



## Second Cooperative Idea

# A UN Special Envoy to Manage the Middle East WMD-Free Zone Conference Process

Marc Finaud and Bernd W. Kubbig

*In view of the failure of efforts to convene a conference on a zone free of weapons of mass destruction (WMD) and their delivery vehicles (DVs) in the Middle East (WMD/DVs-free zone), the Arab countries and the Russian Federation proposed that the United Nations (UN) Secretary-General appoint a special representative to lead the preparatory process for the conference. A process facilitated by such a UN envoy would be compatible with consultations among regional states, including Israel, as advocated by the United States (US). Also, it would allow for broad discussions on both the regional security context and disarmament issues. Such a process would also be an opportunity for submitting contributions from nuclear-weapon states, relevant international organisations, and providers of ideas at the Track II level.*

### Background and Context: Overcoming the Stalemate after the 2015 Failed NPT RevCon

On the basis of the 2010 Non-Proliferation Treaty (NPT) Review Conference (RevCon) Final Document, in October 2011 UN Secretary-General Ban Ki-moon appointed Ambassador Jaakko Laajava of Finland as the facilitator of a conference planned for 2012 to discuss the establishment of a WMD/DVs-free zone in the Middle East. However, as is well known, despite the intensive consultations conducted by the Finnish diplomat with all the relevant states, the planned conference could not be held in Helsinki in 2012. At Egypt's initiative, at the 2015 NPT RevCon the Arab states expressed their frustration in a working paper calling for a new process under the auspices of the UN (Bahrain, 2015). They called on the UN Secretary-General to "convene" the conference within 180 days of the RevCon and "exert all efforts and take all necessary measures" to ensure its success. Upon the adoption of a treaty establishing a WMD-free zone in the Middle East by the states of the region, the Secretary-General would reconvene the conference for it to adopt the treaty and would inform the 2020 NPT RevCon of the progress achieved by then.

For their part, the three co-sponsors of the 1995 NPT Resolution and co-convenors of the conference (the Russian Federation, United Kingdom [UK] and US) tabled their proposal to promote the zone

project, but without setting any date for a conference (Co-convening States, 2015) – in other words, suggesting that the previous consultations among the states of the region (including Israel) should be continued in order for them to agree on the agenda, modalities, and outcomes of the conference prior to its being convened. The proposal recalled that, according to the 2010 decision to convene the conference in 2012, the WMD-free zone treaty would have to be negotiated "on the basis of arrangements freely arrived at by the States of the region".

Eventually, the Russian Federation distanced itself from the joint co-convenors' proposal and tabled its own (Russian Federation, 2015) that was closer to the Arab Group paper. It called on the UN Secretary-General to convene the conference no later than 1 March 2016; to launch a process of preliminary consultations; and to "appoint a Special Representative" who, in consultation with the co-convenors and the states of the region, would "spare no effort to ensure that the preparatory process is organized in the most efficient way".

It was on that basis that Ambassador Taous Feroukhi of Algeria, the President of the 2015 NPT RevCon, proposed language in her draft final document to bridge the gap between the different positions (RevCon, 2015): the UN Secretary-General was "entrusted" with convening the conference no later than 1 March 2016; the states of the region were "urged" to conduct preparatory consultations; and in order to facilitate this process, the Secre-

tary-General was requested to "appoint a special representative" who, together with the co-convenors, would "spare no effort to ensure successful preparations for the conference and its outcome". This effort was unsuccessful, since the US (Gottemoeller, 2015), the UK, and Canada opposed the adoption of any substantive final document because they rejected the idea of convening the conference by a fixed date possibly without the consensus of all the states of the region (i.e. including Israel) on its agenda, modalities, and outcomes.

### Three Advantages of a UN Special Envoy

Despite the main difference of views between the proponents of the appointment of a special representative of the Secretary-General and the opponents of a process totally placed under the UN's auspices, resorting to such a diplomatic tool offers some advantages:

1. *A UN special envoy is acceptable to Israel.*  
The dispute over the 1995 Resolution and the whole project of a WMD/DVs-free zone in the Middle East is inextricably related to the sequence of a possible peace agreement in the region (implying mutual recognition) and a disarmament-focused treaty: Israel, supported by the US, seeks "Peace First!", whereas Egypt advocates "Disarmament First!" Each approach entails a different concept of such a zone: the one favoured by Israel is a long-term goal that will be reached incrementally as a result of increased mutual confidence and se-

*»[...] a UN member state, should not have any reason for concern insofar as any decision throughout the process would be taken by consensus, as everyone agrees.«*

curity in the region; the Arab concept amounts to ensuring nuclear disarmament of Israel as a prerequisite for a peaceful Middle East.

This is why the proponents of the Israeli-US approach require the full inclusion of Israel in any process and decision-making related to the WMD/DVs-free zone project, despite that country's non-membership of the NPT. In fact, Israel's participation in the 2013-2014 consultations did demonstrate the validity of these discussions as a confidence-building measure that helped clarify positions and explain security concerns and threat perceptions (as had been done during the Arms Control and Regional Security talks in the 1990s). Such informal talks can include states some of which are technically still in a state of war (although Iran and Syria did not participate at that time): this already occurs within the UN, the Conference on Disarmament, and the International Atomic Energy Agency (IAEA).

Of course, although the facilitator had been appointed by the UN Secretary-General as requested by the NPT RevCon, he was careful to avoid giving the impression that the talks were conducted either within the framework of the NPT or under UN auspices, because of Israel's rejection of both. However, should a UN special representative be appointed, it could be argued that Israel, as a UN member state, should not have any reason for concern insofar as any decision throughout the process would be taken by consensus, as everyone agrees. Moreover, a UN 'umbrella' would help Israel remove the linkage with the NPT, to which it is not prepared to accede at this stage as a non-nuclear-weapon state. This would be fully consistent with the UN General Assembly Resolution on the WMD-free zone in the Middle East adopted annually by consensus, i.e. with Israel's consent (see, for instance, UNGA [2016]).

2. *A UN special envoy will be active within a broader framework that allows the discussion of divergent concepts.* The Arab states reject confidence-building measures, which they perceive as an un-

productive prerequisite for disarmament steps or even a delaying tactic on the part of Israel to avoid making any commitment on nuclear disarmament. Having regional negotiations take place within a UN framework could reintroduce some legitimacy to the concept of confidence-building measures applicable at least to conventional weapons, as agreed by consensus by the UN Disarmament Commission in 2017 (UNGA, 2017). Moreover, within such a framework the UN would apply the generally acceptable mandate for negotiations on nuclear-weapon-free zones according to which such negotiations need to be based on "arrangements freely arrived at" by regional states (UNGA, 1999). Although the agenda proposed by the Arab Group (and supported by Israel and the US) does not explicitly include any discussion of a regional security framework, the broader mandate suggested by the Russian Federation would allow such a discussion, possibly in parallel tracks with disarmament measures.

3. *A UN special envoy ensures the inclusion of international organisations and thus increases the credibility of a future treaty.* The UN framework for preliminary consultations and further negotiations would not only be compatible with a regional process based on consensus, but, as suggested by both the Arab Group and the Russian Federation, would allow the participation of observers from the five nuclear-weapon states (which may be called upon, as in previous nuclear-weapon-free zones, to offer positive and negative security assurances under separate protocols); the IAEA, which could receive a mandate to verify a future treaty; the Organisation for the Prohibition of Chemical Weapons (OPCW); and the Biological and Toxin Weapons Convention Implementation Support Unit (BWC ISU), which could also play a role in the verification or implementation of a future treaty. Thus, in light of the lack of mutual trust among regional states, the participation of these external actors would increase the credibility of and assurance of compliance with a future treaty, which would reassure all the regional states.

### The Authors

**Marc Finaud** is a Senior Programme Advisor at the Geneva Centre for Security Policy (see <http://gcsp.ch>).

**Adj. Prof. Dr. Bernd W. Kubbig** is the Coordinator of the ACADEMIC PEACE ORCHESTRA MIDDLE EAST (APOME) (see <http://academicpeaceorchestra.com>)

APOME and GCSP wish to cordially thank our generous sponsor:





## The Next Constructive Steps Needed for Progress

Presumably, if the UN Secretary-General appointed a special representative to assist in this process, he would be: careful to select a high-level, qualified individual with experience both in the Middle East and arms control who would be acceptable to all parties and conduct close, active, and inclusive consultations; avoid unilateral or controversial steps; and seek consensus and compromise at all times. In order to reassure Israel that the process will not be used to isolate it, but to integrate all the regional states, the UN special envoy should ensure that discussions remain confidential and that he/she reports to the Secretary-General only, while also liaising with the other relevant representatives, i.e. the High Representative for Disarmament Affairs, the Special Coordinator for the Middle East Peace Process, and the Special Envoys of the Secretary-General for Syria and Iraq.

At the 2017 NPT Preparatory Committee for the 2020 RevCon in Vienna, the Russian Federation admitted that appointing a new representative might be difficult, and suggested that any other existing envoy authorised by the Secretary-General could be tasked with such a mandate (Russian Federation, 2017). In any case, the newly appointed special representative should be made aware – for instance, by consultations with the former facilitator – of the complexities of the exercise, the red lines and aspirations of each side, and the potential space for manoeuvre. In other words, the special representative should become conscious that his/her mandate can be limited to identifying the areas for compromise that would enable the conference process to commence, and should not expect to solve the fundamental divergences that have divided the parties to date.

Finally, by appointing a special representative, the UN Secretary-General should signal that his organisation is ready to commit the necessary resources to the Middle East WMD/DVs-free zone conference, which is expected to last a few years, either from the UN regular budget with the approval of member states, or from voluntary con-

tributions, in particular through a special trust fund to be established as suggested by both the NPT depositary states and the Arab Group.

As a venue for the process, rather than New York, Geneva would make sense due to: the city's past experience in holding preparatory consultations; the available governmental and non-governmental expertise within the disarmament community, including the UN Institute for Disarmament Research; and the proximity of potential partners, i.e. the BWC ISU, IAEA, and OPCW. ■

### References

- Bahrain, "Implementation of the 1995 resolution and 2010 outcome on the Middle East", 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Working paper submitted by Bahrain on behalf of the Arab Group, NPT/CONF.2015/WP.33 of 22 April 2015.
- Co-convening States, "Progress towards the convening of a conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction attended by all States of the Middle East", 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Working paper submitted on behalf of the co-convening States (Russian Federation, United Kingdom of Great Britain and of Northern Ireland, and United States of America), NPT/CONF.2015/WP.48 of 4 May 2015.
- Rose Gottemoeller, "Remarks at the 2015 Nonproliferation Treaty Review Conference", United Nations, New York/NY, May 22 2015.
- RevCon (2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons), Draft Final Document, Volume I, NPT/CONF.2015/R.3 of 21 May 2015. Online available at <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/documents/DraftFinalDocument.pdf>.
- Russian Federation, "Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and all other Weapons of Mass Destruction", 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Working Paper submitted by the Russian Federation, NPT/CONF.2015/WP.57 of 14 May 2015.
- Russian Federation, "Conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction", Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Working paper submitted by the Russian Federation, NPT/CONF.2020/PC.I/WP.31 of 8 May 2017.
- UNGA (United Nations General Assembly), Report of the Disarmament Commission, Annex I: "Establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned", A/54/42 of 6 May 1999.
- UNGA, Establishment of a nuclear-weapon-free zone in the region of the Middle East, A/RES/71/29 of 9 December 2016.
- UNGA, Report of the Disarmament Commission for 2017, Annex: "Recommendations on practical confidence-building measures in the field of conventional weapons", A/72/42 of 27 April 2017.