

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

The Informal Consultations at Glion and Geneva on the Middle East WMD Free-Zone: History, Mistakes, and Lessons Learned

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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.

## INTRODUCTION

Since its adoption by the United Nations General Assembly, the initiative for a zone free of weapons of mass destruction (WMD) in the Middle East has been the subject of highly-charged political debates at a number of international forums, particularly the Review Conferences of the Non-Proliferation Treaty (NPT), the General Conference of the International Atomic Energy Agency (IAEA) and the General Assembly.

During the long and turbulent history of the zone, there were only two milestones that witnessed direct communication between Israel and the states of the region. The first was the Arms Control and Regional Security (ACRS) working group during the 1990s.<sup>1</sup> Discussions during ACRS covered

<sup>1</sup> ACRS was one of the five working groups that were formed within the multilateral track of the Madrid Peace Process. ACRS started in 1991 and was discontinued in 1995 due to, among other things, disagreements on introducing the nuclear file onto the agenda, which Israel rejected.

## ABOUT THE AUTHOR



Wael Al Assad was the lead negotiator for the League of Arab States during the consultations in Glion and Geneva. Al Assad worked for over 45 years within the system of the League of Arab States. Since 2002, he was responsible for coordinating Arab positions on arms control and disarmament issues at different international forums and proposing policies to Arab League's decision taking bodies. From 2014 to 2018, he served as Ambassador of the League of Arab States to Austria and Permanent Observer to International Organizations in Vienna. Between 2013 and 2017, he served on the Advisory Board of the United Nations Secretary General on Disarmament Matters. Between 2010-2014, he was the Representative of the Arab League Secretary-General for Disarmament and Regional Security.

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all arms control issues, including the establishment of a WMD-free zone in the Middle East.<sup>2</sup> The ACRS meetings were, by design, informal with no records kept. It was the first direct Arab–Israeli negotiation on regional security and arms control.

The ACRS talks, though considered a ground-breaking event, were marred by two important drawbacks: the first is that they did not include all states of the region. Iraq, the Islamic Republic of Iran, and Libya were not invited to the talks, and the Syrian Arab Republic and Lebanon refused to participate. Without Iraq, Syria and Iran, no serious discussions on regional security issues could be held. The second drawback was the format of the meetings, which was informal with no official record of the discussions. This format deprived the international community of the chance to take stock of these meetings, understand what really transpired and draw lessons learned from a positive experience that went sour. Furthermore, after the failure of ACRS, this resulted in different participants constructing their own narratives on what led to the failure and accusing each other of spoiling the discussions and negotiations.

The second milestone was the informal consultations in Glion and Geneva, which took place in 2013–2014. An almost identical format was used for these consultations: informal with no official records of the discussions. As a result, there is very little information on the process in any published literature, and the few research papers that address the informal consultations include many inaccurate narratives and miss many important details. Only the participants who attended the meetings in Glion and Geneva know what happened. But, without documenting the meeting, the memories and accuracy of these events will, over time, start to fade or become distorted.

I had the privilege of participating in these informal consultations from their early stages following the 2010 NPT Review Conference as the lead negotiator for the League of Arab States (LAS) and as a “facilitator” for the Arab states.

I will attempt to explain here the events that led to the informal consultations in Glion and Geneva, what the Arab Group did to prepare for it, and some of the main events during the process itself. I will also explain the positions of the Arab states and how they perceived the actions and ideas of the three depositories—the Russian Federation, the United Kingdom and the United States (US)—the Facilitator, the United Nations and Israel.<sup>3</sup> I will also provide my personal recollections and analysis of many of these events. I will divide the paper into five parts:

1. The search for a Facilitator: From the end of the 2010 NPT Review Conference until the appointment of Ambassador Jaakko Laajava as the Facilitator for the 2012 conference
2. Preparations for the 2012 conference: From October 2011 until the postponement of the 2012 conference on 23 November 2012
3. The informal consultations in Glion and Geneva: From November 2012 until April 2015
4. Personal observations; and
5. Lessons learned

I have used three main sources of information throughout the paper: the LAS archives, UNIDIR’s depository and timeline on the zone,<sup>4</sup> and my personal papers and recollections.

## THE SEARCH FOR AND APPOINTMENT OF A FACILITATOR

### (28 May 2010–14 October 2011)

The 17-month period between the 2010 Review Conference and the appointment of a Facilitator – from May 2010 to October 2011 – is usually overlooked and given minimum attention by many, but it had great significance and a great impact on the events that followed.

The starting point was the 2010 NPT Review Conference, which succeeded in adopting a final document that addressed the Middle East and included a mechanism or practical steps to implement the 1995 Resolution on the Middle East.<sup>5</sup> The most important of these steps were:

<sup>2</sup> For additional details on ACRS, see Woodrow Wilson Center, “ACRS Oral History Project”, <https://digitalarchive.wilsoncenter.org/topics/acrs-oral-history-project>.

<sup>3</sup> A junior diplomat from Iran participated in the first meeting but did not contribute to the discussions.

<sup>4</sup> UNIDIR, “ME WMDfZ Document Depository”, <https://unidir.org/wmdfz-documents-item>, and UNIDIR, “Timeline of Key Events in the History of Diplomatic Efforts for the ME WMDfZ”, <https://unidir.org/timeline>.

<sup>5</sup> 2010 NPT Review Conference, Final document, May 2010, NPT/CONF.2010/50 (Vol. I), Conclusions and recommendations, part IV, para. 7, [https://undocs.org/NPT/CONF.2010/50\(Vol.I\)](https://undocs.org/NPT/CONF.2010/50(Vol.I)), and 1995 NPT Review and Extension Conference, “Resolution on the Middle East”, 10 May 1995, <https://unidir.org/node/5643>.

- The United Nations Secretary-General 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 WMD. They shall also appoint a Facilitator and a host country for the conference.<sup>6</sup>
- The 2012 Conference shall take as its terms of reference the Middle East Resolution adopted at the 1995 NPT Review and Extension Conference.

The Arab states were satisfied with the outcome of the 2010 Review Conference since, after 15 years of inaction, it approved an action plan to implement the 1995 Middle East Resolution, assigned tasks and duties to the Secretary-General and the three depository states, and set a date for a conference to begin negotiations. There was definitely enthusiasm among the Arab group. The plan was modest but charted a way forward after a long stalemate.

The United States was keen on the success of the 2010 NPT Review Conference. Along with the other four nuclear weapon states, it positively engaged with the Arab states in negotiating an acceptable text on the Middle East. Yet, immediately after the United States secured the successful outcome, in its closing statement and in a statement by James Jones, US National Security Advisor, later that same day, the United States was threatening not to convene the 2012 conference if the conference could jeopardize Israel's national security.<sup>7</sup> Many Arab states were confused and unhappy with the US closing statement, for how would a process and outcomes that are "freely arrived at" jeopardize Israel's national security? This negative statement was merely a prelude of more to come.

Regardless, the Arab states went to work immediately after the Review Conference. The LAS Council of Foreign Affairs Ministers established a Senior Officials Committee (SOC), with the mandate of being the sole body entrusted to deal with preparations for the conference and to report back to the LAS Ministerial Council. The Council adopted the proposal in a resolution on 16 September 2010.<sup>8</sup>

On 2 January 2011, seven months after the conclusion of the 2010 Review Conference, Amr Moussa, the LAS Secretary-General, wrote to Ban Ki-Moon, the United Nations Secretary-General, to inquire about progress. The letter closed by saying:

*The appointment of a facilitator and the designation of a host Government for the 2012 Conference have been on top of the required steps in preparation of the Conference. I would appreciate any information on the implementation of these recommendations by the NPT Conference as I prepare to inform the Ministerial Council of the League of Arab States on the progress undertaken in this regard.*<sup>9</sup>

This was the first sign of the mounting frustration of the Arabs on the lack of progress or information. This was followed by a Ministerial Council resolution adopted at its extraordinary session on 15 March 2011, which expressed the ministers' deep concern over the lack of momentum since the adoption of the final document of the 2010 NPT Review Conference over a year previously. This resolution was conveyed to the United Nations Secretary-General and the three depository states in a second letter by the LAS Secretary-General dated 21 June 2011.<sup>10</sup>

<sup>6</sup> "2010 NPT RevCon Final Document outlines 'practical step' towards implementing the 1995 Resolution on the Middle East", 1 May 2010, UNIDIR Timeline, <https://unidir.org/timeline/2010s/2010-npt-revcon-final-document-outlines-practical-steps-towards-implementing-1995?timeline=0>.

<sup>7</sup> US National Security Advisor, "Statement about the Middle East section of 2010 NPT Review Conference final document", 28 May 2010, <https://unidir.org/node/5657>, and U.S. Department of State, "2010 NPT Review Conference US closing statement", 28 May 2010, <https://unidir.org/node/5655>.

<sup>8</sup> LAS Council of Foreign Affairs Ministers, Resolution 7243, "Threat of the Israeli nuclear weapons and other weapons of mass destruction on international peace and Arab national security", 16 September 2010, <https://unidir.org/node/5680>.

<sup>9</sup> LAS Secretary-General, "Letter to United Nations Secretary-General", 2 January 2011, <https://unidir.org/node/6917>.

<sup>10</sup> LAS Council of Foreign Affairs Ministers, Resolution 7362, "Realizing a Unified Arab Position on Freeing the Middle East of Nuclear Weapons", 15 March 2012, <https://unidir.org/node/5713>; LAS Secretary-General, "Letter to United Nations Secretary-General", 21 June 2011, <https://unidir.org/node/6919>, and LAS Secretary-General, "Letter to the Russian Foreign Minister", 21 June 2011, <https://unidir.org/node/6918>.

In addition, the Arab Group refrained from submitting the draft resolution on “Israeli nuclear capabilities” to the 2011 IAEA General Conference as a demonstration of goodwill, and because the submission of this resolution might be used as a pretext for delaying the 2012 conference. The Arab states were keen to make a success of the 2012 conference and prepared well to engage with all counterparts, including by creating expert working groups on technical issues of the zone, preparing policy papers and harmonizing their views on the details of the zone.

All through this period there was no information about developments regarding the selection of a Facilitator or the host country, or the preparations for the conference. No one engaged the LAS in any form despite letters the LAS sent to inquire about the delay. The Arab states felt that the total silence for 17 months on the part of the three depository states was a very ominous indication of disinterest in fulfilling their obligations, and some members of the SOC warned of hidden agendas to sabotage the conference.

Finally, in September 2011, the three depository states suggested two names for the Facilitator role, Dutch and Finnish diplomats. With all due respect to both, they were not internationally well known in the field of multilateral disarmament or experienced in Middle East affairs. I am sure that they were seasoned diplomats but not in the areas required. The Arab side had to choose one of them because they were concerned that, if they reject these nominations, it will take us back to square one and the Arab states would be blamed for the delay. The Arab side selected the Finnish diplomat. It was a flip-of-a-coin decision.

On 14 October 2011, the United Nations Secretary-General and the co-conveners of the conference announced the Finnish diplomat, Ambassador Jaakko Laajava, as the Facilitator and Finland as the host country of the 2012 conference.

The question was, if it took the United Nations and the three depository states 17 months to choose a Facilitator, how are they expected to organize a very complicated conference for 24 states within the remaining 14 months? And why was there no explanation of the reasons behind the delay? What was apparent to me is that the three depository states were in the driving seat and not the United

Nations, or else the latter could have prepared a list of potential Facilitators with well-known experience and relevant credentials within a short time, and these names would have been vetted by the co-conveners in a month. There was no excuse for the 17-month delay.

## PREPARING FOR THE CONFERENCE

### (October 2011 until the postponement of the 2012 conference in November 2012)

The period following the appointment of the Facilitator witnessed some progress. The following events took place during that short period:

- The Facilitator met twice with the LAS Secretary-General at LAS Headquarters in Cairo. The first meeting was on 18 December 2011, where the Facilitator briefed Ambassador Moussa, in my presence, on the latest developments and preparations, which focused on his attempts to contact all the parties involved. He also reported that the two funds—one established by the United Nations and the second by the Finnish Government—for voluntary contributions were secured to support the convening of the conference. In the second meeting, on 12 March 2013, the Facilitator briefed the LAS Secretary-General that, while all the Arab states had announced their intention to participate, Israel and Iran were yet to do so. During that meeting, Moussa stressed the importance of participation by all the states in the region; warned that all parties concerned must shoulder their responsibilities; and noted that the topic of the conference is the WMD-free zone in the Middle East, and it should not be broadened to include other topics relating to regional security. He stressed the importance of avoiding highly controversial topics that can easily sabotage the primary focus of the conference.
- The Council of Arab Foreign Ministers was briefed on developments and adopted resolution 7466 on 10 March 2012, which stressed, among other things, the commitment of all Arab states to participate in the 2012 conference.<sup>11</sup>
- The LAS Permanent Representative and the ambassadors of the Arab Group in New York met with

<sup>11</sup> LAS Council of Foreign Affairs Ministers, Resolution 7466, “Threat of the Israeli nuclear weapons and other weapons of mass destruction on international peace and Arab national security”, 10 February 2012, pp. 66–68, <https://undir.org/node/5687>.

the Facilitator on 19 April 2012. They conveyed to him the concerns of the Arab Group regarding the lack of clarity on the steps taken to prepare for the conference, and that they had not received the organizers' ideas regarding the agenda and the expected outcomes. Later, on 23 May 2012 in Cairo, I received the Facilitator's deputy, Hannu Kyröläine, who handed me a non-paper that included the Facilitator's proposals on procedural and substantive matters of the conference.

- The SOC met, during its eighth session on 18 June 2012, with Ambassador Mikhail Ulyanov, the Russian co-convenor, where he explained, among other things, that there was disagreement among the co-convenors over whether or not to fix the date and send the invitations for the conference. He stressed the support of the Russian Federation for convening the conference in December 2012.
- The SOC met the Facilitator in the LAS Headquarters on 12 September 2012 and handed him the Arab response and comments on his non-paper. He responded a week later, on 18 September, with a slightly modified non-paper that ignored all the major comments and proposals of the Arab states.
- Lastly, the SOC met again with the Facilitator in its 12th session, on 11 November 2012, where he revealed that the conference might be postponed to the first half of 2013 and proposed to hold what he called "extended consultations" with all the prospective participants in the conference. In response, the SOC conveyed its dissatisfaction with the Facilitator ignoring their requirements in his non-paper and stressed four non-negotiable elements:
  1. The need for full compliance with the terms of reference of the conference: the 1995 Resolution on the Middle East and the final document of the 2010 NPT Review Conference
  2. The need for the United Nations to remain involved in issuing invitations and chairing the conference sessions and to be responsible for the secretarial work of the conference
  3. The inclusion of Palestine as a participating state and not an observer
  4. The need to have agreed outcomes of the conference with specific commitments along with

a time frame and follow-up steps to implement the outcomes.

Two weeks later, the United States declared "that the conference cannot be convened because of present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference". This was followed by four separate statements from the Russian Federation, the United Kingdom, the Facilitator and the United Nations Secretary-General.<sup>12</sup> The Russian statement reflected the disagreement among the co-convenors by stating that "a decision to postpone the conference can be justified only if there is a clearly expressed consent of the countries of the Middle East and the dates for the conference are fixed". The decision to postpone without setting a new date was taken without any consultation with the states of the region and overriding the Russian position.

It is important to add some context on how the Arab side perceived the developments at this stage:

- By the time of the postponement, all the Arab states had declared their intention to participate in the conference and had worked hard to prepare positions and ideas by creating the SOC, forming working groups, and presenting the Facilitator with answers, ideas and feedback on his non-paper. The LAS managed to coordinate the Arab states' positions and come up with a common position.
- The LAS Secretary-General and the SOC met nine times with the Facilitator and his team to discuss progress and exchange ideas. The Arab side requested two simple and logical things: a United Nations umbrella for the conference and to abide by the terms of reference of the conference, namely the 1995 Resolution on the Middle East and the final document of the 2010 NPT Review Conference.
- Israel and Iran had not indicated their participation in the conference (although at a later stage Iran did confirm its participation).
- The Facilitator's responses to the requests of the SOC were negative in many cases without convincing explanations, particularly about the role of the United Nations in the whole process. These included the exclusion of the United Nations from

<sup>12</sup> "2012 ME WMDfz conference is postponed", 23 November 2012, UNIDIR Timeline, <https://unidir.org/timeline/2010/2012-me-wmdfz-conference-postponed?timeline=12>.



co-signing the invitations for the conference and from co-chairing the conference with the Finnish Foreign Minister. He also ignored the Arab request to clearly underline in the invitations and agenda the terms of reference for the conference. The participants in the SOC discussed the Facilitator's position in one of their meetings and could not explain his insistence on marginalizing the United Nations in the process, especially because the Review Conference assigned the main responsibility of convening the conference to the United Nations Secretary-General and the three depository states, and because the Facilitator himself was appointed by the United Nations Secretary-General and the co-conveners.

## THE INFORMAL CONSULTATIONS IN GLION AND GENEVA

### (November 2012–April 2015)

On 19 April 2013, the Arab Group submitted a working paper to the 2013 session of the NPT Preparatory Committee.<sup>13</sup> The paper set out the group's position on the Facilitator's "non-paper" on the organization of the conference, and the parameters they thought necessary for engaging in the consultations proposed by the Facilitator. The Egyptian delegation walked out of the Preparatory Committee meeting in Geneva in protest at the failure to convene the 2012 Conference on the Middle East WMD-free zone.

On 3 August 2013, the Facilitator extended an invitation to Israel, the LAS Secretary-General and the Chairperson of the SOC to meet him and the co-conveners in Vienna on 16 August 2013 to discuss details of the planned preparatory consultations. Regional representatives separately met with the co-conveners and the Facilitator in Vienna on that date to discuss and coordinate the informal consultations. I, as the representative of LAS, expressed surprise that Iran was not invited to the meeting and emphasized that Iran was an important member of any future WMD-free zone in the Middle East and that the planned consultations should be held under United Nations auspices. During the meeting, the Facilitator and the US co-convenor, Ambassador Thomas Countryman, met with me and expressed concern that only Egypt and Jordan, which already have diplomatic relations and a peace treaty with Israel, would participate in the consultations. They asked me to exert efforts to ensure the participation of as many Arab states as possible.

### The first informal consultation (Glion, 21–22 October 2013)

Eleven Arab states, Israel, Iran and the LAS participated in the first meeting at Glion, in addition to the United Nations and the three co-conveners. The Arab states convened a meeting on the margins and decided that I, as LAS representative, would be the lead speaker and negotiator on the Arab side while they could interject to support the Arab position. The Iranian representative stated that he was there to observe the consultations and not to engage in them, for the time being. It was the only meeting that an Iranian representative attended. The Israeli representative, Ambassador Jeremy Is-sacharoff, clarified that Israel was only participating in the meeting to make its position clear, and that it cannot discuss non-conventional arms in the absence of a discussion of regional security and conventional arms. He stressed that Israel is not a party to the NPT, and therefore was not bound by or committed to the outcomes of the 2010 NPT Review Conference.

The LAS, on behalf of all the Arab states, stressed that the Arabs took this process seriously and hoped to reach an agreement on the agenda and modalities of the conference. The LAS stressed the importance of the terms of reference provided by the 2010 NPT Review Conference: the implementation of the 1995 Resolution on the Middle East and the outcome document of the 2010 NPT Review Conference. The LAS also explained that it had made its position on the agenda and modalities clear in the Arab non-paper and that it would like to receive feedback from the other participants. The LAS also hoped that the co-conveners would guarantee that the meeting remained within the terms of reference and the mandate given to them. From the Arab point of view, regional security was not included as a topic in the terms of reference of the conference and, from a substantive point of view, it was not possible to include all the regional security issues of the Middle East in one agenda or one conference and expect it to be productive and successful. The topic at hand was already highly complicated and included a treaty on all unconventional weapons systems.

Discussions on the first day were, from my personal point of view, positive, with every party expressing its position cordially. The Russian side proposed the idea of including a session on each day of the conference to discuss regional security and confidence-building measures

<sup>13</sup> Working paper submitted on behalf of the Arab Group, "Implementation of the 1995 Resolution on the Middle East", 19 April 2013, <https://undir.org/node/5659>.

(CBMs) that are important for establishing the proposed zone. The Arab side said that they could consider this request and wanted it in writing. The idea was added to the Arab non-paper to discuss measures to facilitate the creation of the zone, including CBMs relevant to the establishment of the zone.<sup>14</sup>

The discussions had a negative note on the second day, as Israel attempted to change everything, starting from the title of the conference to the agenda. Israel suggested a title that indicates a conference on regional security and CBMs. The Russian representative objected, saying that it would totally change the topic and remove any indication relating to the zone. The US representative supported the Israeli proposal and declared that the co-conveners' role was limited to implementing what the parties from the region agree to. This was supported by the United Kingdom and the Facilitator. The Arab side expressed its strong disapproval of this mindset and clarified that the role of the co-conveners was more about finding the middle ground and providing ideas and sometimes solutions to problems and, most importantly, to make sure that the participants and the discussions remain within the boundaries of the mandate given to them.

The LAS stressed that it was incomprehensible to think of renegotiating all that had been agreed on in the 1995 Resolution and the 2010 final document. The Arab side requested that the Facilitator set a new date for the 2012 conference, which he and some co-conveners refused to do. The LAS also demanded that the Facilitator provide a summary of the meeting and an agenda for the next meeting. He did not and ended the meeting abruptly. Upon the request of some of the co-conveners, he asked the participants to convene once more, thanked everybody for their effective participation, and said that he was optimistic about the next stage.

### **The second informal consultation (Glion, 25–26 November 2013)**

Sixteen Arab states, Israel and the LAS participated in the second informal consultation on the conference, which was organized by the Facilitator and the co-conveners in Glion. In response to the Facilitator's invitation letter, the

SOC emphasized that it was disappointed with the "set up and parameters" of the first consultation in Glion but had decided to continue to "engage positively".<sup>15</sup> The letter also emphasized that the SOC felt that the convening of the consultations as "an open meeting without an agenda or clear reference to the terms of reference and mandate stipulated in 2010 by the NPT Review Conference and the 1995 Resolution, will lead to unfruitful discussions that go beyond the mandate". The SOC emphasized the need for the Facilitator to limit the agenda of the consultation to discussion on an agenda and the modalities of the conference on a WMD-free zone.

After insistence from the Arab side that the Facilitator should provide his ideas as written proposals, he presented an informal paper entitled "Sandra's list" containing a list of proposed substantive and organizational matters for the conference.<sup>16</sup> We understood the fact that the Facilitator did not have his name on the paper as coarse way of saying that he was not committed to the elements in it. I strongly objected to this tactic and the paper was rejected by some Arab participants. Russia presented a non-paper on "Possible elements of the final document" for the conference.<sup>17</sup> Ambassador Ulyanov stated that this paper was his personal contribution and not an official Russian proposal.

The Israeli side took the discussion back to square one, insisting that the conference should deal with regional security and CBMs. The LAS asked about the elements that Israel would like to discuss under this topic. Israel responded that it would like to discuss its security concerns such as conventional weapons, short-range missiles, and terrorism. The LAS responded that, in that case, the Arab side would also like to discuss their security concerns, such as the occupation of Arab and Palestinian land and state terrorism among other things and that we would be opening a Pandora's Box if we went down that road. Discussing all these topics under the title "regional security" would guarantee the failure of the conference. The Israeli side also insisted on removing the United Nations and the reference to the NPT Review conference from both the invitations and agenda, while the Arab side stressed that these meetings are based on those terms of reference.

<sup>14</sup> LAS Senior Official Committee, "LAS Senior Officials Committee response to the Facilitator's November 2013 proposal in 'Sandra's list'", 15 December 2013, <https://unidir.org/node/5708>.

<sup>15</sup> LAS, "Letter to Facilitator regarding the second consultation", 13 November 2013, <https://unidir.org/node/6101>.

<sup>16</sup> Facilitator non-paper, "Sandra's list", 2nd informal consultation meeting, 26 November 2013, <https://unidir.org/node/5705>. Sandra was the Facilitator's assistant.

<sup>17</sup> Russian non-paper, "Possible elements of the final document of the ME WMD FZ", 25 November 2013, <https://unidir.org/node/5706>.

The United States and the Facilitator supported the Israeli position regarding the role of the United Nations.

A number of side meetings were conducted between the Arab side and the co-conveners on the margins of the second meeting. Most focused on convincing the LAS that, if they wanted to bring Israel to the table, the Arab side should accommodate the Israeli point of view by finding a way to include elements of regional security and CBMs in the conference, regardless of the mandate.

### **The third informal consultation (Glion, 4–5 February 2014)**

Again, 16 Arab States, Israel, and the LAS participated. This meeting again had no planned agenda, and the Facilitator did not take stock of the previous discussions. Therefore, it was to a large degree a repetition of the same discussions, in which Israel insisted that the proposed conference focus on regional security concerns in the Middle East and be held outside the United Nations umbrella and the NPT Review Conference mandate. The Arab side had three points that were a red line for them: (1) the importance of setting a new date for the postponed conference, (2) the need to abide by the terms of reference for the conference and the mandate given to the co-conveners by the 2010 NPT Review Conference, and (3) the need to hold the conference under the auspices of the United Nations.

The meeting also discussed the position of the Arab states regarding “Sandra’s list” and their position was also handed to the Facilitator in writing. In addition, the Facilitator distributed a draft paper entitled “Organizational and procedural matter for the conference”, which was prepared by the office of the Facilitator. The Arab side informed the meeting that the paper will be studied by the SOC, as was done for Sandra’s list.

In response to an attempt by the co-conveners to hold a side meeting with a limited number of Arab states, the LAS and Israel under the pretext of speeding up

the process, I had to remind the Facilitator that it was him, with the US co-conveners, who had beseeched me to bring as many Arab states as possible to the table! The Arab side was unsympathetic to that request. They responded that they were all sovereign states that came to Glion to participate in good faith.

At the end of the meeting, the Facilitator read an announcement titled “Facilitator’s guidelines on the timeframe”, in which he proposed two conference-preparation meetings in Geneva to attempt to complete the work.<sup>18</sup> The Facilitator refused to distribute a written copy of this announcement and ended the meeting.

### **The fourth informal consultation (Geneva, 14–15 May 2014)**

The meeting started with a minor drama, as the Israeli delegation refused to enter the building where the meeting was organized because there was a United Nations office in the building and there were United Nations security guards at the entrance. Half an hour later, the guards and the United Nations flag on the building were removed.

The meeting started with the Facilitator proposing moving forward through three working groups: one that would discuss the agenda, a second for the elements of the outcome document of the conference and a third for the follow-up steps. Both Israel and the Arab states thanked the Facilitator but rejected the idea for a number of reasons, but mainly because the delegations were too small to be able to participate in parallel working groups. The Arab states requested that the meeting focus on developing the agenda and that the Facilitator should introduce a rolling text based on previous discussions and the papers that were presented previously. The day was spent in the same discussions over the mandate, the terms of reference, the agenda and the proposed rolling text idea—the latter was rejected by Israel and the Facilitator. The Arabs were informed that the meeting would end on the first day, due to the

<sup>18</sup> The Facilitator’s statement was as follows: “Facilitator’s guideline on timeframe: The conveners have asked me to convey that they are keen to reach a regional agreement on the agenda and modalities so that they can set a date for the Helsinki conference. We welcomed the positive tone of our engagement yesterday. We note that we have made only limited progress on the basic documents needed for a successful conference; agenda, modalities, and elements for a concluding document. Regrettably, and despite best efforts, we did not find a method to complete this work. To progress, and hopefully, complete this work, I am prepared to invite delegations to 2 conference preparation meetings in Geneva in March and April. If we can complete our work on that schedule and in time for decision making in our respective Capitals, the facilitator is aware that a conference venue in Helsinki is available at several dates in 2014, including mid-June, October and December. The conveners seek the support of all countries of the region in reaching an agreement on the necessary basic documents.”



inability of the Israeli representative to participate for personal reasons.

### **The fifth informal consultation (Geneva, 24–25 June 2014)**

Again, 16 Arab states, Israel, and the LAS participated in the meeting. The LAS presented two amended Arab papers that accommodated some of the ideas discussed. The Israeli intervention was positive, stressing that, although Israel disagreed with the basic premise of the Arab position and the two papers, it was ready to discuss and interact with the Arab group.

Later, the discussion between the Arab states and the co-conveners became heated over the latter's abandonment of the mandate that had been given to them. The LAS said that the co-conveners, who are supposed to be the guardians of the mandate and terms of reference, were creating their own rules and mandate. The co-conveners insisted that including regional security concerns was not contrary to the mandate but actually complemented and completed the 1995 Resolution on the Middle East and the 2010 outcome. The US representative, Ambassador Countryman, proposed a meeting over breakfast at the US Ambassador's residence between me, the Israeli representative and himself. I accepted the invitation.

The meeting was cordial. Countryman asked my opinion on how to move forward. I provided some remarks to Ambassador Issacharoff, noting that Israel had so far made clear what it rejected, but not what it wanted, and had not commented on the Arab papers. I said that it would be viewed very positively by the Arabs if Israel could inform them of which parts of their paper were agreeable and then proceed to inform them of what was not acceptable. The Israeli representative accepted my approach and proceeded to comment on the Arab paper on the next day, accepting some of the paragraphs and disagreeing with others. This led to a discussion over the title of the conference, the role of international organizations, the agenda and the elements of the final document. The discussion was cordial and candid, although the differences remained huge. And no progress was made on the dilemma of the inclusion of regional security as a topic. The meeting ended without setting a date for the next meeting.

### **Further attempts to continue the informal consultations**

The LAS Secretary-General received a letter from John F. Kerry, the US Secretary of State, dated 29 August 2014. The letter stressed the commitment of the United States to the goal of the Middle East WMD-free zone and that compromises would be needed to clear the path for a conference acceptable to all the states of the region, and urged the LAS Secretary-General to appoint a negotiator, or a small negotiating team, to engage in the kind of closely held discussions that such a sensitive topic would require.<sup>19</sup>

The Facilitator wrote to the LAS Secretary-General on 15 September 2014, proposing further consultations, and wrote to me, proposing smaller group consultations. He also wrote to the SOC Chairman on 2 November 2014. A follow-up meeting did not take place. In January and April 2014, the Facilitator made another attempt to hold a drafting session, but all were to be held under the same conditions: no United Nations and no terms of reference. With the 2015 Review Conference approaching, the Arab side opted to wait.

### **AN ARAB PERSPECTIVE ON THE PROCESS**

By October 2014, all the optimism that the Arab side had felt at the beginning of the process had evaporated and was replaced with anger and frustration. They believed they were being taken down a long corridor of meetings, with no intention of seriously tackling the issue of the zone and with an attempt to shift the blame onto them. The Israelis were there but had no intention of seriously considering the issue at hand and wanted to go in a totally different direction. Time and time again, the Facilitator and most of the co-conveners kept telling the Arab states that they must compromise and make concessions if they wanted the Israelis to come to the table and engage in the discussion. No one ever asked Israel for a concession of any kind.

The Arabs believed that the Facilitator's attitude and actions were one of the reasons for the failure of the consultations, as he rejected all their requests and supported all the Israeli demands. He refused United Nations oversight of the process and refused to clearly include the terms of reference of the conference. He was curt with the Arabs during the meetings, he never mingled with them during the sessions, and he showed impatience

<sup>19</sup> US Secretary of State, "Letter to the LAS Secretary-General on the 'Israeli nuclear capabilities' resolution", 29 August 2014, <https://unidir.org/node/6925>.

with the Arab request to preserve the mandate that was given to him.

The three depository states did not believe that the mandate given to them should restrict them. They supported the Israeli request to change the whole objective of the conference to deal with the volatile and vague topic of regional security. The Arab side presented papers and ideas about the organization and substance of the conference, that were met with rejection on all counts. The co-convenors postponed the 2012 conference without consulting the Arab side. They, along with the Facilitator, designed the consultation in the same way ACRS had been designed.

## LESSONS LEARNED

These four lessons are my own take on the process.

First, the Arab side should refrain from engaging in any negotiation process that is informal, with no records kept. This formula, which was applied in ACRS and 20 years later in the informal consultations, has failed. It only produced different narratives by the different parties and opened the door for the exchange of accusations. The Arabs should refuse this formula because the power of the other parties to influence public opinion can shift the blame onto the Arab side and disseminate misleading narratives about the proceedings of these meetings. There is never a logical explanation for having meetings with no records kept. Informality, with no official records of the meetings, can be counterproductive and a waste of precious time.

Second, the Arab side is obsessed with the fear that they could be accused of being uncooperative or not serious if they insist on their principled position. They are too accommodating and, as a result, they have compromised their position and relinquished their strong negotiating cards. Now they have no leverage in the negotiations, so they need to take a step or two back, regroup and decide what are the red lines they cannot cross. They need to rethink their alliances with states that are not supportive of their security. The statement of the United States about not allowing the conference to jeopardize Israel's national security should be an example that they should not forget.

Third, we need to rethink the role of external powers in any regional negotiations – in this case, the role of the three depository states. Undoubtedly, they are essential and have a responsibility towards establishing the zone, as the co-sponsors of the 1995 Resolution on the Middle East. In a perfect world, they would not be biased, they

would not bring their own agendas to the process and they would not pursue their own interests. But the reality is that they do, and it becomes part of the process to reflect certain biases and interests. But these biases and interests should be kept at a minimum and should be prevented from overriding the main issue at hand. The parameters of the mandate given to them by the international community are set. They should not have a veto on anything in the process as long as it is within the mandate and the terms of reference, and they should not decide the outcomes without consulting with the states of the region in the way that we witnessed in the informal consultations in Glion and Geneva. The unexplained 17-month delay in selecting a Facilitator and their choice of Facilitator also had a negative impact on the whole process.

The last lesson learned is the need to fill in the legal and technical knowledge gap among Arab states through capacity-building programmes in areas and specializations related to the zone.

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