

Session 7

**Looking Forward on the  
Establishment of a Weapons of Mass Destruction Free Zone  
in the Middle East:**

**Towards Track I**

Fifth Working Meeting

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I welcome this opportunity to take up this challenging question of “looking forward” as we continue our discussion about the initiative to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. I would like to clarify at the outset, however, that my remarks today on this question represent my personal views only.

I have no intention today of offering any specific roadmap or plan of action to establish this zone in the Middle East. There are too many uncertainties to engage in such a prescription. What is most important right now is for the newly appointed facilitator, Mr. Jaakko Laajava, to receive strong support from the throughout the region and the world community as he goes about his consultations and preparations for the conference in 2012.

My only intention here is to identify some general classes of issues that will require some attention in the years ahead—issues that, if explored concurrently, could well enhance prospects for success of this whole initiative. By reaffirming legal commitments already existing in the region, ironing out the technical details of a treaty, spelling out specific roles and functions of the rest of the international community, and recognizing the potential contributions of civil society, this could well lay a strong foundation for a successful outcome.

As its title suggests, this working meeting of the Task Force on the Technical Dimensions of a Weapons of Mass Destruction Free Zone in the Middle East is intended to address a regional challenge. This has also been the case with the establishment of existing regional nuclear-weapon-free zones, as seen in the Guidelines for establishing such zones adopted by the UN Disarmament Commission in 1999. The Commission agreed that:

- Each nuclear-weapon-free zone is the product of the specific circumstances of the region concerned; [and that]
- [Such] zones should be established on the basis of arrangements freely arrived at among the States of the region concerned.

Yet a closer look at those Guidelines—which I will use today simply because the world has not yet adopted any agreed standard for establishing a zone free of both nuclear weapons and other weapons of mass destruction—reveals other dimensions of this challenge.

The Guidelines also say, for example, that:<sup>1</sup>

- [Each zone] contributes to the primary objective of strengthening regional peace and security and, by extension, international peace and security. They are also considered to be important regional confidence-building measures; [and that]
- The important contribution of nuclear-weapon-free zones to the strengthening of the international non-proliferation regime and to regional and world peace and security has been universally recognized.

This suggests the existence of two additional dimensions of regional nuclear or WMD-free zones, which merit some attention in any attempt to consider the future of such zones.

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<sup>1</sup> Emphasis added.

The first is what might be called the “global dimension” of nuclear-weapon-free zones. This dimension is inherent in the status of these zones as what have been called “partial measures” leading to “general and complete disarmament under strict international control”—or GCD. It’s useful to recall here that GCD, as it has evolved at the UN, combines the goals of eliminating WMD with limiting conventional arms—it has been on the General Assembly’s agenda since 1959 and in 1978 the General Assembly’s first Special Session on disarmament declared GCD the UN’s agreed “ultimate objective”. The term “partial measures” grew in use during the 1960s not as an alternative to this GCD objective, but as a pathway toward its achievement.

Intended as partial measures, regional nuclear-weapon-free zones were established, the NPT was concluded, and other treaties were negotiated outlawing certain types of nuclear tests and the basing of nuclear weapons in specific areas. A brief glance at the preambles of the five regional nuclear-weapon-free zone treaties will confirm that none of these zones was ever intended as an end in itself, or as an initiative only of regional significance. Each was recognized both by its parties and by other States as making some contribution to the strengthening of regional and international peace and security.

If some additional evidence of this international dimension of regional regimes is needed, one need only consult the 36 annual General Assembly resolutions in favour of establishing a nuclear-weapon-free zone in the Middle East (typically adopted without a vote), the countless General Assembly reports and statements on this issue, the adoption of the Resolution on the Middle East at the 1995 NPT Review and Extension Conference, and its strong re-affirmation at both the 2000 and 2010 NPT Review Conferences.

At this last event, the Secretary-General and the three co-sponsors of the 1995 Resolution on the Middle East were given specific mandates to convene a conference in 2012 on the establishment of a zone free of nuclear weapons and all other weapons of mass destruction, to appoint a facilitator, and to designate a host government for that conference.

All together, these activities—by the General Assembly, by the Secretary-General, and by the States Parties to the NPT—offer solid evidence of the world community’s view that the establishment of such a zone in the Middle East has significance far beyond the region itself. It definitely has implications for international peace and security overall. I think it is fair to say that the world community as a whole has itself become a “stakeholder” in the success of this effort.

Now, the second dimension I would like to identify today is that the treaties establishing existing regional nuclear-weapon-free zones also indicate that such treaties have sought to strengthen regional peace and security. This is a clear intent shared by all these treaties. In short, there is a preponderant view that the establishment of such regional regimes—whether a nuclear-weapon-free zone or logically any such zone that also excludes other WMD—will have its own beneficial effects on peace and security, both regional and international.

This is quite significant, given the extent that past efforts to create a nuclear- and WMD-free zone in the Middle East have failed over arguments that the establishment of such a zone must await the prior emergence of peace in the region, the resolution of all regional disputes, or an end to all potential threats of use of armed force. This counterproductive debate between “which must come first, disarmament or peace?” bears its share of responsibility for past failures to advance meaningful dialogue on this matter.

Ultimately, this debate cannot be resolved as it has traditionally been framed. It invites only a repetition of national views that have been set in stone, constituting in effect “red lines” that allow for no negotiation or compromise.

The successful establishment of a zone in the Middle East free of nuclear weapons and all other weapons of mass destruction will require a different approach. We need a process that is designed to increase the possibilities for success.

After looking at past efforts in this field, I believe that different challenges connected with the establishment of such a zone should be pursued concurrently, not sequentially. A concurrent approach could simultaneously address three broad types of issues—concerning general principles, negotiations on a zonal treaty, and future roles for extra-regional actors.

(1) First of all, such an approach could build upon the fact that all States in this region are already legally obliged to adhere to certain international principles, including those embodied in the Charter, in customary international law, and in international humanitarian and human rights laws. One possibility might be to pursue some form of agreement or declaration that would re-affirm these legal standards. While such an understanding would not itself not be sufficient to bring the wider peace process to a successful result, it may well constitute a useful step in this direction. In addition, the establishment of a suitable deliberative and negotiating process would be essential to give expression to these principles.

Other questions of security and confidence building would inevitably have to be addressed in relation to the establishment of the zone. Whether such issues should be included in the negotiations to establish the zone is entirely a matter for the states of the region to decide. Such issues, including questions relating to the deployment of conventional forces in the region, could certainly be considered separately from—but concurrently with—negotiations of a treaty establishing such a zone.

This would be fully consistent with over a half century of global efforts at the UN that recognize the need to pursue WMD elimination and conventional arms control simultaneously. This is consistent with both the GCD concept and the UN Charter, which refers to “disarmament”, to the “regulation of armaments” and to the “least diversion” of the world’s human and economic resources for armaments—goals long recognized by all Member States.<sup>2</sup> My only point here is that while such issues merit serious consideration, they do not all have to be taken up in negotiations for establishing the zone—they can be considered separately, but concurrently.

(2) The second set of issues relates to the process of negotiating the specific terms of the zonal treaty. This would include agreement on definitions, geographic scope, verification, security guarantees by the nuclear-weapon States, transparency arrangements, and other such provisions that are common to regional nuclear-weapon-free zone treaties. And as the 1995 Resolution on the Middle East made clear, terms would have to be agreed covering delivery systems of the prohibited weapons.

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<sup>2</sup> Respectively: Articles 11 and 47 (disarmament); Articles 11, 26 and 47 (regulation of armaments); and Article 26 (least diversion).

Beyond the technical matter of negotiating the treaty itself, governments within the region would be well advised to work closely with civil society to promote public understanding and support for the goals of the regime.

(3) The third set of issues relates to various forms of assistance provided by extra-regional actors, including both States and international organizations. For the nuclear-weapon States, this would clearly involve legally binding, unambiguous security guarantees. In addition to the possible roles of other international organizations—including the IAEA, the CTBTO Preparatory Commission, and the OPCW—and I personally think there is some potential role here for multilateral arrangements for assurances of nuclear fuel supplies for peaceful uses.

So, in conclusion, I offer here today no instant solutions, only a plea for this regional initiative to be pursued and examined not strictly as a regional problem, but as a challenge of great interest throughout the world community, encompassing States and civil society alike. The establishment of a zone free of nuclear weapons and other WMD in the Middle East would mark a profoundly important turning point in longstanding efforts to achieve a WMD-free world. It is well worth the hard work that lies ahead, both within the region, and from without.