

CAPACITY-BUILDING WORKSHOP FOR MID-LEVEL DIPLOMATS IN SUPPORT OF THE HELSINKI CONFERENCE ON A MIDDLE EAST WMD FREE ZONE

18-19 JUNE 2014, CROWN PLAZA BRUSSELS

REPORT

Overview

The two-day workshop on negotiating a WMD-Free Zone served as a capacity-building and training opportunity for diplomats from the Middle East region on effective multilateral treaty negotiation in the sphere of non-proliferation and disarmament. The purpose of the workshop was to provide training on issues relating to successful multilateral treaty negotiations with the aim of encouraging fruitful dialogue on the initiation of a process to establish a Zone in the Middle East. Another objective was to facilitate a network of young and mid-career diplomats from the Middle East ready to work on an on-going basis on non-proliferation and regional security issues.

The workshop consisted of two parts (see Agenda, annex 1). The first part included eight inter-active briefings on history, relevant models, negotiation methodology and issues particular to the Middle East. Four of the presentations were devoted to case studies of zones and security and confidence building measures elsewhere, one focused on methodology of multilateral negotiations, and one addressed the WMDFZ process in the Middle East. The second part of the workshop was a group exercise designed to reinforce the methodological lessons through practical application (see Annex 3). Fifteen participants from nine Middle Eastern countries plus the League of Arab States (LAS) registered for the workshop, although three of them did not attend. Twelve presenters also attended. (See participants list, Annex 2.) Informal meals served to strengthen group dynamics.

Interactive briefings

In introducing the workshop, **Ambassador Jacek Bylica, EEAS Principal Adviser and Special Envoy for Non-Proliferation and Disarmament**, offered four lessons from his own experience in the field. Firstly, diplomacy is more than public diplomacy. To be effective, negotiations sometimes have to be discreet. Secondly, internal debates are often more difficult than external negotiations. National positions depend on building a bureaucratic and political consensus. Thirdly, when negotiations hit a wall, skilful diplomats employ strategies to overcome the hurdles. Such diplomatic 'tricks' include adjusting the scope, either narrowing it to areas of potential agreement or broadening it to bring in other issues that can be used to weigh against problematic issues. Fourthly, diplomatic empathy -- understanding the true concerns of the other side -- is important. To explore beyond the stated positions of the other side, lunch and dinner tables can be the most useful diplomatic venues. Like others, he emphasised the urgency of negotiating an agenda for the Helsinki Conference.

Mark Fitzpatrick, EU Non-Proliferation Consortium vice-president and IISS Director of Non-Proliferation and Disarmament, reminded the audience that the EU Non-Proliferation Consortium

with the support of the EU organised two international seminars on the topic of a WMDFZ in the Middle-East in 2011 and 2012. A dedicated website collecting all the relevant documents of these two events is online: <http://www.nonproliferation.eu/middleEastSeminar2012/>. This workshop, however, was of an entirely different nature. It focused on practicalities, asking not 'why', but 'how'. Most of the presentations were on the record but nothing said by the participants from the Middle East was to be attributed or made public.

In his keynote introduction, **Ambassador Hannu Kyrolainen, Deputy Facilitator for the Helsinki Conference**, described the mission of the Facilitator and his team as a help to develop consensus among the regional stakeholders of the ongoing process. The Helsinki Conference can be convened when agreement on the arrangements for the Conference has been achieved. Four informal multilateral meetings were held over the past eight months (another one being scheduled the week after this workshop) in which most parties have been represented so far. These meetings were designed to welcome open discussions on key issues, particularly the agenda of the Conference. He stated that discussions on weapons cannot be conducted in isolation without regard to the security environment and one should aim at making advances in both areas simultaneously. He noted that the mandate of the 2010 NPT Review Conference must be respected and that regional states must have ownership of the Helsinki Conference.

As a matter of introduction to the global non-proliferation regime and to nuclear weapons free zones, **Patricia Lewis, Research Director, Chatham House**, emphasized the historic linkage between WMD and the people of the Middle East. She cited the suffering of Algerian and Moroccan soldiers in the first mass use by Germany of chemical weapons during the second battle of Ypres in April–May 1915 (World War I), though to the use of chemical weapons in Syria in 2013. Human security must stay at the core of the WMDFZ issue in the Middle East. Reviewing the history of key non-proliferation and disarmament instruments, she noted that regional nuclear-weapons free zones work in sync with the NPT. All zones use the IAEA as a mainstay of verification, while some zones add complimentary verification and confidence-building measures (CBMs). Arms control is not an end in itself. Whereas the CTBT is not yet in force, it has an implementation mechanism, and it serves other useful purposes for tsunami warnings, for example. The importance of confidence building measures was highlighted as a way to make contacts routine during good times so they are also natural during difficult times. Bylica noted that the CWC, which is almost universal, has been successful so far, and its implementation contributed to regional security (destruction of chemical weapons in South Asia contributed to a safe environment in the subcontinent). He said the EU is ready to help other states destroy CW stockpiles.

Thomas Markram, Chief, WMD Branch, UN Office of disarmament affairs, discussed the African nuclear weapon free zone (the Pelindaba Treaty). An attempt to initiate a treaty was first made in 1960, but South Africa's nuclear weapons programme delayed negotiations. South Africa dismantled its arsenal and joined the NPT in 1991, but only declared it in 1993. The involvement of civil society was a catalyst to bringing South Africa into the negotiations that year. Five applicable lessons can be learned from the Pelindaba:

1. It is unique, recognizing region-specific security interests.
2. It includes several articles not in previous zones, some of which could be applied to new zones.
3. Prior possession of a nuclear military capability should not be a barrier.
4. It avoided inclusion of large seas so as to respect freedom of navigation.

5. Consultation with Nuclear-Weapon States and others on all areas of interest was a productive approach.

The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) was presented by **Ambassador Enrique Roman-Morey, current Peru Ambassador to Portugal, and Chair of the 2014 Preparatory Committee for the 2015 NPT Review Conference**. The treaty was the first nuclear-weapons free-zone covering populated areas. It aimed not to stop the proliferation of nuclear weapons but to prohibit them in the designated area. It was a step toward global disarmament. The Cuban Missile Crisis of 1962 provided the context, along with the French nuclear tests in the Sahara that sparked the idea of a nuclear weapon free zone in Africa. Mexico took the idea to Latin America. Key features of the treaty, which were then included in other zones, included an indefinite duration, a clause saying the treaty shall not be subject to reservations, and the definition of nuclear weapons. Unlike the Middle East, Latin America has no suspected nuclear-armed states, and no dominant internal issues that separate the parties (although Argentina and Brazil were disputatious rivals in the late 1960s when the treaty was drafted, they later signed a bilateral nuclear verification accord).

Ambassador Rüdiger Lüdeking, Permanent representative of the Federal Republic of Germany to the OSCE, gave a presentation on security and confidence-building measures in Europe, detailing the European experience during the Cold War and in the “New Europe”. In a very complex, fragmented and unpredictable security environment, the European case provides some useful lessons: as with threat perceptions in Israel and in the Arab world, the issue of trust and lingering enmity were core to the European paradigm in the Cold War. WMD and conventional weapons are interlinked; “détente” and arms control have to be pursued in parallel; compliance is key; incrementalism is an effective approach (begin with simple CBMs rather than jump into arms control negotiations first), as is a toolbox approach.

As **editor of an IISS dossier on ‘Preventing nuclear dangers in Southeast Asia and Australia’**, **Mark Fitzpatrick** discussed CBMs in Southeast Asia. In Southeast Asia, CBMs preceded the zone. Peace was a condition. Once it prevailed, agreeing to establish a zone was not hard. The scope goes beyond nuclear weapons to include other nuclear dangers. The Bangkok Treaty is successful but can be faulted for giving priority to process over substance. Persuading major powers to accept the protocols is not easy. The case of Myanmar shows the importance of implementing verification measures. “Treaties should not just be for show”. As a conclusion, he stated that the Bangkok Treaty is just one part of a much bigger and more ambitious regional security-community-building effort that goes far deeper than WMD issues. It demonstrates the importance of regional institution-building.

Ambassador Arend Meerburg, former Dutch diplomat, participant in final negotiations on the CTBT and the CWC, focused on the methodology and practice of multilateral negotiations in the non-proliferation realm. His briefing provided an overview of the dynamics of multilateral negotiations, with historical and contemporary examples of non-proliferation and disarmament diplomacy. It explained how multilateral mechanisms work or do not work, including the NPT review cycle, OPCW, CTBTO, and the deadlocked CD. He offered practical advice on the formal start on negotiations (“use the already accumulated knowledge to develop a mandate for the negotiations and set up a formal working group; pick a chairperson”), on the need to establish the goal, on the status of procedure being equivalent to that of substance, and on the role of working groups to handle difficult issues. According to Meerburg, who concluded with personal remarks about the objective of a WMDFZ in the Middle East, it is necessary to think out of the box. The special situation in the ME shows that existing NWFZs

may not be the right approach. He suggested that the ongoing process would be more efficient if it were decoupled from the NPT review cycle.

On the second day of the workshop, **Tariq Rauf, director of SIPRI's arms control and non-proliferation programme and author of the first draft of the Central Asia NWFZ**, compared the WMDFZ project in the Middle East to the existing nuclear weapons free zones. He detailed the history of the zones, taking into account the international agreed criteria defining the concept, the views of the five Nuclear Weapon States, and the EU criteria. NWFZs have five main features:

1. All states within a zone must implement IAEA safeguards.
2. The zone of application must be clearly defined and must include all the territories of the contracting parties.
3. Obligations, rights and responsibilities must be clearly defined.
4. The right to use nuclear energy for peaceful purposes must be recognized within the zone.
5. The NWFZ Treaty should be of unlimited duration.

Definition of key terms were proposed and explained, along with the verification procedures, the benefits of establishing a NWFZ, and the process of negotiation.

Secondly, the diplomatic process aiming at the establishment of a NWFZ/WMDFZ in the Middle East was detailed from its inception in the 1960's. Rauf proposed an assessment of the current situation, considering that the level of participation in the diplomatic discussions remains an issue, that the prospect for convening a conference in Helsinki in 2014 is low, and that the prospect for crisis at the 2015 NPT Review Conference is still high despite all the efforts by the Facilitator to the Helsinki conference. Rauf called for the continuation of consultations to reach an agreement on the agenda, the scope, the outcome of the conference, as well as Iran's engagement and participation.

Simulation exercise – description

The end of the first day and most of the second day were devoted to a group exercise in which participants were encouraged to practice some of the concepts and practical lessons explored on day 1 of the workshop. The group exercise simulated a tightly bounded fictional case focused on negotiation mandates in relation to three main aspects of establishing a Zone:

1. The scope of a future zone;
2. Verification, non-compliance, withdrawal;
3. Confidence Building Measures in support of the Zone.

Participants were assigned to fictitious nations in various groupings and asked to begin dialogue of treaty provisions on the basis of an elaborated negotiation mandate.

At the end of the first day, participants were divided into groups representing fictional countries. Each "country" had different strategic characteristics and interests. Each group received a map of the zone, a summary of the country's characteristics and open data about the four countries. During a working dinner, country groups were asked to begin formulating a negotiation mandate.

The second day was divided into three group exercise sessions. During the first session, "countries" elaborated their negotiation mandate on the pre-defined aspects of a Zone issue. During the second session, participants met in thematic working groups ("clusters"), each one gathering all the countries on one particular topic of a future negotiation. The third session was a plenary session splendidly

chaired by Ambassador Enrique Roman-Morey at which the countries presented their positions and sought a consensus on a common negotiation mandate. A debriefing chaired by the EU Non-Proliferation Consortium assessed the main challenges, opportunities and setbacks of the exercise.