

**IAEA Forum on
Experience of Possible Relevance to the Creation of a
Nuclear-Weapon-Free Zone in the Middle East**

Vienna, 21-22 November 2011

SUMMARY

The Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East took place on 21-22 November at the IAEA Headquarters in Vienna. HE Ambassador Jan Petersen, Resident Representative of Norway to the IAEA, was appointed by the Director General to chair the Forum. The present Summary is a non-negotiated document, produced by the Chair on the basis of the proceedings of the Forum.

BACKGROUND OF THE FORUM:

In accordance with the agreed agenda, as contained in GOV/2011/55-GC(55)/23, Annex 1, the Forum, reflecting the consensus of the Agency's Member States on the importance of establishing a nuclear-weapon-free zone (NWFZ) in the region of Middle East, was designed to consider the experience of Africa, Asia, Europe, and Latin America and the Caribbean in creating regional security regimes and achieving disarmament through establishing NWFZs.

The principal focus of the Forum was to: (i) study the lessons of other regions regarding the regional setting and context that had prevailed there before they began considering a NWFZ; (ii) review the existing multilaterally agreed principles for establishing NWFZs in populated areas of the world; (iii) review the theory and practice of establishing the five existing NWFZs; (iv) discuss with representatives from the five existing NWFZs their experience in promoting, negotiating and practically implementing negotiated arrangements for NWFZs; and (v) discuss the region of the Middle East in this context.

FORUM PROCEEDINGS - PRESENTATIONS:

The representatives of the five existing NWFZs and two regional verification arrangements (EURATOM and ABACC) delivered their presentations.

The Latin American and Caribbean NWFZ was established in the Cold War context of early 1960s, when the main concern of the States of the region was horizontal and vertical proliferation of NWs. The Treaty of Tlatelolco was an unprecedented initiative at the time. Though the Treaty was open for signature in 1967, it took over thirty years for all States of the region to adhere to it. Confidence building, non-proliferation, flexibility in negotiations, transparency and political will, and the support of the UN by the means of the relevant UN General Assembly resolutions helped the establishment of the Latin American and Caribbean NWFZ. The bilateral dialogue and negotiations can be promoted by multilateral interactions, this approach helped the negotiations between Argentina and Brazil.

In establishing the South Pacific nuclear-free zone (NFZ), the main concern of the parties was nuclear testing, and potential impact on the environment of radioactive waste dumping. The Treaty of Rarotonga had to deal also with the interests of the nuclear-weapon States (NWSs) and their allies in the region, and recognized the right of its members to decide on their security arrangements consistent with their support for the Treaty objectives. The Treaty, similarly to the Treaty of Tlatelolco, included also provisions for negative security assurances that were ratified by all NWSs.

The institutional and legal settings of the Southeast Asia NWFZ were described, as well as its recent achievements in negotiations with the NWSs regarding their ratification of the relevant Protocol to the Bangkok Treaty. It was important to involve the nuclear-weapon States (NWSs) from the very beginning in the negotiation process to ensure their timely adherence to the negotiated documents. This NWFZ was based on the NPT that assured the absence of nuclear weapons in the region.

Establishing the African NWFZ took 32 years from the Organization of African Union (OAU) declaration of 1964 to the 1996 signing of the Pelindaba Treaty. The abandonment of Apartheid South Africa's nuclear weapons programme was the catalyst for this development. One unique feature of the Pelindaba Treaty is that it makes reference to the Agency verified dismantling and destruction of nuclear explosive devices manufactured by a Party prior to the entry into force of the Treaty. Attacks on nuclear installations, as well as dumping of radioactive waste

within the zone were also prohibited. The objectives of the Pelindaba Treaty included promotion of peaceful nuclear activities in Africa.

The Central Asian NWFZ was established with active assistance of the UN, the IAEA and the involvement of the NWSs in the development of the Treaty. The Central Asian NWFZ is the only NWFZ that requires all its Parties to conclude comprehensive safeguards agreements (CSAs) and additional protocols (APs) with the IAEA. The nuclear-weapon States (NWSs) have yet to commit themselves to the Treaty's Protocol on the "negative security assurances". The Central Asian NWFZ has unique features as this is the first NWFZ in the Northern hemisphere in the region which borders two NWSs – Russia and China; and it encompasses all States in the Central Asian region.

The EURATOM has been the first regional approach to safeguards that became operational in 1960 and is implemented in both nuclear and non-nuclear-weapon States in the EU. The EURATOM is a supranational institution. The entry into force of the NPT in 1970 introduced cooperation between the EURATOM and the IAEA for the joint implementation of safeguards in the EU.

ABACC is the only bi-national safeguards organization in the world that originated from an atmosphere of lack of trust which was gradually replaced by a climate of mutual confidence and cooperation between Argentina and Brazil. The rapprochement culminated with the creation of ABACC and the conclusion of the Quadripartite Agreement in 1991 involving Argentina, Brazil, ABACC and the IAEA. The system succeeded in the establishment of mutual trust largely through reciprocal inspections.

FORUM PROCEEDINGS - DISCUSSIONS:

Appreciation was expressed for the efforts of the Director General to convene the Forum and tribute was paid to the seven informative presentations made as well as to the chairmanship, conducive to constructive debate. There was strong support expressed for the creation of a NWFZ in the Middle East. It was recognized that there was no single model for the establishment of NWFZs, despite some significant common features of those zones. Nevertheless there were still useful lessons to be learnt from the experiences of the existing NWFZs. It was

emphasized that NWFZs should be based on arrangements freely arrived at by the States of the regions concerned.

The role of other relevant actors, including, inter alia, the NWSs, international organizations, such as the UN and the IAEA, was highlighted. The presence of political will and commitment by the parties concerned was recognized as the necessary elements for the creation of a NWFZ. There was a wide recognition of the complexity of the establishment of a NWFZ in the Middle East, as well as of the fact that difficulties can be resolved over time and creatively.

The importance of the implementation of the 1995 NPT Review Conference Resolution on the Middle East as well as the Action Plan adopted at the 2010 NPT Review Conference was emphasized. In this context, several States welcomed the Forum as a positive step towards the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. The Forum could contribute to setting the stage for the 2012 Conference. They welcomed the nomination of Finland as the facilitator for the Conference.

It was stressed by several States that there was no link between the application of comprehensive safeguards to all nuclear activities in the Middle East, or the establishment of a NWFZ therein, and the prior conclusion of a peace settlement. They considered that the establishment of such a zone would contribute to enhancing regional confidence, peace and stability. The importance of achieving the universality of the NPT and Agency safeguards in the Middle East was also underlined. However, a view was expressed that Agency safeguards, as well as other regional security issues, could not be addressed in isolation from the creation of stable regional peace, and such a process could only be launched when normal relations and confidence were established. The need for States to comply with their non-proliferation obligations was pointed out. A view that only mutual verification measures can be effective was also expressed.

Among the lessons learnt from the existing NWFZs the following were identified by the participants of the Forum:

- There was a progressive evolution of the NWFZ Treaties drawing from previous experiences. However, each new treaty also introduced

innovations, including creative legal arrangements, and unique features depending on the specificities of each zone.

- There was the need to strike a balance between the value of prior experience and the uniqueness of each region.
- Areas of application of each NWFZ had to be defined and accepted by the parties concerned.
- The involvement from the outset of the NWSs was important, notably through the issue of negative security assurances.
- The NWFZs were acknowledged as a major contribution to nuclear non-proliferation, arms control, and disarmament.
- The establishment of NWFZs was possible despite serious obstacles, such as geopolitical complexities, lack of trust, and an often lengthy process of entry into force of NWFZ treaties. This could be achieved through a combination of political will and commitment, dialogue, flexibility, and an incremental step-by-step approach.
- The process of negotiation of treaties establishing NWFZs promoted confidence and trust among the parties concerned.
- The establishment of a NWFZ in the Middle East should not be seen in the isolation from the broader context of international peace and security.
- Leadership from within the regions themselves was an essential ingredient in the establishment of NWFZs.
- Over the years, there was an increasing role of the Agency in providing expertise and input upon request from the States involved in the negotiations of NWFZ Treaties.
- The establishment of NWFZs aimed at the elimination of nuclear weapons, as well as at the promotion and regulation of peaceful uses of nuclear energy in the States concerned.

Some also observed that it could be possible to establish a NWFZ even though not all States concerned were in a position to make a legal commitment not to possess nuclear weapons. Some expressed the view that NWFZs might not be found appropriate even by some regions, such as Europe despite its very high degree of political and economic integration. Therefore, the establishment of a NWFZ might not be considered as a goal in itself.

An overview of the experience of Mongolia as a single State NWFZ was presented.

With a view to taking the process forward, the following proposals were made:

- to continue working towards the establishment of a NWFZ in the Middle East;
- to take stock of the importance of declaratory policy, in particular, declarations of good intentions could be a first step to brake the current stalemate;
- to make the best and most constructive use of every opportunity on the international agenda;
- to identify specific and practical confidence building measures.