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The onset of mass revolts in large parts of the Middle East and North Africa (MENA) in early 2011 raised global hopes that the Arab world was finally on the verge of an historic democratic transformation - a positive "Arab Spring". Yet it also generated grave fears that the "old" Arab dictatorships would quickly be replaced by a "new" brand of religious authoritarianism - an "Islamic Winter" inimical to liberalism and modernity. Two years on, reality is no less dramatic but it is a far more complex. The MENA region is clearly in the midst of a profound crisis of governance; one that involves not only new dynamics of democratization and authoritarianism, but also state failure, the rise of Non-State Actors, and deep security, economic, legal and social change. These require Israel, Europe, and the United States to rethink core principles of policy.

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The Crisis of Governance in the Middle East:

Implications for Democracy, Development & Security



Konrad-Adenauer-Stiftung

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Edited by Dr. Amichai Magen

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Dr. Amichai Magen

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Dedicated to:

Marc and Anita Abramowitz

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Foreword Letters

Foreword Letter by State Secretary (ret.) Michael Mertes, Director of the Israel Office of the Konrad-Adenauer- Stiftung

For the Konrad-Adenauer-Stiftung (KAS), 2012 has been a year of two important anniversaries: the 50th anniversary of its international activities and the 30th birthday of its Israel Office. Today, the KAS is present all over the world, with some 80 offices reaching out to more than 120 countries. In the greater region of North Africa and the Middle East, we are represented in capitals from Rabat to Ankara, and there is very close cooperation between our offices in Jerusalem, Ramallah and Amman.

More than 50 years ago, Konrad Adenauer and David Ben-Gurion laid the ground for reconciliation between Germany and Israel and for a joint future based on shared values and partnership. The KAS is proud to continue this unique legacy in reunited Germany as well as in Israel. It is our perpetual aim to contribute to Israel's thriving in peace, prosperity and partnership with Europe.

In his remarkable presentation in the closing session of the Crisis of Governance Workshops organized by the ICT and KAS, Andreas Michaelis, Germany's Ambassador to Israel and the leading Middle East expert in the Federal Republic's diplomatic service, admitted that until very recently "we underestimated the danger of crumbling state structures and the fragmentation of authority in the region". Instead, the focus used to be on threats such as traditional military inter-state conflict, "traditional" terrorism, and the risk of "state sponsored confrontations with non-state actors like HAMAS and Hezbollah."

The credit for addressing the crisis of governance as a novel threat to the peace and stability of the Middle East at the two interrelated Expert Workshops held in Herzliya in October 2012, belongs to Dr.

Amichai Magen. He has been a good friend and highly esteemed partner of the KAS for quite some time. We were delighted to partner in this fascinating and most topical joint venture, the results of which are documented here.

There can be no doubt that what has been optimistically called the "Arab Spring" will occupy us for many years. If one compares the year 2011 to the French Revolution of 1789, we are now living in the year 1790. We have already had the "Declaration of the Rights of Man and of the Citizen", but Robespierre's "Reign of Terror" is yet to come.

However, "This great awakening cannot be wished away", as Natan Sharansky, the ex-Soviet dissident whose life shows that one should never give up hope, observed in spring 2011.¹ There has been a great deal of pessimism in Israel from the outset with regard to the effects of the "Arab Spring" on Israel's national security as well as on the stability of the Region as a whole. This sceptical view has turned out to have been more realistic than the initial European enthusiasm. And yet, under the icecap of what some call the "Islamist Winter" today, there is a seed that we should still welcome. Sharansky put it this way:

"For decades, the policy of the free world toward the Arab and Muslim Middle East was based on a simple principle: The overriding aim was stability, purchased by deals struck with leaders. That the leaders in question were autocrats of one stripe or another mattered little; neither did the cruelty and [...] corruption endemic to their rule. To the contrary, tyranny was seen as the guarantor of stability, just as corruption guaranteed that the regimes' friendship could be bought. And so a pact was struck. [The] quid pro quo – support for stability – [...] was rationalized by considerations of realpolitik and the comforting assertion that we had no right to judge the behaviour of societies with moral standards different from our own. Repeatedly, however, and now definitively, that pact has been exposed as a sham, yielding not stability but its opposite. [...] The great awakening] has accomplished something historic: shattering the longstanding truism that, unlike 'us,' the Arab and Muslim peoples of the Middle East have no real desire for freedom, that they are content with living in societies dominated by fear. With tremendous courage, they have done nothing less than to put their lives on the line to inform us otherwise."²

For the Konrad-Adenauer-Stiftung it goes without saying that we want to help, with our limited means, make the seed of democracy sprout and flourish – even where it is still hidden under an icecap. We also believe that regional dialogue is a means to that end, and a very important one. However, dialogue needs intellectual clarity and honesty on all sides. This was the spirit by which the two ICT-KAS Workshops on the crisis of governance in the Middle East were guided, and I am delighted that their notable results are now available to a broader public.

Jerusalem, December 2012

A handwritten signature in cursive script, appearing to read "Michael Mertes".

State Secretary (ret.) Michael Mertes

***Foreword Letter by Dr. Boaz Ganor,
Ronald Lauder Chair in Counter-
Terrorism, Founder and Executive
Director of the ICT, and Deputy
Dean, Lauder School of Government,
IDC, Herzliya***

Established at the Interdisciplinary Center (IDC), Herzliya, in 1996, the International Institute for Counter-Terrorism (ICT) has made it its goal to identify, analyze, and formulate international policy appropriate to the challenge of coping with terrorism. Since the ICT's establishment, terrorism has burgeoned to the point where it threatens the security of civilians in countless countries, jeopardizing the peace of the entire world. Consequently, it poses ethical and operative dilemmas for liberal-democratic regimes, and particularly for Western society.

The revolutions in the Arab world that have come to be known as the "Arab Spring" have so far led to the replacement of traditional Arab regimes with Islamist ones. The implications of this – weakened central governments, crises of government, whole swaths of territory that are not governed effectively – are fertile ground in which terrorist organizations can take root, subsequently sowing the seeds for the next generation of modern, especially Islamist-jihadist, terrorism.

However, this process is not deterministic. An understanding of current trends and processes and their implications for the future will enable us to design regional and international policies that will thwart the radicalization now emerging under the guise of democratic processes. Such policies may help fledgling regimes not only to develop civil institutions, but also to inculcate fundamental liberal-democratic principles. This book is the outgrowth of fruitful cooperation between the ICT and the Konrad-Adenauer-Stiftung (KAS). It is meant to shed light on current processes in the Middle East, help to parse their meaning, and indicate policy directions for coping with the new challenges they are posing.

Herzliya, December 2012



Dr. Boaz Ganor

Acknowledgements

This publication is a product of a set of conversations, some between two individuals, others involving groups, which took place in Israel between March and October 2012.

As the tumultuous Arab awakening continued unabated into a second year of mass protests, regime transitions, and civil wars, it became increasingly clear that both Israel and Europe shared a deep interest in better understanding the causes, trajectories, and likely consequences of the events transpiring in their immediate, common neighborhood.

In the spring of 2012 the Head of the Konrad-Adenauer-Stiftung Office in Israel, State Sec. (ret.) Mr. Michael Mertes, and I decided to organize a program that would allow leading academics, practitioners, and policy-makers to explore these issues in a cohesive, interdisciplinary manner. Through the spring and summer of 2012 we worked closely together, developing the initial idea into the program that would eventually become two expert workshops under the title: *The Crisis of Governance in the Middle East: Implications for Democracy, Development, and Security*.

During this period of conception and gestation, my colleagues at the International Institute for Counter Terrorism (ICT), the Interdisciplinary Center (IDC), Herzliya, provided invaluable input, both in terms of topics to address and experts to invite. In this context I would like to gratefully acknowledge the unfailing encouragement and support I received from my colleagues at the ICT, particularly from our Founder and Executive Director, Dr. Boaz Ganor; Dr. Eitan Azani, Dr. Assaf Moghadam, Dr. Ely Karmon, as well as the indefatigable Mr. Stevie Weinberg, our Director of Operations.

Of course the main set of conversations that bore the fruit of this publication took place at the two expert workshops themselves. The first took place on October 10 and 11, 2012 at the IDC's wonderful campus in Herzliya. In total, some 200 faculty members, students, diplomats, military personnel, journalists, international visitors and friends of KAS and the IDC took part in the event.

The workshop focused on the political, economic, legal, and security challenges facing Arab states, covering both those – such as Egypt, Libya, Syria, Tunisia, and Yemen – that were in the midst of dramatic change, and Arab states who have, so far at least, eschewed regime crisis or transition – notably Jordan, Morocco, and Saudi Arabia. I wish to gratefully acknowledge the vital participation and intellectual contributions of each one of the speakers in the first workshop:

- **Prof. Uriel Reichman**, Founder and President of the IDC, Herzliya
- **Dr. Boaz Ganor**, Ronald Lauder Chair in Counter-Terrorism, Founder and Executive Director of the ICT, and Deputy Dean, Lauder School of Government, IDC, Herzliya
- **State Sec. (ret.) Michael Mertes**, Head of the Konrad-Adenauer-Stiftung Office in Israel
- **Mr. Marc Abramowitz**, Member of the ICT Advisory Board
- **Dr. Andreas Schockenhoff** MP, Deputy Chairman of the CDU/CSU parliamentary group in the Bundestag for Foreign Affairs, Affairs of the European Union and Defense Policy
- **Maj. Gen. (Ret.) Amos Gilad**, Director, Political-Military Bureau, Ministry of Defense, Israel
- **Dr. Ayellet Yehiav**, Director of Department 3, Center for Political Research, Ministry of Foreign Affairs, Israel
- **Prof. Eyal Zisser**, Dean, Faculty of Humanities, Tel-Aviv University
- **Dr. Andreas Jacobs**, Coordinator, Islam and Religious Dialogue, Konrad-Adenauer-Stiftung
- **Prof. Joshua Teitelbaum**, Department of Middle Eastern Studies, Senior Research Fellow BESA Center for Strategic Studies, Bar-Ilan University
- **Dr. Paul Rivlin**, Senior Research Fellow, Moshe Dayan Center for Middle Eastern and African Studies, Tel-Aviv University
- **Mr. Yitzhak Gal**, Economic Consultant, Research Fellow Moshe Dayan Center for Middle Eastern and African Studies, Tel-Aviv University

- **Col. (Ret.) Liron Libman**, Former Head of International Law Division, IDF
- **Dr. Daphne Richmond-Barak**, Head of International Law Desk, ICT
- **Prof. Efraim Inbar**, Department of Political Science; Director BESA Center for Strategic Studies, Bar-Ilan University
- **Dr. Florence Gaub**, North Atlantic Treaty Organization (NATO) Defense College
- **Col. Ram Yavne**, Head of Regional Strategy, Planning Department, IDF

The second expert workshop was convened on October 18, 2012, at the Dan Accadia hotel in Herzliya. Designed to me a more intimate gathering of senior policy makers, opinion formers and scholars, in total the workshop involved approximately 50 participants.

Complementing the topics addressed at the first workshop a week earlier, the second workshop sought to better understand the roles, actual and potential, of civil society organizations, non-state armed groups and transnational networks, as well as non-Arab regional players, notably Turkey and Iran, and external actors, especially the roles of the US and EU. The program was concluded with keynote statements made by senior policy makers and an overarching group discussion concerning possible forward-looking policy directions aimed at encouraging positive economic, political and security development in the region.

I wish to gratefully acknowledge the vital participation and intellectual contributions of each one of the speakers in the second workshop:

- **Dr. Col. (Res.) Eitan Azani**, Deputy Director, ICT
- **Dr. Assaf Moghadam**, Senior Lecturer, Lauder School of Government, IDC, Senior Researcher, ICT
- **Dr. Reuven Paz**, Former Head of Research Department, Israel Security Agency
- **Professor Hüseyin Bağcı**, Chair, International Relations Department, Middle East Technical University, Ankara
- **Professor Henner Fürtig**, GIGA German Institute of Global and Area Studies

- **Professor Christoph Zuercher**, Graduate School of Public and International Affairs, University of Ottawa
- **Ambassador Andreas Michaelis**, Germany's Ambassador to Israel
- **Ms. Smadar Perry**, Senior Editor for Middle East Affairs, Yediot Aharonot newspaper
- **Minister Moshe (Bogie) Ya'alon**, Deputy Prime Minister and Minister of Strategic Affairs

The ICT and KAS were lucky to have been able to gather such an exceptional, varied group of academics, commentators, and policy makers. The factual information, theories, and analysis brought to the discussion by these participants, individually and in group deliberation, form the bedrock of this publication.

Throughout the process of organizing and implementing the project, KAS and the ICT benefited tremendously from the outstanding professionalism and dedication of their respective coordination and administrative staff. In this context, special thanks are due to: Almog Dayan, Evelyn Gaiser, Ela Kandel, Palina Kedem, Nadine Mensel, Simon Perger, Stevie Weinberg, and Orit Shamash-Wieksza.

Last but not least, Marc and Anita Abramowitz provided the impetus for this project by enabling the creation of a Political Development desk at the ICT. This publication is dedicated to them, with deep thanks for their leadership and continued friendship.

The Editor, Dr. Amichai Magen

I. Introduction

Just over two years ago a young vegetable vendor, Mohamed Bouazizi, set himself on fire after his cart and dignity were confiscated by police in the provincial Tunisian town of Sidi Bouzid. Since the death of the 26 year old, a wave of popular revolts, electoral regime transitions, and civil wars has swept across much – though by no means all – of North Africa and the Middle East (MENA).³

From Tunisia and Egypt, to Libya, Syria and Lebanon, from Yemen, to Iraq and Bahrain, the wave has already affected the lives of many millions of people in dramatic, sometimes tragic, ways.

It is a continuing wave. It remains a force-in-progress, spilling across state borders, shaping the region at an extraordinary speed, often with unexpected and unintended consequences; impacting not only the Arab World itself but also Israel, Turkey, Iran, Europe, as well as key American, Russian and Chinese interests – indeed the entire international system.

In hindsight of two years it is simply too early to say what the full implications of this wave of revolt will be. Yet the MENA region is incontrovertibly in the midst of what the ancient Greeks called “Crisis” – a cross in the road of history, a momentous turning point where old paths come to an end and new ones are chosen, for better or worse. The crisis holds opportunities, as well as dangers. It is characterized by unusual instability, socio-political fluidity and transformation; arguably the deepest, most profound since the rise of Arab nationalism and the emergence of modern states in the region nearly a century ago.

Why a crisis of “Governance”? Conventional discussions of the MENA region – indeed, any part of the international system – begin with the (nation) state as the basic unit of analysis. This assumes the presence of effective territorial sovereignty, a state monopoly on the use of organized force, authoritative, centralized decision-making of a cohesive government, and a reasonably coherent “national” identity. Throughout the last century we have become accustomed to imagining the MENA region too in terms of states (Egypt, Jordan, Syria etc.) and to thinking about government as constituting sovereign action on the part of these states.

Still, at the outset of the twenty-first century – and especially since the outbreak of the Arab revolts in late 2010 – it is increasingly apparent that: (a) conventional nation-state based understandings of politics in the Middle East fail to capture realities on the ground – realities typified by limited statehood, the proliferation of non-state actors, and identities that are multi-layered, tribal, religious, transnational – and (b) that concepts beyond “state” and “government” are needed to deal adequately with these realities.

The concept of “governance” is meant to help by reminding us to look beyond conventional “government” and by encompassing a wider set of ways for organizing and managing political life. Following scholars such as Risse and Lehmkuhl, we can understand governance to mean all co-existing modes of collectively regulating social matters.⁴ This covers sovereign action on the part of a functioning state (“governance by government”), governance through networks of public and private actors (“governance with government”), but also the wielding of authority by non-state actors, transnational networks, and external players (“governance without government”).⁵

Since the advent of the Arab revolts in late 2010, analysts across the world have been vigorously debating whether MENA is headed towards greater political and cultural openness – a hopeful “Arab Spring” – or, alternatively, towards an ominous “Islamist Winter” in which the “old” dictatorships (secular, socialist, statist and sclerotic) are gradually being replaced by “new” forms of Islamist authoritarianism.

A sub-branch of this debate relates to the great variance we observe today in regime stability and instability across MENA. Why, for example, do the monarchies in the region appear, so far at least, to be weathering the storm more successfully than single-party states? Is this a function of “royal legitimacy”? Are the monarchies more stable because they govern more by consensus? Is there a new “club of monarchies” emerging in the Middle East, with Saudi Arabia (but also the United States), propping up monarchies to help keep them stable? Or is monarchical stability really an illusion? Might we also see, in the not so distant future, important monarchies in the region experience serious instability or even regime change?

Another key question facing the region is: how will the new Islamist governing elites – most notably the Muslim Brotherhood, but also the new phenomenon of *Salafist* political parties – actually govern? Will power moderate, radicalize, corrupt them, or all of the above? Will they manage to reverse economic decline, create jobs for their

unemployed young, promote trade, attract foreign investment, and provide their citizens with essential public goods and services?

To what extent will they seek to monopolize and Islamize the state, its judiciary, universities, security forces, media, and civil society? How will women and minority groups (including Christians and Jews) fare under their rule? And when it comes to foreign policy, what will be their attitude towards America, Europe, and Israel? What relationships will they maintain with each other and with non-state actors in the region: actors like Hezbollah, HAMAS, Palestinian Islamic Jihad, and Al-Qaeda and its affiliates?

Under what conditions, domestic and international, will Islamist governments be more likely to play by accepted international rules, seek stability, and maintain existing peace agreements? And what influence, if any, can be wielded by international actors to try to encourage responsible sovereignty, genuine democratization and development?

Most importantly perhaps: will the Islamists, having come to power through the electoral process in 2011 and 2012, permit genuinely free and fair elections to take place in 2015 and 2016? Will the peoples of the Middle East, having either experienced the joy of “throwing the bums out” themselves, or observed it in their neighbors, insist on exercising the same right again should the new rulers fail to deliver? Or will this be a case of “One Man, One Vote, One Time” – as happened in Algeria in 1991 and in Gaza in 2006?

The Arab Spring v. Islamist Winter debate has been framed largely in terms of the question: “what kind of government is emerging in the MENA region?” It is clearly a crucial debate, and one carrying momentous implications for democracy, development, and security in the region and beyond. But an equally important question is: “how much”, or rather “how little” government is emerging in the region?

To be sure, the MENA region has never been a paragon of capable, legitimate, and effective statehood. Even before the launch of the Arab revolts Somalia and Sudan were the poster-children of state failure, and Lebanon and Yemen were weak states at best. But the phenomenon of state weakening and disintegration has greatly accelerated over the past two years, and the proliferation of under-governed spaces has greatly increased.

As the civil war in Syria; the murder on September 11, 2012 of US Ambassador to Libya, Chris Stevens, in Benghazi; the killing of some 60 hostages in a gas facility in Algeria in January 2013 by a

splinter group of Al-Qaeda calling itself the “Signers in Blood”; and the continuing threats to Israel and Jordan emanating from Sinai clearly demonstrate: regardless of their form of government, the ability of many Arab states to exercise a monopoly on the means of violence, command the basic loyalty of their population, guarantee internal security and prevent the export of militants and weapons – all have significantly diminished over the past several years.

Even in relatively capable states, like Tunisia, Libya and Egypt, new ruling elites are reluctant to reassert the state’s authority – an authority long associated with the repression of the ancien régime.

Like nature itself, the international system abhors a vacuum. Where the state recedes new rulers emerge and fill the void. Some of these “new governors” – like Hezbollah and HAMAS – are effectively shadow states, terrorist-armies; highly organized, hierarchical, and militarily formidable. Other non-state players – like Al-Qaeda in the Arabian Peninsula (AQAP) and the Islamic Maghreb (AQIM); Al-Shabab in Somalia; and Boko Haram in the Sahel – are looser, more diffuse networks. Regardless of their exact form and ideology, however, the new governors largely manage to escape the responsibility that comes with formal state sovereignty, particularly when it comes to human rights and international humanitarian law, creating novel challenges for international law.

How will the proliferation of under-governed spaces, porous borders, non-state rulers and transnational jihadi networks impact prospects for democracy, development, and security in the Middle East and North Africa? And what, if anything, can Western policy makers do in response to the crisis of governance in the MENA region?

In the pages that follow, the editor presents a summary of the discussions that took place in the two expert workshops on the Crisis of Governance in the Middle East, together with additional material and analysis pertinent to addressing these critical questions.

Section II of this publication unpacks the general proposition that the MENA region is in the midst of a crisis of governance. Section III addresses questions of democracy and the rule of law in the region. Recognizing the key role of economics in political development, Section IV then relates to the key economic challenges and opportunities in the region today. Against this interdisciplinary analysis, Section V tackles some of the main security implications of the Arab awakening. Finally, Section VI discusses the potential roles of external actors and concludes with a set of policy directions for Western leaders to consider in managing relations with MENA countries in the years ahead.



The Crisis of Governance in the Middle East

Crisis and Hope

Crisis – understood in its original, ancient Greek sense to mean a cross in the road, or momentous turning point – invariably entails uncertainty, danger, but also hope. The events unfolding in the MENA region since late 2010, unsettling and violent as they sometimes are, do hold a measure of hope for the region which ought not be dismissed as entirely impossible or naive.

That hope lies chiefly in what Fuat Ajami described as a long-silenced Arab world: “clamoring to be heard, eager to stake a claim to a place in the modern order of nations.”⁶ In other words, the prospect that the Arab world has now embarked on a road – long and winding perhaps, but still new – involves not one, but two transformative processes. The first would be breaking away from a persistent history of despotism and winner-takes-all politics in favor of some form of genuine liberalization and power-sharing (about which see further in Section III below). The second process, would involve the MENA region becoming an integral part of an increasingly global liberal international order based on effective and accountable government, open trade, and international rules.

More specifically and immediately, the hopeful side of the crisis of governance in the Middle East is to be found in the fact that populations in the important Arab states of Tunisia and Egypt have actually undergone the experience of “throwing the bums out”. In replacing one regime with another through generally peaceful processes, they have not, by any stretch of the imagination, established consolidated democracies, but they *have* demonstrated to themselves (and by example to the rest of the Arab world) that they are no longer passive subjects of impersonal powers beyond their control. They have, in other words, acquired an essential dimension of citizenship – the

practical notion that meaningful political change can be attained through their own human agency, choices, and actions.

Many, if not all, of the MENA countries are afflicted, to one extent or another, by a set of broadly similar governance weaknesses, and in some cases outright failures, which threaten to seriously hamper positive political development in the region.

What we mean by governance weakness and failure is perhaps best captured by recalling what we have come to expect from the modern, functioning state. Following Max Weber's definition, we have come to expect a state to constitute a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory and over a given population.⁷ A "normal" state also commands the loyalty of its citizens and provides core public goods – above all security and the rule of law, but also markets, transport infrastructure, health, and education.

Weak and failed states are those that fall short of these minimal criteria, in that their performance is lacking and they are unable to fulfill one or more of the basic functions of effective governance provision. In this sense a crisis of statehood is a gradational condition, in which under-performing states range on a continuum from fragility, to failing, to *in extremis*, full collapse.⁸

Following Charles Call, we can thus identify three crucial "gaps" as lenses through which to analyze the less hopeful aspects of the crisis of governance in the Middle East.⁹

The Security Gap

As Weber's iconic definition emphasizes, security is the *sine qua non* of statehood. Moreover, state failure is predominantly *caused* by major lapses in conditions of security, primarily as a result of ethnic, religious, or tribal conflict.¹⁰ Indeed, countries experiencing serious security gaps include principally both those that are in the midst of armed conflict and those just emerging from warfare.

Borrowing the Center for International Cooperation and Conflict Management's *State Failure Taskforce* definition of the four major causes of state failure – revolutionary wars, ethnic wars, adverse

regime change, and genocides/politicides – we observe all four occurring in the Middle East today.¹¹

First, revolutionary wars – episodes of sustained violent conflict between governments (or external occupying powers) and politically organized challengers that seek to overthrow the central government, replace its leaders, or seize power in one or more regions – are currently unfolding, with varying degrees of intensity, in Afghanistan, Bahrain, Iraq, Somalia, Syria, and Yemen. Bedouin and jihadi groups are undermining Egyptian control of Sinai. Kurdish national aspirations hold the potential for major, protracted conflict involving Iran, Iraq, Syria and Turkey.

Libya serves as a useful example of the thorny challenges that emerge even from a successful revolutionary war, in which rebels (in this case backed by NATO support) oust a regime in a quick insurgent war. There are no fewer than 140 tribes and clans in Libya, of which 30 are influential power-brokers. It remains to be seen whether the National Transitional Council of Libya is able to hold the country together in the aftermath of the 2011 civil war, or whether conflicting interests, Islamist-secular divides, tribal differences, and corruption will plunge post-Qaddafi Libya into renewed conflict. After pledging that they would disarm and submit to a single, central army after the overthrow of Qaddafi, many militia leaders in Libya now insist that they will retain their weapons and political autonomy as the new “guardians of the revolution”.¹²

Second, ethnic wars – episodes of sustained violent conflict in which national, ethnic, religious, or other communal groups challenge governments to seek major changes in status or forms of political order – are simmering in Algeria, Bahrain, Egypt, Iran, Iraq, Lebanon, Somalia, Syria, Yemen and among Palestinian factions. In Egypt, dozens of Coptic Christians have been killed in clashes with state security forces since October 2011. Among Palestinians, Fatah-HAMAS rivalry has already led to the 2007 violent, successful HAMAS coup in Gaza, with HAMAS seeking a further major Islamist revision in the form of politics not only in the West Bank, but in Jordan as well.

In Lebanon, Hezbollah effectively controls parts of the country and is widely acknowledged to be militarily stronger than Lebanese state forces – thus exercising a permanent, hair-trigger threat to the fragile, ethnic-based constitutional order in the country.

Third, adverse regime change – major, abrupt shifts in patterns of governance, including periods of severe elite or regime instability – recently occurred, or is currently experienced, in Egypt, Iraq, Lebanon, Libya, Sudan, Syria, Tunisia, and Yemen.

And fourth, genocide and politicide – sustained activities by states or, in civil wars, by either of the contending sides that result in the deaths of a substantial portion of a communal or political group – have taken place over the last decade in Algeria and Sudan. Genocide and politicide are also grim possible scenarios in Afghanistan and Iraq (once American troops leave) and in Syria, should the ruling Alawite minority lose its grip on power, which now seems only a matter of time.

Furthermore, security gaps in the MENA region need to be understood as interconnected and cumulative, rather than localized and self-contained. The MENA region is afflicted by what Peter Wallensteen has termed “regional conflict complex” where a series of localized conflicts form mutually reinforcing linkages.¹³ Civil wars in Syria and Yemen, for example, not only threaten to spillover into neighboring countries, but under conditions of state weakness weapons, fighters, and terrorist know-how spread across porous borders (see also Section V below).

Like democratization, state failure is a regional phenomenon, in that it predominantly occurs in clusters of geographically contiguous or proximate states.¹⁴ Even relatively small areas of chaos undermine regional stability, let alone large swaths of territory afflicted by insurgency and civil war as is the reality in large parts of the Middle East.

Last but not least in this context, closing the regional security gaps is made more difficult in the MENA region by its singular lack of effective regional institutions. The Gulf Cooperation Council (GCC) and Arab League notwithstanding, the Middle East stands out poorly as a region lacking meaningful regional security, political, and economic arrangements that could help hold Arab states together. There is no Arab equivalent of the European Union (EU), or the weaker Organization of American States (OAS) that might render collective assistance to Arab states in distress. No Arab version of NATO, or even the functional equivalent of the African Union (AU) that could provide indigenous conflict resolution mechanisms or peacekeeping forces.

The Legitimacy Gap

The security gap across much of North Africa and the Middle East is both facilitated and exacerbated by deep underlying deficits in the legitimacy and capacity of Arab states.

A country is afflicted by a serious legitimacy gap where a significant portion of its political elites and society either reject the rules regulating the exercise of power and the accumulation and distribution of wealth in the country, or resort to alternative, competing sources of authority – tribal, ethnic, religious, or sub-national.¹⁵ Legitimate states are ones where a strong sense of national identity has been successfully formed; where the concept of citizenship holds genuine meaning for elites and society; and where state institutions function transparently and are accountable to the people.

Viewed through this lens, the underlying problem for many, perhaps most, of the MENA states today, lies in their fundamental lack of legitimacy. Like much of sub-Saharan Africa – where the largest proportion of failed states currently exists – Arab states came into being “instantly”, as the result of the dissolution of colonial empires. Rather than go through a slow, convoluted process of state formation – culminating in the development of the rule of law, accountability, and national identity – Arab states became states before they could truly become nations.

The societies of the Arab world are ancient, but as states they are “instant states”.¹⁶ This means that, with the possible exception of Egypt, Morocco, Tunisia, and the tiny Gulf oil kingdoms, Arab states have not managed to forge national collective identities that are so vital for the ability of a society to generate welfare-enhancing public goods, and that can effectively compete for loyalty against pre-modern tribal, ethnic, and religious identities.

For several decades following the withdrawal of the British, French and Ottoman empires, Arab nationalism and Cold War patronage managed to paper over the essential differences. But the experiment in instant state formation has, according to this interpretation, basically failed, and we are now witnessing the manifestation of this failure on a grand historical and regional scale. Arab states are mostly “Potemkin-states” – brittle entities increasingly unable to hold themselves together by commanding the loyalty of their populace. And weak historical legitimacy is exacerbated by lack of democracy (about which more in Section III below).

The State Capacity Gap

Security and legitimacy deficits are compounded in much of the MENA region – especially in oil-importing countries – by insufficient state capacity.

Viewed through a state capacity lens, fragile states are those where the government cannot or will not deliver core public goods to the majority of its people, notably the poor. The most important of these public goods are territorial control, safety and security, but modern state capacity also needs to be thought of in terms of the ability to manage public resources, invest in human capital, and deliver core public services – including markets, vital infrastructure, health, education, and employment.¹⁷

One need only peruse the five existing Arab Human Development Reports – sponsored by the UN and independently authored by leading Arab scholars – to appreciate the depth of contemporary Arab state's inability to deliver core public goods and opportunities to their bulging, youthful populations.¹⁸

By 2015 the Arab countries will be home to some 395 million people, compared to 150 million in 1980. Of these over 60% will be under the age of 25, with a median age of 22. Despite oil wealth, GDP per capita in the Arab countries grew by a paltry 6.4% over the entire period from 1980 to 2004 (i.e. by less than 0.5% annually) and oil has crowded out agriculture and manufacturing, so that Arab countries were less industrialized in 2007 than they were in 1970.

Youth and women unemployment are among the highest in the world, with the overall poverty rate ranging from a "low" of 30% in Lebanon, to a high of 59.5% in Yemen, and 41% in Egypt.¹⁹ Along with sub-Saharan Africa, the Arab world is the only region where the number of hungry or starving has risen since the beginning of the 1990s.

Water scarcity and desertification are placing additional burdens on already overstretched land, contributing to rising food prices, intensified conflict over natural resources, population displacement, and increased drug, weapons and human trafficking. All these, the latest Arab Human Development Report concludes, mean: "that identity-based groups in some Arab countries have sought to free themselves from the captivity of the nation-state in whose shadow they live."²⁰

Gulf State Exceptionalism?

Not all Middle Eastern states are equally afflicted by the crisis of governance of course. With the important exception of Bahrain, the Gulf monarchies stand out as ones where, so far at least, reasonably effective statehood remains and stability has been maintained.

As Joshua Teitelbaum explained in his presentation during the first workshop, Gulf state stability – notably in the most important state of the region, Saudi Arabia – is undergirded by a basic fit in state-society relations, abundant oil revenue, and energy-based external-actor support. These factors, assiduously cultivated by politically savvy royal elites, generate hegemonizing and homogenizing effects that help solidify the key attributes of effective statehood.

A key factor that distinguishes the Gulf monarchies from the non-monarchic autocracies of the region is the fact that these are states effectively owned and ruled by families; large families that hold exclusive control of the kingdom's positions of power. Indeed, the Saudi royal family is one of only two families in the world whose name is virtually synonymous with that of the state it rules. Saudi Arabia belongs to the house of Saud, like the Hashemite Kingdom of Jordan “belongs” to the Hashemite clan.

This familial rule ensures a high degree of cohesion, which is itself enhanced by tribal values and religious status. Familial bonds and tribalism help to resolve internal disputes, avoid potentially destabilizing rifts in the regime, and ensure a high degree of cohesion is displayed towards the outside world.

The idea that Saudi rule is singularly legitimate is also supported by the notion of Saudi Arabia being the birthplace of Islam, and the seat of Wahhabism – portrayed as an Islamic revival of the spirit of original Islam. Since the Islamic religion is the highest source of legitimate authority in the Arabian Peninsula, an intimate association is actively drawn, inculcated, and cultivated in the minds of the population between the Saudi royal family and Wahhabi Islam.

Stable rule in the Gulf states is essentially and intricately connected with the region's oil-based political economy. Indeed, the quiescence of the populace, provision of public goods, state capacity (including repressive power), and a certain degree of legitimacy, are all “bought” with natural resource derived revenues. These are fundamentally “rentier states”, with the revenue of the state derived overwhelmingly

not from taxation of a productive citizenry, but from income (or “rents”) resulting from the extraction and sale of petroleum.

The rentier political economy creates a brand of social contract that in some respects is a reverse of the one practiced in Western democracies, and which cannot be quite replicated by the oil-poor monarchies in the region. The notion of “citizenship” is essentially turned on its head. The state runs a cradle-to-grave social welfare system, provides extensive public sector employment and a stake in state-run contracts; in return the “public” is expected to be loyal to the regime without being represented in it in any significant manner – a case of “no representation without taxation” – and acquiescence is largely ensured also through sophisticated repressive capacities wielded by powerful security forces fiercely loyal to the tribe.

The relationship between rulers and ruled is then essentially an allocative one; a patron-client dynamic that dovetails, and to a great extent duplicates, the tribal character of society. The tribe protects and provides in exchange for loyalty. The entire system is based on a huge network of subsidies.

The system is also supported by external actors – traditionally Britain and the United States in particular – chiefly on account of oil dependence, but also in view of lucrative defense sales, the presence of military bases in the Kingdom, and rising tensions with Iran. One need go no further than the substantial coalition gathered in 1990-91 to liberate Kuwait from Iraqi invasion in order to appreciate the contribution of Western actors to the staying power of Gulf monarchies.

How has Saudi Arabia responded to the events of the “Arab Spring”? In keeping with a long-established pattern, it undertook minimal, largely declaratory liberalizing steps – granting women the legal right to vote in powerless municipal councils – coupled with distributing large amounts of money. For example, in the immediate aftermath of the fall of Mubarak in Egypt, and in the face of nascent protests at home, the royal family spent \$170 billion in February and March 2011, raising salaries for public servants (notably police officers and imams), creating jobs, and launching large-scale construction projects.

Other Gulf states made similar extraordinary expenditures in an effort to co-opt important constituencies and stem opposition in the bud. There are some 25,000 princes in the Saudi household and multitude unemployed young. 60% of Saudis are under the age of 20. Providing housing and suitable employment is a challenge the

Saudis will continue to contend with and which holds the potential for widespread discontent.

The risk of long-term instability is aggravated by the diminished ability of the Kingdom to control the flow of information reaching its populace, and growing expectations of freedom among the young. Still, Saudi Arabia remains a very traditional society and the challenge for the house of Saud will be to balance controlled reform with the existential need to preserve the conservative base upon which the legitimacy of the regime depends.



Implications for Democracy and the Rule of Law

Bearing in mind the critical issue of state fragility, the crisis of governance in the MENA region can be understood to involve a “tug of war” between democratizing dynamics, the perpetuation of “old” forms of Arab dictatorship, and the rise of “new”, primarily Islamist, forms of authoritarianism.

Freedom’s Unruly March?

One interpretive prism would read the “Arab Spring” as the belated arrival of democracy in the sole region of the world that previously seemed impervious to it. Viewed through this lens, the Arab revolts represent another important milestone in the centuries-long process by which modern political norms and institutions have traveled – by conquest, trade, and diffusion of ideas – from modest origins in 18th century Europe to global dominance at the beginning of the 21st.

According to this rationale, the road ahead may well be long and winding, with setbacks and reversals along the way, but the historic die has been cast and the MENA region will, in the medium to long run, simply not be able to avoid being transformed by the demands of its own populations and the diffuse but powerful forces of modernity and globalization.

Three major waves of democratization have occurred prior to the contemporary Arab revolts.²⁷ The first, long wave (1774-1926) was rooted in the values of the American and French revolutions, but materialized in the emergence of national democratic institutions in the 19th and early 20th centuries – notably through the gradual extension of universal adult suffrage and the establishment of executive accountability to national parliaments as a matter of law.

By 1926, 33 countries, mostly in Europe and the overseas English dominions, experienced transition to democracy, though many would subsequently lapse back into old or new, and far more brutal, forms of authoritarianism in the bleak 1930s and early 40s.²²

The Allied victory in the Second World War and early phases of decolonization in Asia and Africa marked the advent of a second, short wave of democratization (1945-62). Post-war Allied occupations helped establish representative regimes in Austria, West Germany, Italy, Japan and Korea.²³ In Latin America, Argentina, Brazil, Colombia, Costa Rica, Peru, Uruguay and Venezuela either returned to democracy, or ushered in freely elected governments for the first time between 1943 and 1946. And a number of new states – India, Israel, Nigeria, Pakistan, the Philippines and Sri Lanka – began independent life as electoral democracies.

Despite significant retreats in the 1960s and early 70s – a reverse wave experienced most harshly in Latin America – the dialectic of history proved fortuitous to the spread of democracy once again. In 1974 the Portuguese Carnation Revolution overthrew the longest standing dictatorship in Southern Europe. Portugal's domestic revolution heralded the launch of a global one. The third wave of democratization quickly spread to the rest of the Iberian Peninsula and Greece, then in the 1980s to Latin America, several countries in sub-Saharan Africa, Asia and, with the demise of Soviet communism in 1989-1991, to Central and Eastern Europe.

By the turn of the millennium 80 democracies were created or restored, and the percentage of democratic states in the world rose from 27% in 1974 to 63%.²⁴ For the first time in human history, democracy had become not only a near universal human aspiration, but the predominant form of government in the world.²⁵ Transitions in Serbia (2000), Georgia (2003), and Ukraine (2004), together with steady democratic consolidation among the other Balkan states, extended global democratic gains a little further still. By 2006 there were 123 electoral democracies, 64% of the world's total, a percentage that dipped slightly between 2006 and 2010, but was restored by 2012. ²⁶

Moreover, the "freedom's march" interpretation would assert, democracy no longer faces an ideological rival with broad global appeal. Fascism and Communism are dead, as is Pan-Arabism in the Middle East. *Salafist*-jihadi ideology, while antithetical to liberal values, is no match for capitalist democracy as a compelling organizing model for political order.

Western victory in the Cold War and the 9/11 attacks not only facilitated the expansion of democracy, they also eliminated key rationales for tolerating some odious autocracies. As a bulwark against communist ambitions in Africa, for example, the Apartheid regime in South Africa could win support among Western democracies. The disappearance of bipolarity, however, eliminated tolerance for white rule, quickening the breakdown of Apartheid and transition to democracy in the early 1990s. For its part, the disappearance of Soviet patronage eliminated a key pillar of support for autocratic regimes in the Middle East, notably for Iraq, Sudan, and Syria.

Even where authoritarians still prevail, they mostly no longer champion an alternative model of government, but either claim their regime was democratic (as in the case of Russian “managed democracy”) or that they are gradually steering their volatile societies towards democracy (China, Egypt under and post-Mubarak, Jordan, Kuwait, Saudi Arabia).

At the same time, democracy has shown a remarkable ability to travel to regions of the world previously thought to lack the necessary economic, social and cultural prerequisites for political freedom. In Latin America – a continent long assumed to be too Catholic to sustain the Protestant ethic – all but Cuba and Venezuela became democratic. “Asian values” and China’s ascendancy as a market-autocracy notwithstanding, democracy took root in key Asian nations (including India, Indonesia, Japan, Mongolia, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand) and may now be extending even to Myanmar.

By the middle of the first decade of the millennium, of the 48 sub-Saharan African states, no fewer than 23 (48%) were electoral democracies, including some of the world’s poorest, post-conflict countries.²⁷ As Diamond observed in 2003: “If democracy can emerge and persist in an extremely poor, landlocked, overwhelmingly Muslim country like Mali – in which the majority of adults are illiterate and live in absolute poverty, and the life expectancy is 44 years—then there is no reason in principle why democracy cannot develop in most other very poor countries.”²⁸

The fact that Arab revolts are occurring in clusters of geographically proximate states is also reminiscent of past patterns of democratization, which typically display regional “contagion” and “domino” effects. As in Asia, Latin America, Eastern Europe, and even sub-Saharan Africa before it – according to this interpretation – sudden political transformation resulted from gradual socio-economic and cultural change. Urbanization, higher levels of literacy, and the internet

produced social mobilization, attitudinal change, and expectations for a better life.²⁹

The spread of communication technologies have made Arabs, particularly the numerous young, more capable of self-expression, more anxious to engage in political activities, and more adroit at political organization. They also removed the last vestiges of legitimacy from military, one-party, and monarchical forms of autocracy. Sooner or later, according to this rationale, even the “benign dictatorships” of Jordan and Morocco are doomed to be swept away by a renewed wave of global democratization.

Authoritarian Adaptation or Authoritarian Succession?

A less hopeful, more ominous interpretation of the crisis of governance in the MENA region would read the Arab revolts as involving primarily the replacement of “old” forms of Middle Eastern authoritarianism, with new ones.

Certainly, the events of the last two years provide strong credence to this interpretation. Islamists have won the elections held thus far in Egypt, Kuwait, Morocco, Turkey and Tunisia, and are playing a leading role in post-Qaddafi Libya and the Syrian insurgency against the al-Assad regime. At the same time, secular liberal elements, so visible in Tahrir Square and on Western media channels at the outset of the “Arab Spring”, have quite overwhelmingly failed to translate that visibility into political power.

In hindsight of two years this dynamic may be indicative of a deeper political transformation. Just as autocratic Nasserism swept away the despotic *ancien régimes* of King Farouk and his likes in the 1950s and 60s, so – according to this interpretation – the decrepit remnants of Arab secular, socialist nationalism, are now being succeeded by new, notably Islamist, modes of political organization inimical to democracy.

Moreover, elections – even reasonably free and fair ones – do not a democracy make. It is one thing to overthrow a dictator, the authoritarian succession interpretation would point out, quite another to replace that dictator with a functioning democratic society and state.

There are essential religious, cultural, and economic characteristics in the MENA region that may well help perpetuate Arab exceptionalism

in terms of the absence of democracy. Examining the political histories of 45 predominantly Muslim countries, analysts find that only Albania, Bangladesh, Indonesia, Lebanon, Malaysia, Mali, Senegal, and Turkey have ever had any record of political freedom. Of these, none could ever have been described as a durable, high-quality democracy. Among the Arab countries, there are zero states rated by Freedom House as democratic.³⁰

Historically, as Elie Kedourie documents in his seminal book *Politics in the Middle East*, repeated attempts at liberal political reforms in North Africa and the Middle East have failed. The long-term pattern of political development in the region has been one where one form of authoritarianism replaces another.³¹

Cultural beliefs about legitimate political order among Arabs also paint a discouraging picture. The Arab Barometer survey of five countries between 2003 and 2006 found that 56% of respondents agreed that “men of religion should have influence over government decisions”. A 2003-2004 survey found that more than half of Arab publics thought that government should only implement *Shari’a* law.³²

Similarly, regional dynamics mitigate against positive democratic development. In Europe, Latin America, and parts of Asia and Africa, countries became democratic partly by emulating the norms and institutions of the neighbors they respected and wanted to resemble. With the possible, partial exception of Morocco and Tunisia (who glance northwards towards Europe), the societies of region are not located in neighborhoods that possess the norms of accountability, the rule of law, and respect for individual rights. The Arab world’s group of association is the Arab world, not America, Europe, or Israel.

Globally, furthermore, there is scant evidence to suggest that humanity is on the verge of another great leap forward for democracy. Instead, over the past several years the global fortunes of political freedom can be said to have oscillated significantly, but not radically, between recession and resilience.

According to Freedom in the World 2012 – the latest available edition of Freedom House’s annual survey of civil liberties and political rights – 2011 saw the sixth consecutive year of overall global democratic set back; the longest phase of decline in the survey’s 40 year history.³³ From its 2005 zenith of 123 electoral democracies, by 2010 the number fell to 115 - its lowest level since 1995 – although it rose back partially in 2011 to 117. Similarly, the number of countries designated by Freedom House as “Free” was 87 in 2010 and 2011, down from 90

in 2005. If the period 2002-2006 saw far more gains than losses in levels of freedom, the trajectory was reversed during 2006-2010, yet the negative trend appears to have been halted in 2011.

The balance of progress and demise over the past several years has been mixed both across the globe, and within specific regions. On the one hand, surprising breakthroughs were achieved in some of the world's traditionally most repressive, closed regimes – in Burma, Libya, and to a lesser degree Cuba – with notable positive gains also seen in 2010 and 2011 in Singapore and Thailand. In contrast, geopolitically prominent new democracies across in various parts of the globe which until recently were regarded as successful cases of democratic development – Ukraine, South Africa, Turkey – suffered substantial setbacks.

Unlike in Central and Eastern Europe in the 1980s, also, there is no effective liberal opposition ready to succeed the old regimes – no Arab equivalent of the Polish Solidarity movement. Decades of modern autocracy in the Arab world have all but decimated middle class, liberal constituencies in most Arab countries. Consequently, it is only the organized Islamists who are truly positioned to exploit opportunities for acquisition of power. The Muslim Brotherhood, in particular, has an unparalleled organizational network, and no compunction in using its mosques, schools, and charities in the service of its electoral ambitions.

Structural economic conditions across most of North Africa and the Middle East also bode ill for democracy. Of the 16 Arab countries, 11 are “rentier” states in that they derive more than 70% of their export income from oil and gas rents – income extracted from the ground, not from the productive efforts and taxation of citizens.³⁴

Since most Arab states do not depend on taxing their population, they have failed – and will, for the foreseeable future, continue to fail – to develop the natural expectations of accountability and representation that emerge when states depend on tax paying citizens. The “resource curse” of oil and gas derived income also retards the development of other sectors of the economy, encourages cronyism, increases corruption, and allows Arab states to spend huge resources on repressive security apparatuses.

In sum, according to the authoritarian succession prism, the Arabs would have broken one set of handcuffs, only to have them replaced by another. The “old” autocrats will either adapt successfully or be replaced by “new” theocrats, not democrats.

Challenges to the Rule of Law

The crisis of governance in the MENA region also creates serious challenges to the rule of law and the protection of human (notably women) and minority rights. The preservation and advancement of these elements of political order are crucial, since for democratic and economic development to stand any realistic chances of genuine advancement in the MENA region, democracy must mean not merely the holding of elections. It must mean not only democratic procedure, but democratic substance; above all the rule of law, protection of fundamental rights, and government accountability.³⁵

While the two workshops touched briefly on a range of issues pertaining to rule of law conditions in the MENA region – especially the rights of women and minorities, and hard questions about the inconsistent application of the emerging international doctrine of a Responsibility to Protect (R2P) – our main focus concerned the challenges posed by the fragmentation of sovereign authority in the region to the Laws of Armed Conflict (LOAC), including International Humanitarian Law (IHL).

As former Head of the IDF International Law Division, Col. (Ret). Liron Libman, explained in his presentation: the main legal challenges of war in areas of problematic sovereignty concern the ability, or lack thereof, of weak states to fulfill their responsibility under international law to prevent their territory from being used by Non-State Armed Groups (NSAG's) to launch armed attacks against other states, and the great difficulty in dealing with radical NSAG's who routinely and systematically violate the laws of war, both in cases of internal conflicts (as most recently in Algeria, Iraq, Lebanon, Libya, Mali, Syria, and Yemen) and international one (such as Israel's repeated clashes with Hezbollah in Lebanon and HAMAS and PIJ in Gaza).

These challenges have already prompted learned commentators to suggest a thorough review of the LOAC and to warn that the existing international legal regime is growing increasingly obsolete in view of the changing nature of conflict.³⁶

Illustrative of the new legal challenges emerging from the fragmentation of authority in the MENA region is the *Jus Ad Bellum* question of state responsibility for an armed attack emanating from its territory against another state. Where the armed attack is carried out by the state's own armed forces, international law provides a clear answer regarding responsibility – the attacking state is responsible.

But who is responsible when a NSAG, which is not officially an organ of the state, initiates the attack? Where the armed group can be shown to have been sent by the state, or be acting under its direction as a complete dependent of the state, the answer, once again is straightforward – the state is responsible.

On the other side of the spectrum, if an attack emanates from a NSAG and the state where the NSAG is based tries in earnest to suppress the NSAG and prevent the attack but is genuinely unable to do so, the attack will not be attributable to the state and it will not be deemed responsible for the act and consequences of the attack.

Real complexity emerges, however, in cases falling somewhere between the two poles; where, on the one hand, the territorial state from which the attacks originated did not order the attack, but on the other hand, the state did not take all feasible measures to suppress the operation of the armed group in its territory.

Under this category – which is evident for example in the case of Hezbollah in Lebanon or global jihadi groups operating from Sinai – an array of different relations between the state and the armed group can exist. The state may be against the armed group, but fail to act against it vigilantly. On the other hand, the state may support the armed group in various ways and to varying degrees: harboring its bases and fighters in its territory, rendering financial, intelligence or ideological support, allowing the armed group access to financial resources through various forms of illicit trade (in drugs, diamonds, weapons, pharmaceuticals), tolerating or even aiding radicalization and recruiting, turning a blind eye to arms smuggling through its borders, airports and ports, and so forth.

This list is not exhaustive. State support can be passive or active, it can be direct or indirect, and take on a civilian or military character. It can shift over time and be difficult to detect or fully prove. When, then, will such a state become responsible for an armed attack by the group? What is the critical threshold of involvement that triggers responsibility?

Current international law does not provide anything approaching a clear answer to this pressing question. International case law over the past three decades – particularly the ICJ's 1986 *Nicaragua* judgment, and the *Tadic* (1999) and *Genocide* (2007) cases of the International Criminal Tribunal for the former Yugoslavia (ICTY) – provide somewhat inconsistent answers, which are generally restrictive.

According to the *Genocide* case, which is the newest and most expansive of the three cases, attribution of state responsibility for an attack perpetrated by a NSAG can only be made under the following three sets of categories: First, a state is responsible for all the acts of official state organs, as defined in internal law. Second, a state is responsible for all the acts of *de facto* state organs. These are persons or groups which, although lacking official legal status as state agents, nevertheless are under strict control and completely dependent on the state concerned. And third, a state is responsible for actions of people or groups not considered its organs, *de jure* or *de facto*, if it directed or instructed them to perpetrate the crimes in question or if the state had effective control over the operations, in course of which the violations occurred.

The response of the United States and the UN Security Council to the 9/11 attacks suggest a looser more permissive approach. Following the attacks, the US exercised the right to self-defense, not just against Al-Qaida, but also against the Taliban regime in Afghanistan. The US position was not that Al-Qaida terrorists were *de facto* organs of Afghanistan, whether under the complete dependence test or the overall control test. Furthermore, the US did not claim that Afghanistan specifically instructed the terrorists to perpetrate the attacks. Rather, the justification was that the Taliban regime in Afghanistan harbored Al-Qaida bases in its territory and generally aided them.

The Security Council expressly acknowledged the US's right to self-defense and tacitly accepted it exercising this right against Afghanistan. Thus, some commentators understood the events as a shift in the law of state responsibility towards a looser, more permissive criteria than that of the *Tadic* case; signaling that harboring and aiding a terrorist organization is enough to attribute its actions to the supporting state. Yet this position has been opposed by some as opening a door to aggression.³⁷

Such legal ambiguity creates genuine difficulties for states committed to the rule of law who find themselves in situations of armed conflict with powerful NSAG's. Israel's predicament in facing NSAG's such as Hezbollah in Lebanon and PIJ in Gaza is especially complex, as demonstrated by the circumstances surrounding the 2006 Lebanon War and repeated rounds of clashes with Gaza based Palestinian groups.

In 2006, despite the responsibility attributed to Lebanon, Israel did not view the war as a war against Lebanon, but rather as a war against Hezbollah in Lebanon. It seems that this view reflects a policy decision, rather than an understanding of the limits of international law. Israel

could have targeted the Lebanese army, but chose not to do so in an effort not to further weaken the central Lebanese government.

The changing role of Hezbollah in Lebanese state politics compounds the dilemma. While in 2006 Hezbollah was ostensibly a junior member in the government, by 2011 the group has become the politically dominant actor in the Lebanese parliament and was in a position to choose the country's Prime Minister.

As Libman argues, this reality might require looking at the control test for state responsibility for the actions of armed groups in the opposite direction: If an armed group effectively controls the government, is the state responsible for the armed group's actions, even if that group chooses to launch an attack without involving the state's official military?

Jus Ad Bellum rules pertain to the legality of instigating an armed attack, not to the conduct of war itself. The conundrums for states concerned about the international rule of law continues once hostilities have actually begun.

International Humanitarian Law (IHL) governs such *Jus in Bello* situations. IHL is primarily meant to mitigate civilian suffering in warfare by combining complementary obligations: on the attacking belligerent and on the defending belligerent, on whose soil the fighting takes place. The attacking belligerent is required to take precautions in an effort to spare the civilian population and civilian objects from unnecessary damage. Those who plan or decide upon an attack are required to do everything feasible to verify the military character of the object of attack. Means and methods of attack should be chosen carefully so as to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian property.

If the expected incidental loss is excessive in relation to the military advantage anticipated from the attack, one should refrain from attack. This is known as the principle of proportionality. If an attack may affect the civilian population, effective advance warning must be given, unless military needs, such as the need for surprise, do not permit such a warning.

At the same time, the defending or territorial belligerent also has obligations designed to spare its civilian population from the outcomes of war. It should, to the maximum extent feasible, endeavor to remove the civilian population and civilian objects under its control from the vicinity of military objectives. The territorial belligerent must avoid locating military objectives within or near densely populated areas.

The belligerent in control of the territory should take other necessary precautions to protect civilians against the dangers resulting from military operations. Such additional precautions may include building shelters, having a warning system to indicate to civilians that an attack is approaching (for instance, by using sirens) and having civil defense forces ready, such as rescue teams, fire fighters and medical teams.

A key challenge in areas of problematic sovereignty is deep deficiency in the implementation of protective defensive measures. The reason may be the split between the sovereign state, not in control of the territory and the armed group involved in the fighting, which takes no responsibility for the defense of the civilian population and may, in some cases, even see propaganda benefits in intensifying civilian casualties and civilian damage.

The obligations of the attacking belligerent and the defending belligerent are not reciprocal. The fact that civil defense measures are not taken does not relieve the attacking side from its obligations to take precautions. However, the practical result may be a heavier burden on an attacking belligerent that wishes to obey the law. If the “price tag” attached to a certain target is higher due to the deliberate placing of that military target in the vicinity of civilians without any shelters or other means to defend the civilians, attack on that target may be considered not proportional in relation to the military advantage and thus should be avoided. Moreover, even if a professional military and legal evaluation finds the attack proportional, it may still be advisable to avoid it due to possible media damage expected.

This factual and legal situation creates a set of perverse incentives in war, and consequently an unstable legal system. The system was designed for states, under the premise that a state does not require an incentive to protect its civilian population from the horrors of war. However, when a belligerent is a NSAG, based in an area where the sovereign government has lost its grip, this group may feel no responsibility for protecting the civilian population in its area of operation.

Moreover, the experience of Lebanon and Gaza show that the armed group may actually have a practical incentive not to defend the local population but, conversely, to try to have as much harm inflicted upon it as part of its campaign to castigate its Western opponent, weaken the local host state, and radicalize the local population from whom it gathers recruits. The international community is yet to find adequate policy and legal responses to these thorny dilemmas.

IV.

Implications for Economic Development

Patterns of economic development and underdevelopment are crucial for understanding regime strength and frailty, potential for and sources of social disorder, as well as prospects for successful democratization.³⁸ Based on the presentations of Dr. Paul Rivlin and Mr. Yitzhak Gal, the following economic factors were identified as being central to understanding the implications of the crisis of governance in the Middle East for economic development in the MENA region. These can be divided into long-term, structural issues, and the shorter-term impact of the Arab revolts themselves and effects of the global financial crisis of 2008-2010.

The Demographic Challenge

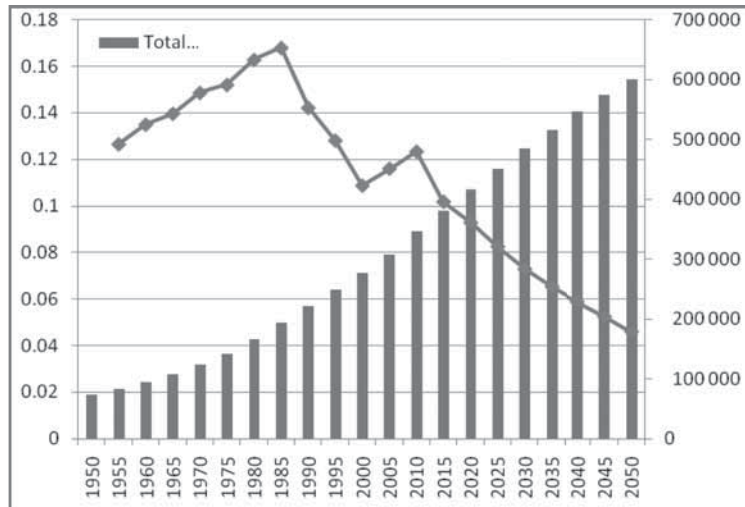
Even though the Arab world has experienced a decline in the population growth rate since the mid-1980s (from over 3% a year to less than 2% in 2010) the absolute growth of the population has increased because its base has grown. In 1980, the population of the MENA Arab states stood at 173 million. By 2010 it had reached 357 million. The absolute increase in 1980 was five million while in 2010 it was estimated at between seven and eight million.

For instance, in Egypt, the largest Arab state in demographic terms, annual average demographic growth declined from a peak of 2.39% in 1980-85 to 1.85% in 2000-2005, yet the absolute annual increase in the population rose from 1.24 million to 1.41 million people over the same period. The consequences of this robust growth, *inter alia*, are strains on critical infrastructure, health and education systems, food supply pressures, and unemployment.

The composition of the population also changed dramatically, with a sharp increase in the number of young people and their percentage in the total population. This had profound political, as well as socio-

economic consequences. In 2010, 54% of the Arab population was 24 years or younger, compared with 48% in all developing countries and 45% world-wide. In Yemen 55% of the population is 15 years or younger.

Demographic Trends in the Arab World, 1950-2050



(Source: United Nations Department of Economic and Social Affairs, Population Data)

The Unemployment Challenge

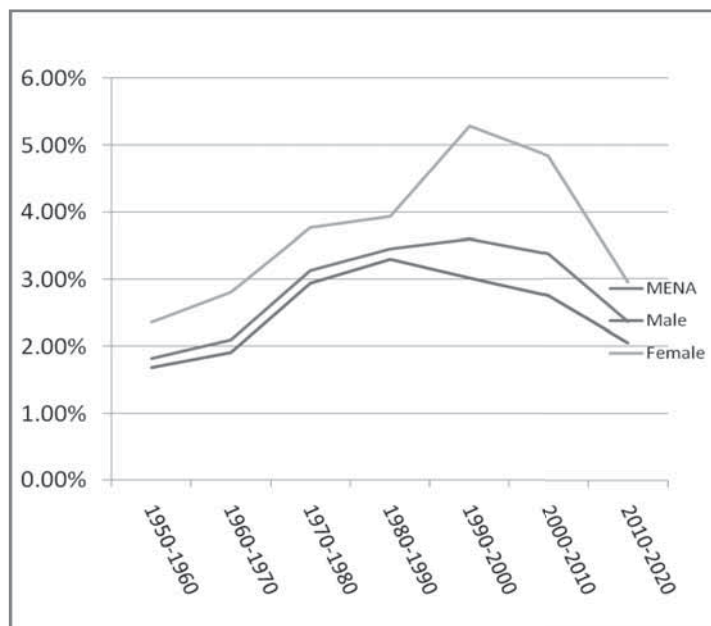
The MENA region's youth bulge also means that it is characterized by working-age population increase that is higher and faster than the overall population increase. The growth rate of working age population accelerated from 2% a year in the 1950s to more than 3% a year in the 1970s, where it remained through the 1990s, dipping to 2.65% in the past decade.

In these labor-abundant countries, differences in the onset of the fertility decline and in labor force participation rates account for the variation of labor force pressures faced by individual states. Countries that witnessed the earliest and fastest declines in fertility – such as Morocco and Tunisia – experienced less pressure in their labor markets than those undergoing later and slower fertility declines.

In Morocco and Tunisia, labor force growth rates peaked in the 1970s at 3.4% and 4.0% a year, respectively, and have since declined to about 2.5% a year. In contrast, in Egypt, where fertility decline was

slower, labor market pressures have been persistent and increased in the current decade as female participation rates rose. Labor force growth in Egypt has risen from 2.5% in 1980 to the 3.1%. Accordingly, the labor force has increased sharply, from 13.5 million in 1980 to 32.2 million in 2010 – an increase of 29% between 1980 and 1990, 36% between 1990 and 2000, and 36% between 2000 and 2010.

Labor Force Growth, 1950-2020, annual.



(Source: World Bank Report, *Unlocking the Employment Potential of the Middle East and North Africa*, Washington DC 2004)

Rapid demographic growth coupled with generally poor economic policies has produced a chronic, destabilizing, unemployment crisis. As the *Global Employment Trends* report released by the International Labor Organization (ILO) in January 2011 demonstrates, the MENA region has the highest unemployment rate in the world, at 10.3%. The unemployment situation is particularly dire for youths between the ages of 15–24 who also face the highest rate of unemployment in the world, at 23.7% in the Middle East and 23.8% in Northern Africa.

Even those that are employed in MENA countries generally receive meager wages. According to an ILO study, 40% of the Middle East working population and 32% of the North African working population live on less than \$2 a day. Furthermore, the unemployment numbers do not reflect the number of youths who are unemployed and have given up looking for work.³⁹

Youth unemployment is arguably the largest socio-economic challenge facing the region. Lowering the alarming level of youth unemployment is essential for increasing social inclusion, economic security, and political stability in the region, given that youths comprise a staggering 60% of the regional population.

Despite having the resources to invest into job creation, oil-exporting countries are also afflicted by serious problems of unemployment. In oil-exporting countries job creation has grown at a constant rate of approximately 100,000 jobs annually, yet unemployment for nationals remains high since many of those jobs are filled by foreign workers. Saudi Arabia, for example, has a youth unemployment rate of 25.9%.

Another problem for both oil importing and exporting countries is that the skills required by private companies do not match those gained through the vocational and higher education systems. University graduates remain unemployed for an average of three years after graduation. This means that private companies struggle to recruit young workers that match employer needs.

The Status of Women

As the 2005 Arab Human Development Report documents in detail, states and societies in the MENA region have suffered from the widespread exclusion and disempowerment of women from, *inter alia*, economic life.⁴⁰

Discrimination manifests itself in much lower average literacy rates, lower labor force participation rates, and lower wages for women. In the MENA region, 35% of females over 15 years of age are illiterate compared with 18% of males. Female illiteracy rates within the Arab world range from a low of 9% in Kuwait to a high of 65% in Yemen. In both countries, these rates are higher than those for men as they are elsewhere in the region. Only 26% of Arab women participate in the labor force compared with 77% for men and this is after a long period during which the female labor force participation rate rose.

These measures are summarized in the Gender Inequality Index (GII), published in the UN's Human Development Report. This is a composite measure reflecting inequality in achievements between women and men: reproductive health, empowerment and the labor

market. According to the 2011 report, the world's lowest (worst) GII was for Yemen (146). Near to the bottom of the world league table were Saudi Arabia (135) and Sudan (128). The Arab highest score was that of Kuwait (32), followed by Qatar (37). Morocco (104) and Iraq (117) also scored poorly.

The causes of low female labor force participation rates include the existence of a culture in which some employers prefer to employ men; a scarcity of jobs; employment and wage discrimination against women; and high reproductive rates (though these are falling). Laws restricting women, including those designed to protect them (such as personal status and labor legislation), also restrict women's freedom by requiring a father's or a husband's permission to work, travel or borrow from financial institutions. Additionally, women's employment opportunities have been undercut by weak support services and economic reform programs.

Lack of Industrialization

As Paul Rivlin argued in the first workshop, a main proximate factor explaining why so many economies in the Arab world suffer high poverty and unemployment rates is the lack of industrialization. The Arab world has largely, though not entirely, missed out on the global industrial revolution. In 2005, eleven Arab states, accounted for just 0.73% of world manufacturing value added; their share increasing slightly, to 0.89% in 2009. Between 2000 and 2005, the share of all Arab states in world exports in manufactured goods rose from a mere 0.6% to 1.3%, falling to 1.1% on the eve of the onset of the Arab revolts.

Shares in World Manufacturing Value Added, 2005-2009

	2005	2009
11 Arab countries *	0.73	0.89
Israel	0.30	0.32
Germany	6.40	6.17
China	9.82	14.45
USA	25.56	23.70

*Egypt, Jordan, Kuwait, Lebanon, Morocco, Oman, Palestinian Authority, Qatar, Sudan, Syria, Tunisia
(Source: UNIDO Industrial Development Report 2011)

The Challenge of Agriculture and Food Prices

Arab countries are highly dependent on imported food, particularly those commodities that feature heavily in the diets of the poor. As a result food imports form a large share of total merchandise imports. In the period 2000-2009, the Arab food deficit totaled approximately \$180 billion compared with \$45 billion in 1990-1999. Between 1998-2002, annual average, and 2008, the quantity of cereals and flour imported by Arab countries rose by 21% from 45.8 million tons and its cost rose by 169% from \$7.1 billion to \$29.1 billion. The gap between imports and exports of food products peaked at around \$30bn in 2008 due to the surge in global food prices.

The problem is compounded by continuing reluctance on the part of oil-rich Arab states to invest heavily in farming projects in poorer (mainly oil-importing) states for political and security reasons.

The Arab region is one of the most arid areas in the world and the per capita share of the water wealth is among the lowest as it has remained much below the global water poverty level of 1,000 cubic meters per year. In some countries, this level is even below 500 cubic meters. Renewable water resources are only around 1.3% of the world's total renewable water wealth, although the Arab region accounts for more than 10% of the total world land area. Limited water resources have sharply depressed the per capita share of water in the Arab world because of a steady population growth of more than 2%.

As for arable land, it is estimated at nearly 550 million hectares but only around 12% is exploited. Even in that 12% part, the farming efficiency does not exceed 60% of the world level. This means the Arab World is facing a real problem of not only low exploitation of arable areas but low efficiency in the cultivated land and its productivity.

The "Arab Spring" as Economic Shock

The experience of the MENA region over the past several years demonstrates once again the intricate relationship between security and political conditions, on the one hand, and economic development, on the other. In the economic realm, as in politics, a clear distinction

stands out between the oil-exporters of the region and those that are oil-importers.⁴¹

Whereas the former have generally weathered the regional turmoil well – maintaining macroeconomic stability and growth – the latter have suffered in 2011 and 2012 under a combination of low, or negative rates of growth, inflation, and a worsening current account balance.⁴²

Arab countries most directly impacted by the turmoil of the past two years share several sets of serious economic challenges. According to a November 2012 IMF report on the region, “ACT’s” (Arab Countries in Transition) – namely Egypt, Jordan, Libya, Morocco, Tunisia and Yemen – have generally managed to maintain macroeconomic stability, but are experiencing deteriorating fiscal and external balances conditions. With uncertainty over the medium-term policy agendas in many countries, local investors are holding back. Foreign Direct Investment (FDI) has also dropped precipitously. Meanwhile, international food and fuel prices have continued to rise, and economic activity in trading partners – most notably in Europe, with which many oil importers have important economic links – has deteriorated.

As a result, these countries have witnessed a marked decline in exports in 2012 while their import bills continue to grow. In addition, tourism experienced a large decline in 2011 and has not recovered significantly in 2012. Consequently, these countries continued to face economic slowdown in 2012, with growth of about 2%. The IMF estimates a recovery to about 3% in 2013; a rate that is still far below what is required to address chronic and growing unemployment, particularly among the multitude young.⁴³

In response to social demands and rising food and fuel prices, ACT governments have significantly expanded spending on subsidies. Budget revenues have also fallen, with the consequence that fiscal balances across the region have deteriorated by a cumulative 2.25% of GDP over the past two years. Although expansionary fiscal policies have helped mitigate the downturn, they have had only a modest impact on economic activity: a large increase in generalized subsidies and wages has been partially offset by a decrease in public investment, thereby reducing the positive impact of stimulus. In addition, ACT government reliance on domestic bank financing has reduced the availability of private-sector credit.

ACT governments also suffer from very limited room for additional fiscal stimulus. With average public debt at more than 70% of GDP, fiscal vulnerability is high and any significant slippages – such as

slower-than-projected growth, a hike in inflation or interest rates – could put debt on an unsustainable path. Moreover, external current account deficits have widened from already high levels. Together with weak capital inflows, these have resulted in a sharp decline in official international reserves, raising concerns about reserve adequacy and leaving diminished buffers and limited policy space for addressing a downturn.

Syria represents the region's most immediate and dire case of economic meltdown, and is a stark warning of the economic implications of civil war for neighboring countries as well. Although the Syrian conflict was initially a "peasant revolt" concentrated in rural areas impacted by severe drought, since late 2011 it has spread to urban areas, including the country's main commercial centers. Civil war, coupled with wide ranging sanctions imposed by the US, EU and Arab League has meant a severe slowdown in construction, trade, tourism, private investment, and the destruction of infrastructure – resulting in effective paralysis of the economy. In 2011 alone Syria's stock exchange index was down nearly 60% and the Syrian banking sector has been severely affected, with foreign banks increasingly reluctant to provide trade financing to Syria.⁴⁴

Indeed, according to the Washington-based Institute for International Finance (IIF) the Syrian economy will shrink by a staggering 20% in 2012, with all of its foreign reserves depleted by the end of 2013. Since March 2011, the IIF estimates inflation in the war-torn country has risen by 40% and the Syrian pound's official exchange rate against the dollar has fallen by 51%.⁴⁵

Turmoil in Syria also has seriously destabilizing economic consequences for neighboring countries. As of December 2012 an estimated 500,000 refugees have fled to Jordan, Egypt, Iraq, Lebanon and Turkey, with a further 2 million civilians internally displaced. This has already strained the budgets of host governments, particularly Jordan which has to contend with absorbing over half of the Syrian refugees. Economic activity in neighboring countries has also been adversely affected through lower regional tourism, reduced trade, and restricted travel. The perceived risk that neighboring countries would be drawn into the conflict has also weakened confidence more broadly.

As Yitzhak Gal's case study of Jordan's current economic realities indicates, even countries not directly experiencing regime transition or, worse, civil war, are reeling from the economic effects of the regional upheaval. Jordan's two most dangerous socio-economic problems are unemployment and the rocketing costs of commodities, particularly

oil and food imports. Jordan requires real growth of between 6% and 8% a year simply to absorb new entrants into the labor force. After a period of robust growth between 2004 and 2009 – which saw overall unemployment levels fall from approximately 15% in 2003 to 13% in 2008 – growth has plummeted to only 2% in 2010 to 2012, raising overall unemployment to 15%, with youth unemployment reaching 30%.

The Hashemite kingdom has been struggling over the past two years with the challenge of re-balancing the state budget after sharply increasing public expenditure in 2011, in an attempt to placate a population suffering high energy and basic-food prices. The country's budget deficit grew from an already high 7.7% of GDP in 2010 to an alarming 12% in 2011. At the heart of this rise are energy and basic-food subsidies, which jumped 30% in 2011 alone. This means that the Kingdom is now largely dependent on foreign aid to stay afloat economically.

Moreover, refugee inflows are straining Jordan's infrastructure and state budget. After absorbing nearly 150,000 refugees from Iraq in the period 2003-2006, Jordan is now taking in refugees fleeing Syria. An estimated 250,000 refugees have already settled in Jordan and that number is likely to swell further as conditions in Syria continue to deteriorate.



Implications for Security

The crisis of governance in the MENA region – with its unsettling political, social, and economic transformations – carries far reaching consequences for security in the region. Indeed, we may be witnessing a paradigmatic shift in the nature of security threats emanating from an already troubled region; a shift that still requires clear definition, understanding, and new policy responses. The main features of the new security environment include the following elements.

Enhanced Risk of Strategic Surprises

Turmoil in Libya, Mali, Syria and Yemen, and instability in Algeria, Egypt, Lebanon, and Tunisia, have greatly enhanced the risk of strategic surprises occurring in the region.

Despite investment in sophisticated intelligence capabilities, as Professor Efraim Inbar argued in the first workshop, the unrest in the Middle East came as a surprise to everybody, including Israel. Israeli officials had speculated in recent years, for instance, that the forthcoming succession of an aging Mubarak could turn Egypt into an “Iran next door.” But this conjecture was quashed by the predictions of intelligence analysts for a smooth transfer of power. Similarly, all major Western powers, including the US and Israel, failed to correctly identify just how brittle the Assad regime in Syria truly was in early 2011, and to properly gauge the strength of the opposition in the country.

Similarly, the Western intelligence community has so far performed poorly in its analysis of the potential for political disruptions and regime changes in the region. On January 14, 2011, less than a month after the death by self-immolation of Mohamed Bouazizi, Tunisia’s dictator, Ben Ali, who had ruled the country for twenty-three years, fled suddenly to exile in Saudi Arabia, opening the door for

rapid political transformation in the country. In Egypt too, after only eighteen days of mass protests, Mubarak handed over power to the military on February 11, 2011, ending the pharaoh's thirty year reign as president and launching a still unsteady political process that has brought the Muslim Brotherhood (and to some degree the *Salafists*) to dominate the largest and most important country in the Arab world.

Moreover, as Dr. Florence Gaub demonstrated in the first workshop, during the uprisings of 2011 Arab military forces performed differently from what analysts had commonly expected. Egypt's and Tunisia's armies not only refused to act violently against the people, they facilitated regime change, while the police forces caused large-scale casualties (up to 846 in Egypt, 338 in Tunisia). In contrast to this, Libya's and Syria's armed forces, reputedly under iron-fist control and obeying to the regime, remained in parts functional but suffered significant disintegration and desertion, rendering them largely incapable of functioning properly. In sum, none of the Arab militaries confronted with the massive social dislocation behaved in the expected way, namely unequivocally standing by the regime and suppressing the uprisings. Thus the "Arab Spring" raises key questions about the role and anticipated conduct of various security forces in the Arab world under conditions of stress or crisis. The cohesion and regime-supporting tendencies of Arab militaries cannot be taken for granted.

This is a stark reminder of the potential for dramatic, rapid change in the MENA region. The new political, security and economic environment – with large numbers of refugees flowing into already stretched and simmering Jordan for example – enhances the potential for strategic surprises. Consequently, Western security actors now find it necessary to prepare for a variety of scenarios, including the worst-case ones, and to dedicate substantial intelligence, planning, and operational resources to confronting a wider range of potential strategic surprises.

Evolving Actors, Evolving Threats

A major transformation in MENA's security environment relates to the protagonists of war themselves. The units of analysis of war are altering, with Non-State Armed Groups (NSAG's) and increasingly fragmented terrorist networks posing the main threats. This is reflective of the types of adversaries increasingly faced not only by Israel but by the United States, European actors, and Turkey in the

MENA region; creating new opportunities for security cooperation centered around new forms of threats.

At the same time, most if not all Sunni Arab states are too preoccupied inwardly and economically troubled to mount an attack on Western actors, though the possibility of a desperate Assad deciding to “go out in style” by instigating a last ditch attack against Israel cannot be entirely discounted.

Conventional war between two or more states in the MENA region has become mercifully rare, and appears to be getting rarer. Armed conflict in the region today takes place overwhelmingly either within states (civil war) or between Western states and non-Western adversaries composed of relatively backward, non-nuclear powers, NSAG’s, and terror networks. This reflects a global trend in the nature of the protagonists of war. In the total of 124 armed conflicts recorded in the world between 1989 and 2007, a full 117 took place either within a single state or involved cross-border conflict between at least one NSAG and a state. Only 7 involved state-to-state warfare.⁴⁶

The shift away from inter-state and towards wars involving NSAG’s is not entirely new of course. Israel’s own experience correlates strongly with the change in the units of analysis of war. Since the 1973 Yom Kippur war the country has not faced state-to-state armed conflict, but has pursued six campaigns against a medley of state/NSAG adversaries: the First Lebanon War (1982-1999); the First Intifada (1987-1993); the Second Intifada (2000-2004); the Second Lebanon War (2006); Operation Cast Lead (2008-2009); and Operation Pillar of Defense (2012).

Still, the number of NSAG’s appears to be growing and the destructive power of at least a handful of them has increased.⁴⁷ Although reliable data on their proliferation is lacking, the IISS Military Balance study now lists 345 armed NSAG’s worldwide.⁴⁸ As U.S. Defense Secretary, William Gates, observed in April 2010, furthermore, the military power of at least one NSAG, Hezbollah, extends beyond the capabilities of many states in the world.⁴⁹ The number of combatants and military capabilities of HAMAS and PIJ ha also increased markedly in the last two to three years.

Coupled with the rise of militarily formidable, hierarchical and increasingly capable “terrorist armies”, we observe the proliferation – particularly in Libya, Sinai, Mali, Niger, and now Algeria – of fragmented terrorist networks. The recent attacks in Benghazi (on September 11, 2012), Sinai (August 2012), as well as the murder of some forty

hostages in a gas facility in Algeria (January 2013), by a splinter group of AQIM calling itself the “Signers in Blood”, appear to typify the new face of Islamist terrorism in the region – a series of affiliated groups and splinter-groups that recognize no central command, but operate based on a similar ultra jihadist ideology and use similar methods.

New State-NSAG Alliances

The formation of dynamic new alliances, formal and informal, between anti-Western states and NSAG’s, represents another key dimension in the changing security environment of the MENA region. Here the Iran-Syria-Hezbollah-HAMAS “radical axis” represents only one prominent example.⁵⁰ Other such alliances include the Iran-Sudan-HAMAS-PIJ arms-smuggling cooperation; the murky Pakistan-Taliban network facing NATO forces in Afghanistan and Waziristan; the Pakistan-Hizbul Mujahidin alliance against India in Kashmir; and the Iran-Supreme Council for Islamic Revolution in Iraq (SCIRI) syndicate.

That warring states seek to ally with armed non-state actors in pursuit of their interests per se is also not a new phenomenon. Yet we observe qualitative innovation in the nature of the transnational alliances. Rapid developments in communications, transport, and proliferation of weaponry, not only empower NSAG’s and loose terrorist networks, they also facilitate cross-border transfers, cooperation, and learning as never before.

Conventional armies and classical-era insurgency groups (i.e. revolutionary groups who fought so-called wars of national liberation from 1944 to about 1980) copied each other’s tactics. But each operated within its own borders, emulation typically took place after the event, and direct cooperation between movements was rare.⁵¹ In contrast, today we observe real-time learning, emulation, response, and cross-pollination – particularly among Islamist groups and their patron states – operating across countries, even vast regions.⁵²

Iranian rockets, improvised explosive technology, command and control tactics, and intelligence appears almost instantaneously in Iraq, Afghanistan, Lebanon, Gaza and Sinai. HAMAS learns from a broad range of planning, operational, and intelligence capabilities either developed by Hezbollah or acquired from Syria and Iran.⁵³

As the head of the IDF Military Intelligence Branch put it: “The level of cooperation [between members of the Iran-Syria-Hezbollah-HAMAS

axis] has reached levels never seen before...There are well known sites in Iran and Syria where, during testing of new weaponry, you can see Hezbollah and even HAMAS operatives invited to watch the test...The financing, the technology and training comes from Iran, the preferred production sites are in Syria, and the products are distributed between all members of the axis, on sea, by air and on ground."⁵⁴

The Corrosive, Cumulative Effects of State Weakness on Regional Security

The proliferation of weak and failed states in the MENA region are both a cause and a result of the rise of NSAG's, new terrorist networks, and pernicious state-NSAG alliances. Weak and failed states are breeding grounds for conflict, since a vacuum in state authority invites pervasive violence on multiple levels: insurgent against regime, inter-tribal, ethnic, religious, and plain criminal.

In weakly governed spaces NSAGs typically prey on unarmed civilians, establish cross-border criminal "shadow economies", and draw loyalty away from the state. The resulting insecurity, poverty and frustration feed illiberal ideologies and jihadi recruitment. After the launch of the Arab revolts this is now the case not only in Lebanon and Gaza, but in much of North Africa, Iraq, Syria, Sinai, and Yemen. Chaos facilitates criminal rent seeking on the part of NSAG's, aids illicit movement of fighters and weapons, promotes local radicalization and recruitment, and weakens the states of the region further by siphoning off legitimacy and undermining confidence in the state's ability to provide for its populace.

Indeed, the MENA region is increasingly flooded with sophisticated weaponry (including medium-range surface to surface, anti-tank, and anti-aircraft missiles). These pose a far greater threat to civilian life, infrastructure, and military assets than the lighter, more basic arms that were available to terrorists in the past. The new weapons find their way to armed groups through a growing set of supply channels, ranging from direct state transfers (notably Iranian weapons transfer through Sudan to groups like Hezbollah, HAMAS and PIJ), to growing black market trade emanating from lawless spots such as parts of Iraq, Yemen, Somalia, and Libya. The scale, nature, and spread of arms flows means that Western intelligence agencies are compelled to dedicate a growing portion of their resources to tracking, monitoring,

and occasionally targeting weapon dumps and convoys, instead of focusing on actual militants.

Sinai is rapidly emerging as a source of multiple headaches for regional security chiefs. Handed back to Cairo as a demilitarized zone – as part of the 1979 Israeli-Egyptian Peace Treaty – the arid peninsula of 61,000 square kilometers was never fully brought under effective Egyptian authority. Through much of the past three decades the local Bedouin population – which now number over 300,000 – exercised a degree of local autonomy, making a living from tourism, fishing, as well as drug and people smuggling.

The coming to power of HAMAS in neighboring Gaza after Israeli withdrawal in 2005, and diminished Egyptian law-enforcement capacity following Mubarak's demise, have quickly resulted in the expansion of organized crime and terrorist proliferation, particularly the spread of advanced anti-aircraft and surface-to-surface rockets. In early May 2012, Egyptian authorities intercepted a large consignment of advanced weaponry in Sinai, *en route* to Gaza, and Israeli intelligence estimates large quantities of such weapons have already reached HAMAS and Palestinian Islamic Jihad (PIJ). Libyan weapons are also proliferating in Sinai itself.

Cross border terrorist attacks have followed, including the 2007 suicide bombing conducted by a PIJ militant in a bakery in the Israeli tourist city, Eilat, and an August 18, 2011 attack which killed eight Israelis and injured thirty-one. Five Egyptian border policemen were also killed in the ensuing shootout, straining Egyptian-Israeli ties.

This Israel-Egypt-Sinai-Gaza-Jordan imbroglio is becoming more unstable and potentially explosive, with massive flows of increasingly sophisticated arms into Sinai and Gaza. These arrive mainly from Iran through war-torn Sudan, and now increasingly from chaotic Libya. In the absence of responsible sovereigns in its neighborhood, Israel is increasingly anxious that Sinai-Gaza are becoming a single arena set to explode.⁵⁵

NSAG's operating within weak and failed states are not only actors that cause internal chaos and may trigger cross-border armed conflicts, they also make it increasingly difficult to end wars and restore stability. As the behavior of Hezbollah in Lebanon and PIJ in Gaza demonstrates, even after large scale hostilities have subsided, NSAG's often act as "spoilers" who have the potential to trigger fresh flare-ups at any given moment, undermine state-building, and wreck peace processes.

The weakening of state authority or fragmentation into different zones of control – processes far advanced in much of the Sahel region, Iraq, Gaza, Lebanon, Syria, Yemen and beyond – further reduces the ability of Western states to deter their adversaries or hold them to account for acts of violence emanating from within their borders.

Effective deterrence depends not only on one's adversary possessing valued destroyable assets (and weak and failed states tend to possess relatively few of those to begin with), but on the existence of a broadly centralized authority interested in preserving those assets and capable of enforcing discipline within its territory.⁵⁶

Where there is no government exercising a monopoly on the use of large scale force across borders, deterrence is inherently precarious. Indeed, where a weak state is challenged internally by an insurgent or terrorist organization, the latter may seek to provoke an attack by an external actor as a means of further weakening the state and advancing the provocateur's parasitic exploitation of its territory and other resources.

At the same time western countries are themselves deterred from taking forceful action against weak and failing states, realizing the diminished benefits in terms of deterrence, and fearing greater instability in the aftermath of conflict on account of a further deterioration in governability. The breakdown of public authority in weak states also blurs the distinction between public and private combatants and objects, and between combatants and civilians, making the careful application of the principle of distinction in International Humanitarian Law (IHL) more difficult.

And where the weak or failed state houses international aid agencies, humanitarian NGOs or multilateral peace-keeping forces – as is now standard – Western actors are further constrained by fear of the diplomatic and public relations damage that would be caused to them should the multilateral peace-keeping forces and humanitarian NGO's come to any harm.

Consequently, NSAG's and the states that support them are granted a degree of immunity by virtue of their very presence in weak and failed states. A damning indication of how the presence of international peace-keeping forces in Lebanon is cynically utilized by Hezbollah to illegally protect its fighters and deter Israel, was provided by a 2006 UNIFIL Report in which UN Secretary-General, Kofi Annan, stated that: "Some Hezbollah positions remained in close proximity to United Nations positions, especially in the Hula area, posing a significant security risk to United Nations personnel and equipment."⁵⁷

VI.

Going Forward: Policy Guidelines

Given the nature and scope of the challenges posed by the crisis of governance in the MENA region – and the stakes involved for both regional and global stability – a thorough review of diplomatic, development, and security policy towards the Arab world is nothing short of an imperative. The first policy conclusion to emphasize is that neglect or “isolationism” are not viable options. Lack of serious engagement with the new realities in the MENA region will almost invariably lead to serious damage to core American, European, and Israeli interests.

The first priority of any new policy posture must be the avoidance of large-scale war, humanitarian catastrophe, or the global proliferation of mortal threats, including international terrorism. But a forward-looking strategy should also strive to actively undermine radical elements and support positive long-term modernization and liberalization of the region. Broadly speaking, such a strategy would include the following constitutive elements:

Recognizing the Systemic Nature of the Crisis

The cumulative effects of a cascade of state weakness/failure in the MENA region; the rise of new authoritarian Islamism and aggressive “non-state governors”; enhanced cooperation between Iran and emerging “terrorist armies” and terrorist networks themselves; freer flow of fighters and arms from one trouble-spot to another; as well as the humanitarian crisis in growing parts of the region – these amount to a direct and systemic challenge not only to specific Western security interests, but to the nature of the international order itself.

Recognizing the systemic nature of the crisis of governance in the Middle East must lead liberal domestic reformers and Western actors to

reach beyond existing Counter Terrorism (CT) and Counter Insurgency (COIN) policies, and to develop new concepts and doctrines for containing the spread of the crisis and gradually overcoming it. This will require new thinking along the lines of “political CT” or “systemic COIN” that would bring together security, political, economic, and legal instruments to address both short term violence and instability and long-term economic, societal, and political pathologies in the region.

The range of non-coercive tools available to well-governed powerful states to deal with badly governed or collapsed states – namely development assistance and, *in extremis*, transitional administrations – are inadequate. Development (or governance) assistance is helpful in emerging democracies with already decent leadership, and then typically on the margins. And the record of transitional administrations (peace-building or post-conflict reconstruction missions) has been mixed at best.

In essence, transitional administrations work in the easiest cases: in small countries, where levels of violence are low, and where key constituencies within the country have already reached mutually acceptable agreement between them. Elsewhere, taking over sovereignty from a failed state for a transitional period has proven hugely costly – in blood as well as treasure – with little guarantee of success. Moreover, transitional administrations are always seen as temporary, interim measures meant to simply restore conventional sovereignty.

Making sure that democracies are able to defend themselves effectively in the twenty-first century will require innovation in military, political, and legal institutions. But it will also necessitate a foundational principle that reflects new global challenges, brings coherence to expectations about state conduct in the international arena, and wins the support of key states around the world.

The Goal: Responsible Sovereignty

Both the US and EU have formally acknowledged the central liberal truth that, as the European Security Strategy put it: “The quality of international society depends on the quality of governments that are its foundation. The best protection for our society is a world of well-governed democratic states.”⁵⁸ Clearly a region of consolidated liberal democracies would be in the best interests of its peoples and would

provide the soundest available guarantees for peace and security, not least for Israel and Europe.

Insisting on liberal democracy being the foundational principle for legitimate order in the region, however, is sadly unrealistic. Instead the international community can and should strive towards the somewhat diminished but more focused standard of “responsible sovereignty”.

State sovereignty has been the organizing principle of the International System for more than three hundred and fifty years. Our existing notion of sovereignty – what we might call “conventional sovereignty” – emerged in the very different context of Seventeenth century Europe, and was designed to address very different needs: namely to prevent warring princes from interfering in one another’s internal affairs, especially religious affairs.

The fundamental rule of conventional sovereignty is therefore that each state has the right to determine its own domestic authority structure; that outsiders must not interfere in those domestic affairs (the principle of nonintervention); and that in the international system, states are like individuals in society – they are equal and they have rights and responsibilities. Conventional sovereignty, which has since become the global standard, assumes a world of autonomous, internationally recognized and, most importantly, effectively governed states.

This is the conventional world of international politics and international law in which state-to-state relations is what counts, and states are accountable for threats that emanate from their territory. But this world no longer exists, and Conventional Sovereignty no longer works.

As Stephen Krasner points out, one of the most striking aspects of the contemporary world is the extent to which domestic sovereignty has ceased to function in states that still enjoy international legal sovereignty, with all its benefits.⁵⁹ The benefits are considerable and include:

- The right to territorial integrity and to self-defense, individual or collective.
- Juridical equality (right to legislate and enforce rules within its territory).
- International legal personality, bestows power to purchase and transfer state assets.

- Power to enter into contractual agreements with other states, UN membership and membership in other International Organizations.
- Sovereign immunity for the Head of State and Diplomats.
- Financial and technical assistance from the IMF, World Bank and bilateral donors.
- The ability to litigate before International Courts.
- Participation in making international law and shaping the international system.

According to the existing rules of conventional sovereignty, in other words, states like Lebanon, Somalia, Sudan, Syria, and Yemen – entities that have ceased to function internally and have become breeding grounds for international threats – continue to enjoy these far reaching privileges and protections. Similarly, states like Iran, Syria and Pakistan retain their international legal sovereignty, instead of having it curtailed. This is untenable. Much more can and should be done to condition the benefits of sovereignty on responsible domestic and international behavior.

Responsible Sovereignty is the injunction that sovereignty entails security obligations and duties both to one's own citizens and to other sovereign states. It means that, domestically, national governments are legally obliged to ensure basic standards of security, freedom and welfare for their citizens, and internationally they are legally obliged to actively prevent the export of security threats from within their territory. Responsible Sovereignty also implies effective accountability for these obligations.

The notion of Responsible Sovereignty, therefore, differs from conventional sovereignty in three key respects:

First, conventional sovereignty emphasizes non-interference and international juridical equality among states regardless of their regime type; whereas Responsible Sovereignty emphasizes positive duties and basic standards of state behavior.

Second, Responsible Sovereignty is not entirely agnostic about regime type. It does not insist that the domestic government be a consolidated liberal democracy, but it does not tolerate state failure either. It demands at least basic state effectiveness and legitimacy as conditions for recognition of a state as sovereign and for the enjoyment of the privileges of sovereignty.

Finally here, Responsible Sovereignty emphasizes states accountability for actions that have consequences beyond their borders. In a world of diffuse threats and interdependent security, it insists that states cannot permit their territory to be used to launch cross-border attacks, let alone aid and abet the export of such attacks themselves.

How would the principle of Responsible Sovereignty be operationalized? And who will decide? These are important questions that the workshops could not do adequate justice to. Certainly, Responsible Sovereignty would in practice mean different activities and obligations in different contexts:

Towards weak states who are willing to reform, it would mean positive measures such as greater governance aid to improve state capacity, enhanced donor coordination, and close monitoring of compliance. Towards aggressive, threat-exporting states – like Iran – it would mean increased pressure, sanctions, and the withdrawal of various international benefits. Towards failed or collapsed states, it would mean containment, greater intervention, greater targeting of aggressive NSAG's, and – where practical – the creation of new arrangements including "shared sovereignty".

And Responsible Sovereignty is particularly important regarding the creation of new states. It is one thing to have to deal with the consequences of state failure in an already existing state. It is quite another thing to permit the establishment of a new state where there is no guarantee of effective, stable and peaceful statehood. At a time when the international community is struggling with the dire effects of state failure in the Middle East and Africa, it would be unconscionable – perhaps illegal – to aid and abet the establishment of new ones.

Part and parcel of the notion of responsible sovereignty is what Ambassador Andreas Michaelis describes as "Legitimate Stability". This means an internal stability framework that is supported by a country's relevant majority. It also means insistence that the legal sovereign actually governs the entire territory over which it is legally responsible, preventing potentially predatory competitors of the state from finding safe havens in under-governed spaces.

It does not necessarily mean democracy, but involves acceptance of significant flexibility regarding the form of government – including, presumably, standards of human, women and minority rights – practiced in each of the countries of the region. At the same time, as the term "Legitimate Stability" implies, neither brutal repression nor disintegration or tolerance for aggressive non-state actors would count as fulfilling the standard.

Supporting Responsible State Actors

A corollary policy guideline to the principle of responsible sovereignty is the protection and strengthening of stable and legitimate regimes in the region. Western policy makers need to treat states and sub-regions still endowed with legitimate stability as an important resource to be actively safeguarded, and to help steer those states and regions in danger of backsliding towards legitimate stability and, where possible, modernizing reform.

Where responsible sovereignty is practiced or genuinely striven for, the emphasis should be on helping the state guarantee security, law and public order; strengthening legitimacy by improving government effectiveness, accountability and administrative capacity; and improving the quality of lives of the majority of the population through economic growth and provision of public services.

To that end, it is important that governments in the region embark on policies to restore macroeconomic sustainability and structural reforms aimed at improving competitiveness, strengthening exports, and laying the foundations for a more inclusive economic model. It is equally important that both stabilization measures and structural reforms minimize adverse impacts on the poor. The leadership for this effort clearly lies with the countries in the region themselves, but the international community can assist through finance, technical support, and better access to export markets.

This could be better done by strengthening coordination between leading donors – notably the US, EU, oil rich Gulf monarchies, the IMF and World Bank – and prioritizing the granting of military, civilian, technical assistance, and other benefits (such as market access and movement of persons) to countries practicing responsible sovereignty or actively striving to do so. In certain cases supporting responsible state actors might also include political and military assistance to help states in transition secure weapons, fight terrorism, undermine violent insurgents, and restore a monopoly on the use of organized force.

Comprehensiveness

Western policy makers must strive for a comprehensive approach to the region, one that understands the interconnectedness of states and societies in MENA and appreciates the spillover dynamics already at

play in sub-regions such as Syria-Lebanon-Jordan-Turkey, or Yemen-Iraq-Saudi Arabia. Like democratization, destructive processes of state failure tend to follow a regional “domino effect” pattern.

Under conditions of chaos and porous borders, even small areas of instability can quickly infect otherwise healthy political environments, while larger areas of instability – such as present day Iraq, Syria or Yemen – can destabilize entire sub-regions or worse. Moreover, aggressive non-state actors possess an impressive ability to shift their focus of attention and to relocate to new safe-havens in the theatre. Ungoverned spaces – terrestrial, maritime, or aerial – provide jihadi networks ample opportunities for organization and cooperation. As the case of the Sinai Peninsula clearly demonstrates, even under-governed spaces within otherwise reasonably functional states can constitute serious sources of instability.

Actively Containing and Undermining Radicals

Aggressive NSAG’s and terrorist networks need to be confronted with robust means too of course, and these need to constantly evolve in view of the severity of the terrorist threat, and accelerated terrorist innovation and cooperation.⁶⁰

Targeted strikes on terrorists, whether conducted by drones or special ops raids, are legal and legitimate means of fighting terror, and their use is indeed growing. The Obama Administration has made such strikes a central feature of its security strategy, with 171 drone strikes undertaken in 2009 and 2010 – in Afghanistan, Pakistan, Somalia and Yemen – compared with only 43 under the Bush Administration between 2004 and 2008. Yet pointed strikes against individuals do not address the underlying threat, and targeted killing is legally limited to military targets, and does not extend sufficiently to the “political”, “religious”, and illicit crime leaders who are integral to the survival of terrorist organizations and who are ultimately the source of the problem.

By targeting the US Ambassador in Libya eleven years after the 9/11 attacks and by demanding the release of terrorists imprisoned in the US in exchange for their hostages, Islamist militants demonstrated clearly that the cause of global violent *Jihad* is alive and kicking, and that hopes for the imminent demise of Al-Qaeda’s ideology have generally been misplaced.

Western Counter Terrorism (CT) policies are today somewhat in limbo, in view of the rapidity of change in the nature of threats and widespread American disillusionment with Counter-Insurgency (COIN) and state-building experiences in Afghanistan and Iraq. Clearly a return to “traditional” CT tactics alone is inadequate for dealing with the new challenges, yet it is still unclear “what comes after COIN?”

Monitoring and Engaging New Regimes

Rule-governed behaviour is vitally important to preserve legitimacy in the countries of the region. Moreover, the newly won awareness among Arab populations of their ability to change regimes (through elections or revolution) holds the potential for long-term genuine democratization, but only providing political systems in the MENA countries become genuinely competitive. Unless politics in Arab countries remain open to actual, repeated contestation within a rule of law framework, reform dynamics will quickly be extinguished, traditional regional “winner-takes-all” politics will be reaffirmed, and destructive cycles involving large-scale political violence can be expected.

Reform-minded local constituencies and external actors must, therefore, insist on and where necessary actively defend the principle that elections must be genuinely repetitive, free and fair. This would entail not only regular, competitive electoral cycles, but advancement and consolidation of core political rights and civil freedoms – above all the rule of law, women and minority rights, freedom of the press, and freedom of association. This is particularly important in countries such as Tunisia and Egypt that have recently experienced watershed electoral transitions and are engaged in constitutional processes. The idea that once Islamists come to power they are there to stay unchallenged must be resisted, and institutions put in place to allow alternative constituencies to develop and compete for power.

Four sets of Western policies can help advance this critical goal. First, Western powers should affirm a succinct but firm list of values upon which they will insist in their relations with MENA countries. Competitive politics, the rule of law, protection of women and minority rights, and respect for civil liberties and political freedoms should top the bill. Second, political developments in Arab countries in transition should be closely and honestly monitored and reported.

The UNDP Arab Human Development reports can act as a model for such reporting, as could *mutatis mutandis*, the EU's annual progress report used to guide relations with accession and potential-candidate countries. Third, to the degree possible, all Western aid – financial, technical, and military – should be firmly linked to progress made on liberal political and economic reform. Western leverage would be substantially enhanced if positive reform is strongly rewarded and backsliding punished in a coherent, united way. Keeping politics open in transitional countries requires investment in substantive dimensions of democracy – accountability, freedom of expression, women and minority rights, and so forth – as well as active development of political pluralism among legitimate political forces.

Physician Heal Thyself

Just as the fate of the MENA region will ultimately be decided by the diverse and vibrant human beings that make up its population, the fate of Western security will depend on the will, energy, and values of the West. Strength and success abroad will depend on economic, military, cultural and political prowess at home.

As Ambassador Michaelis emphasized in his address at the second workshop, our approach towards the ongoing transformation in the MENA region needs to reflect our own image and behaviour, too. In the coming years and decades, preserving – and in some senses restoring – Western societies, economies, and political system will be just as important to our chances of successfully navigating the Crisis of Governance in the Middle East as will be the choices made by the peoples of the MENA region itself.

Addresses

Address of Minister Moshe (Bogie) Ya'alon, Deputy Prime Minister and Minister of Strategic Affairs, Herzliya, October 18, 2012

The upheaval in the Arab world has attracted attention to the difficulties the Middle Eastern states have in sustaining their structure and spreading their sovereignty over their entire territory. Usually we tend to approach this problem and its clear implications on the stability of the region and the security of Israel and the West through the lens of the tension between the primordial identity of the components that comprise the Arab states and their commitment to the state order.

In fact, for deeper understanding of the potential implications of the current upheaval on the strength of the Arab states one has to look at it through a broader systemic analysis of the Middle Eastern state system and the complementary contradicting tensions it faces. I know it sounds complicated but, I'm sorry – welcome to the Middle East.

The identity of each minor group in our region is made of several layers and in each layer there are several sub-layers so eventually the elements that comprise this identity may contradict. Let's take for example the case of Hezbollah. This organization's identity is radical Islamic, Shiite, Lebanese, Arab, Jihadist, pro-Syrian and pro-Iranian.

This means that when its Jihadist component of identity opposes its Lebanese identity, it has to find a way to overcome this contradiction. Nobody in Lebanon is simply Lebanese. Nobody in Syria is simply Syrian. Nobody in Iraq is simply Iraqi. Each group in those countries has a religious identity, an ideological identity, a sectarian and tribal identity, a regional identity, and quite often an identity that reflects its affinity to foreign powers who are its patrons. And most importantly

each group has an aspiration to rule or enjoy some sort of self rule. It's no wonder that within the Kurdish community in Syria there are more than twenty different parties. Unfortunately, it's very rare to find someone with a pro-American identity or a pro-Israel one.

Most Arab states used to handle this unbelievable variety through dictatorship of their autocratic leaders. Regimes tried on the surface to develop a national identity based on what was perceived as national interests, including animosity towards Israel and the West, but this effort was quite superficial and in fact the autocratic leaders relied on their sect and tribe and promoted their interests.

When the primordial forces lost their fear of the state apparatuses the system couldn't hold anymore, but the forging of a new system may take a long while, if at all, and be a product of the collision between the various forces.

In the center stand the local forces that have now been able to minimize their dependence on the central government. In some cases these local forces are monolithic from other aspects like religion and sect, but in most cases this doesn't represent the situation. There are ideological differences even within radical Islamic groups and within the same sect there are tribal tensions. This means that most chances are that at some point we shall probably have to reach some arrangement that may maintain a much softer structure of the current state order within which the local powers will have greater independence.

If nothing changes in the way the different players are using their power, it is reasonable to expect that political Islamic groups will gain greater influence in the region and especially the Muslim brotherhood. It is quite clear that while these forces enjoy wide popularity, a considerable control of the minds and hearts of the population and are ready to invest everything they have in the fight over shaping the new Middle East, the West is much less ready, equipped and capable to establish alliances with potential supporters and to try to participate in shaping the region according to its values and interests.

One reason for that is the very limited success the West experienced in previous attempts to shape the Middle East. The idea of imposing over Middle Easterners the concept of Western statehood and nationalism after World Wars I and II ended up with the results we see today. The notion of «the state» was in most cases significantly distorted and ended with the heavy damage it suffered until recently. The same happened to the idea of Western democratization: some groups in the Middle East chose elections as a tool for political change but it is yet to

be proven that the democracy in the Western sense can be established in the region. These foreign ideologies are usually repelled by the people of the Middle East. On the other hand, Islamism, sectarianism, tribalism and xenophobia are much better received, since there is a feeling that they were invented here and they go along much better with deep rooted regional customs, traditions and frustrations.

Who are the forces that have a regional reach, a vision for the region – and maybe for the world – and not only a local vision, and that can take advantage of the diminishing power of the state? Within political Islam there are three such groups: the Muslim Brotherhood, the Salafists and the Ultra-Jihadists. There are also four or five states that have aspirations for regional hegemony or at least have a vision of the kind of regional structure they'd like to see. First and foremost Iran – who is involved in each and every conflict in the region – and then there are Turkey, Saudi Arabia, Qatar and Egypt. The foreign powers are the United States, Europe, Russia and China.

Now that the Muslim Brotherhood has bases in Egypt, Tunisia and Gaza, and to a great extent also in Turkey, they are poised – as I said before – to be the major benefactors of the new situation, especially since they are better organized than other groups and have certain cohesion between their branches.

The participation of President Morsi and Khaled Mash'al in the AKP congress in Turkey reflected this commitment to a common goal. Nevertheless, the Muslim Brotherhood has to cope with considerable challenges before it can promote its regional vision. This is because each branch of the Brotherhood has a very strong local national identity, and in each Arab state it faces severe economic difficulties, limited control at this stage of the state security apparatus, limited ability to provide security and stability, and strong opposition from the more liberal forces and from the more radical forces as well.

The *Salafists* are waiting for the Brotherhood to fail and by using the Saudi support and the religious feelings they try to gain more political ground.

The Ultra-Jihad groups are also well poised to take advantage of the situation. The weakness of the state enables them to operate more freely in less governed areas and to build alliances with local forces that are characterized by a strong religious identity and animosity to the central government. Unfortunately, it so happens that these areas stretch along some of our borders.

Iran may lose some of its influence because of its commitment to the survival of the Assad regime in Syria, and because the Iranians are Shiite and considered to be foreigners by most Arabs. But the Iranian resolve, dedication and experience would probably enable them to take advantage of the new reality and the growing dependence of their surrogates on their support in order to promote their interests. This may explain why Hezbollah has sent the Iranian UAV over Israel in spite of the risk it took of an Israeli retaliation that would prove again that Hezbollah's behavior contradicts its Lebanese identity.

Of course Iranian ability to have an impact on the way the region is shaped will grow significantly if Iran manages to go forward with its military nuclear program and on the other hand will be hindered as sanctions take their toll on the Iranian economy, Assad loses power and control, and if the nuclear military project is stopped.

What should the West and Israel do? First of all we have to realize how important it is for the West to have an impact on the way the situation develops. The loosening of the state system, combined with growing influence of radical political Islam and greater Iranian influence will have a negative impact on regional and global stability and may serve as a catalyst for the spread of terror to the West, the proliferation of weapons of mass destruction in the Arab world and may constitute a growing threat to the stability of pragmatic western affiliated regimes, including those of the oil rich monarchies. We have to keep in mind that many of the radical Islamic elements, including Iran, are trying to change the world order and establish a new Caliphate.

Therefore, it is of the utmost importance to cope with the challenge posed by the weakening of the state, yet this should be done through a policy that is also aware of the other challenges, threats and opportunities that are a part of the complicated system in which we operate.

Our policy should be tailor made for each specific case, but it should be based on the following pillars:

- a. Where relevant, encourage state governments to make greater efforts to make progress in their efforts to govern the less governed areas, through a combination of the available incentives.
- b. Improve relations and develop alliances with those elements that are ready to cooperate with the West, which are usually more moderate and oppose radical Islamic movements. If necessary they should get material and political support.

- c. Weaken the radical elements through using a wide variety of techniques against them. Most important is the effort to stop the Iranian regime from committing terror attacks and supporting terror organizations all over the region and beyond it and of course from making further progress in its nuclear project.
- d. Improve the defensive capabilities through better intelligence coverage, better active and passive defense systems, and not forgetting that usually, the best defense is a good offense.
- e. Show resolve and determination to defend our values and interests, and first among them the security and stability of the region.
- f. Reconsidering the set of policies and behavioral problems that hold us back from adopting effective and correct policies. When the West (led by the US) prefers a policy based on consensus, like in the cases of Iran and Syria, it is less effective.
- g. Western leaders should avoid the failures which are well known in the military as «being prepared for the next war» their decision making, based on ignorance, naiveté, wishful thinking, patronism, solutionism, nowism and so forth.

If we follow these principles we may be able to have a positive result and help in shaping a more moderate, stable, secure and democratic Middle East and in this way maybe even promote the peace between Israel and its neighbors. It is a long way to meet the challenges of the Middle East. There are no shortcuts. But the longer way is the shorter one.

Address of Ambassador Andreas Michaelis, Germany's Ambassador to Israel, Herzliya, October 18, 2012

Amichai Magen has asked me to focus on two questions in my presentation:

- 1. To take a look at the "crisis of governance", the "fragmentation of authority" and the "role of non-state actors" in the Middle East in the aftermath of the Arab Spring. In particular in Libya, Syria and Sinai. What is the trend? Where are we heading?*
- 2. What are the risks, the challenges and – maybe – chances with regard to these developments from a German and European point of view?*

In doing this Amichai has asked me to draw on my experience as Germany's Middle East Envoy between 2007 and 2011.

I will, of course, obey and try to stick to these questions but I am not sure that I will be able to offer particularly convincing analytical responses to them. So I would like to start with three stories: A Kabul story, a Jerusalem story and a Cairo story.

The Kabul Story: I was sitting in Kabul's Serena Hotel in 2006 together with German Foreign Minister Frank-Walter Steinmeier and his Chief of Staff. We had just completed a tour of Afghanistan. As Director-General for Asian Affairs I happened to be in charge of our policy in Afghanistan. I was actually spending half of my time on Afghanistan, while less important countries like China, India and Japan had to be dealt with in what remained of my time.

2006 was a watershed. The security situation in Afghanistan had dramatically worsened. New IED designs from the Arab Peninsular added to this. In the cosy atmosphere of the only true hotel in Kabul Minister Steinmeier made an offer I could not refuse. He asked me - slightly provocatively - whether I would be willing to trade "One Afghanistan for Two Afghanistans". One Afghanistan for two Afghanistans? I asked. Yes, he confirmed, are you willing to take over the position of Director-General for Middle Eastern and North African Affairs. It took a while until I understood that this was not a joke.

The Jerusalem Story: My first trip as Middle East envoy took me to Jerusalem in 2007. I had meetings in the Prime Minister's office. Since

2003 I had followed events in Iraq with great attention. After we had covered a wide range of pressing problems in our conversation I felt I should ask a question about Iraq. A very naïve question as it turned out: "What is Israel's Iraq policy?" My counterpart looked at me in amazement. His answer: "Israel does not have an Iraq policy. Iraq is not a problem anymore. Iraq's army has been destroyed."

The Cairo Story: Early in 2009 I was sent to Cairo for consultations with Omar Soleiman. Operation Cast Lead was in full swing. We Europeans felt that we should do something about the smuggling of weapons through Sinai. The meeting was about night-vision equipment, sniffer dogs and relevant training modules for the Egyptian security forces. But it was also about some European ideas of how we could channel economic assistance to the Bedouin population in Sinai. Wouldn't it be necessary to generate alternative income for the tribes if they were to abandon their smuggling industry? Soleiman gave me his grim look and a lecture on Bedouin life. In essence he said: No need to worry. The Bedouins will be alright. Well, you know how this story continued.

What do we make of these stories in the context of Amichai's questions? Well, I think they illustrate the following points:

Some political actors and observers were in a state of denial in 2007. And not only during that year. Against their better knowledge they decided to ignore an emerging threat.

Others refocused their attention. Although nobody expected anything like an Arab Spring in 2007 there was a growing awareness that the "fragmentation of authority" and the "increasing influence of non-state actors" had become an important risk factor in the region. Iraq and Yemen – to name but two candidates – did not yet qualify as the "Two Middle Eastern Afghanistans" referred to by Minister Steinmeier, but most of the ingredients that had caused a "crisis of governance" in these countries were pretty much the same. We had seen it before in Afghanistan.

While the new trend was felt and the US was struggling with a volatile political and security situation in Iraq the prevalent view at the time was, however, that the Arab regimes in the region would be able to cope with the new challenge. Iraq was seen as a unique case. David Petraeus would deal with it. Yemen had always been Yemen. It would somehow muddle through. The rest of the lot, Syria, Egypt, the Gulf Monarchies and the Maghreb countries would not face an infection. No spill-over expected.

Three sets of risks were, therefore, seen as being more relevant than disintegrating state structures:

The low risk of traditional military inter-state conflict. The constant risk of terrorism. The varying risk of state sponsored confrontations with non-state actors like HAMAS and Hezbollah.

When we look at today's situation we may be more ready to admit that we underestimated the danger of crumbling state structures and the fragmentation of authority in the region. The unfolding civil war in Syria is already sufficient to lead us to this conclusion.

Against this backdrop I would like to share the following observations and provisos with you:

We have to constantly remind ourselves that the "fragmentation of authority" in this region is not a recent phenomenon.

We should not mix up the reasons and causes of the Arab Spring with the reasons and causes of crumbling state structures and the spread of insurgency in the region. Disintegration is not a product of the Arab Spring. And, therefore, it is not an inevitable consequence of the Arab Spring either.

You can have one without the other. Meaning an insurgency without an Arab Spring, which is exemplified by the country situations in Iraq and to a certain extent also in Yemen. You can have the other without the one. Meaning an Arab Spring without an insurgency – broadly the situation in Tunisia and Delta-Egypt. You can have both – an insurgency and the Arab Spring at the same time – exemplified by Syria and to some extent Libya. And you can have none at all – broadly the Gulf States.

This being the case, there is, however, a very obvious connection between the Arab Spring and disintegration: the Arab Spring by definition includes and requires transformation. Transformation, on the other hand, creates openings for disintegration and insurgency. Many different scenarios will be produced over time. Transformations that suddenly cease and collapse into disintegration. Transformations which gradually nourish centres and pockets of insecurity because they are not comprehensive, because they are contradictory.

One thing I have learnt in Afghanistan is that you can hardly deter a non-state actor. Certainly not of the Al-Qaida type. More disintegration in the region means less effective deterrence. And in some cases no

deterrence at all. Very bad news for Israel whose security hinges on effective deterrence.

Our enemies in the region stand ready to make maximum use of their new opportunities. That is the bad news. The good news, however, is that they are not able to succeed on their own. They can only succeed if they go with the flow that is created by others. And their success also depends on the mistakes we make.

We are looking at a challenge which in the short term presents far more risks than chances. But we should not make the mistake of overlooking or underrating the implicit opportunities. The present development definitely contains the seeds for a positive long-term transformation of the region. This is what I offer as my not very surprising answer to Amichai's second question. The more difficult question, however, is not about our expectations but about our actions: In terms of policy, how can we cope with the challenge and the wider political transformation in the region?

Let me modestly put it like this: I think we can identify six elements which should be part of any strategy that tries to deal with the phenomenon of state failure in the context of the Arab Spring:

Legitimate Stability: We should work towards legitimate stability in the region. "Legitimate Stability" means an internal stability framework which is supported by a country's relevant majority. It goes without saying that this implies significant flexibility as to the form of a country's government. In any case, legitimate stability is the best insurance policy against disintegration and aggressive non-state actors.

Comprehensiveness: We should aim for a comprehensive approach. Our response needs to be regional. Small areas of instability can quickly infect otherwise healthy political environments. We have seen too often that non-state actors dispose of an impressive ability to shift their focus of attention and to relocate in the theatre. There is no periphery in this battle.

Support for responsible State Actors: It is obvious that we have to strengthen stable and legitimate regimes in the region. We will not be able to bring about social engineering in countries like Egypt. And who would even want to attempt that. But we need to provide as much economic, financial and political assistance as possible. Looking further down the road we should not underestimate economic interest. I do not think of a list of "goodies" in trade and investment, to be delivered in return for good behaviour in democratic governance. The positive

influence which business can have on the stabilisation of states is more complex. But it is the base on which European unification rests and it is what Europe is rather good at. President Shimon Peres – in his Rosh Hashana-Address this year – made some eloquent remarks in this respect. And we in the European Union have every reason to draw some inspiration from having been awarded the Nobel Peace Prize in 2012.

No underestimation of soft factors: Rule-governed behaviour is vitally important to preserve legitimacy in the countries of the region. We, therefore, have to insist on and where necessary defend the rule of law and the respect for human rights. This is particularly important in countries like Tunisia which go through a constitutional process and have long been exposed to modern standards in their society. Defending the rights of women, for instance, is an issue that under no circumstances should be treated lightly in the countries of the region.

Careful application of robust means: Non-state actors need to be confronted with robust means, too. There is no doubt about this. The application of force, however, needs to be measured. And it always has to be part of a political strategy. Many intelligent studies have been written about the right balance. From the U.S. Army's "Counter Insurgency Manual" to David Kilcullen's "Accidental Guerrilla". Surprisingly, non-state actors have often been more political in their strategic vision. This is where we have shown clear deficits in the past. But I think we all know by now that this is the area in which our own mistakes may turn out to be our most serious challenge. It may be helpful to re-read Clausewitz first before military force is applied in a quick response to tactical challenges by non-state actors.

Watch your face in the mirror: Lastly, I very much feel that our approach towards the ongoing transformation in this region needs to reflect our own image and behaviour, too. We should sometimes be more reflective. We should be more self-critical. We cannot expect societies in the Middle East which desperately seek to create their own and yet consistent political realities to adopt our way of life. This does not amount to a position of cultural relativism. Far from that.

I believe that it is a unique strength of European societies and societies based on European values that we are able to question our own principles and premises. The Arab world needs to develop more of this

ability. But this will not happen through a textbook approach. It can only happen through experience and in inter-action with us. An inter-action in which we need to defend and respect our own principles.

Endnotes

¹ Natan Sharansky, "The Stakes in the Middle East", *Jewish Review of Books* (March 2011).

² *Ibid.*

³ The term Middle East and North Africa (MENA) refers throughout this publication to the region extending from Morocco to Iraq and Yemen, covering the Southern Mediterranean and Sahara countries and extending into the Levant and the Arabian peninsula. These states are: Algeria; Bahrain; Egypt; Iraq; Israel; Jordan; Kuwait; Lebanon; Libya; Morocco; Oman; Qatar; Saudi Arabia; Sudan; Syria; Tunisia; United Arab Emirates; and Yemen. The term also covers territories whose sovereignty is problematic or contested, such as Gaza and the West Bank. Iran, Turkey, Cyprus, and Somalia, which are sometimes included in definitions of the MENA region, are excluded from the definition of the region for our purposes.

⁴ Thomas Risse and Ursula Lehmkuhl, "Governance in Areas of Limited Statehood – New Modes of Governance?" SFB-Governance Working Paper Series No. 1 (2006) p. 7.

⁵ *Ibid.* See also: Michael Crawford and Jami Miscik, "The Rise of the Mezzanine Rulers: The New Frontiers of International Law" *Foreign Affairs* (Nov/Dec 2010).

⁶ Fuad Ajami, "Demise of the Dictators: The Arab Revolutions of 2011" *Newsweek* (February 14, 2011) p. 18.

⁷ Max Weber, *Wirtschaft und Gesellschaft* (Mohr, 1972), p. 821–2.

⁸ See: Robert Rotberg (Ed.), *When States Fail: Causes and Consequences* (Princeton University Press, 2004).

⁹ Charles T. Call, "Beyond the 'failed state': Towards conceptual alternatives" *XX(X) European Journal of International Relations* (2010), p. 1-24.

¹⁰ See: Center for International Cooperation and Conflict Management (CIDCM), "Report of the State Failure Task Force, Phase III findings (2003) (available at: <http://www.cidcm.umd.edu/publications/papers/SFTF%20Phase%20III%20Report%20Final.pdf>).

¹¹ *Ibid.*

- ¹² International Herald Tribune, "Local militias in Libya balk at giving up their arms" (November 2, 2011).
- ¹³ Peter Wallensteen, *Understanding Conflict Resolution* (Sage, 2007), p. 194.
- ¹⁴ Stefan Wolff, "The regional dimensions of state failure", 37 *Review of International Studies* (2011), p. 951-972.
- ¹⁵ See: Charles T. Call, *Supra*, note 9 at p. 6.
- ¹⁶ For a discussion of "instant states" and accompanying problems see: Paul Collier, *Wars, Guns, and Votes: Democracy in Dangerous Places* (Harper Collins, 2009), p. 169-199.
- ¹⁷ For a state-capacity based definition of state fragility see the UK's Department for International Development, "Why we need to work more effectively in fragile states" (UK Department for International Development, 2005), p. 7-8. Ashraf Ghani and Clare Lockhart propose "ten functions" of the modern state. See: Ashraf Ghani and Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford University Press, 2008).
- ¹⁸ The five Arab Human Development Report are available at: <http://www.arab-hdr.org>.
- ¹⁹ All figures drawn from the 2009 Arab Human Development Report: The Report in Brief (available: <http://www.arab-hdr.org/publications/contents/2009/execsummary-e.pdf>).
- ²⁰ *Ibid.* at p. 4.
- ²¹ Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (University of Oklahoma Press, 1991).
- ²² *Ibid.* pp. 13-18.
- ²³ James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (RAND, 2003).
- ²⁴ Larry Diamond, "The State of Democratization at the Beginning of the 21st Century", 6 *Whitehead Journal of Diplomacy and International Relations* (2005), p. 13-18.
- ²⁵ Amartya Sen, "Democracy as a Universal Value", 10/3 *Journal of Democracy* (1999), p. 3-17; Carl Gershman, "Democracy as a Policy Goal and Universal Value", 6 *Whitehead Journal of Diplomacy and International Relations* (2005), p. 19-38.

- ²⁶ See the Freedom House “Freedom in the World” surveys published annually since 1974 (available at: www.freedomhouse.org).
- ²⁷ Freedom House, Freedom in the World Survey 2007 (available at: <http://www.freedomhouse.org>).
- ²⁸ Larry Diamond, “Can the Whole World Become Democratic?”, Center for the Study of Democracy, UC Irvine, Paper 03/05 (2003) at p.6.
- ²⁹ On urbanization and literacy in the Arab world see the 2009 United Nations Arab Human Development Report (<http://www.arab-hdr.org>). For example, in 1970 only 38% of the population in the Arab world lived in urban areas. By 2009 it was nearly 60%. See also: Beth Simmons et al. (Eds.), *The Global Diffusion of Markets and Democracy* (Cambridge University Press, 2008).
- ³⁰ Alfred Stepan and Graeme Robertson, “An ‘Arab’ More Than a ‘Muslim’ Democracy Gap”, 14/3 *Journal of Democracy* (2003) p. 30-44.
- ³¹ Elie Kedourie, *Politics in the Middle East* (Oxford University Press, 1992).
- ³² Figures cited in Larry Diamond, “Why Are There No Arab Democracies?” 21/1 *Journal of Democracy* (2010) p. 93-104, at 96.
- ³³ All figures in this section are drawn from [freedomhouse.org](http://www.freedomhouse.org). For additional detailed analysis see: Arch Puddington, “Freedom in the World 2011: The Authoritarian Challenge to Democracy” (available at: <http://www.freedomhouse.org/report/freedom-world-2011/essay-freedom-world-2011-authoritarian-challenge-democracy>) and Arch Puddington, “Freedom in the World 2012: The Arab Uprising and Their Global Repercussions” (available at: http://www.freedomhouse.org/sites/default/files/FIW%202012%20Booklet_0.pdf).
- ³⁴ Larry Diamond, *Supra* note 32, at p. 98.
- ³⁵ A detailed discussion of the rule of law is beyond the scope of this paper. For a detailed discussion see: Amichai Magen, “The Rule of Law and Its Promotion Abroad” 45/1 *Stanford Journal of International Law* (2009) p. 51-115. See also: G. John Ikenberry and Anne-Marie Slaughter, “Forging a World of Liberty Under Law” *The Princeton Project Papers* (2006).
- ³⁶ See for example: Michael Schmitt, “21st Century Conflict: Can the Law Survive?” 8 *Melbourne Journal of International Law* (2007) p. ; David Wippman and Matthew Evangelista (Eds.) *New Wars*,

New Rules? Applying the Laws of War in 21st Century Conflicts (Transnational Publishers, 2005) p. 443-476.

³⁷ See for example Derek Jinks, "State Responsibility for the Acts of Private Armed Groups" 4 *Chicago Journal of International Law* (2003) p. 83-157.

³⁸ See: Adam Przeworski, Michael Alvarez, Jose Antonio Cheibub and Fernando Limogni, *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990* (Cambridge University Press, 2000); Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty* (Profile Books, 2012).

³⁹ International Labor Organization (ILO), *Global Employment Trends 2011* (available at: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_150440.pdf).

⁴⁰ See: UNDP Arab Human Development Report 2005, *Towards the Rise of Women in the Arab World* (available at: <http://www.arab-hdr.org/contents/index.aspx?rid=4>).

⁴¹ Oil exporters are: Algeria, Bahrain, Iran, Iraq, Kuwait, Libya, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen. Oil-importers are: Djibouti, Egypt, Jordan, Lebanon, Mauritania, Morocco, Sudan, Syria, and Tunisia.

⁴² Iran (an oil exporter) is an exception to this general trend on account of the international sanctions regime affecting the country. Also, reliable figures concerning Syria are difficult to obtain for 2011 and 2012 due to the civil war raging in the country.

⁴³ International Monetary Fund (IMF), "Regional Economic Outlook: Middle East and Central Asia" (November 2012) (available at: <http://www.imfbookstore.org/ProdDetails.asp?ID=1475559917&PG=1&Type=BL>).

⁴⁴ Ibid. p. 46

⁴⁵ The Economic Times, "War-torn Syrian Economy to shrink 20 % in 2012: IIF" (December 10, 2012) (available at: <http://economictimes.indiatimes.com/news/international-business/war-torn-syrian-economy-to-shrink-20-percent-in-2012-iif/articleshow/17559300.cms>).

⁴⁶ Figures are from the Uppsala Conflict Data Program (UCDP) (available at: http://www.pcr.uu.se/publications/UCDP_pub/UCDP_dyadic_dataset_1.0_Online_appendix.pdf).

⁴⁷ See: Keith Krause and Jennifer Milliken, "Introduction: The Challenge of Non-State Armed Groups" 30/2 *Contemporary Security Policy* (2009), p. 202-220.

- ⁴⁸ James Hackett, *The Military Balance 2007* (International Institute of Strategic Studies and Routledge 2007) p. 422-438.
- ⁴⁹ Haaretz Newspaper, "Gates: Hezbollah has more rockets than most governments in the world today" (April 27, 2010) (available at: <http://www.haaretz.com/news/diplomacy-defense/gates-hezbollah-has-more-rockets-than-most-governments-in-the-world-1.285021>).
- ⁵⁰ On state sponsorship of NSAG's see: Keith A. Petty, "*Veiled Impunity: Iran's Use of Non-State Armed Groups*", 36 *Denver Journal of International Law & Policy* (2008) p. 191.
- ⁵¹ David Kilcullen, "Counter-Insurgency Redux" 48/4 *Survival* (winter 2006-2007) p. 111-130 at p.114.
- ⁵² *Ibid.*
- ⁵³ See Amichai Magen, "Land of the Clenched Fist", *Hoover Digest* (Summer 2009), p. 93-101.
- ⁵⁴ Address of the Head of IDF Military Intelligence Branch (Aman) at the Annual Conference of the Institute for National Strategic Studies (INSS), Tel-Aviv University, December 15, 2009. [Translation by author].
- ⁵⁵ See: Ehud Yaari, "Sinai: A New Front" *Washington Institute for Near East Policy Studies* (2012) (available at: <http://www.washingtoninstitute.org/policy-analysis/view/sinai-a-new-front>).
- ⁵⁶ Valuable destroyable assets include: military bases, ammunition storage facilities, command and control centers, and military industrial complexes.
- ⁵⁷ Report of the Secretary General on the United Nations Interim Force in Lebanon (for the period from January 21 2006 to July 18 2006) (S/2006/560), paragraph 28 (available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/437/22/IMG/N0643722.pdf?OpenElement>).
- ⁵⁸ The European Council, "A Secure Europe in a Better World - European Security Strategy (December 2003) (available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>).
- ⁵⁹ Stephen D. Kranzer, "Sharing Sovereignty: New Institutions for Collapsed and Failing States" 29/2 *International Security* (2004) p. 85-120.
- ⁶⁰ See: Assaf Moghadam, "How Al-Qaeda Innovates", *Security Studies* [forthcoming].