



## *First Cooperative Idea*

# Bridging the Most Fundamental Gap: By Simultaneously Pursuing Disarmament and Regional Security

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*This POLICY FORUM issue summarises the achievements and deficits of the Glion/Geneva informal consultation process and describes the currently held divergent positions of major players. With reference to several necessary conditions for success, the authors make concrete proposals for a compromise-oriented new NPT cycle that does not repeat the mistakes of the past.*

### Background and Context: The Traditional Core Disagreement and the Challenge to Overcome It

This *Cooperative Idea* addresses the key challenge of how to bridge the basic gap between the traditional “Peace First!” (Israel) versus “Disarmament First!” (Egypt-led Arab states) positions. This disagreement on conceptual regional security matters was the essential factor that impeded a joint agenda for the envisaged conference in Helsinki on a zone free of weapons of mass destruction (WMD) and their delivery vehicles (DVs)/WMD/DVs-free zone. In turn, this disagreement mainly led to the failure of the 2015 Non-Proliferation Treaty (NPT) Review Conference (RevCon).

This leads us directly to the Glion/Geneva Process initiated by the former Finnish facilitator, Ambassador Jaakko Laajava, with its achievements and unresolved questions. Relevant developments after the failed RevCon will also be taken into consideration, as will the relevant working paper submitted by Egypt at the First NPT Preparatory Committee (PrepCom) on 1 May 2017 (Egypt, 2017) and the joint working paper submitted separately by 12 Arab states on 4 May 2017 (Bahrain et al., 2017).

The following two achievements of the Glion/Geneva Process should be acknowledged so that any further efforts can and should build on them:

1. After 19 years, major regional players sat for the first time around the same

table during the five informal multilateral meetings held between October 2013 and June 2014.

2. The participants agreed on decision-making by consensus as well as on organisation, modalities, and rules of procedures.

Among the deficits to be overcome are the following:

1. Arab countries have complained that the meetings were not (adequately) recorded.
2. Especially to Ambassador Laajava's chagrin, many states did not send high-level representatives who would have been in a position to take decisions.

Three major unresolved issues remain:

1. The role of the United Nations (UN) both in terms of its concrete involvement and the overall framework of the required communication and conference process (see Finaud and Kubbig, 2017);
2. The above-mentioned gravest failure of coping constructively with the fundamental conceptual and security-related gap (in this context, a concrete date for the Helsinki conference was also controversial); and
3. Follow-on steps (a road map) after the envisaged Helsinki Conference.

This POLICY FORUM issue aims at building on the above-mentioned achievements of the Glion/Geneva Process and taking the deficits into account, while exploring steps for dealing constructively with the second challenge in a way that does not lose sight of one essential issue: that (in) formal communication and conference processes, even if they do not lead imme-

diately to an optimal goal such as nuclear disarmament in the Middle East/Gulf, are a vital component of any security strategy. Compromise-oriented policies as a key to progress are needed more than ever. However, the issue of a road map will only be touched on as a controversial issue during the Glion/Geneva Process (see Box No. 1), since it is not mentioned in the relevant working papers submitted at the PrepCom in Vienna.

### Where We Stand in the Context of the First NPT PrepCom in Vienna (2-12 May 2017)

In the aftermath of the 2015 NPT RevCon, the two following contradictory features can be observed: (1) organisational activities at the international and regional level to overcome the stalemate of non-communication; and (2) the continuing maintenance of inflexible positions on substantive issues, especially by the regional actors. The semi-official Moscow Conference on 23 May 2016 on “Devising the Next Steps” regarding a WMD/DVs-free zone was the first attempt to bring together all major players at a fairly high level in order to test the waters especially among the representatives from the Middle East/Gulf and find new compromise-oriented ways out of the predicament (see UNGA, 2016 [a], p. 3/14). At the end of that year, on 14 December, a surprising four-hour informal meeting took place in Nagasaki. Taking advantage of the UN Conference on Disarmament with a number of NPT stakeholders present, the Japanese Foreign Ministry invited several Track 1.5 experts and officials representing, among others,



### Box No. 1: The Road Map as a Controversial Issue

*For the Arab countries, a road map was an important element from early on, as the “Arab proposal for 2012 conference Final declaration document paper/Elements for 2012 Conference Final Document” shows. On the basis of the 1995 Resolution on the Middle East and the 2010 Mandate/Middle East Action Plan, the draft concluding document of the Helsinki Conference should define and adopt a formalised conference process following the gathering. It should also draw up a detailed road map with concrete to-be-met dates and accountable reporting, specifically: the creation of three working groups on the WMD/ DVs-free zone; the convening of these working groups “on a regular basis every three months”; the convening of a follow-up conference “on an annual basis until the zone is established”; and the presentation of a “comprehensive report on the outcome of the 2012 Conference, and progress within the working groups, to be presented to successive NPT Review Conferences and their Preparatory Committee meetings”.*

*The “Sandra’s List” document of 26 November 2013 issued by the Office of the Facilitator, however, was vague and inconclusive on the issue of a road map, while the “Informal Orientation Paper” by the Facilitator’s Office on 28 November 2014 presented the topics mentioned in the following in brackets, i.e. as unresolved: the creation of a coordinating committee “to foster the political dialogue in the region” and the setting up of two expert groups, one on the properties of the zone and on verification and compliance, and the other on unspecified confidence and security building measure [CSBMs] and cooperation in the Middle East. Also, in a vague way, the “Informal Orientation Paper” “consider[s] further steps to enhance security and cooperation in the region of the Middle East, including the convening of possible further Expert Groups and the possibility of a new Conference” (emphases added).*

*The strong differences in terms of concreteness and the commitment to establish a formalised conference process could not be overcome. (All cited documents were tabled during the Glion/Geneva consultations but not made public).*

the three co-conveners (the Russian Federation, United Kingdom [UK], and United States [US]).

Indicating that the Arab governments wanted to play their active part in overcoming the stalemate of non-communication, at the regional level the Secretary-General of the Arab League had already decided in March 2016 to establish a Wise Persons Commission consisting initially of six people, later extended to ten. The report of the members, who were requested to evaluate and propose new zone-related ideas and options on how to proceed, was due in March 2017, immediately before the First NPT PrepCom, but the Commission did not issue an outcome document (Pugwash, 2017). On 25 January 2017 representatives of all three co-conveners met in Amman with members of this Commission.

Whether in Moscow, Nagasaki, or Amman, in terms of substance, the vital differences especially among the major regional actors could not be bridged. In Moscow, everybody – not only the regional representatives, but also others – repeated the positions they held before the 2015 NPT RevCon. This is why the Russian Foreign Ministry did not plan a follow-up meeting at that time. The gathering in Nagasaki was a variation on the theme. A very short

Foreign Ministry media release in Japanese only mentioned “that the meeting was held without any substance”. In Amman, the three representatives of the co-conveners and the members of the Wise Persons Commission played the ping-pong game of mutual expectations once again: while the three extra-regional diplomats stressed the need for initiatives from the Middle East/Gulf to bridge the gaps, the Arabs in turn asked the three co-conveners to supply impulse proposals.

This is also the bottom line of the separate working papers by Egypt and the 12 Arab countries in the context of the First NPT PrepCom in Vienna. They repeat the traditional positions (including those of the working paper submitted by Bahrain on behalf of the Arab Group on 22 April 2015 during the NPT RevCon in New York). Seeing the ball to be in the court of the co-conveners implies that the Arab countries did not come up with a unified position in Vienna on how to move forward on the issue. And yet the cracks among the Arab states are highly visible. It is not by accident that Egypt looked isolated in Vienna, while the group of the other 12 Arab countries is not homogeneous.

We heard different stories from Arab decision-makers in personal encounters at the First NPT PrepCom. Some representatives told us that the disagreement was only a matter of tactics – the Secretary-General of the Arab League, reflecting the majority of the members, had decided accordingly. Three Gulf countries – Kuwait, Saudi Arabia, and the United Arab Emirates – were in favour of making use of the First PrepCom by coming up with a position paper as a means of influencing the debate early on. Differently from Egypt, at least some, if not most, of the other 12 Arab countries acknowledge the value of the 2010 Mandate, which they see as still valid. In their joint working paper of 4 May 2017 they support a “consultative process” (para. 11.d) under the auspices of the UN and the three depositary states, leading to the “immediate convening” (para. 11.b; emphases in original in bold) of a WMD/DVs conference. But all 13 Arab states are united in considering that the 1995 Resolution on the Middle East is still the basic document whose zone-related obligations need to be fulfilled. They all make the point that the 1995 Resolution consists of a deal: the Arab states supported the indefinite extension of the NPT in exchange for getting the regional WMD/ DVs-free zone on the



agenda. The only indirect reference of the joint working paper to the Wise Persons Commission regards the regional issue as “one of the critical factors that will make or break the forthcoming 2020 Review Conference” (para. 8.).

At the co-conveners’ level, the Russian Federation, UK, and US (regarding the latter, at least during the Obama administration) were aware of the potentially explosive power of the WMD/DVs-free zone. Their “Joint Statement” delivered by Russia at the First Committee (Disarmament and International Security) of the UN General Assembly in New York on 27 October 2016 constituted the first important official commitment of the three co-conveners on the WMD/DVs-free zone after the unsuccessful NPT RevCon in 2015 (UNGA, 2016 [b]). The fundamental concern of all three co-conveners (representing nuclear-weapon states) is to preserve the NPT in view of the two open flanks: the zonal issue and – even more so – a treaty prohibiting nuclear weapons in view of their humanitarian impact. In reaffirming their commitment to the zone based on the 1995 Resolution on the Middle East, they emphasised not only the continued value of the endangered NPT, but also the importance of striving for a conference à la Helsinki. Since then, the Donald Trump administration in the US has not really revealed any new policy on the issue. The key diplomat of the Obama administration, Tom Countryman, was called back to Washington immediately after the Amman meeting and has left the executive branch. Russia seems to be the only interested co-convenor with fairly clear stances. Following the bottom line of its working paper submitted on 14 May 2015 in New York, Moscow’s working paper of 8 May 2017 adds new elements and is also remarkable for its potential for compromise positions in this NPT cycle.

### Preparations for the Second NPT PrepCom in Geneva (Spring 2018)

In the context of these disagreements and challenges, the Russian working paper would be a good starting point for preparing for a new communication and conference process. Of course, one would hope that the Trump administration becomes more committed in this area – and that these two vital co-conveners would productively cooperate despite their overall

problematic relationship. The following three challenges need to be constructively dealt with:

1. *Building on the major elements of the 2010 Helsinki Mandate in a creative way*, at a minimum by overcoming the deficits mentioned above (proper recording of the discussions; participation of high-level decision-makers) and by reaffirming the achievements on decision-making, organisation, modalities, and rules of procedures (in this regard, one would not have to start from scratch). The commitment to the 1995 Resolution remains vital and needs to be concretised when it comes to its implementation (see point 2., below).
2. *Continuing the vital communication/pre-conference process consisting of preparatory meetings similar to the ones in Glion and Geneva leading to a Helsinki-type Conference*. As mentioned above, the 12 Arab states are in principle in agreement with such a preparatory process. In Vienna, the Russian Federation offered to hold one meeting in Moscow. The other two co-conveners could come up with a similar offer of their

#### Box No. 2: The Difficult Efforts of the Facilitator to Bridge the Crucial Gap

*Compared to the specific WMD/DVs-related trust-building steps proposed by the Arab countries, the “Sandra’s List” document of 26 November 2013 issued by the Office of the Facilitator was less concrete, but compared to subsequent proposals made by the office, it nevertheless had the WMD/DVs-free zone in mind as the relevant point of reference: “Security, cooperation and confidence-building measures aimed at making progress towards the establishment of such a zone”. But the “Informal non-paper”, issued by the Facilitator’s Office possibly on 4 February 2014 contained two main differences: it extended the general term ‘security’ from the “Sandra’s List” document to include regional security, and it opened the military area well beyond WMD/DVs by introducing the element of conventional arms control. Also, the focused objective of the 2010 Mandate was considerably enlarged, thus reflecting the agenda of non-NPT member Israel: the WMD/DVs-free zone was now embedded in the broader goals of a more and secure peaceful Middle East, free from conflict, wars, and WMD. The entire paragraph reads: “B. Regional security, conventional arms control, cooperation and confidence-building measures aimed at making progress towards the establishment of a more secure and peaceful Middle East, free from conflict, wars and weapons of mass destruction”.*

*Two proposals by the Facilitator’s Office (“Global Draft 120914” and the “Informal Orientation Paper” of 28 November 2014) now contained the following wording of the “Draft Agenda” as point 4.b: “Confidence- and security-building measures and cooperation aimed at contributing to a favorable environment for the establishment of such a zone”. Probably because of the opposition of the Arab countries to including conventional weapons, this element was deleted and the zone does not disappear among the other objectives. In the new wording, C(S) BMs are aimed at an unspecified environment for creating a WMD/DVs-free zone; they are not, as the Arab countries have been wishing, directly related to such a zone. Compared to the specific WMD/DVs-related trust-building steps proposed by the Arab countries, the “Sandra’s List” document was less concrete, but compared to subsequent proposals made by the Office of the Facilitator, it nevertheless had the zone in mind as the relevant point of reference (see quotation above). (All cited documents were tabled during the Glion/Geneva consultations but not made public.)*

own – perhaps that of assisting with a meeting in (the vicinity of) the Middle East/Gulf.

While the Egyptian working paper categorically asks for “prompt implementation” of the 1995 Resolution (para. 12.), the Arab joint working paper called for a “concrete plan and time frame for the stages of implementation of the relevant obligations” (para. 11.c). The Russian working paper of 8 May 2017 echoes to some extent this demand of the 12 Arab countries by stating four days later: “The first preparatory meeting is to be held *“in the near future”* (para. 10.), and: “We should aim *to hold this event [a conference on a WMD/ DVs-free zone] well before the 2020 Review Conference”* (para. 5.; emphases are in original in bold). As in the past, the issue of the date will be controversial because of the reluctance of the US, Israel’s major ally, to commit to any concrete time frame.

3. *The agenda of the conference, to be agreed upon by all regional states, remains the most relevant and controversial point, while, as mentioned above, the road map after the conference is not addressed in any of the three working papers* for realistic reasons: the long-standing disputes about the agenda and a legally binding treaty on a WMD/DVs-free zone have first to be settled. The decision not to address a road map at this point is good news, since it means delaying another controversial issue of the Glion/Geneva Process (see Box No. 1).

In order to resolve the critical issue of how to come to grips with the conflicting Israeli and Arab demands, the Russian working paper suggests (in para.7.) the idea of *“devot[ing] one session of the Conference to several specific aspects of regional security”* (emphasis in original in bold and italics). These items should be within the context of the 1995 Resolution on the Middle East and should be “agreed on by the States of the region in advance” (emphasis in original in bold). The Russian Foreign Ministry acknowledges that the regional security issue has to be addressed, but the proposal nevertheless raises at least the following two questions.

*Firstly*, in view of the recurrent debates on this essential issue during the Glion/Geneva Process, it is likely that the regional security issue will remain part of any future consultative meetings. In fact, as various position papers and proposals showed

during these meetings, regional security had in practice become an agenda issue (albeit a controversial one). It therefore transcended the strict WMD/DVs-free zone-related Mandate/ Middle East Action Plan agreed on in 2010 by the international NPT community (which formally excludes Israel). In the past, the controversies focused on how to define CSBMs: should they exclusively refer to the strict 2010 Mandate and the 1995 Resolution on the Middle East (the position of the Arab countries as expressed in their confidential “Arab proposal for 2012 conference Final declaration document paper/Elements for 2012 Conference Final Document” and in remarks by Arab senior officials during their meeting in Cairo on 15 December 2013) – or be seen as unspecific and broadly related to regional security issues as favoured by Israel? The facilitator and his staff, trying to bridge this gap, issued a number of proposals that oscillated between the opposing positions and finally moved closer to the Israeli position (supported by the US), thus alienating the Arab countries and ultimately satisfying none of the parties (see Box No. 2 for more detail).

*Secondly*, referring to the contents of the 1995 Resolution will hardly satisfy the Israeli demands, since the Resolution addresses weapons-related issues, with one exception: there is no mention of the peace process in the region. It is hard to imagine that this complex and loaded topic could be discussed in a constructive way.

In short, why and how should goals be achieved in the current NPT cycle that failed to be achieved in the last cycle?

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## Obstacles and Conditions for Success

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Against the backdrop of the Russian working paper, the question above points to obstacles and conditions for success at two levels:

1. *At the co-conveners’ level*, one would expect a robust policy towards Israel that amounts to arm twisting – but it is unlikely that the Trump administration will implement coercive measures in order to force its closest Middle East ally to join the NPT sooner rather than later and put all its nuclear facilities under IAEA safeguards. It is not clear whether such a concept is in the Russian plans in any form.

As to the higher visibility and deeper involvement of the UN beyond the

High Representative for Disarmament Affairs, is it likely that the Secretary-General and an envisaged special envoy will be the crucial game changers by themselves or jointly with the other depositary states? In other words, is it realistic to assume that they can bridge the fundamental security-related gap?

2. *At the regional level*, the question is whether all the Arab states will pursue a coercive policy by insisting on a WMD/DVs conference as part of the 1995 Resolution – and by threatening to unravel the inherent deal, i.e. by questioning the indefinite extension of the treaty and threatening to withdraw from the NPT. Would that be an option with serious implications for the future of the NPT? Are there any signs that those Arab states for which, compared to Egypt, the zonal issue is not a primary focus, be willing to ask Cairo for a more patient approach towards Israel? As to Israel, it would be desirable that the government of Benjamin Netanyahu produce CSBMs that would signal a step towards long-standing Arab demands (see on this issue, POLICY BRIEF No. 46 [Eldar et al., 2015]). Can such measures be expected in view of the Israeli fear of embarking on an unacceptable slippery slope without any road blocks towards nuclear disarmament?

To sum up, is the traditional NPT-related framework the proper approach to achieving the stated goal of regional WMD disarmament – or do we need new elements or alternative incremental concepts such as a nuclear-test-free zone (see POLICY FORUM No. 4)? It may also be worthwhile to look beyond the traditional and confined NPT framework and explore the cooperative potential of developments such as the Iran nuclear deal (see POLICY FORUM No. 1) – and/or as we have suggested in POLICY FORUM No. 2, to bring the NPT community together with the more technical community that deals with less controversial issues such as the common interest in opposing terrorism as a potentially unifying factor.

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## The Next Steps: Parallel Working Groups on Disarmament and on Regional Security with a Concrete Focus

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Even if one remains within the NPT setting, we seriously doubt that one session



of the conference, as proposed by the Russian working paper, will be acceptable to the other two depositary states, who act as the protectors of Israeli interests. At the same time, we have documented a number of time-consuming (yet futile) attempts at bringing the topics of disarmament and regional security together (see Box No. 2). We suggest that all Middle East/Gulf actors and Israel should address the essential gap issue during the consultative process – and in a concrete way. The regional security focus should be limited to a to-be-discussed and agreed-upon list of ultimately five priorities. This limitation would be a sign that this focus is not meant to delay discussion on the nuclear issue. The discussion and selection process may contain new and surprising compromise-oriented opportunities, and even unifying elements:

- One may find *conventional arms control* again on the Israeli list – but the Arab countries should not worry: the results of joint analyses may turn out to be in their favour because such analyses may show how superior Israel is in terms of conventional arms across the board. This finding may make it more difficult for the Israelis to legitimately justify retaining their nuclear arsenal – at least at current levels. In turn, the Israelis may encounter a much more differentiated Arab League with mo-

tives, interests, and security concerns/specific threat perceptions and priorities that have, for instance, partly changed in view of the perceived Iranian factor since Israel started its nuclear activities.

- One could discover *ballistic missiles* (especially those with a verifiable range of 70 km or more that can carry WMD warheads) as a promising starting point for addressing the nuclear issue in an indirect, elegant, and politically less loaded way.
- *Terrorism* may show up on the Israeli list in general terms. Why not try to focus it on non-state/hybrid actors' access to WMD-related and radiological material and make this a unifying factor?

During such a long-haul discussion process, all sides may recognise that weapons of all kinds matter, but have to be seen as the nucleus of broader and ultimately all-inclusive security arrangements in the Middle East/Gulf. This implies looking beyond the narrow areas of non-proliferation and disarmament and striving for spill-overs from policy fields where cooperation (and the confidence that goes with it) is already in place or can easily be promoted, albeit discreetly. Egypt and Israel are the most promising cases in point. ■

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APOME and GCSP wish to cordially thank our generous sponsor:



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