research project on *Prospects for crisis prevention within the framework of the Euro-Mediterranean Partnership* which was conducted in the last eighteen months under my direction. This research has been made possible by resources generously made available by the United States Institute of Peace (Washington DC) and the Istituto Affari Internazionali (Rome). It also took advantage of the meetings organised by the EuroMeSCo Working Group on Confidence-Building, Arms Control and Conflict Prevention. The research is now being considered for publication by Frank Cass in London.

ambition, whereby partners are required to adopt a more coherent and cogent agenda than that put forward by the Action Plan. This first difference is also the most important one between the two frameworks.

In fact, the Action Plan is a helpful rationalisation of the principles and purposes the Declaration has established in a rather confuse and untidy way. It points out clearly the tasks the EMP Political and Security Partnership is expected to accomplish and the means that should be used to that purpose. However, these tasks cannot be accomplished unless the Parties to the EMP establish more clearly and in more detail the decision-making mechanism which would allow to perform such tasks effectively. To be sure, the Declaration envisages such mechanism by saying that the Partners “agree to conduct a strengthened political dialogue at regular intervals”. But it doesn’t say how the mechanism has actually to work. in order to attain the goals put forward by the Declaration. This would definitely be the purpose of the Charter. Unless the Charter is implemented, the EMP cannot even try to achieve the goals listed by the Declaration (as rationalised as they may be by the Action Plan). In this sense, the somewhat ironical argument that the Charter would be but a replica of the Barcelona Declaration, is mistaken.

The point has been clearly illustrated by Mustapha Sehimi [37-8]:

Ce qui est intéressant c’est que le corpus de Barcelone a formulé des objectifs et un certain nombre de principes auxquels tout le monde peut se rallier. Mais Barcelone ne définit pas les moyens d’y parvenir ... Il a manqué une institution communautaire permanente pour la mise en oeuvre, le suivi et l’impulsion. Un certain nombre de principes sont affirmés, mais dans un aréopage de vingt sept participants (15+ 12), il aurait fallu qu’un instrument soit chargé de l’organisation et du suivi de ces principes, sinon, on reste au niveau déclaratoire.

Very aptly, Sehimi is mentioning another essential aspect of the decision-making mechanism of the Charter. In fact, the latter to be able to achieve the goals set by the Euro-Mediterranean Political and Security Partnership must be equipped (or must equip itself) with “les moyens d’y parvenir”, i.e. a number of specific instruments and procedures. Some of them are already suggested by the Action Plan (e.g. Euro-Med procedures for conciliation). However, as instruments of the central mechanism for political dialogue envisaged by the Charter, these instruments and procedures should be something more than a toolbox. They should have an institution-like character and be somehow formalised.

Another aspect that must be stressed is that, unlike the Action Plan, with its all-inclusive agenda, the Charter tends to concentrate on conflict prevention. The Charter’s promoters -as it was very clear in the speech made by the French Foreign Minister at the Barcelona Conference- point out that, as a framework geared to prevent conflicts, the Charter would not commit partners to deal with ongoing conflicts and related confidence-building and arms control issues. It would be a foundation for future regional security architecture [Daguzan: 5]. “The loose character of the proposals [of the Charter] would allow a security forum to emerge in the Mediterranean without a need for the military rivalries in the region (Israeli-Arab, Greek-Turkish) to be defused before co-operative security can take a foothold in the region” [Tanner 1996: 284-5].

The progress report on the EMP prepared by the EU Commission for the conference of Malta very aptly defines the Charter as “an institutional mechanism for dialogue and crisis prevention” [Commission of the European Communities: 7].

In sum, the Charter is meant to be (a) an institutional mechanism which would enable the Euro-Mediterranean Political and Security Partnership to make decisions and to achieve its goals; (b) with instruments of its own (in the words of Luxembourg’s draft “... il s’agit maintenant de mettre le poids sur la définition des mécanismes ...); (c) and with a mostly, though presumably not exclusive conflict prevention character.

2. Setting a EuroMeSCo research agenda on the Charter

The draft of the Charter that was taken into consideration prior to the Malta meeting envisaged three main elements: (a) the principle of a strengthened political dialogue; (b) the engagement to promote the rule of law, democracy and human rights in the respective countries by complying with a number of international instruments listed in a first annex to the Charter; (c) the engagement to promote a set of CBMs, to be included in a second annex.

In the debate which was resumed after Malta, the tendency (especially in the EU quarters) to think that a set of specific instruments and procedures geared to conflict prevention should also be included in the Charter is getting stronger. There are also trends, however, to introduce in the Charter a significant variable geometry: Partners would be able to opt out with respect to specific agreements or actions and sub-regional agendas would be adopted by Parties concerned. The Charter would have a politically rather than legally binding character (which would make it less similar to the OSCE that to the CSCE). The tasks and instruments of the Charter -in its capacity as the central mechanism of the EMP Political and Security Partnership- would contemplate a range of interventions going beyond conflict prevention. In fact, the Luxembourg’s draft alludes to “mécanismes permettant d’accroître la confiance, de prévenir la naissance de nouveaux conflits et de préparer le chemin pour résoudre les problèmes identifiés”.

This being the state of debates and talks on the Charter and the structure the latter seems to contemplate, the research agenda of the EuroMeSCo Working Group on Confidence-Building, Arms Control and Conflict Prevention may reflect both the state of talks and the structure it does contemplate by envisaging a three-pronged research work: (a) a reflection on the institution of political dialogue the Charter would provide as a central feature of the EMP Political and Security Partnership as well as on the panoply of its institution-like instruments and procedures; (b) a reflection on CBMs and CSBMs and more specific tools, like for example “codes of conduct”, or concept, like for example “defence sufficiency”; (c) a reflection on conflict prevention policies and institutions, as a seemingly preferential mode of action of the EMP Political and Security Partnership under the Charter, in particular on early warning procedures and questions related to the establishment and functioning of a conflict prevention centre within the EMP framework.

Appendices

A. Law, democracy and human rights

These are critical and most controversial issues in the EMP perspective of conflict prevention, particularly with respect to the perspective of developing and strengthening a Euro-Mediterranean human dimension as a necessary operational and conceptual framework for conflict prevention.

In the post-Malta round of negotiations, beside the list of international principles and instruments for the implementation of law, democracy and human rights, new proposals could be tabled with the hope of creating consensus otherwise. Two proposals may be put forward here.

In its March 1997 joint report the two Working Groups of the EuroMeSCo network of Euro-Mediterranean public policy institutes put forward the proposal of appointing a *Wise Persons Council* [EuroMeSCo: 24] set up by independent figures from partner countries, with the task of elaborating on principles and values which today divide European and non-European countries within the EMP and providing non-binding, public recommendations stemming either from their own reflections or from questions put by public and private individuals or bodies in the EMP. Albeit in the meeting between EuroMeSCo and the Senior Officials, which took place in the Hague on March 4, 1997 to discuss the report presented by EuroMeSCo, everything was stated by the report about human rights was harshly criticised by the Arab group of Officials, this proposal can be picked up again. In fact, by providing authoritative and independent, albeit non-binding, responses to cases arising in the field of human rights and minorities, the Wise Persons Council would help the EMP to set out the minimum basis for building-up a shared human dimension and acquire an essential instrument for a preventive diplomacy to be developed.

Another proposal would be that establishing within the EMP an institutional (i.e. non-governmental) body to *perform functions similar to those of the ODIHR*. It must be noted that this idea is not contemplated by the Barcelona Declaration.

While a EMP's ODIHR would be extremely helpful in monitoring and encouraging partners' progresses towards the rule of law, the development of democracy and the respect of human rights as well as in involving in such a task also non-European personnel, the first obstacle is the fact that there is no room in the EMP, as it stands today, for non-governmental institutional bodies. The Barcelona process is a conspicuously inter-governmental body that doesn't envisage, for the time being, any institutional autonomy and has put even its secretarial support in the hands of both governments and EU "departments".

However, if the attempt at solidifying the Charter as a conflict prevention mechanism is serious, whereas it would be futile to think of the establishment of something like the HCNM in the politically fragmented context of the EMP, a body like the ODIHR would not face the same opposition and prove certainly helpful in making the Charter's mechanism to work more effectively.

B. Confidence-Building Measures

The concept of CBMs and CSBMs in the post-Cold War international environment in which the EMP is emerging appears somewhat blurred. To begin with, the distinction between military-related and non-military CBMs appears today particularly relevant. Brauch [185] and Sainz de la Peña [245] point out the little use it can be made of CBMs and CSBMs, in the sense they are known from the CSCE experience, because of the prominent socio-economic and cultural character of tensions and conflicts in the Mediterranean basin. For these reasons, they prefer to talk about “partnership-building measures” (i.e. “political measures primarily in the economic but also in the ecological realm which have a positive impact on the societal and cultural level” [Brauch: 274]) and “exchange-furthering measures”(which would be directed at overcoming existing mutual “enemy” images [Sainz de la Peña]). This point of view is shared in particular by Arab partners, who repeatedly point out that the EMP, including its action of conflict prevention, should essentially be geared to address and solve the “real” roots of instability, i.e. socio-economic gaps and cultural oppositions.

Such a socio-economic and cultural perspective, however, concerns only part of the EMP inter-state relations, i.e. essentially relations between Northern and Southern partners and, in some respects, relations between Arabs and Turkey and Arabs and Israel. South-south relations and, in particular, inter-state relations in the Middle East are greatly affected by military tensions and conflicts, instead. In this cases, CBMs and CSBMs, as part or precursors of arms control policies, not only make sense but are badly needed.

In principle, both types of CBMs are needed. CBMs intended to ease socio-economic and cultural tensions -as, for instance, with respect to Muslim immigrants- are necessary in order to improve mutual understanding between cultural and religious worlds separated by secular conflicts, prejudices and mutual misrepresentations as well as to dispel misperceptions. Military-related CBMs or CSBMs (more or less patterned on the three generations worked out in the CSCE framework by the 1975 Helsinki Final Act, the 1986 Stockholm Document, and the two 1990, 1992 Vienna Documents [Feldman; Feldman, Levite]) are needed to prevent open and violent conflicts from erupting (or re-erupting) in the Arab-Israeli relations as well as in other regional disputes. Military-related CBMs and CSBMs are also needed to counter and limit WMD proliferation by setting up or reinforcing co-operative security schemes (as, for instance, the TNP or a fresh zone free of WMD).

As a matter of fact, however, the debate in the ACRS [Peters; Jentleson; Ali] came to a standstill because the Arab side object that arms control and CBMs/CSBMs can be introduced only in a situation of strategic balance. In the Arab view, the establishment of military-related CBMs or CSBMs in a context characterised by basic strategic imbalances (like that of the Middle East) [Selim] as well as by unsolved political disputes [Kemp: 410] can results in a perpetuation of the issues they would be geared to solve.

The Arab stance (that military-related CBMs cannot be introduced, for the time being, and that socio-economic/cultural CBMs have to, instead) makes, in principle, only CBMs geared to increase information and transparency applicable in the EMP. In fact, better information, transparency, education, etc. are the substance of what socio-economic and cultural CBMs are supposed to achieve. All the same, operational and structural CSBMs being practically ruled out from the EMP framework, what is left is the possibility of establishing military-related CBMs or CSBMs of declaratory nature, i.e. essentially geared to increase transparency and consolidate broad mutual confidence.

This being the conceptual/political background of CBMs in the EMP, no wonder that in Malta the approved list of such measures was limited and, perhaps, even more disappointing than it might be expected. In fact, the list approved by Malta's "Conclusions" results more limited than the CBMs and CSBMs which were tabled in the negotiations and put forward by academic quarters, particularly by the EuroMeSCo network of Euro-Mediterranean public-policy institutes. For the time being, the second annex of the Euro-Mediterranean Charter looks thin. Future negotiations should try to break new ground.

The inventory of CSBMs approved in Malta includes six CBMs: (a) setting up a network of contact points for political and security matters; (b) exchange of information on adherence to international human rights instruments; (c) exchange of information on adherence to international legal instruments in the field of disarmament and arms control; (d) exchange of information on adherence to international instruments in the field of prevention of and fight against terrorism; (e) convening of diplomat seminars; (f) establishment² of EuroMeSCo network of foreign policy institutes.

The inventory confirms that today's EMP can hardly afford CBMs going beyond information and transparency, i.e. CBMs of prevalingly declaratory nature. It must be noted that no socio-economic or cultural CBMs was established, like, for example, procedures to ease the delivering of visas to citizens from non-European members of the EMP or European governmental or private measures to struggle against xenophobia or protect immigrants' dignity and personal security otherwise. All the measures contemplated by the inventory are of relevance from a conflict prevention point of view, especially those listed from (a) through (d). Nevertheless, they are less than impressive and, as they stand now, cannot contribute providing the Senior Officials Committee and the Foreign Ministers with instruments to take significant action to prevent conflict in the EMP.

Other measures of prevalingly declaratory nature were taken into consideration in the course of the Senior Officials negotiations (and are listed in the EU Commission progress report in preparation of the Malta ministerial conference " [Commission of the European Communities]). Nonetheless, they have been put on hold by Malta's "Conclusions": the establishment of a network of national defence centres specialising on academic research and training (a kind of governmental *pendant* of EuroMeSCo) and the organisation of a seminar on ways and means of deploying armed forces for humanitarian purposes.

Another CBMs put on hold in Malta was the enactment of forms of co-operation in case of disasters. In the fall of 1997 this CBMs was ultimately approved, but its operational character has been put in hold in turn: for the time being, it is limited to exchanging information and the use of military instruments is not allowed. Once again, this confirms very clearly EMP's inability to go beyond the implementation of CBMs of declaratory nature.

This suggests that the room left by actual political conditions in the EMP for CBMs to be introduced is even more reduced than their declaratory character can allow for. In fact, the willingness to strengthen information and transparency as precursors to a more tight and targeted system of CBMs/CSBMs stops even in front of obvious and

² EuroMeSCo enjoys the political and financial support of the Commission. Being a network of non-governmental institutions, it must be pointed out, however, that -contrary to repeated statements in the EU and EMP documents- it was established by its members and not by the Commission or the EMP governments.

conventional forms of international co-operation involving military factors. Of course, the state of belligerency would have not prevented Syria and Lebanon from accepting such forms of co-operation, had negotiations been on track. The more and more complete standstill in the peace negotiations between Israel, Syria and Lebanon compelled the two countries to limit CBMs opportunities sharply and the other Arab countries to align with them.

Only the peace between Syria and Israel would begin to enable the EMP to move beyond the very limited inventory of CBMs that have been approved so far. In such event, this inventory could be significantly enlarged, even in case the EMP would keep on introducing CBMs of declaratory character only. In fact, more such CBMs were suggested by the Senior Officials as well as the EuroMeSCo [EuroMesco; Heller; Tanner 1997]³ and individual researchers [Spencer]. For the time being, though, the outlook of the CBMs inventory destined to support the Euro-Mediterranean Charter is only slightly better than the bleak outlook of the catalogue of international instruments aiming at strengthening the rule of law, democracy and the respect for minorities and human rights.

In conclusion, as far as CBMs and CSBMs are concerned, it can be argued that (a) pending present conflicts, particularly the Arab-Israeli conflict, such measures can hardly have more than a declaratory nature. Nevertheless, *even if limited to declaratory functions, more CBMs can be established than those established so far.* (b) In particular, the establishment of *CBMs geared to ease tensions in the socio-economic and cultural*

³ It may be helpful to remind the readers of the CBMs and CSBMs suggested by members of the EuroMeSCo Working Group on Confidence-Building, Arms Control and Conflict Prevention in the 1996-7 round of research work and meetings:

List provided by Mark Heller (Jaffee Center for Strategic Studies, Tel Aviv)

CSBMs of declaratory nature

- commitment to the ultimate aim of a Euro-Mediterranean region free of weapons of mass destruction
- (along with) elements of a “code of conduct” intended to provide verbal reassurances about non-belligerent intentions

CSBMs of operational nature

- creation of limited-forces or demilitarised zones along borders;
- creation of aerial intelligence regimes involving a combination of national reconnaissance activity (with satellites and/or prenotified manned flights) and third-party overflights;
- prenotification of military manoeuvres and exchanges of observers;
- exchange visits of military delegations and of curricula of military command colleges;
- establishment of direct military-to-military communications links at a level (perhaps Chiefs of Operations) high enough to be of significance when ambiguity or uncertainty about operations create anxieties;
- establishment of mechanisms for regular consultation about extra-regional threats or threats from non-state actors;
- publication of data about military budgets and arms transfers.

List provided by Fred Tanner (Mediterranean Academy of Diplomatic Studies, Malta)

- foster a culture of dialogue and co-operation in the politico-military sector (i.e. common understanding about the key concepts of security co-operation, such as confidence-building, sufficiency, defence restructuring, conflict prevention and risk reduction; presentations of various perspectives on arms control)
- transparency measures, low-cost military CBMs, seminar diplomacy aiming at (a) identifying national defence priorities, (b) military doctrines, (c) defence concepts, (d) military budget priorities; creation of a communication network; establishment of a Euro-Med Defence Internet Forum; visits to peacetime air bases; *ad hoc* joint search and rescue exercises; regular evaluation visits to military bases; demonstration of new weapon systems.

domain has been very oddly neglected, whereas these CBMs must be expected to play in the Partnership a very significant role, as for instance with respect to immigrants.

C. Conflict prevention centre

The institution of a *conflict prevention centre* is supported by the Commission and by a number of governments. The European partners see the centre as a helpful support to the reinforced political dialogue and a necessary factor to give more substance to the chance of turning early warning into actual action. In the first round of negotiations the Egyptian, the Italian and the Jordanian governments tabled a joint project on setting up such a centre. This proposal is being put forward again. What would be the task of this conflict prevention centre in the emerging EMP web of conflict prevention institutions and instruments?

First of all, it must be stressed that the establishment of a conflict prevention centre would be a technical and analytical response to the need of introducing early warning in the EMP. It would not be a political response. The dual relevance of early warning must be stressed. In fact, the performance of early warning functions include two different actions: political action, mainly by governments or institutions, directed at preventing conflict by using appropriate instruments, and technical/analytical action directed at monitoring, analysing or forecasting conflict and providing policy advice or logistic support. The combination of these two mutually supportive aspects enables partners to come to what Greco calls a “convincing selectivity”.

In the CSCE experience these two functions got gradually separated: the political/diplomatic aspects have been more and more appropriated by the different political bodies of the structure (i.e. -according to today’s nomenclature- the general intergovernmental institutions like the Ministerial Council, the Senior Council, the Forum for Security Co-operation and, most of all, the Permanent Council as well as the non-intergovernmental institutions, like the Chairperson in Office, the HCNM and the ODIHR), whereas the logistic/analytical functions have been mandated to other subservient bodies, like the Centre for Conflict Prevention for the general purposes of the organisation; the Foundation on Inter-Ethnic Relations for the HCNM; the different kinds of expert bodies of both a political and technical nature which are convened periodically in the form of implementation and assessment meetings.

True, in an organisation like OSCE, the two aspects may not be always completely separated. For example, in the ODIHR they are not so. This is due to the fact that in the OSCE there are institutional, non-governmental bodies with their own mandate, which are in charge of specific political functions and, at the same time, have to secure (or may choose to secure) the implementation of their own political decisions. This is not the case with the EMP, in which therefore the conflict prevention centre would perform strictly logistic, technical and analytical functions within the mandate it will receive from the Senior Officials, the political body in which early warning will remain the expression of political decisions made by EMP member governments.

Nonetheless, as strictly technical the EMP conflict prevention centre’s mandate may be, the establishment of such centre is the evidence of a political will geared to reinforce early warning in the decision-making of the political body concerned (in the event, the Senior Officials Committee). Its work is bound to interact with the political body and help making the latter more effective and interventionist.

What the technical mandate of the EMP conflict prevention centre will be is difficult to figure out. The OSCE web of conflict prevention institutions performs a considerable political work with a very limited technical and analytical support. As it can easily be anticipated that in the near future the political work of the Senior Officials in

preventing conflict will not be of a considerable size, the obvious response would be a conflict prevention centre with limited (or even very limited) structures. But, in a functional perspective, the eventual political will by governments of strengthening EMP political dialogue may bring about a different response and give way to the establishment of a more ambitious and performing structure.

Thus, the EMP conflict prevention centre could be less similar to OSCE CPC than to an obviously limited version of NATO SitCen. Like the latter, the EMP conflict prevention centre could perform the following functions:

- monitoring political, military and economic matters of interest to countries and the EMP itself;
- supervising and operating communications among focal points (the latter have been already established as a CBM);
- maintaining and updating background information for crisis prevention and management;
- being prepared to provide facilities in case a contingency staff is set up with respect to a given crisis or conflict;
- supporting briefings to public and private bodies;
- providing a continuous flow of information to members according to mandates;
- providing information to media.

NATO SitCen performs many other functions⁴, especially in the field of communication, that don't fit with the more limited political and technical nature of the EMP conflict prevention centre. On the other hand, in the EMP centre economic and social indicators should be given an important role, because of the objective importance of socio-economic and cultural factors in the Euro-Mediterranean relations and of the political relevance such factors maintain in the eyes of the Southern Mediterranean partners. From the point of view of the Europeans, it would be important to give the EMP conflict prevention centre a mandate that would include to some extent the human dimension.

To conclude, it must be also underlined that the technical/analytical dimension of conflict prevention is nurtured by a large number of academic institutions, public-policy institutes and non-governmental organisations. To some extent, the contribution of these varying NGOs is already provided for official and private use (the Foundation on Inter-Ethnic Relations is a NGO and EuroMeSCo a network of public-policy institutes). It should be expanded and more and more well integrated and co-ordinated with governmental and official efforts. From the technical/analytical point of view, there should be a kind of *continuum* between governmental and non-governmental action. Limited by intergovernmental mandates in the official centres, speculation is free in non-governmental bodies. Thus the work of the latter is geared to helpfully complement official work. In this sense, the EMP conflict prevention centre should take care of keeping regularly in touch with NGOs and public-policy institutes.

⁴ See *Generic Crisis Management Handbook*, NATO/NACC/PfP unclassified, document NACC/PfP(COEC)D(97)2, 17th February, 1997.

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