

THE CONSULTATIONS IN GLION AND GENEVA: A VIEW FROM THE NEGOTIATING TABLE

Personal Recollections of the Multilateral Consultations on
the Middle East WMD-Free Zone Conference

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MIDDLE EAST WEAPONS OF MASS DESTRUCTION FREE ZONE SERIES

Between 2013-2014 representatives from Arab states, Iran and Israel met to discuss convening the Middle East weapons of mass destruction free zone (ME WMDFZ) Conference, which had been mandated by the 2010 Review Conference for the Treaty on the Non-Proliferation of Nuclear Weapons. It was the first time since the 1990s that states of the region discussed this issue face-to-face. The meetings took place mainly in Glion and Geneva, Switzerland and were facilitated by Ambassador Jaakko Laajava of Finland, and co-convened by the Russian Federation, United Kingdom, and United States, as well as the Secretary-General of the United Nations. This ME WMDFZ paper series presents firsthand, personal reflections and lessons learned by those that participated in the meetings.

My involvement with the proposal for a zone free of weapons of mass destruction (WMD) in the Middle East came with the announcement in October 2011 by the United Nations Secretary-General that I had been appointed as the Facilitator of the plan to convene a conference in 2012 on the establishment of such a zone. Immediately after this announcement, I boarded a plane to New York to meet the United Nations Secretariat and the region's Permanent Representatives to orient myself to the task ahead.

The issue of nuclear-weapon-free zones was quite familiar to me since Finland had been active in promoting such a zone in the northern part of Europe. The United Nations had also produced a study of such

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zones throughout the world¹, and a Finnish senior diplomat had been actively involved in it at an earlier date.

As Finland belongs to a group of firm supporters of the 1968 Treaty on the Non-proliferation of Nuclear Weapons (NPT), we felt that efforts to strengthen the non-proliferation regime in the Middle East would be important, especially given the ambitious plans of states in the region to build up their nuclear energy sectors.

My first meetings in New York with the United Nations went very well. I felt that, while everyone was keenly aware of the tremendous challenges ahead, I was given the fullest support by the Secretariat, including by the Secretary-General himself. Likewise, during my first meetings with the region's Permanent Representatives, my task was generally supported. At the same time, it was clear that there were vastly different points of departure for the various governments regarding this issue. I also immediately contacted the co-conveners of the conference, including high-ranking diplomats from the Russian Federation, the United Kingdom and the United States (US), plus the United Nations Secretariat, to establish working relationship within this group. As the Facilitator, my mandate according to the 2010 NPT Action Plan was "to support implementation of the 1995 Resolution by conducting consultations with the states of the region in that regard and undertaking preparations for the convening of the 2012 Conference".

THE ROAD TO MY APPOINTMENT

It was evident that, while many statements and proposals had been issued over the years on the Middle East zone and numerous discussions had been held, particularly in the NPT framework, the fundamental differences between the approaches of the parties in the region had not changed much throughout the proposal's existence.

The idea for a zone free of nuclear weapons in the Middle East emanated from the times of the early proliferation of WMD and focused primarily on Israel's alleged nuclear capability. As early as 1974, Egypt and Iran had tabled a resolution in the United Nations General Assembly proposing the creation of such a zone.² Since then, the League of Arab States (LAS) and individual states of the region had been actively promoting the idea and calling for its implementation, including through expanding its scope to include all WMD in the early 1990s.

However, it was clear to all that the whole set-up in the region regarding the substance of this issue was highly asymmetrical, reflecting also the recent historical background of the region. The fact was that Israel was not a member of the NPT and therefore did not perceive itself bound by the relevant NPT decisions. As the Israeli Prime Minister officially stated, Israel had no obligation to implement the plan contained in the final document of the 2010 NPT Review Conference to hold a conference on the zone.³ Yet, over the years, all had accepted at various stages, in principle, the long-term vision of the Middle East region being free of WMD, alongside a comprehensive and durable regional peace.

The zone issue was frequently debated at the various NPT review sessions. The 1995 NPT Review and Extension Conference produced an agreement on the indefinite extension of the treaty. In this context, the NPT depositary states – the Russian Federation, the United Kingdom and the United States – sponsored the "Resolution on the Middle East" calling on all states of the region "to take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems".⁴

¹ United Nations Disarmament Commission, Guidelines on Conventional arms control/limitations and disarmament, with particular emphasis on consolidation of peace in the Context of General Assembly Resolution 51/45N, A/72/42, 9 June 1999, <https://front.un-arm.org/wp-content/uploads/2019/09/A-51-182-Rev.1-E.pdf#page=77>, and United Nations General Assembly Resolution 3472, "Comprehensive Study of the Question of Nuclear-Weapon-Free Zones in All its Aspects", A/PV.2437, 11 December 1975, <https://digitallibrary.un.org/record/640307>.

² "Iran and Egypt co-sponsor a resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East", 21 August 1974, UNIDIR Timeline, <https://unidir.org/timeline/1970s/iran-and-egypt-co-sponsor-resolution-calling-establishment-nuclear-weapon-free-zone?timeline=0>.

³ 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final document, volume I, NPT/CONF.2010/50 (Vol. I), 18 June 2010, [https://undocs.org/en/NPT/CONF.2010/50\(Vol.I\)](https://undocs.org/en/NPT/CONF.2010/50(Vol.I)), and, "Israel rejects Middle East nuclear talks plan", BBC, 29 May 2010, <https://www.bbc.com/news/10191339>.

⁴ 1995 NPT Review and Extension Conference, "Resolution on the Middle East", 11 May 1995, <https://unidir.org/node/5643>.

Finally, the 2010 NPT Review Conference adopted a final document containing a detailed chapter on steps towards the implementation of that 1995 resolution. It stated that:

The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States.

The 2010 decision also included the appointment of a Facilitator and host government to help the parties in their endeavours. Other stipulations included provisions regarding the input from relevant international organizations and the support of nuclear weapon states but not much more regarding the proposed conference nor its agenda or modalities. The method of work to be applied was “consultations with the States of the region”.

THE WORK TO CONVENE A CONFERENCE

States generally pursue their national interests as they wish, in vastly different ways. This, of course, had to be taken for granted also with regard to the zone idea. For many, the primary method with which they approached the issue was to resort to public diplomacy in its various forms and dimensions. For some others, the issue was viewed much more in terms of national security and defence. The degree of interest also varied. Some had a more flexible attitude toward negotiations, while others took a more conservative approach.

My first task as the Facilitator was to assemble a team in Helsinki. It was composed of a number of senior Finnish diplomats and their younger colleagues. Because of the need for technical expertise on questions of the various WMD and their proliferation, Finland’s team was aided by other Nordic high-level experts.

The Government of Finland agreed to host the proposed conference. It also gave its full support to my work as the Facilitator. While the main content of the 2010 decision

was quite clear, the team in Helsinki had a lot of questions to solve right at the beginning. Among the first was the question of participation. Which states would constitute the group of the states of the region? Luckily, there was an internationally accepted practice within the International Atomic Energy Agency to consult its Middle East members through a group that included the members of the LAS, as well as Israel and the Islamic Republic of Iran.

Since the 2010 decision talked about a conference to be attended by all states of the region, and the United Nations study of zones around the world had already emphasized the role of the states of the region when dealing with zone issues, I decided to immediately launch a series of bilateral consultations with all prospective conference participants. Many of them had not paid much attention to the relevant NPT decision, and it was necessary to include them all in the preparatory process, inform them about our plans and seek their views. While it was not possible to contact absolutely everyone due to exceptional circumstances of specific states in the region at that time such as civil wars, the Facilitator’s office made a maximum effort to contact all states of the region, at least once, but often several times.

Bilateral consultations fulfilled their primary purpose of keeping all states informed and involved in the preparations and enabling them to attend the conference. Yet, the bilateral contacts could hardly be expected to produce a detailed agreement on the preparations for the conference itself, which was only realistically possible through multilateral consultations.

But how could we get from bilateral contacts between the Facilitator and the region’s states to organize multilateral talks? There were no recent examples of negotiations outside the official intergovernmental institutions where all states of the Middle East would have been willing to sit down and talk seriously among themselves about mutual cooperation. The only example of a comparable set-up was the Madrid Conference in the early 1990s, which had initiated the Arms Control and Regional Security (ACRS) working group.⁵ This body had met a number of times before it was discontinued.

⁵ “Parties of the Madrid Peace Conference create the Arms Control and Regional Security (ACRS) working group”, 1 December 1991, UNIDIR Timeline, <https://unidir.org/timeline/1990s/1992-1995-arms-control-and-regional-security-working-group-acrs?timeline=7>.

While I started my work as the Facilitator immediately after my appointment, for logistical and practical reasons systematic bilateral consultations with all states of the region could only begin in early 2012. These bilateral consultations continued even in the later part of the year.

There was no prospect for multilateral consultations in 2012. The original decision of the 2010 NPT Review Conference set 2012 as the date of the conference. It was evident that, in the autumn of 2012, nothing was agreed upon in terms of preparations for the conference. In addition, the convening of the conference was not a task of the Facilitator; Finland would send out invitations for the conference after the co-conveners: the Russian Federation, the United Kingdom, the United States and the United Nations would have decided to convene the conference.

In the meantime, the region was experiencing important political and social developments, with the so-called Arab Spring starting in Tunisia and Egypt in 2010–2011, followed by a war in the Syrian Arab Republic. The preparations for negotiations on the Joint Comprehensive Plan of Action (JCPOA) regarding the Iranian nuclear programme were silently going on between the relevant capitals. The repercussions of the Iraq war as well as other conflicts in the region were still felt. And the region itself saw changes in its relationships with the wider world such as increased commerce with extra regional states, expressed interests by some states in advanced technologies, as well as in nuclear energy, and the repercussions of the Arab Spring, to name just few. All these factors compounded the challenge of preparing for the conference. Thus, by the autumn of 2012, while bilateral consultations with the states of the region continued, there was nothing agreed as to the arrangements for the conference. An adjustment of the timetable of the conference was inevitable. It was a difficult question for the co-conveners. Unfortunately, the timetable issue also created an additional controversy among the states of the region and generated fierce criticism of the co-conveners and the Facilitator. However, the co-conveners were willing to continue preparations, and a number of informal gatherings among interested states were held both in the region as well as outside, often on the sidelines of international governmental and other meetings.

THE MULTILATERAL CONSULTATIONS

After several months of efforts by the co-conveners and the Facilitator, the states of the region finally signalled

their readiness to meet multilaterally, yet informally. The first meeting took place in Vienna in August 2013 where my team and I met with representatives from the LAS and Israel.⁶

Various letters were sent between the Facilitator and the states of the region. An Arab specialists' group was created, which was called the LAS Senior Officials Committee (SOC) and was very active.

The Facilitator's team knew that even the venue for the multilateral consultations could become a controversial issue. Some wanted the consultations to take place under the auspices of the United Nations, while others wanted no link to the United Nations at all. There were also other logistical and practical considerations. The Facilitator thought that at least the first venue should therefore appear as maximally neutral.

The Finnish war-time hero and later president, Marshal Carl Gustaf Emil Mannerheim, had spent his later years in Montreux, a Swiss city with its lake and beautiful countryside. Above it in the mountains was a place called Glion, a little village with a hotel. The Facilitator's team thought that this small hotel, with a large terrace surrounded by mountains, would be ideal to generate new thoughts and perhaps even open new horizons.

As to the content of the multilateral consultations, the Facilitator was reminded by the Arab side that what was expected was nothing but a speedy announcement of the date of the conference in Helsinki. The task, of course, was more complicated than simply setting a date, as it entailed agreeing on the agenda and other modalities for the conference to be attended by all states of the region. The Facilitator, therefore, planned first to allocate some time for wide-ranging discussions among the participants and to then resort to the old diplomatic practice of first tackling the so-called low-hanging fruit, and only then proceeding to more difficult themes. And of course, the format of the talks was "nothing is agreed until everything is agreed".

The first meeting in Glion took place on 21 October 2013 and was attended by nearly all states of the region, including a representative of Iran from Geneva. Discussions were cautious but friendly, covering a number of the region's security problems. An idea to

⁶ "Facilitator sends letters inviting to hold informal consultations in Vienna on the postponed 2012 ME WMD FZ conference", 3 August 2013, UNIDIR Timeline, <https://unidir.org/timeline/2010s/facilitator-sends-letters-inviting-to-hold-informal-consultations-vienna-postponed-2012?timeline=17>.

organize the talks through the setting up of smaller working groups was discussed. We hoped that using the proved practice of drafting a joint text or finding compromise formulations to controversial issues in a smaller group of agreed appointed representatives would be easier, as often more feasible outside the formal sessions. However, the idea of a smaller group to prepare tentative agreements to be presented to the larger group proved difficult as there was no clarity regarding the question of who would be able to represent those not present in the smaller groups. This idea of meeting in smaller groups was never acceptable to the Arab side. The group of states then met in further multilateral consultations in Glion and Geneva in 2013–2014. The atmosphere was generally very good and the discussions useful.

Regarding the preparations for the conference in Helsinki, it was possible to agree on the rules of procedure. In many ways, they reflected the rules adopted by the Conference on Security and Co-operation in Europe (CSCE) in Helsinki in 1973. One of the essential elements was to use the method of consensus – as defined within the CSCE – in the decision-making. This also seemed to reflect in large part the provision in the 2010 NPT Review Conference decision that the establishment of the zone be based on arrangements freely arrived at by the states of the region.

Similarly, it was relatively easy to get everyone to agree on the modalities of the conference, including the timetable and other practical matters, such as the role of the host country in the conference, the chairmanship and the level of participants. Elements for an agreement to be able to meet in Helsinki began to take shape.

However, agreeing on the agenda proved extremely difficult. We generally knew from public statements in earlier United Nations disarmament discussions that Israel would endeavour to establish a Middle East WMD-free zone only after peaceful relations and reconciliation are established among the states of the region while the Arab side often emphasized that a zone in itself was a confidence-building measure and a step towards peace in the region. Attempting to find a compromise formulation, we tried to marry the two approaches together in the form of a brief agenda item. Talks to this end were held frequently in various formations but with no result.

A serious effort to find a formulation of the agenda acceptable to all was ultimately made in the June 2014 consultations in Geneva. A group of interested delegations met during the lunch break to see whether an agreement could be reached. A tentatively agreed text from this group was presented to the whole session but was rejected by a delegation representing the Arab side. That ended the session.

Renewed efforts by the Facilitator, supported by the co-conveners, to arrange new consultations, either in the same format or some other form during the fall of 2014, early 2015 and in the context of the next NPT Review conference in New York in May 2015 were unsuccessful. My office produced an “Orientation paper”, a compilation of tentatively agreed parts as well as my own suggestions on the arrangements for Helsinki and shared that with all states of the region.⁷ I also visited a few most interested capitals and met high officials in order to find out whether there was anything I could do to help the states of the region in this situation. This did not seem to be the case. The LAS announced officially that they will engage with others in the NPT Review Conference in May.

I reported to the Review Conference about our activities and presented a written report to the United Nations Secretariat as was required.

Apart from the multilateral consultations in Glion and Geneva, the co-conveners and I met officials in the region, particularly in Egypt and Israel. Many meetings were held in the headquarters of the League of Arab States. Since Iran chose not to participate in Geneva talks, I went several times to Tehran to consult the Iranians. They were increasingly busy with the JCPOA talks. Often Middle East zone talks were also held in the side-lines of international meetings and in the European Union, North Atlantic Treaty Organization (NATO), United Nations, and other contexts. I also reported to the NPT Preparatory Committee meetings.

The outside world was also very interested to learn about our progress. I was often invited to brief parliaments, civic organizations, and research institutions. The think-tank community was very active and produced new ideas. I also had contacts with non-European countries from Asia and Latin America. The support for our activities was widespread.

⁷ “Facilitator’s ‘Orientation Paper’ for the Middle East WMD-Free Zone Conference”, 28 November 2014, <https://undir.org/node/6126>.

LESSONS LEARNED FROM THE MULTILATERAL CONSULTATIONS

In these kinds of consultative tasks, a seasoned diplomat is often well served by sticking to a number of basic principles throughout the negotiation process.

The first duty is usually to understand precisely what your position and task really are – and are not. On this point, the word “Facilitator” meant to me literally what it implied, a person to facilitate something, to help others – the states of the region – to succeed, but not to negotiate on somebody else’s behalf.

A further fundamental principle in all negotiations is that the parties must always be treated equally and respectfully despite possible diverging views. Our negotiation process had to be as transparent as possible and involve everybody in a fair manner. It was important always to agree on everything beforehand including practical aspects such as the timing of the sessions and other arrangements. No-one liked surprises.

The scheduling of meetings was often difficult. We wanted to respect the official holidays including religious holidays of the states of the region as well as to be flexible on logistical aspect due to other international meetings and travel arrangements.

It was also necessary to establish clear and permanent communication channels between the various participants because it was crucial to know who would speak on behalf of the government concerned. This was important in view of the flow of all kinds of speculations regarding the conference as a whole and the alleged position of various participants.

Speaking publically about my activities and the progress of the talks was also something to consider very carefully. Mutual trust was important. Trying to explain the various positions and aims by the participants would be risky and could easily lead to misunderstandings. On the other hand, not saying anything would also seem strange because as the Facilitator I would be expected to know every detail of the negotiations. Therefore, I often spoke about “my impressions” rather than referred to the official positions of participants. Such an “impression” might be wrong or outdated and needed to be corrected by either me or by the participant in question. In any case no serious harm was done.

Regarding the most asked questions about the timetable for the conference, my standard answer was to say that once there is an agreement on the arrangements for the conference it could be convened without delay in Helsinki.

One challenge was that the LAS insisted that all of its members must always have the right to be present in room and no-one can represent them. I of course had to accept that because, in principle, the consultations were supposed to be conducted with all states of the region, not with any organization. But in practice, it made working very cumbersome when it was time to transfer from the exchange of views in the large format into something were drafting of a joint text or agreeing on some other question would take place.

As a Facilitator, I refrained from presenting my own proposals to avoid becoming a participant in negotiations themselves. Ownership of the substance had to remain in the states of the region, and I always welcomed their proposals and suggestions. However, if talks came to a point where a consensus was emerging and a compromise proposal was useful, I was willing to offer my ideas. Sometimes, it was necessary to present something from the Facilitator’s side which I needed to disown in view of a possible opposition to it. Once we produced the so-called “Sandra’s list” using the name of my younger colleague.⁸ It was a list of things we needed to solve to make progress. That was strongly rejected by a number of delegations and had to be removed. No harm done because it was not the Facilitator’s proposal.

After the last multilateral consultations in Geneva ended with no result and no new negotiations were agreed to, my office produced a text referred to above as the “Orientation paper”. It contained a draft agenda, a draft concluding document, draft rules of procedure, other modalities, and a program for the Conference.

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During the NPT Review Conference some discussions were held regarding the possibility of resumption of multilateral consultations in some form, with no result.

⁸ “The Facilitator non-paper at the 2nd informal consultation meeting entitled ‘Sandra’s list’”, 26 November 2013, <https://unidir.org/node/5705>.

It is not for me to assess the pros and cons of the consultation process. Of course, it did not lead to the conference in Helsinki. Yet, all states of the region managed to meet informally several times in a format acceptable to all and to discuss important problems of their region – something which had not happened since the ACRS talks.

I have nothing but good things to say about my Middle Eastern colleagues as well as the co-conveners, who all worked diligently throughout the process. While at times tensions were unavoidable, all acted as professionals and wanted to make the best out of sometimes difficult circumstances. I remain grateful for their cooperation.



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