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Atoms for Peace

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(GC(56)/1 and Add.1)

Application of IAEA Safeguards in the Middle East

Report by the Director General

A. Introduction

1. General Conference Resolution GC(55)/RES/14 (2011), in operative paragraph 4, affirmed

"the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of an NWFZ";

in operative paragraph 5 called upon

"all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region" of the Middle East;

and in operative paragraph 7 further called upon

"all States in the region to take measures, including confidence-building and verification measures, aimed at establishing an NWFZ in the Middle East".

2. In operative paragraph 10, the General Conference reiterated the Director General's mandate from earlier resolutions of the General Conference

"to pursue further consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627";

in operative paragraph 11, it repeated the call from previous resolutions of the General Conference upon

"all States in the region to extend their fullest cooperation to the Director General in the fulfilment of the tasks entrusted to him" in operative paragraph 10;

and in operative paragraph 12, it called upon

"all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution".

3. Resolution GC(55)/RES/14, in operative paragraph 13, requested

"the Director General to submit to the Board of Governors and to the General Conference at its fifty-sixth (2012) regular session a report on the implementation of this resolution".

4. On 22 September 2000, in the context of the agenda item 'Application of IAEA safeguards in the Middle East', the General Conference adopted Decision GC(44)/DEC/12, in which it requested

"the Director General to make arrangements to convene a forum in which participants from the Middle East and other interested parties could learn from the experience of other regions, including in the area of confidence building relevant to the establishment of a nuclear weapon free zone."

The decision also called upon

"the Director General, with States of the Middle East and other interested parties, to develop an agenda and modalities which will help to ensure a successful forum."

5. This report, as requested by the General Conference, describes the steps undertaken by the Director General in his efforts to further the implementation of his mandates conferred by the General Conference in Resolution GC(55)/RES/14 (2011) and by Decision GC(44)/DEC/12 (2000).

6. Section D of this report and its annexes cover the IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, convened by the Director General in Vienna on 21-22 November 2011, pursuant to Decision GC(44)/DEC/12.

B. Application of Full-Scope Agency Safeguards

7. The Director General has continued to stress the emphasis that has been placed in successive General Conference resolutions on the application of comprehensive Agency safeguards on all nuclear activities in the Middle East region and the mandates entrusted to him in this context. He has continued to encourage the development and consideration of relevant new ideas and approaches that could help to move his mandates forward.

8. All States of the Middle East region[1] except for Israel are parties to the Treaty on the Non Proliferation of Nuclear Weapons (NPT) and have undertaken to accept comprehensive Agency

[1] Algeria, Bahrain, Comoros, Djibouti, Egypt, Islamic Republic of Iran (Iran), Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya (Libya), Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen (23) – Technical Study on Different Modalities of the Application of Safeguards in the Middle East, GC(XXXIII)/887 (29 August 1989), paragraph 3.

safeguards. As of 15 August 2012, two States of the Middle East region that are parties to the NPT have yet to bring into force their comprehensive safeguards agreements with the Agency pursuant to that Treaty – Djibouti has signed but has not yet brought into force its comprehensive safeguards agreement, while Somalia has yet to take action in this regard. Since the last report on this agenda item,[2] no additional protocol has been brought into force by a State in the Middle East region. Additional protocols are in force for Bahrain, Comoros, Jordan, Kuwait, Libya, Mauritania, Morocco and the United Arab Emirates. Djibouti, Iran, Iraq and Tunisia have signed but not yet brought into force additional protocols, and an additional protocol has been approved for Algeria but not yet signed. Iraq continued to apply its additional protocol provisionally, pending entry into force.

9. The discussions with representatives of the States of the Middle East region have shown that there still continues to be a long-standing and fundamental difference of views between Israel on the one hand, and the other States of the Middle East region, on the other hand, with regard to the application of comprehensive Agency safeguards to all nuclear activities in the region. All States in the region except for Israel emphasize that they are all parties to the NPT and maintain that there is no automatic sequence that links the application of comprehensive safeguards to all activities in the Middle East, or the establishment of a nuclear-weapon-free zone (NWFZ), to the prior conclusion of a peace settlement, and that the former would contribute to the latter. Israel takes the view that Agency safeguards, as well as all other regional security issues, cannot be addressed in isolation from the creation of stable regional security conditions and that these issues should be addressed in the framework of a regional security and arms control dialogue that could be resumed in the context of a multilateral peace process.[3] Thus, the Director General has not been able to make further progress in fulfilling his mandate pursuant to resolution GC(55)/RES/14 regarding the application of comprehensive Agency safeguards covering all nuclear activities in the region of the Middle East. The Director General will continue with his consultations in accordance with his mandate regarding the early application of comprehensive Agency safeguards on all nuclear activities in the Middle East region.

C. Model Safeguards Agreements as a Necessary Step towards a Middle East NWFZ

10. The process which has resulted in broad adherence to the NPT and consequently to INFCIRC/153-type comprehensive safeguards agreements in the Middle East is an important step in creating confidence regarding nuclear non-proliferation and regional security. The successive resolutions adopted by the United Nations (UN) General Assembly without a vote supporting the establishment of a NWFZ in the Middle East[4] are important building blocks in this process.

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[2] GOV/2011/55-GC(55)/23 (2 September 2011).

[3] The views of several States of the region (Egypt, United Arab Emirates and Iran) have been elaborated further, inter alia, in their statements at the meeting of the Board of Governors on 14-15 September 2011 (GOV/OR.1311, GOV/OR.1312), and at the 55th regular session of the IAEA General Conference on 19-23 September 2011 (Saudi Arabia GC(55)/OR.2; Iraq, Jordan, Morocco GC(55)/OR.3; Syria GC(55)/OR.5; Lebanon, Tunisia, UAE, Mauritania GC(55)/OR.6; Qatar, Algeria GC(55)/OR.7; Egypt, Libya, Iran GC(55)/OR.9). Israel's position has been elaborated further in GOV/2004/61/Add.1-GC(48)/18/Add.1 and in GC(55)/OR.9.

[4] The most recent is United Nations General Assembly Resolution A/RES/66/25, "Establishment of a nuclear-weapon-free zone in the region of the Middle East", adopted without a vote on 2 December 2011. The text of the resolution is available at < http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/460/32/PDF/N1146032.pdf?OpenElement >.

11. The 2010 NPT Review Conference reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT and recalled the affirmation of its goals and objectives by the 2000 NPT Review Conference.[5] The Conference stressed that the resolution remained valid until the goals and objectives were achieved, and reiterated that the resolution, which was co-sponsored by the depositary States of the NPT (the Russian Federation, the United Kingdom and the United States), was an essential element of the outcome of the 1995 NPT Review and Extensions Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995. The States parties renewed their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation.

12. The 2010 NPT Review Conference emphasized the importance of a process leading to full implementation of the 1995 Resolution on the Middle East. To that end, the Conference endorsed the practical step that the Secretary-General of the UN 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 weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States (NWSs). The 2012 Conference shall take as its terms of reference the 1995 Resolution.[6]

13. The 2010 NPT Review Conference also agreed additional steps aimed at supporting the implementation of the 1995 Resolution, including that the IAEA, the Organization for the Prohibition of Chemical Weapons and other relevant international organizations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained.[7]

14. In a joint statement of 14 October 2011, in accordance with the practical steps endorsed by the Parties to the 2010 Review Conference of the NPT, the Secretary-General of the United Nations and the Governments of the Russian Federation, the United Kingdom and the United States, as co-sponsors of the 1995 Resolution on the Middle East and depositary States of the NPT, in consultation with the States of the region, announced the appointment of Mr Jaakko Laajava, Under-Secretary of State, Ministry of Foreign Affairs of Finland, as facilitator and the designation of Finland as the host Government for the 2012 Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.[8]

15. At the first meeting of the Preparatory Committee for the 2015 NPT Review Conference of 30 April – 11 May 2012 in Vienna, States parties recalled the importance of a process leading to the full implementation of the 1995 Resolution on the Middle East and the practical steps to that end endorsed at the 2010 Review Conference. In that context, States parties welcomed the appointment of Mr Laajava as the facilitator, as well as the designation of Finland as the host Government for the 2012 Conference. States parties expressed appreciation for the facilitator's report to the Committee,

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[5] NPT/CONF.2010/50 (Vol. I), IV. "The Middle East, particularly implementation of the 1995 Resolution on the Middle East", paragraph 1.

[6] NPT/CONF.2010/50 (Vol. I), IV. "The Middle East, particularly implementation of the 1995 Resolution on the Middle East", paragraph 7(a).

[7] NPT/CONF.2010/50 (Vol. I), IV. "The Middle East, particularly implementation of the 1995 Resolution on the Middle East", paragraph 7(d).

[8] UN Secretary-General, *Finland Appointed as Host Government, Facilitator for 2012 Conference on Middle East as Zone Free of Nuclear, All Mass-Destruction Weapons*, SG/2180, DC/3307, UN Department of Public Information, News and Media Division (14 October 2011). Available at < http://www.un.org/News/Press/docs/2011/sg2180.doc.htm >.

contained in document NPT/CONF.2015/PC.I/11, and looked forward to his report at the Committee's second session. They welcomed his extensive and continuing consultations since his appointment.[9]

16. Notwithstanding the continuing broad support for the view that the global nuclear non proliferation regime would be further strengthened through the establishment of a NWFZ in the Middle East, the requests of the General Conference for model safeguards agreements require agreement among the States in the region on the material obligations that those States are prepared to assume as part of a NWFZ agreement in the Middle East region.

17. Material obligations which could form part of an eventual Middle East NWFZ agreement have been described in the previous reports of the Director General.

18. There still continues to be a lack of agreement among the States in the region of the Middle East on the substance and modalities of an agreement to establish a Middle East NWFZ. The Secretariat therefore may not be in a position at this stage to embark on the preparations of the model agreements foreseen in the resolution. However, the Director General and the Secretariat will continue to consult and work with the States of the Middle East region to find the common ground required to develop the model agreements as a necessary step towards the establishment of a Middle East NWFZ.

D. Implementation of Decision GC(44)/DEC/12 of the General Conference: The IAEA Forum On Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East

19. In 2000, the IAEA General Conference adopted Decision GC(44)/DEC/12, in which the Conference requested the Director General, inter alia, to develop an agenda and modalities which will help to ensure a successful forum on the relevance of the experience of existing NWFZs, including confidence building and verification measures, for establishing a NWFZ in the region of the Middle East.

20. NWFZs have already been established in Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa and Central Asia,[10] respectively, through the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga), the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Bangkok Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, as noted in the Director General's previous reports, most recently in GC(55)/23. These established NWFZs are of particular relevance to the examination of the material obligations to be included in the verification regime to be implemented in a future Middle East NWFZ. While the existing NWFZ treaties contain certain variations and additional rights and obligations that, inter alia, take into account the specific characteristics of each of the respective regions, all five NWFZ treaties: cover large inhabited areas and are all designed to

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[9] Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Chairman's factual summary, NPT/CONF.2015/PC.I/WP.53 (10 May 2012), paragraph 69.

[10] NWFZs have also been established in certain uninhabited areas – Antarctica (Antarctic Treaty), outer space (Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies) and the sea bed (Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil Thereof).

ensure the total absence of nuclear weapons from the territories of the States party to them; provide for Agency verification of the non-diversion of nuclear material[11] and for the establishment of regional mechanisms to deal with compliance problems; and contain a protocol providing for the NWSs to commit themselves not to use or threaten to use nuclear weapons against any non nuclear weapon State party to the NWFZ treaty in question.

21. In previous years, as mandated by decision GC(44)/DEC/12 of the General Conference, the Secretariat sought the views of Member States of the Middle East region with regard to developing an agenda and modalities for convening a forum in which participants from the Middle East and other interested parties could learn from the experience of other regions including in the area of confidence-building, relevant to the establishment of a NWFZ in the Middle East region. In this regard, the Agency circulated a proposed agenda in 2004 (Annex to document GC(48)/18) and continued to seek the views of the concerned States (as reported in documents GC(49)/18 of 1 August 2005, GC(50)/12 of 22 August 2006, GC(51)/14 of 14 August 2007, GC(52)/10/Rev.1 of 22 September 2008, GC(53)/12 of 14 August 2009, Add.1 and Corr.1 respectively, GC(54)/13 of 31 August 2010, and GC(55)/23 of 2 September 2011).

22. On 4 March 2011, pursuant to the mandate given to him in Decision GC(44)/DEC/12 by the General Conference, the Director General once again sought the views of Member States of the Middle East region on an agenda and modalities for convening a forum along the lines of the Secretariat's 2004 proposal.[12] The Director General's letter to the Member States of the Middle East region requesting their views is reproduced in GOV/2011/55-GC(55)/23 (2 September 2011), Annex 2.

23. Written replies to the Director General's letter were received from thirteen Member States of the Middle East region: Algeria, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Morocco, Oman, Saudi Arabia, Syria and the United Arab Emirates.[13]

24. The Director General's continued efforts in pursuance of his mandate contained in GC(44)/DEC/12 were welcomed by many. The Director General pursued further consultations with Member States of the Middle East region and with other interested parties on arrangements conducive to the forum being a constructive contribution towards the objective of the establishment of a NWFZ in the Middle East region.

25. On 31 August 2011, the Director General wrote to all Member States inviting them to take part in the IAEA Forum on 21-22 November 2011 at IAEA headquarters in Vienna.

26. On 12 September 2011, in his introductory statement to the Board of Governors, the Director General announced that the Resident Representative of Norway to the IAEA, Ambassador Jan Petersen, had accepted his invitation to serve as Chairman for the Forum.[14]

27. On 22 September 2011, the Director General wrote to the focal points of the NWFZs inviting them as the representatives of the established NWFZs to take part in the IAEA Forum and asking them

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[11] The Central Asian Nuclear-Weapon-Free Zone Treaty, under Article 8, also requires States Party to conclude with the IAEA and bring into force an Additional Protocol to their comprehensive safeguards agreements within 18 months after the Treaty's entry into force.

[12] See Annex 1 to the present Report.

[13] The relevant communications are reproduced in GOV/2011/55-GC(55)/23 (2 September 2011), Annex 3, in the chronological order in which they were received by the Agency.

[14] IAEA Director General, *Introductory Statement to Board of Governors* (12 September 2011). Available at < http://www.iaea.org/newscenter/statements/2011/amsp2011n019.html >.

to provide an analysis of the possible relevance of the experience of their respective NWFZ to the region of the Middle East. Invitations were also sent to Euratom and the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC).

28. On 28 October 2011, the Director General wrote to the European Union, the League of Arab States, Palestine, and the United Nations inviting them to take part, as observers, in the IAEA Forum on Experience of Possible Relevance to the Creation of a NWFZ in the Middle East.

29. Registration of participants was opened on 24 October 2011. A total of 336 participants from 94 Member States and 5 international organisations, as well as 11 observers, were pre-registered.[15] Participation in the Forum was for Member States of the IAEA and invited observers.

30. Between October and November 2011, the Chairman of the Forum held some sixty meetings in the course of two rounds of consultations with the Member States of the Middle East region, the five NWSs and the Chairs of five regional groups – the African Group, the Asian Group, the Eastern European Group, the Latin American and Caribbean Group (GRULAC) and the Western European and Others Group (WEOG) – to seek their views on the modalities of the Forum including, inter alia: participation; arrangements for structuring the discussions; the expected content of presentations; schedule and venue, etc. The Chairman indicated that he intended to prepare his summary of the proceedings for delivery at the close of the Forum.

31. Throughout his consultations, facilitated by the Secretariat, the Chairman sought to identify and refine, within the practical constraints of available resources, space and time, the modalities whereby the Forum could best serve to reflect the primary interest of the Member States of the Middle East, while providing for appropriate participation by representatives of established NWFZs and the relevant verification organisations, as well as other Member States and observers.

32. Representatives of Member States were invited to attend a pre-Forum briefing given by the Chairman of the Forum on 16 November 2011. The Chairman briefed Member States on: the Forum background and objective of the Forum; the content and outcome of the Chairman's consultations; and the organizational aspects of the Forum, including format and participation, the role of the panel of presenters, the importance of interactive discussions, expected outcomes and practical information.

33. In accordance with the agreed agenda,[16] the Forum, reflecting the consensus of the Agency's Member States on the importance of establishing a 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. The potential relevance of such experience to the case and region of the Middle East was addressed as well.

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[15] A list of Forum participants is available at IAEA GovAtom http://www-govatom.iaea.org/DocumentDetails.asp?Language=English&Path=f:\websites\govatom\govatomdocs\govother\2011\82\presentations-on-iaea-middle-east-forum.doc .

[16] See Annex 1 to the present Report.

34. The programme of the Forum, which was developed by the Chairman in the course of his consultations,[17] consisted of three plenary sessions. Plenary Session 1 consisted of two panels. Panel 1 presented the experience of various regions in making progress towards the establishment of NWFZs, and addressed the potential relevance of such experience to the case and region of the Middle East. Panel 2 described the experience and practices developed within the two regional verification arrangements, and their potential relevance to the Middle East region. During Plenary Session 2, the floor was opened to the States of the Middle East region to discuss the potential relevance of the experience of existing NWFZs and regional verification arrangements to the case and region of the Middle East. During Plenary Session 3, the floor then opened to all IAEA Member States on the same issues.

35. The Director General opened the Forum. During Plenary Session 1, the representatives of the five NWFZs addressed the history and process of the establishment of their respective NWFZs in light of related geopolitical circumstances as well as regional and international security settings.[18] They explained that the establishment of each NWFZ had been a unique, and usually lengthy, endeavour that needed to address confidence building, non-proliferation and transparency issues through flexible and sometimes innovative negotiating processes. Strong political will and commitment of the States involved were underlined as key elements. Technical and legal support by relevant international organizations, such as the UN and the IAEA were noted. The representatives of two regional verification arrangements, Euratom and ABACC, delivered presentations on their respective regional verification practices, and on the potential relevance of such experience to the case and region of the Middle East.[19]

36. Following the seven presentations delivered at Plenary Session 1, the Forum was opened for discussion among the Forum participants and the panellists. The discussions were structured and scheduled so as to give priority to the Member States of the Middle East region. Plenary Session 2 was reserved for discussions by the States of the Middle East region and the presenters, which addressed issues of potential relevance of the experience of existing NWFZs and regional verification arrangements to the case and region of the Middle East. During Plenary Session 3, discussion was broadened to include all IAEA Member States. During Plenary Sessions 2 and 3, Member States expressed an overall view on the usefulness of the Forum and their appreciation for the efforts of the Director General in convening the Forum.

37. The Forum concluded on 22 November 2011. The Chairman read out to the participants his Summary of the Forum, which covered the discussions held and is annexed to the present Report.[20]

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[17] See Annex 2 to the present Report.

[18] The presentations by the representatives of the five NWFZs are available in Annex 3 to the present Report.

[19] The presentations by the representatives of Euratom and ABACC are available in Annex 3 to the present Report.

[20] See Annex 4, *IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, Summary*.

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

It is proposed that the Forum on the above subject be organized at the IAEA Headquarters in Vienna. 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, would be 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 would be 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.

The Forum would address the following specific topics:

1. Experience in Africa, Asia, Europe, and Latin America and the Caribbean in making progress towards building cooperation, regional stability and security; arms control and disarmament agreements and identification of the required prerequisites towards this end by reaching common understandings on bilateral and regional issues of security, confidence-building and cooperation; including a discussion on the track record in implementing regional verification arrangements by specifically addressing the practices of Euratom and the Brazil-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC);

2. Principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements: (i) geographic delineation; (ii) scope; (iii) verification; (iv) security assurances; and (v) other issues, such as the role of extra-regional States, the nature of the arrangements (politically/legally binding), the role of international governmental and non-governmental organizations and the public at large in promoting and supporting the arrangements; and

3. The potential relevance of such experience to the case and region of the Middle East.

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

PROGRAMME

Monday, 21 November 2011

10.00–10.20 Opening addresses:
- Mr Yukiya Amano, Director General, IAEA
- HE Mr Jan Petersen, Chairperson of the Forum

10.20–13.00 ***Plenary Session 1:***
Experience of NWFZs and regional verification arrangements

10.20–11.10 **Panel 1: Presentations by the representatives of NWFZs**
- *Experience in Africa, Asia, Europe, and Latin America and the Caribbean in making progress towards building cooperation, regional stability and security; arms control and disarmament agreements and identification of the required prerequisites towards this end by reaching common understandings on bilateral and regional issues of security, confidence-building and cooperation, as well as principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements.*
- *The potential relevance of such experience to the case and region of the Middle East.*

10.20–10.30 Latin American and the Caribbean NWFZ (Treaty of Tlatelolco) –
Ms Gioconda UBEDA RIVERA, Secretary General, Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL)

10.30–10.40 South Pacific NFZ (Treaty of Rarotonga) – Dr Robert FLOYD, Director General, Australian Safeguards and Non-Proliferation Office
Department of Foreign Affairs and Trade (DFAT)

10.40–10.50 Southeast Asia NWFZ (Bangkok Treaty) – HE Mr I Gusti Agung Wesaka PUJA, Resident Representative of the Republic of Indonesia to the IAEA
(on behalf of the Minister for Foreign Affairs of the Republic of Indonesia in his capacity of the Chairman of the Commission for the Southeast Asia NWFZ)

10.50–11.00 African NWFZ (Pelindaba Treaty) – HE Mr Abdul Samad MINTY, Chairperson of the **African Commission on Nuclear Energy (AFCONE),** Permanent Representative of South Africa to the United Nations Office at Geneva and other international organizations in Switzerland

11.00–11.10 Central Asian NWFZ – Mr Ildar SHIGABUTDINOV, Head, UN and International Organizations Department, Ministry of Foreign Affairs of the Republic of Uzbekistan

11.10–11.30 **Panel 2: Presentations by the representatives of regional verification arrangements**

– *Track record in implementing regional verification arrangements by specifically addressing the practices of Euratom and the Brazil-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) and the potential relevance of such experience to the case and region of the Middle East.*

11.10–11.20 EURATOM – Mr Piotr SZYMANSKI, Director, Directorate for Nuclear Safeguards, Directorate General for Energy, European Commission, Luxembourg

11.20–11.30 ABACC – Dr Odilon Antonio MARCUZZO do CANTO, Secretary, Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC)

11.30–13.00 ***Plenary Session 2:***
Discussions by the States of the Middle East region of the potential relevance of the experience of existing NWFZs and regional verification arrangements to the case and region of the Middle East

13.00–15.00 Lunch break

15.00–18.00 ***Plenary Session 2: (CONTINUED)***
(Subject to duration of discussions under Plenary Session 2 – transition to Plenary Session 3)

18.30 Reception hosted by the IAEA Director General, M Building, Ground Floor

Tuesday, 22 November 2011

10.00–12.00 **Plenary Session 3:**
Discussions by the IAEA Member States of the potential relevance of the experience of existing NWFZs and regional verification arrangements to the case and region of the Middle East

10.00–10.05 Opening remarks by the Chairperson of the Forum
10.05–12.00 Interventions of the IAEA Member States

12.00–13.00 Break
13.00–13.30 Closing of the Forum
13.00–13.20 Presentation of the Chairperson's Summary
13.20–13.25 Concluding remarks by the Director General
13.25–13.30 Concluding remarks by the Chairperson.

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

Presentations (in chronological order as delivered)

Statement by Gioconda Ubeda, Secretary General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL)

Representing the Nuclear-Weapon-Free Zone in Latin America and the Caribbean

Translated from Spanish

I extend greetings to the Director General of the IAEA, Mr Yukiya Amano,

the Chairman of the Forum, HE Mr Jan Petersen,

Ambassadors and delegates,

special guests.

Introduction

The nuclear-weapon-free zone in Latin America and the Caribbean was established in 1967 after three years of negotiations among 21 States out of the 22 then existing in the region. These negotiations were intensive, ongoing, and States participated actively through their representatives at the highest level. Once the process of elaborating, negotiating and approving the Tlatelolco Treaty was concluded in 1967, all 21 States signed that year, including Argentina, Brazil and Chile which became full State Parties by 1994.

The impetus or trigger for this decision in terms of political will was the Joint Declaration on Denuclearization of Latin America which was signed in April 1963 by five Presidents (Bolivia, Brazil, Chile, Ecuador and Mexico) and which calls upon the remaining countries in the region to sign a **multilateral Latin American agreement in which States would commit themselves to declaring Latin** America a denuclearized zone. This declaration was prompted by the international political situation and regional experience as regards nuclear missiles.

What was the regional context that made the establishment of the first nuclear-weapon-free zone in a densely populated area both necessary and possible?

1. The ongoing confrontation during the Cold War between the two major nuclear powers — the United States of America and the Union of Soviet Socialist Republics.

2. The expansion of nuclear arsenals both horizontally and vertically by the established powers (USA 1945, USSR 1949, UK 1952) and emerging powers (France 1960 and China 1964).

3. Nuclear tests and their unpredictable effects. 1962 was the worst year: 117 surface nuclear tests were carried out and 61 underground tests.

4. That same year, the world stood at risk of a world war as a result of the Cuban Bay of Pigs missile crisis in which the major nuclear powers (the USA and the USSR) confronted one another. That confrontation, and the Berlin blockade, were the main crises between those two powers during the Cold War. What happened in Cuba was the closest we have come to a nuclear war.

5. This showed that the effects of a possible nuclear conflagration would affect all peoples on the continent.

6. The main concern of the nuclear power in this scenario was horizontal proliferation of nuclear weapons.

7. Another regional aspect requiring consideration was the rise of countries with a growing nuclear capability that could pose a threat if it was used for military purposes.

It was in this scenario of growing concern, in the face of experiences that put at risk the safety, peace and even the lives of the peoples of Latin America, that the remaining Presidents of 21 Latin American States, out of a total of 22, swiftly joined the initiative of the five Presidents. In 1964, work began on the establishment of the NWFZ.

Three years were spent in conference-level sessions, with various intermediate bodies established for the purpose of negotiating, preparing, and finally approving on 12 February 1967 the Tlatelolco Treaty. That very year the 21 States signed it, including Brazil, Argentina and Chile which became full members by 1994. That took 27 years, during which time the full member States and OPANAL made innumerable efforts at the highest level to achieve this goal. Cuba followed a very similar course, becoming a full member in 2002, 35 years after the Treaty was opened for signature. It was the last to do so of the 33 States that then made up the region, thanks to the emergence of new sovereign States in the Caribbean. To create the conditions for these to join the NWFZ, two amendments had to be made to the Treaty.

As for Brazil and Argentina, over the 30 years that elapsed from the start of the process up to 1994 they participated actively in the elaboration of the Treaty (1964–1967), negotiating conditions that would allow them to become full members of the NWFZ at a later point (Articles 18 and 28, now 29). During this time, the multilateral forum OPANAL played a key role as regards communication and negotiation between those two countries until they reached agreements on common nuclear policy (1985 and 1990) based on mutual confidence-building and cooperation, subsequently established ABACC (1991) and proceeded to sign the Quadripartite Agreement with the IAEA in 1991, thus prompting an amendment to the Tlatelolco Treaty as regards the control system. Another example of the flexibility of the multilateral forum in promoting consolidation of the NWFZ through negotiated agreements. This bilateral system and the Quadripartite Agreement strengthen the control system of the Tlatelolco Treaty, the nerve centre of which comprises IAEA safeguards agreements and verification via inspections.

What were the multilateral principles underlying this regional agreement?

1. The settlement of conflicts and the quest for peace via peaceful means.
2. The right to nuclear energy for peaceful purposes with assured regulated access.
3. General and complete disarmament as the final goal of the NWFZ and regional non-proliferation as a means of achieving it (preamble to the Treaty, paragraph 4).
4. Protection of the peoples of the region from the tragic consequences that a nuclear war would give rise to.
5. Contributing to the consolidation of a world at peace, based on the sovereign equality of States, respect for neighbours and mutual recognition.

These principles were complemented by procedures aimed at dialogue, negotiation and confidence-building among States:

1. Active and ongoing participation by the delegates of States represented in the various bodies established, including participation by Latin American Presidents;
2. The quality, level and diplomatic experience of the representatives guiding the process, notably including the 1982 Nobel Peace Prize Laureate, the Ambassador Emeritus of Mexico, Mr Alfonso García Robles;
3. A short agenda reduced to essentials, helping to focus discussions so that each point can be dealt with thoroughly;
4. Application of rules, primarily UN rules followed by internal rules;
5. Granting observer States access to plenary sessions, a total of 22 States having attended in this capacity, including — in the last two sessions — the nuclear powers and the Netherlands;
6. Access to the documentation produced in the process. This, and the preceding point, ensured the transparency of the process.

The establishment of the Latin American and Caribbean NWFZ was possible thanks both to the setting of the non-proliferation standard (21 States signed in 1967) in the Tlatelolco Treaty and its two Additional Protocols, and to ongoing confidence-building among States in the region, flexibility in negotiations, and transparency in the process. The lengthy (3 years) negotiation, elaboration and approval process for the Tlatelolco Treaty demonstrated the political commitment (political will) and the capacity for dialogue of the States.

The United Nations also played an important role in this process via the support and momentum provided through resolutions of the General Assembly, beginning with No. 1911 adopted in 1963 on the declaration by the five Presidents concerning denuclearization of the region. There were ongoing appeals to the nuclear powers to support the process, and subsequently sign and ratify the Additional Protocols.

What elements of the Tlatelolco Treaty are important to mention for the purposes of this forum?

1. Article 4, Zone of application, defines the whole of the territories, taking into account when all member States become full members and the ratification of the two Protocols by the nuclear powers and the Netherlands. This allowed the widest possible territorial framework to be established, incorporating territories in dispute and territories that were either de jure or de facto under the administration or responsibility of extra-continental and continental States. It

is for this purpose that Additional Protocol I was drafted, and that is why it entered into force in 1992, when France ratified it, alongside the other relevant States (the United States, the Netherlands and the United Kingdom).

2. The Treaty does not permit reservations (current Article 28).

3. It establishes the independent Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) to supervise the military denuclearization regime of the zone. This Agency began to exercise its functions in 1969 and it played a major role in the process of consolidating the NWFZ, from the full integration of the member States up to the signing and ratification of the Additional Protocols.

4. Through Additional Protocol II, it binds the nuclear-weapon States to ensure the effectiveness of the denuclearization regime of the NWFZ and to provide negative security assurances. In 1979, ratification by the five powers was complete (UK 1969, USA 1971, China and France 1974, USSR 1979). The interest in non-proliferation was a factor in achieving the entry into force of this Protocol in a relatively short space of time.

5. The right of waiver granted in Article 28.2 was an element of flexibility in the negotiation of the Treaty (Brazil) which, essentially, lays down a set of conditions in the first paragraph for entry into force (signing and ratification by all member States, signing and ratification of Protocols I and II by the relevant States, and signing of all safeguards agreements with the IAEA), but these may be dispensed with via the waiver. Thus, in 1969, after being ratified by the first 11 States, the Tlatelolco Treaty entered into force.

   The waiver was a novelty in an international instrument, as indeed was the whole process of establishing the NWFZ, which was an experience without precedent and, as a result, was creative and adapted to conditions in the Latin American and Caribbean region.

Advantages and difficulties in establishing the NWFZ?

Advantages:

1. No State in the region had developed nuclear weapons, though there had indeed been nuclear missiles from powers outside the region, and suspicions of their existence in certain parts of the region;

2. At the time, the nuclear powers were interested in preventing horizontal proliferation, which contributed to the fact that Additional Protocol II entered into force much earlier than Additional Protocol I, though four out of the five made interpretative statements which restrict the statute of denuclearization of the NWFZ;

3. The United Nations supported the establishment and consolidation process via resolutions.

What did the Tlatelolco Treaty and, with its entry into force, the establishment of the first NWFZ mean for the world?

- Promotion of regional peace and security.

- A reference point for the establishment of other NWFZs.

Now other experience exists, prompting reflection on the development of the concept and practice. Each experience arose in a specific political context. Thus, we now have an accumulation of experiences and lessons learned.

However, though the context was different, certain conditions had to be met and various mechanisms employed to reach agreement. Confidence-building among the parties is a sine qua non, as is ongoing political commitment, participation by all States, the support of the international community, and now of civil society. The rules must be clear and the process transparent, allowing above all progress to be made towards more complex issues, with formulas that are appropriate to each situation.

What experience can be passed on for the purposes of this forum?

Given that any experience is unique for regional and global geopolitical reasons, owing to underlying balances of power and history, I will mention a few:

1. The establishment of multilateral forums could promote progress in dialogue and bilateral negotiations;

2. Extreme crisis situations could create the political will to initiate dialogue and negotiations on the establishment of an NWFZ or a zone free of weapons of mass destruction. This political will might not necessarily emerge at the same time in all States in the territory where the NWFZ will apply. One must be flexible in order to create the conditions for the establishment and integration of the NWFZ;

3. From the start, the principles underpinning the multilateral process and the benefits of consolidating the NWFZ should be clear;

4. The process should be ongoing, with participation at the highest level by the founding States which, with the support of the international community (States, UN and regional organizations), should certainly undertake ongoing action and efforts vis-à-vis the States which have the most at stake in joining the NWFZ;

5. Make the zone of application as large as possible to facilitate integration processes;

6. In Latin America and the Caribbean, the establishment of the multilateral agency OPANAL was important in consolidating the integration process for the NFWZ.

In closing, a general comment: in the history of humankind, the most extreme crises have helped us find opportunities for overcoming them. In the Latin American and Caribbean region, we hope that this will be an opportunity for initiating dialogue and negotiation with a view to reaching agreement leading to peace and security in the Middle East.

Thank you

Presentation on the South Pacific Nuclear Free Zone Treaty (SPNFZ) for the IAEA Forum on Experience of Possible Relevance to the Creation of a NWFZ in the Middle East, 21-22 November 2011, by Dr Robert Floyd, Director General of the Australian Safeguards and Non-Proliferation Office

Development of the South Pacific Nuclear Free Zone Treaty
Some principles for future WMD free zone arrangements

Mr Chairman,

There are now five nuclear weapon free zones in the world, each having its own characteristics. The various zones have similarities, but each has its own story, and the development of each was driven by a unique set of imperatives.

For any new nuclear weapon or WMD-free zone, a journey is ahead, and that journey will be particular to the requirements of the region in which it will apply. But some very broad principles can be drawn from the history and development of each zone, to help guide development of new WMD free zone arrangements. I want to reflect today on the history and development of the South Pacific Nuclear Free Zone (SPNFZ).

The SPNFZ Treaty, also known as the Treaty of Rarotonga, entered into force on 11 December 1986. Thirteen regional states are parties to the Treaty. The protocols to the treaty have been signed by each of the NPT Nuclear Weapon States, and ratification of them is nearing completion.

The SPNFZ Treaty began its development in the early 1980s within a context of that time, and the part of the world for which it would apply. That context included more than thirty years of nuclear weapons testing in the region, with atmospheric tests during the 1950s and 1960s, and underground testing continuing through until the mid 1990s. South Pacific atolls served as major test sites for the United States, the United Kingdom and France. With Australia's agreement the United Kingdom conducted atmospheric nuclear tests in South Australia at Maralinga and Emu Field, and in the Monte Bello Islands off the western coast of Australia.

By the 1980s public concern about nuclear testing in the South Pacific region had reached a peak. Efforts to develop a treaty were a response to this – to ban nuclear weapon testing in the region. A further driver for the development of a nuclear weapon free zone was the concerns about potential impacts of radioactive waste in the environment. Thus the South Pacific nuclear free zone is not just a nuclear weapon free zone, but also bans dumping of radioactive waste within its boundaries.

These were the main issues which led states to create the South Pacific nuclear free zone. There were other concerns and wishes, to be sure. Like any internationally agreed instrument, the journey to the zone saw many ideas and proposals, not all of which were agreed. Some stakeholders wanted for example to constrain passage through the region of nuclear vessels (whether nuclear armed, powered or carrying nuclear cargoes). But a coalescence on the key issues was achieved through flexible and creative discussion – and a strong desire to reach agreement on those issues. Ultimately it was decided that each State would retain the right to decide whether to allow visits by foreign ships and aircraft.

The South Pacific region, both by name and by the nature of the states that make it up is a relatively peaceful part of the world. But the development of the South Pacific nuclear free zone was not unaffected by a need to reflect the reality that states with nuclear weapons have an interest in the region, and that the presence of nuclear weapons within the boundaries of the region could not be excluded totally. The zone surrounds islands that are dependent territories of the United States and of

France. If a Treaty was to be agreed, the definition of the zone could not easily include this land. The zone also covers a large area of high seas used by flag vessels of numerous States outside the zone. Such states would wish to maintain a right of passage through the high seas, including for nuclear armed vessels. Those ships would also wish to call at ports in the region if the State visited was to agree. Indeed this was envisaged. Australia's strategic alliance with the US has been a reason to keep this option open. Others have chosen under their national arrangements to prohibit this.

So, although the South Pacific is a region of relative peace, the development of the SPNFZ Treaty has nevertheless had to deal with the interests of nuclear armed states and their allies. The Treaty recognises the right of States to decide on their security arrangements consistent with their support for Treaty objectives.

The SPNFZ Treaty has brought further benefits too, benefits that were perhaps not the prime motivation for those who set out to develop the Treaty. I am thinking here of provisions in protocols to the Treaty that are open to adherence by the NPT Nuclear Weapon States, and which offer security assurances to zone members. The Treaty also promotes broader nuclear non-proliferation and disarmament objectives.

I have spoken of several principles that applied to the development of the SPNFZ Treaty, and which would apply to the development of many international instruments, but which I believe are worth recalling with a view to the development of future WMD free zone agreements:

- The first is that the provisions and focus of the international agreement will be guided by the context of the region – that is not to say that elements of other NWFZs could not be useful elsewhere, but there is no one-size-fits all approach. A flexible approach is required.

- The second principle on which I have reflected, is that everyone will not get everything that they want. This may seem obvious. But everyone should get enough to address their key security interests. But this is not to say that individual states, or even groups of states, cannot go further in their own national arrangements, consistent with the requirements of a NWFZ treaty.

- A third principle is that states can gain benefits beyond the central objectives of the zone. The SPNFZ Treaty has been a vehicle for promoting objectives such as negative security assurances, and non-proliferation aims more generally.

- My fourth principle is that the development of the South Pacific nuclear free zone has had to take into account the presence of nuclear weapons within its boundaries, but has constrained activities with such weapons.

In closing, a further principle on which I would comment is that the evolution, development and implementation of a NWFZ takes time, and is an incremental process. The SPNFZ Treaty was agreed in 1985, but full adherence to its protocols is still in progress some 26 years later. Adherence to the Treaty has also expanded over time, and in recent years has given associate membership to dependent territories of France and the United States.

As we know Mr Chairman, arms control can be a slow process. But it is one that we must pursue.

Elements of Southeast Asia Nuclear-Weapon-Free Zone (SEANWFZ) IAEA Forum on the Creation of the Nuclear Weapon Free Zone in the Middle East, Vienna, 21-22 November 2011

1. On behalf of the Foreign Minister of the Republic of Indonesia, in his capacity as Chairman of the SEANWFZ Commission, I would like to extend my gratitude to the Director-General of the IAEA and to you, Mr Chairman, for convening this important forum.

2. The SEANWFZ does not have a permanent secretariat, instead it operates under the rotating secretariat/chairmanship among its 10 parties; Therefore, for the substantial benefit of this forum, throughout my presentation, I might present intertwining views between our national views and our views as the current Chairman of the Commission.

3. Mr Chair, referring to your letter to our Foreign Minister, you suggested that we deliver a presentation on certain issues, among others:

a. On the basis of the SEANWFZ, what conditions would need to be met in order to create a nuclear weapon free zone in the Middle East;

b. Methods with which regional confidence and cooperation could be built;

c. Analysis and views of the experience and practice of the SEANWFZ that may be relevant to the Middle East and to the establishment of a NWFZ in the region.

4. Mr Chair, Excellencies, on the first point, I would like to explain at least two elements that can be benchmarks for the establishment of a nuclear weapon free zone, in this case in Southeast Asia:

a. First, the SEANWFZ has two legally-binding documents. The first document is called the Treaty of the SEANWFZ, which is legally-binding toward all ASEAN member states through their own ratification process. The second document is called the Protocol of the SEANWFZ. If it is agreed and ratified by each of the Nuclear Weapon States, then it will be binding towards them.

   If the indicator of success or the benchmark of the SEANWFZ is the entry into force of the agreement among ASEAN Member States, then we have already achieved it since 1995. However, if the indicator of success is the concurrence of the Nuclear Weapon States, then up to now, ASEAN and P5 are still in the negotiation process through direct consultations.

   One of the problems in this case is when we drew up the Protocol of the SEANWFZ in 1995, we did not involve the Nuclear Weapon States.

   Reflecting on our problem and learning from ASEAN's experience, the Middle East has to define on its own what the benchmark will be in order to say that the NWFZ has been created. If the majority of the countries in the region think that the most important benchmark is to get Negative Security Assurance from the 5 Nuclear Weapon States (NWS), then they should engage and involve all NWS from the very first. The engagement with NWS is very important in order to ensure that the Protocol will not be amended and P5 will confidently submit the Protocol to their Parliament for the internal ratification process.

b. Second, the creation of a NWFZ is based on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Article VII of the NPT affirmed the right of states to establish nuclear weapon free zones in order to assure the total absence of nuclear weapons in their respective territories. Regional denuclearization measures would also enhance regional and global peace and security.

In our region's experience – although the NWS, at this stage, are not parties to the SEANWFZ Protocol –it is very clear through our consultation that the NWS will agree and commit to the Protocol in the territory of Southeast Asia.

The total elimination of nuclear weapons in the Middle East should be the main objective of creating such a NWFZ. Therefore, there would be no single country in the region with the privilege of retaining nuclear weapons. In accordance with the NPT, the Treaty of NWFZ in the Middle East should make a clear reference by stating that there are only five countries that can be defined as Nuclear Weapon States.

As relevant as ASEAN, all states in the Middle East – and we cannot exclude any of them – should participate in the negotiations on the establishment of the zone. In our experience, reservations are not permitted. The Treaty is to remain in force indefinitely, but each party has the right to withdraw from it. Countries in the Middle East should decide themselves whether those elements are also part of their own Treaty.

5. The process of establishing a Nuclear Weapon Free Zone should also take into account all the relevant characteristics of the respective regions.

In our region's experience, geographical characteristics are a significant factor. For example, as the largest archipelagic state in the world, the sea is very important to Indonesia. That is why, in our Treaty, ASEAN declared that for us, the scope of the SEANWFZ will cover not only territorial waters, but also the EEZ and the continental shelves. The inclusion of the EEZ and the continental shelves is a unique characteristic of our region's NWFZ. Likewise, the Middle East could find the relevant characteristics in the region that could be reflected in the Treaty and its Protocol.

6. The scope of our Treaty is that we may use nuclear energy for our economic development and social progress, but we are prohibited from developing, testing, manufacturing, or otherwise acquiring, possessing or having control over nuclear weapons, both inside and outside the zone.

7. We also define nuclear weapons as any explosive device that is capable of releasing nuclear energy in an uncontrolled manner. The means of transport or delivery of such a devise are not included in this definition. The Treaty and Protocol also cover issues of environment, including in the EEZ and the continental shelves. For example, the Treaty clearly mentions that dumping any radioactive material or waste at sea or discharging it into the atmosphere within the zone is not allowed.

We defined nuclear weapons with the adoption of the Treaty in 1995. Therefore, the creation of a NWFZ in the Middle East can enhance the definition of nuclear weapons, reflecting the views of the current situation. Countries in the Middle East should also ask themselves whether they also would like to include the issue of environment in their Treaty.

8. From our experience, a NWFZ and the possibility of verification would create a stricter condition for certain countries regarding the acquisition of nuclear weapons. The mechanisms in the SEANWFZ are stricter than the NPT. The SEANWFZ Treaty also calls for actions in the event of violations of the obligations assumed by NWSs. The Middle East's NWFZ should also have the opportunity to create stricter rules and create a mechanism of action in the event of violations.

9. Mr Chair, Excellencies, finally, from our experience in the SEANWFZ we truly feel that the creation of SEANWFZ is an important contribution and asset for peace in the region. SEANWFZ enhances confidence building measures, because our neighbors are truly free from nuclear weapons. The NWS, though they have the privilege of having nuclear weapons, would not have any incentives to use them in our region.

If the Middle East would like to create durable peace, and if countries in the region want to be confident that their neighbors do not possess nuclear weapons, creating a NWFZ in the Middle East is the best way to achieve this situation. For its part, Indonesia will continue to support initiatives that will launch negotiations on establishing the NWFZ involving all countries in the Middle East.

10. For the time you have given me, Mr. Chair, I thank you.

Address by the delegation of the Republic of Uzbekistan on the Forum to study experience of establishing the Nuclear Weapon Free Zone in Middle East
Vienna, 21-22 November 2011

Mr. Chairman,
Dear participants of the Forum,
Ladies and Gentlemen,

It gives me a great pleasure to take floor in this Forum as a representative of the country which coordinates the implementation of Treaty on Nuclear Weapon Free Zone in Central Asia and inform the distinguished participants of this important event on the experience of states of our region (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) on establishing this Zone.

It is obvious that establishing the nuclear weapon free zones is one of the universal tools to prevent the nuclear weapon proliferation that guarantees the tens of states on the vast areas of our globe commit themselves neither transmit nor receive transmission from whoever the nuclear or other nuclear explosives; neither produce nor obtain by another way the nuclear weapon or other nuclear explosives, and nor seek any assistance in their production.

The history of establishing the Nuclear Weapon Free Zone in Central Asia traces back early 90s. The emergence of the Central Asian initiative became possible thanks to thorough scrutiny of the international experience in the area of non-proliferation and defining the own role of states in our region in consolidating the global security.

The initiative was first officially enounced on the 48th Session of the United Nations General Assembly on September 28, 1993. Then, up until 2006, i.e. for 13 years, the countries in the region led a scrupulous work to establish the atmosphere of political trust in the area of nuclear non-proliferation in the region and elaborate the Treaty on the Zone. This work has been done through regular consultations and conferences where all aspects related to creation of the Zone have been thoroughly addressed.

During 1997-2002 with the active assistance of the UN Disarmament Department and the International Atomic Energy Agency experts the Regional expert group held its meetings in Geneva, Ashgabat, Tashkent, and twice in Sapporo and Samarkand, respectively, in terms of preparing the text of the Treaty on Nuclear Weapon Free Zone in Central Asia, taking into account the proposals and comments of the “Nuclear Five” countries, IAEA and the UN Legal Department.

During the last meeting in 2002 the sides reached an agreement to hold a signing ceremony for the Treaty in the city of Semipalatinsk, where in 1991 the nuclear weapon testing ground was shut down. In the second half of 2002 the two consultative meetings with the experts of the “Nuclear Five” were held in the United Nations headquarters. On their outcomes the considerable amendments and proposals have been introduced to the draft of the Treaty.

The signing of the Treaty on Nuclear Weapon Free Zone in Central Asia took place on September 8, 2006 in Semipalatinsk. The Agency was represented by a Deputy Director General at the signing of the CANWFZ Treaty. That event became the result of a many-years-long joint work of the states of the region, and I want to reiterate once again, given the active assistance and participation of the United Nations, the IAEA and the “Nuclear Five” countries. Yet it is necessary to especially underscore the role of the United Nations which for the first time took an immediate part in elaborating and harmonizing the draft of the Treaty.

I would especially like to underscore the role of the IAEA, which participated in the meetings of an UN-sponsored Expert Group on the subject of the CANWFZ treaty text and provided input as requested on a variety of topics. In addition, the Agency attended some of the informal meetings of the Central Asian States and experts, at the UN in New York, to discuss various aspects of the Zone. During these meetings, the Agency provided views on a number of a topics pertaining to the treaty. These included, for example, safeguards, physical protection, the transit of items subject to the Treaty, the relationship of the treaty to pre-existing treaties and agreements; definition of radioactive waste, adherence of other States to the Treaty, nature of the treaty's consulting mechanism for verification of the Treaty's obligations, and dispute resolution.

The CANWFZ Treaty requires all parties to conclude comprehensive safeguards agreements and additional protocols with the IAEA within 18 months of its entry into force. The CANWFZ is the only treaty that requires its parties to conclude Additional Protocols.

The treaty calls for physical protection measures for nuclear material and nuclear facilities, at least as effective as those in the Convention for the Physical Protection of Nuclear Material and the recommendations and guidelines developed by the IAEA.

Since signing of the Treaty, for over the span of three years the participating states engaged in domestic procedures in terms of ratification the document, and finally, on March 21, 2009 the Treaty came into force. This became a long-awaited event and an important stage which marked the establishment of the nuclear free zone in Central Asia. On 24 March 2009, the IAEA Director General welcomed the entry into force of the CANWFZ treaty and noted with appreciation that it requires the Treaty States to have both a comprehensive safeguards agreement and an additional protocol in force.

The Additional Protocol has entered into force for Uzbekistan in 1998, for Tajikistan – in 2004, for Turkmenistan – in 2006, for Kazakhstan – in 2007, and for Kyrgyzstan – in 2011.

In the next stage we are expecting that the nuclear states would commit themselves to the "negative guarantees" of security for the participating states of the Treaty on Nuclear Weapon Free Zone in Central Asia.

Dear participants of the Forum,

The implementation of the idea to establish the nuclear free zone in the region served as a powerful factor aimed at sustaining peace, regional stability and fruitful cooperation of our countries, the joint contribution to onwards development of the world community, and certainly, the most important element of consolidating the regional security and nuclear disarmament.

In establishing the Zone we could vividly observe the joint constructive efforts of all five Central Asian states in their strife to ensure security, stability and peace in the region, create the necessary conditions for the development and prosperity of their nations. In September 1997 Tashkent hosted the International conference "Central Asia is the Nuclear Weapon Free Zone". As I have already told, the signing ceremony for the Treaty took place in the city of Semipalatinsk, which is in Kazakhstan. The Kyrgyz Republic is a depository of the Treaty. The First consultative meeting on the Treaty took place in Turkmenistan on October 15, 2009. On March 15, 2011 Tashkent hosted the Second consultative meeting of the Treaty participating states. The next consultative meeting is expected to be held in the Republic of Kazakhstan.

Under this context, please allow me to explain the modalities of the consultative meetings in the framework of the CANWFZ. In the Article 10 of the Treaty, Parties has agreed to conduct the annual consultative meetings in order to address the issues of implementation of the Treaty. During the first

consultative meeting in Turkmenistan the Parties agreed to hold consultative meetings in accordance with the alphabetical order of the names of the countries concerned.

In accordance with the Rules of Procedure on implementation of the Article 10 of the Treaty:

1. The host country chairs the consultative meetings;

2. The host country chairs the consultative meeting till the next annual meeting.

Our Zone has a number of unique features: this is the first nuclear free zone established in the Northern hemisphere in the region, which borders on the two nuclear states – Russia and China. Apart from that, the Treaty became the first multilateral agreement in the area of security which encompasses all five countries of Central Asia.

There is no doubt, announcement of our region as a nuclear free zone paves way to considerable growth of significance both of Central Asia as a whole and each state in this region in particular. The nuclear free zone in Central Asia shall render an influence well beyond the region, signaling positive impulses and addressing the possible threats.

Dear participants of the Forum,

With presence of the weapon of mass destruction there is a risk of its proliferation and application, as well as the threat of a nuclear terrorism. The thousands of pieces of nuclear weapon remain in the state of high combat readiness. The nuclear tests are still there. We can address all fears and threats only by way of universal annihilation of nuclear weapon.

The effective nuclear control can be reached only through the system of unconditionally implemented agreements and treaties, as well as realization of large political initiatives. Central Asia calls on to strengthen the legal barriers to proliferation and proposes with such an aim to adapt the entire system of multilateral agreements to new realities, including the Nuclear Non-Proliferation Treaty (NPT).

It is necessary to admit that this Treaty became an asymmetric agreement. It envisages the sanctions only to non-nuclear states. But if the nuclear powers call on to ban for the elaboration of a nuclear weapon, then they must act as an example of reducing and rejecting the atomic arsenal. If our joint objective is world free of a nuclear weapon then both nuclear and non-nuclear countries must contribute to ensure it.

The processes of disarmament and non-proliferation must move along side by side. The Comprehensive Nuclear Test Ban Treaty lays the foundation of a nuclear weapon free world. Banning nuclear tests will become an important contribution to the nuclear weapon counter-proliferation and disarmament.

The countries of Central Asia call on to all states, which have not already done it, to ratify this Treaty and prior to it will come into force to observe moratorium on banning the nuclear tests.

Central Asia affirms its commitment to support the efforts of the world community to maintain the nuclear security and prevent the threat of unrestrained proliferation of weapon of mass destruction. With such an aim our countries joined the NPT and Comprehensive Nuclear Test Ban Treaty Organization.

Distinguished ladies and gentlemen,

In accordance with the resolution of the UN General Assembly, the Treaty on Nuclear Weapon Free Zone in Central Asia has been recognized to have been promoting consolidation of the regional and global peace and security.

Creation of solid guarantees of peace and security in our region and around it serve as main conditions for the stable development, cooperation and progress of states, their civilized integration into the world community.

In this regard, we stand for establishment of new nuclear free zones, and as much as rest of the UN member-states, comprehensively support the resolution "Establishment of a Nuclear Weapon Free Zone in the area of Middle East", which is annually introduced to the United Nations General Assembly.

Thank you for your attention.

Statement by Ambassador A S Minty
Chair of the African Commission on Nuclear Energy (AFCONE)

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

Vienna, Austria
21 November 2011

Chairperson,

Thank you for the opportunity to share some experiences of the African Nuclear-Weapon-Free Zone. Norway has a long and proud tradition of facilitating efforts towards the achievement of a lasting peaceful situation in the Middle East, and I assure you of my full co-operation in your efforts to successfully conclude this important Forum.

On behalf of the African Commission on Nuclear Energy (AFCONE), I also sincerely thank the Director-General of the IAEA, Mr Yukiya Amano, for his untiring efforts in implementing the long-outstanding mandate of the IAEA General Conference to convene this Forum, and for his invitation to the Commission to share relevant experiences.

The establishment of a Nuclear-Weapon-Free Zone in the Middle East is an issue of special interest forAfrica. This not only relates to the possible membership of some African States toa zone free of nuclear weapons in the Middle East, but also, as noted in the Pelinbada Treaty, that the establishment of other nuclear-weapon-free zones, especially in the Middle East, would enhance the security of States Parties to the African Nuclear-Weapon-Free Zone.

Chairperson,

Nuclear-weapon-free zones play an important role in preventing the proliferation – both vertical and horizontal – of nuclear weapons. We all share the conviction, as reaffirmed in the outcome documents of Treaty on the Non-Proliferation of Nuclear Weapons (NPT) that the establishment of nuclear-weapon-free zones enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament.

In this context, the entry into force of the Treaty on the Nuclear-Weapon-Free Zone in Africa, the Pelindaba Treaty, on 15 July 2009, is the realization of the Declaration on the Denuclearization of Africa, adopted by the First Ordinary Session of the Assembly of Heads of State and Government of the then Organization of African Unity (OAU), held from 17-21 July 1964, in Cairo, Egypt.

This Declaration was borne out of Africa's deep concern with the effects resulting from the dissemination of nuclear weapons, and in particular the nuclear explosions undertaken in the atmosphere and underground in the Sahara desert by a nuclear-weapon State in the early sixties.

Our vision of a treaty on nuclear weapons only came to fruition in Africa after 32 years, with the signing of the Pelindaba Treaty in Cairo on 11 April 1996. The main factor inhibiting the conclusion of this Treaty was the nuclear weapons programme of Apartheid South Africa.

The presence, or suspected presence, of nuclear weapons within a region obviously undermines efforts to establish nuclear-weapon-free zones; much as Apartheid South Africa's nuclear capabilities did in the case of achieving the African Nuclear-Weapon-Free Zone.

Therefore, the struggle to eliminate and prohibit all nuclear weapons in Africa became an important element in the overall anti-Apartheid struggle. In the seventies and eighties, African States sought to not only highlight the dangers posed by the nuclear programme of South Africa to international peace and security, but also to isolate the regime, including here at the IAEA.

The announcement of political reforms in South Africa and the abandonment of its nuclear weapons programme in 1990 was the catalyst that enabled the commencement of negotiations on the establishment of a zone free of all nuclear weapons in Africa.

Chairperson,

With the support of the United Nations, the OAU held meetings of experts in 1991 and 1992 to examine the modalities and elements for the preparation and implementation of a convention or treaty on the denuclearisation of Africa. At these expert meetings observers from other nuclear-weapon-free-zones, notably the Treaty of Tlatelolco and Treaty of Rarotonga, as well as representatives from the IAEA provided valuable contributions by sharing their experiences.

The work of these experts in considering issues such as the scope of territorial application, scope of the treaty, peaceful uses of nuclear energy, verification and institutional arrangements, provided a firm basis upon which the formal negotiations and subsequent drafting of the Pelindaba Treaty took place from 1993 until 1995.

Although the experiences of other nuclear-weapon-free zone treaties provided a valuable insight into how their respective treaties were negotiated, no such treaty is merely a copy of another, as region-specific security interests and concerns have to be taken into account.

The nuclear weapons programme of Apartheid South Africa therefore had a significant impact on how the Pelindaba Treaty was finally negotiated, as Africa had to deal with the unique situation of nuclear weapons programme that existed, and was then voluntarily dismantled. In this regard, the following were some of the issues that reflected a unique African approach:

The negotiators adopted a clear renunciation of nuclear explosive devices, including prohibiting the testing of nuclear explosive devices. Furthermore, the Treaty makes provision for the dismantling and destruction of nuclear explosive devices manufactured by a Party prior to the entry into force of the Treaty. This latter inclusion, which was then unique to the African nuclear-weapon-free zone, was included due to the nuclear weapons programme in South Africa, and the need to fully verify the absence of nuclear weapons on the African continent.

Due to the fears that African States' nuclear installations could be a target for an armed attack, a specific provision was inserted that placed a prohibition of such attacks on nuclear installations in the African nuclear-weapon-free zone. The dumping of radioactive wastes within the zone was also prohibited, and importantly, each party committed themselves to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment.

The negotiators also adopted a definition as to what territory the African nuclear-weapon-free zone consists of, namely the territory of the continent of Africa, islands States members of the OAU (now the African Union), and importantly, all islands considered by the OAU in its resolutions to be part of Africa.

There was also a realisation of the enormous benefits that the peaceful application of nuclear science and technology hold for the economic and social development of the continent. Therefore, the objective of the African nuclear-weapon-free zone was not only related to the elimination of

nuclear weapons or nuclear explosive devises, but also as a firm commitment by the Parties to promote peaceful nuclear activities in Africa.

The negotiators agreed to refer to the Treaty on the Nuclear-Weapon-Free Zone in Africa as the Pelindaba Treaty. This title is derived from the Zulu words "iphelile indaba", which means that the matter is settled or the discussion is closed. It also refers to the location of the South African Nuclear Energy Corporation, at Pelindaba. The Apartheid regime thought that all was settled with the development of its nuclear capability but matters were only finally settled with the destruction of the Apartheid bomb.

Chairperson,

Nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy are therefore firmly entrenched in the Pelindaba Treaty. To ensure compliance with their undertakings in terms of disarmament, non-proliferation and peaceful uses, the Treaty created a mechanism for compliance through the establishment of the African Commission on Nuclear Energy, referred to as AFCONE.

In addition, the Treaty permits the IAEA to verify the processes of dismantling and destruction of nuclear explosive devices. This provision again reflects South Africa's past nuclear-weapons capability and is in addition to provisions, which call for the conclusion of comprehensive safeguards agreements with the IAEA for purposes of verification of peaceful use activities.

Importantly, in terms of the Treaty's Annex on complaints procedure and the settlement of disputes, the Agency can be requested to conduct an inspection, and the Commission can designate its representatives to accompany the Agency's inspectorate team.

The main functions of AFCONE include collating reports and the exchange of information as provided, arranging consultations, reviewing the application to peaceful nuclear activities of safeguards by the IAEA, bringing into effect the complaints procedure, encouraging regional and sub-regional programmes for co-operation in the peaceful uses of nuclear science and technology, and promoting international co-operation with extra-zonal States for the peaceful uses of nuclear science and technology.

Chairperson,

The Pelindaba Treaty has to date been ratified by 32 African States, and 4 of the nuclear-weapon States have ratified the Protocols to the Treaty they have signed. Those States not yet party to the Treaty are encouraged to complete their ratification or accession procedures as soon as possible to enable all African States to be party to the Pelinbada Treaty.

Also, the one nuclear-weapon-State that still needs to complete its ratification process of the Protocols it has signed, as well as the one non-nuclear weapon State that also needs to become party to Protocol III of the Treaty, are encouraged to complete this process without delay.

It is my honour to report that after the entry into force of the Pelinbada Treaty and following the First Conference of Parties to the Treaty, the twelve Commissioners of AFCONE have been elected. The immediate focus of the Commission is to ensure that its headquarters is established in South Africa. This would enable the Commission, and it's Secretariat, to commence with implementing their Treaty responsibilities. Progress has also been made towards the appointment of the Executive Secretary of AFCONE, and hopefully an announcement of the successful candidate will be made in due course.

The implementation of the Pelindaba Treaty is underpinned by important nuclear-related initiatives already on-going on the Continent. These include the important work being done by the African Regional Cooperative Agreement (AFRA) to enlarge the contribution of nuclear science and technology on the African continent, in co-operation with the IAEA. Also, African Ministers and Officials issued a Final Declaration on 10 January 2007, at the meeting in Algiers held in the framework of the High-level African Regional Conference on the contribution of nuclear energy to peace and sustainable development, which outlined priorities for Africa on this issue.

In conclusion Chairperson,

Nuclear-weapon-free zones are making a significant contribution towards the ultimate goal of achieving a world free of all nuclear weapons. However, the path to a nuclear-weapon-free zone is often not an easy one, but we should never abandon this objective, nor tire in the face of seemingly insurmountable obstacles.

As experienced in Africa, sustained efforts in achieving the vision of a continent free of nuclear weapons was only realised through a combination of determination, pressure, perseverance, and, ultimately, a display of leadership by all concerned.

This Forum is further evidence that we are firmly and irreversibly on the path to a Nuclear-Free-Zone in the Middle East, to the benefit of regionaland international peace and security, thereby enhancing political stability, which contributes to economic and social development.

I thank you.

The European Atomic Energy Community (EURATOM) regional safeguards system

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1. Introduction

This presentation is about the EURATOM regional safeguards system. However, for a fuller understanding of the subject it is also necessary to sketch out the broader structures in which EURATOM safeguards sit. The legal basis for EURATOM safeguards is to be found in the EURATOM Treaty of 1957, between six European states. It set out a framework for pooling efforts to develop nuclear energy. It had been successfully preceded by the 1951 Paris Treaty between the same six countries which provided for a common organisation of the strategic industries of coal and steel production. The well-known European Economic Community Treaty was signed at the same time as the EURATOM Treaty. Over the intervening fifty years, these three Communities have evolved into today's European Union, which currently has 27 members.

The EURATOM Safeguards system became operational in 1960. The entry into force of the NPT in 1970 brought a new dimension to the EURATOM safeguards system, by introducing cooperation with the IAEA. Nowadays, EURATOM Safeguards is regarded as an integral part of the international regime of nuclear non-proliferation.

Clearly, aspects of the establishment of EURATOM and its safeguards system, as well as aspects of the implementation of safeguards in the European Union can be instructive when reflecting upon a Nuclear-Weapon-Free Zone (NFWZ) in the Middle East.

2. Historical and Legal Background

2.1 The EURATOM Treaty and the EU Institutions

As mentioned in the introduction, in the 1950's six European states established three Communities endowed with supranational powers to jointly develop their coal, and steel industries, to establish a Common Market, and to develop peaceful uses of nuclear energy. All three Communities were set up through international treaties, under which the parties transferred some sovereign powers to autonomous common institutions – hence the qualification of the Communities as *supranational* systems.

The fact that two of the three Communities addressed energy issues is a reflection of the then prevailing concerns about security of energy supplies, and is not without parallels to the situation today. Nowadays, the civil nuclear industry is a mature industry, well established in many countries around the world. In the 1950s this was not the case, and developing civil nuclear energy represented a challenge for any medium or small state on its own. International cooperation was thought to provide a model for developing this new industry.

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[1] The views expressed in this paper represent those of the author and do not reflect formal positions taken by the European Commission.

The substantial provisions of the EURATOM Treaty cover ten areas including radioprotection, research, supply of nuclear materials, international relations – and nuclear safeguards. These technical provisions are accompanied by provisions establishing institutions possessing the capacity to adopt decisions and legislation; to ensure the regularity of financial transactions; and, perhaps most importantly, to ensure the respect of the adopted decisions and legislation both by the member states and by the institutions themselves. These institutions are known as the European Commission, the Council of the EU, the European Parliament, the Court of Auditors, and the Court of Justice of the European Union.

Despite the adoption of the treaties on the European Union, the EURATOM Treaty remains in force and constitutes a separate legal entity from the European Union. Even so its institutions are shared with the European Union. The EURATOM Treaty together with its derived legislation remains the principal legal vehicle regulating civil nuclear questions in the EU and is binding primary law in all 27 Member States of the EU.

EURATOM possesses the legal capacity to become a party to international agreements: and this is the basis for the safeguards agreements with the IAEA, a topic to which I shall return shortly.

2.2 First example of a regional approach to safeguards in the world

The EURATOM Treaty assigns the responsibility for implementation of EURATOM Safeguards to the European Commission. Under the EURATOM Treaty, the Commission has the task of satisfying itself that, [in the territories of Member States]:

(a) ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users;

(b) the provisions relating to supply and any particular safeguarding obligations assumed by the Community under an agreement concluded with a third State or an international organization are complied with.

In order to achieve these objectives, all users of nuclear materials were obliged to report directly to the Commission. The Member States' authorities were requested to support and facilitate the Commission's tasks. The Commission was given the right to receive and analyze the operators' declarations on nuclear materials and facilities, and to perform on site inspections in order to verify the correctness of these reports. The Commission was furthermore given the right of imposing sanctions to operators that would infringe the provisions of the Treaty.

EURATOM adopted its first legislation in 1958, including a Regulation on the declaration of basic technical characteristics of nuclear installations and a Regulation on nuclear material accounting. The first safeguards accountancy declarations were received in mid-1959 and the first inspections were carried out in spring 1960.

The legal framework on safeguards in the EU has evolved over the years and is now laid down in Commission Regulation 302/2005 of 8 February 2005. This Regulation gives the Commission also the right to adopt, by means of a Commission Decision, Particular Safeguard Provisions which are directly binding to a person or undertaking holding nuclear material or operating a nuclear installation. Such particular safeguard provisions are a means to directly impose to operators of nuclear facilities specific accountancy rules, requirements on physical inventory taking, or the permission to use containment and surveillance measures in their installation. The Regulation also gives the Commission the right to transmit to the IAEA information and data obtained under the Regulation.

2.3 Multipartite Agreements with the IAEA (INFCIRC/193, /263, /290) and Agreements with third States

The NPT's Article III.4 requires NNWS parties to conclude safeguards agreements with the IAEA "either individually or together with other States". The safeguards agreement between the IAEA, EURATOM and EURATOM's non-nuclear weapon Member States (INFCIRC/193) represents the first multilateral NPT safeguards agreement. It includes a Protocol that amplifies the cooperation arrangements which are necessary because of the existence of the EURATOM safeguards system.

All new states joining the EU are obliged to be parties to the NPT, and are obliged to accede to the INFCIRC/193 Agreement together with its Additional protocol. EURATOM is also a party to the safeguards agreements between the IAEA and the UK and the IAEA and France: (INFCIRC/263 and INFCIRC/290 respectively). All three agreements are complemented by their respective Additional Protocols which came into force in 2004.

The existence of safeguards supervision by the European Commission was an important element in the EURATOM cooperation agreements with third States. Especially in the early days of the Treaty it paved the way for the facilities in the EURATOM Member States to receive nuclear materials and equipment. EURATOM's first nuclear cooperation agreement was concluded with the USA and entered into force in 1958. It was followed by nuclear cooperation agreements with a number of other countries. Many of these cooperation agreements include reporting requirements on the use of the supplied nuclear materials or equipment, and are going beyond the scope of IAEA safeguards.

3. Strengths of the EURATOM Safeguards System as a Regional Safeguards System under the NPT

3.1 The EU fuel cycle

All components of the nuclear fuel cycle are present on the EU territory starting from mining and conversion, through enrichment and fuel fabrication to the use of nuclear fuel in power reactors. At the backend of the fuel cycle, the two largest plants for reprocessing of spent fuel in the world operate in the EU. In the near future, facilities for the final disposal of spent fuel will be in operation.

The obligation for the European Commission to safeguard this large variety of facilities requires the use of a wide range of adequate instruments and technologies. With the aim of contributing to an effective and efficient system of international safeguards EURATOM therefore also strongly supports technical development for safeguards and is an important IAEA safeguards support programme partner.

3.2 NNWS and NWS

The EURATOM safeguards system is the unique example of a comprehensive system for supervision and control of all civil nuclear material which is implemented in nuclear and non-nuclear weapon states.

A specific provision in the EURATOM Treaty does foresee the right of the EU's NWS, France and UK, to possess and manage a non-safeguarded fuel cycle for national defence purposes.

It is to be noted that implementation of the EURATOM safeguards system is done in a non-discriminatory way among all the 27 EU-Member States. Across the whole EU, nuclear materials and the basic technical characteristics of the nuclear facilities are subject to the same in-depth verification schemes in NWS and NNWS. In line with the number and complexity of the nuclear installations in the two NWS of the EU, about 60 % of the total EURATOM inspection effort was spent in the NWS in 2010.

3.3 EURATOM safeguards inspectorate

The EURATOM safeguards inspectorate is a service of the European Commission and has its base in Luxembourg. During 2010, EURATOM's 150 safeguards inspectors carried out more than 1400 inspections (with about 4000 person-days of inspection). The inspectors are supported by a technical support unit and a nuclear materials accountancy unit.

The EURATOM Treaty gives the Commission the right to send inspectors into the territories of the Member states who shall at all times have access to all places and data and to all persons who deal with materials, equipment or installations subject to safeguards. This right of access can be enforced by the Court of Justice of the EU if necessary. Inspectors are directly employed by the Commission and are therefore independent from their country of origin.

4. Joint Implementation of Safeguards in the EU by IAEA and European Commission

4.1 The Liaison Committees

Inspections in the NNWS and in certain installations in France and the UK are carried out jointly by EURATOM and IAEA inspectors. More generally, EURATOM and IAEA safeguards activities complement each other, which requires close cooperation. . It should be noted that the common implementation of safeguards between Commission and IAEA usually entails agreement on very detailed technical issues. A recent example is the definition of a common system for remote transmission of data from EU nuclear installations to the premises of the EURATOM Safeguards Directorate in Luxembourg and the IAEA headquarters in Vienna.

The main vehicle for institutionalising this cooperation is the Liaison Committee provided for in INFCIRC/193. The Committee meets annually at high level (High Level Liaison Committee - HLLC) and more frequently at a lower level (Lower Level Liaison Committee - LLLC). The work of the Liaison Committee is supported by technical working groups.

4.2 Implementation from signing the agreements through to the advent of Integrated Safeguards in the NNWS of the EU

INFCIRC/193 mandates a cooperative working arrangement between the IAEA and EURATOM to facilitate the implementation of safeguards and to avoid unnecessary duplication of safeguards activities.

Until 1992, the established co-operation was primarily based on "Observation"- and "Joint Team"-arrangements[2]. These arrangements, however, led to co-operative safeguards approaches which, though effective, did not give effect to the important requirements that safeguards are to be implemented with due regard to efficiency and with the least burden to industry.

Examining ways and means by which co-operation and co-ordination between EURATOM and the IAEA in the implementation of INFCIRC/193 could be enhanced led to an agreement on the initiation of a "New Partnership Approach" (NPA), signed between the IAEA and EURATOM in April 1992.

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[2] The "Observation"-arrangement was based on the concept that the IAEA would, whenever it could achieve its objectives by so doing, observe the inspection activities of EURATOM. Under this arrangement, the IAEA used an equal number of inspectors to those used by EURATOM, to effectively observe and follow the activities being performed by EURATOM inspectors. It was used in facilities handling low enriched uranium (LEU), natural and depleted uranium (both fresh and irradiated material). The Joint Team was devised to rationalize the use of resources at facilities which required a higher inspection effort than those under the "Observation"-arrangement. The intention was that both organizations would perform inspections jointly in order to reduce the intrusiveness to the operator and to avoid unnecessary duplication of work, but would draw independent conclusions. This arrangement was applied to enrichment facilities and facilities handling unirradiated direct-use material (plutonium and high enriched uranium (HEU).

As stated in that document, the objective of the NPA is to "strengthen safeguards collaboration in a way that takes into account not only the effectiveness of safeguards but also safeguards efficiency and, in so doing, gives full effect to the purposes of the Agreement".

The NPA is based on a number of elements, like

- optimizing the necessary practical arrangements and using commonly agreed safeguards approaches, inspection planning and procedures, inspection activities, and inspection instruments, methods and techniques;
- avoiding unnecessary duplication of effort by performing inspection activities based on the principle "one-job-one-person," supplemented by quality control measures;
- sharing analytical capabilities;
- co-operating in research and development and in the training of inspectors; and
- increasing the common use of technologies to replace, to the extent possible, the physical presence of inspectors by appropriate equipment.

The NPA then led to significant reductions in IAEA and EURATOM inspection effort while allowing both organizations to satisfy their respective obligations to reach independent conclusions and required assurances. The NPA arrangements also mark the step from where EURATOM can be seen as a regional system not only enabling IAEA activities but also as a system actively supporting the performance of common inspection activities ("one-job-one-person" principle) and being ready to further cooperate with the IAEA.

With the entry into force of the Additional Protocol (AP) to INFCIRC/193 and the subsequent submission of the initial declarations under the AP the first step for drawing broader conclusions on the absence of undeclared activities and material in the NNWS of the EU was done in 2004. The IAEA concept of Integrated Safeguards was then introduced state-by-state and has been in place for all NNWS of the EU with nuclear activities since the beginning of 2010. While it had been agreed that the principles of NPA continue to apply it was evident that a number of implementation arrangements had to be adapted. This process started in 2008 and is now generally completed. The IAEA inspection effort has been further reduced as a result of implementing Integrated Safeguards while maintaining the general approach of common EURATOM-IAEA inspections.

5. Potentially relevant aspects of the EURATOM Safeguards System for a NWFZ in the Middle East

As described in the previous sections, the EURATOM Treaty led to the creation of a regional system which has developed over many decades and is a reliable partner for the IAEA in international non-proliferation.

Although primarily being a regional nuclear material verification system some aspect of this system may be of interest when thinking about a NWFZ in the Middle East. Without attempting to make a judgement as to their importance or applicability, the following aspects of the EURATOM safeguards system merit consideration in this respect:

- EURATOM safeguards are part of a wider set of arrangements for the peaceful use of nuclear energy. It also has to be seen in the context of creating economic development in a geographic region. Such an approach could also be envisaged in other regions.
- EURATOM is of a supranational nature and, in the area of safeguards, has especially wide powers. This aspect is to be considered when deciding on the degree to which use can be

made of the activities and findings of a regional system for international safeguards purposes. With the Court of Justice an independent body exists which has full jurisdiction in the matters of the Treaty and therefore can ensure that the Treaty provisions are effectively implemented by all parties.

- EURATOM is part of a cooperative approach to international safeguards (common inspections with the IAEA, development of a partnership with the IAEA, IAEA making use of the EURATOM safeguards system as a whole).

- A common system of safeguards for all states in a region is a clear advantage for the effective and efficient implementation of safeguards in that region because of its independence of the technical capabilities of individual states. An independent inspectorate with experienced staff is an additional asset.

- Regional systems can contribute to cost-effectiveness in international safeguards by sharing resources between the IAEA and the regional system.

- EURATOM, as a supranational system, is fully accountable to the Council of the EU (representing all Member States of the EU) and to the European Parliament. Such a system is important for public acceptance of nuclear in general especially if there are Member States with and without nuclear activities or programs in the region.

- EURATOM, by virtue of the EU Treaty system, is a developing system. It has spread out from originally 6 member states to 27 member states and shows how a regional system can grow.

- EURATOM has entered into direct Agreements with third States (on cooperation in the peaceful use of nuclear energy) that contain guarantees as to the peaceful use of nuclear materials going beyond those foreseen under IAEA safeguards. Third states could potentially give higher value to multilateral assurances, i.e. a regional system, if compared to bilateral assurances between two states (related to the supply of nuclear material or equipment).

- The existence of a strong regional verification system, EURATOM safeguards, has contributed to the development of a successful nuclear industry in Europe over the past decades.

6. Conclusions

EURATOM and its safeguards system were created under specific historical circumstances. Its safeguards system has evolved over time and has become a partner of the IAEA in international safeguards and non-proliferation. There are a number of aspects in the development of the EURATOM safeguards system and its current implementation that might be of interest when considering ways to arrive at creating a NWFZ in the Middle East.

Statement by Secretary of Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East

Translated from Spanish

NWFZ FORUM

Vienna, 21/22 November, 2011-11-13

Odilon Marcuzzo do Canto

Secretary of ABACC

Argentina and Brazil started their activities in the nuclear area at more or less the same time. In the 1950s. The driving force behind these activities was also very similar: the idea shared by the government and the scientific and technological community that development in the nuclear field would be a key factor in the balance of powers in the post-war world. Moreover, the potential use of nuclear technologies in various sectors of interest to society started to become clear and attracted the attention of national leaders.

In this context, the recognition that the know-how for a nuclear industry would have to be developed independently or the countries would be left outside of these technologies drove the development of activities in the nuclear sector in both countries.

Despite delays in starting up nuclear power plants — Argentina started operating its first nuclear reactor, Atucha 1, in 1974, while Angra 1 started operation in 1981 — the two countries, in the years 1950–1980, implemented more or less intensive programmes including all stages of the nuclear fuel cycle. It may be stated that the original atmosphere of distrust and rivalry between the two programmes was gradually replaced by mutual trust and cooperation.

According to some interpretations, what was very useful in building a climate of cooperation was not only the perception of mutual gains as a result of synergy of efforts, but also the fact that the nuclear programmes of both countries generated a climate of distrust in the international community stemming from concerns about nuclear proliferation. This situation started to cause serious difficulties for the development of the nuclear activities of both countries.

The existence of an international treaty on nuclear non-proliferation seen by Brazil and Argentina as discriminatory and prejudicial to the interests of countries without nuclear weapons gave rise to the need to create a common system of nuclear material control between the two countries in order, somehow, to provide assurances to the international community of the exclusively peaceful purposes of their nuclear programmes.

On 18 July 1991, the bilateral Agreement for the Exclusively Peaceful Utilization of Nuclear Energy established a binational agency to implement the Common System of Accounting and Control of Nuclear Materials (SCCC) — the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC). The Agreement permanently sealed a clear commitment to use all nuclear

material and facilities under the jurisdiction or control of the two countries for exclusively peaceful purposes.

The ABACC system currently represents a paradigmatic framework for the long process of economic, political, technological and cultural integration of the two countries.

The quadripartite agreement signed in December of that year between the two countries, ABACC and the IAEA completed the legal framework for the implementation of full-scope safeguards.

The creation of a common system ensured the establishment of uniform safeguards procedures for application in Argentina and Brazil, and so the same safeguards requirements and procedures entered into force in both countries, and the operators of nuclear facilities started following the same rules for nuclear material control and submitted to the same type of verification and control.

Argentina and Brazil were able to establish a safeguards system which is unique in the world today and which, consolidated and matured over the last 20 years, has won the respect of the international community.

In fact, it may be said that the system has advantages over general safeguards agreements. The quadripartite agreement goes beyond the usual safeguards of a system which connects a State Party to the IAEA. It involves two neighbouring States Parties, a mutual control organization created by them — ABACC — and the International Atomic Energy Agency. It thus really represents a more complete safeguards system. The concept of “neighbours watching neighbours” is recognized as efficient and effective.

Any attempt simply to apply the ABACC model to other regions will no doubt be doomed to failure. The building of the environment of trust needed for this model to prosper is not a product of chance. Analyses of the subject recognize the existence of six recurring elements common to all the agreements preceding the establishment of ABACC. They are:

1. The reaffirmation of the exclusively peaceful nature of the use of nuclear energy in Brazil and Argentina.
2. The strengthening and promotion of mutual trust (joint projects, information exchange, reciprocal visits).
3. The promotion of the peaceful use of nuclear energy for the benefit of the peoples of both nations.
4. The potential for cooperation agreements with other countries in Latin America.
5. A common foreign policy in the nuclear area.
6. Promotion of the concepts of regional peace and security.

In fact, as of 1977, we can see these principles set forth in the first joint statement of the two Ministers of Foreign Affairs. It stresses the importance of cooperation in the nuclear area and the beginning of a systematic exchange of technology through interaction between the respective national nuclear energy commissions.

A series of subsequent presidential meetings and technical visits to nuclear facilities in both countries consolidated these ideas and created the conditions needed for a presidential decision to establish a common system of safeguards inspections.

During the last 20 years, ABACC has been operating with institutional policies focused on continuous technical training of its human resources and the establishment of an efficient and effective structure for carrying out its functions. The application of these policies, together with the use of continuously upgraded state-of-the-art equipment, are relevant factors for the success of ABACC and the independence of its results.

Similarly, a mature relationship with the IAEA, built up over time, enables both agencies to work in harmony and with objectivity. The modalities of technical cooperation between the two organizations in the application of safeguards are specified in a protocol of the quadripartite agreement based on the following guiding principles:

- The need to obtain independent conclusions from the IAEA and ABACC.
- The need to coordinate to the extent possible the activities of the two agencies for the implementation of the agreement and, in particular, to avoid unnecessary duplication of inspection efforts.
- When performing their activities, ABACC and the IAEA shall work jointly, wherever feasible, in accordance with the criteria of the two organizations.
- Collaboration with the IAEA for the complete fulfilment of its obligations under this agreement taking into account, also, the need to preserve technological secrets.

Based on those principles, joint action mechanisms were developed, such as the common use of equipment (Common Use Agreement), which allowed great optimization of resources.

The close relationship of ABACC with the other players involved in the application of the international safeguards regime allows an interchange of experience and knowledge which is very productive for all. ABACC has benefited from technical cooperation with the IAEA, the European Community, in particular Euratom, and the United States Department of Energy (DoE). With the DoE, we attach great importance to laboratory intercomparison exercises, which are of great relevance for the qualification of the laboratories involved. The relationship with other international associates, particularly with France — in the initial supply of equipment — Japan, the United Kingdom and South Korea, in the conceptual development of the application of safeguards, and Canada in the development of training courses, has been very important for ABACC.

Participation in international fora, such as the conferences of associations with an interest in the safeguards area, e.g. ESARDA and INMM, has led to an exchange of ideas and experience that is very productive for the qualification of ABACC.

A determining factor for the success of ABACC is the support and recognition from the governments of Brazil and Argentina, demonstrated in the series of joint statements made over time by the two governments. This attitude is reflected in concrete actions and financial support for ABACC's programmes. It is also seen in technical cooperation with the laboratories supporting ABACC's activities, belonging to various nuclear bodies and institutions in both countries, always enjoying the support of both governments.

Even the training for the staff of ABACC, its permanent officers and the functional group of inspectors is clear evidence of this cooperation. They all come from the institutions that constitute the nuclear sector in the two countries. Given that ABACC does not have its own laboratories for measuring samples, it uses a network of laboratories in both countries to meet its needs for the destructive analysis of samples, both from nuclear facilities and from environmental sampling, as well as for technical support for the application of non-destructive analysis techniques.

ABACC has a reduced functional structure. Its governing body, the ABACC Commission, consists of four members, two representatives of each country. The Commission supervises the work of the Secretariat, which is the executive organ. The Secretariat is composed of technical and administrative professionals appointed by the Commission and a corps of administrative assistants.

The technical staff consists of ten officials, five Argentine and five Brazilian, under the direction of the two Secretaries. The position of Secretary rotates annually and is held by the two highest-ranking officials proposed by the governments of Argentina and Brazil, respectively, and approved by the Commission.

Safeguards inspections are carried out by a corps of highly qualified inspectors. At present there are about 100 inspectors divided equally between the two countries. The Argentine inspectors carry out inspections in Brazil's nuclear facilities and the Brazilian inspectors do the same in Argentina's.

The inspectors are not part of the established staff of ABACC, but are incorporated in its Secretariat during inspections.

Note that ABACC officials are not considered part of the governmental structures of either country. They are appointed as international civil servants, carrying out their functions with total independence. Inspectors are treated similarly when performing functions for ABACC.

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

CHAIRMAN'S 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 break 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.