

**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.

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SUMMARY

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

BACKGROUND OF THE FORUM:

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

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

FORUM PROCEEDINGS - PRESENTATIONS:

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

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

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

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

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

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

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

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

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

FORUM PROCEEDINGS - DISCUSSIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

Statement at Middle East Forum

by IAEA Director General Yukiya Amano

NOV 21 2011

Mr. Chairman, Ladies and Gentlemen,

It has taken us 11 years to get to this point, but I am very pleased to welcome you, finally, to this *IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East*.

Each of the five nuclear-weapon-free zones already in existence today, covering a total of 113 countries, has its own special characteristics, but they also have many important elements in common.

All nuclear-weapon-free zones prohibit the development, stationing or testing of nuclear weapons in their respective regions. They all cover large inhabited areas. They provide for IAEA verification of the non-diversion of nuclear material. They have brought real security benefits, both regionally and to the whole world. I have long been convinced that nuclear-weapon-free zones are a highly relevant and effective means of non-proliferation, arms control and disarmament.

In establishing and implementing nuclear-weapon-free zones, the countries concerned have learned the importance of dialogue. It is my hope that this meeting will help to promote dialogue on a nuclear-weapon-free zone in the Middle East.

There is broad international support for the establishment of a nuclear-weapon-free zone in the Middle East. But, among countries of the Middle East region and beyond, there are also long-standing differences of view related to the establishment of such a zone and the application of comprehensive Agency safeguards to all nuclear activities in the region.

The Forum provides a unique opportunity for us all to learn about, compare and discuss experience and practice to date. I hope it will nurture fresh thinking - creative thinking - on the possible relevance of the experience of the five existing nuclear-weapon-free zones to the Middle East.

I thank Ambassador Jan Petersen of Norway for agreeing to my request to chair this Forum. I know he intends to lead the participants in an interactive and constructive discussion.

I welcome representatives from the existing nuclear-weapon-free zones in Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa and Central Asia, as well as from Euratom and ABACC. They have a wealth of experience to share with us.

I encourage you to discuss, actively and openly, the benefits of nuclear-weapon-free zones, difficulties encountered in creating them, and the ways in which such difficulties were resolved. I look forward to the contributions from our panellists, from States of the Middle East and from States with experience of membership in a nuclear-weapon-free zone. I also expect useful contributions from IAEA Member States, including Mongolia with its unique experience as a single-State zone.

It is my earnest hope that your discussion will be creative and constructive, moving beyond simply re-stating long-established positions. For the sake of all the inhabitants of the region, as well as for international peace and security, I wish this Forum every success.

Thank you, Mr. Chairman.

NWFZ FORUM

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

Odilon Marcuzzo do Canto

Secretary of ABACC

Argentina y Brasil comenzaron sus actividades en el área nuclear más o menos al mismo tiempo. En los años 50 del siglo pasado. La fuerza impulsora que propulsó estas actividades también fue muy similar: la idea compartida tanto por el gobierno y la comunidad científica y tecnológica que el desarrollo en el campo nuclear sería un factor clave en el equilibrio de poder en el mundo de la posguerra. Además, el uso potencial de las tecnologías nucleares en diferentes sectores de interés para la sociedad, comenzó a ser evidente y llamó la atención de los líderes nacionales.

En dicho contexto, la constatación de que el conocimiento de la industria nuclear tendría que ser desarrollado de forma independiente o los países quedarían fuera de estas tecnologías, motivó el impulso al desarrollo de las actividades en el sector nuclear de ambos países.

A pesar de los retrasos en la puesta en marcha de centrales nucleares, - Argentina comenzó a operar su primer reactor nuclear, Atucha I, en 1974, mientras que Angra I entró en funcionamiento en 1981 - los dos países desarrollaron en el período comprendido entre los años 1950 - 1980 programas

más o menos intensos, incluyendo todas las etapas del ciclo del combustible nuclear. Se puede afirmar que la atmósfera original de desconfianza y rivalidad entre los dos programas, fue gradualmente reemplazada por la confianza mutua y la cooperación.

Según algunas interpretaciones, fueron muy útiles en la construcción del clima de cooperación, no sólo la percepción de ganancias mutuas como consecuencia de la sinergia de esfuerzos, sino también el hecho de que los programas nucleares de ambos países generaban un clima de desconfianza en la comunidad internacional, motivado por la preocupación por la proliferación nuclear. Esta situación comenzó a provocar serias dificultades para el desarrollo de las actividades nucleares de ambos países.

La existencia de un tratado internacional de no proliferación nuclear visto por Brasil y Argentina como discriminatorio y perjudicial para los intereses de los países sin armas nucleares, llevó a la necesidad de crear un sistema común de control de materiales nucleares entre ambos países para, de alguna manera, proporcionar garantías a la comunidad internacional de los fines exclusivamente pacíficos de sus programas nucleares.

El 18 de julio de 1991, el Acuerdo Bilateral para el Uso Exclusivamente Pacífico de la Energía Nuclear creó una agencia binacional para implementar el Sistema Común de Contabilidad y Control de Materiales Nucleares-SCCC, la Agencia Brasileño-

Argentina de Contabilidad y Control de Materiales Nucleares-ABACC. El acuerdo selló, de forma permanente, un claro compromiso de utilizar exclusivamente con fines pacíficos todo el material y las instalaciones nucleares bajo la jurisdicción o control de ambos países.

El sistema ABACC representa en la actualidad un marco paradigmático en el largo proceso de integración económica, política, tecnológica y cultural de ambos países.

El acuerdo cuatripartito, firmado en diciembre de ese año, entre los dos países, la ABACC y el OIEA, completó el marco legal para la implementación del sistema de salvaguardias totales.

La creación de un sistema común, aseguró el establecimiento de procedimientos de salvaguardias uniformes a aplicar en la Argentina y en Brasil, por lo que los mismos requisitos y procedimientos de salvaguardias entraron en vigor en ambos países, y los operadores de instalaciones nucleares comenzaron a seguir las mismas reglas de control de materiales nucleares y se sometieron al mismo tipo de verificación y control.

Argentina y Brasil fueron capaces de establecer un sistema de garantías que es único en el mundo de hoy y que, consolidado y madurado a lo largo de estos veinte años, se ha ganado el respeto de la comunidad internacional.

De hecho, se puede decir que este sistema tiene ventajas en comparación con los acuerdos de

salvaguardias generales. El Acuerdo cuatripartito va más allá de las garantías habituales de un sistema que conecta a un Estado Parte con el OIEA. Se trata de dos Estados Parte vecinos, un organismo de control mutuo creado por ellos - la ABACC, y el Organismo Internacional de Energía Atómica. Por lo tanto, representa un sistema de garantías realmente más completo. El concepto de "vecinos observando a vecinos" es reconocido como eficiente y eficaz.

Cualquier intento de aplicar el modelo de la ABACC en forma lisa y llana en otras regiones estará, sin duda, condenado al fracaso. La construcción del ambiente de confianza necesario para que este modelo pueda prosperar, no es un producto de la casualidad. Los análisis sobre el tema reconocen la existencia de seis elementos recurrentes comunes a todos los acuerdos anteriores a la creación de la ABACC. Ellos son:

1. La reafirmación del carácter exclusivamente pacífico del uso de la energía nuclear en Brasil y Argentina.
2. El fortalecimiento y fomento de la confianza mutua (proyectos conjuntos, intercambio de información, visitas recíprocas).
3. La promoción del uso pacífico de la energía nuclear para el beneficio de los pueblos de ambas naciones
4. El potencial para acuerdos de cooperación con otros países de América Latina.
5. La política exterior común en el área nuclear.

6. El fomento de los conceptos de paz y seguridad regionales.

De hecho, desde 1977, podemos ver estos principios señalados en la primera declaración conjunta de los dos ministros de Relaciones Exteriores. En ella se refuerza la importancia de la cooperación en materia nuclear y el comienzo de un intercambio sistemático de la tecnología a través de la interacción entre las respectivas comisiones nacionales de energía nuclear.

Una serie de reuniones presidenciales producidas a continuación y visitas técnicas a instalaciones nucleares de ambos países, consolidaron estas ideas y brindaron las condiciones necesarias para la decisión presidencial de crear un sistema común de inspecciones de salvaguardias.

Durante estos veinte años, la ABACC ha estado operando con políticas institucionales centradas en la capacitación técnica continua de sus recursos humanos y el establecimiento de una estructura eficiente y eficaz para llevar a cabo sus funciones. La aplicación de estas políticas, junto con el uso de equipamiento permanentemente actualizado según el "estado del arte", son factores relevantes que hacen al éxito de la ABACC así como a la independencia de sus resultados.

Del mismo modo, una relación madura con el OIEA, construida en el tiempo, permite a ambas agencias trabajar en armonía y con objetividad. Las

modalidades de cooperación técnica entre los dos organismos para la aplicación de salvaguardias se especifican en un protocolo en el acuerdo cuatripartito, basado en los siguientes principios básicos:

- La necesidad de obtener conclusiones independientes por el OIEA y la ABACC.
- La necesidad de coordinar, en la medida de lo posible, las actividades de las dos agencias para la aplicación del Acuerdo, y, en particular, para evitar la duplicación innecesaria de esfuerzos de inspección.
- En el desempeño de sus actividades, y en la medida de lo posible, la ABACC y el OIEA trabajarán juntas, en forma consistente con los criterios de los dos organismos.
- La colaboración con el OIEA para el cumplimiento pleno de sus obligaciones en virtud del Acuerdo, teniendo en cuenta, asimismo, la necesidad de preservar los secretos tecnológicos.

En base a estos principios, se desarrollaron mecanismos de acción conjunta, como el uso común de equipos (Acuerdo de Uso Común), que permite alcanzar una gran optimización de recursos.

La estrecha relación de la ABACC con los demás actores involucrados en la aplicación del régimen de salvaguardias internacionales permite un intercambio de experiencias y conocimientos muy productivo para todos. La ABACC se ha beneficiado de la cooperación técnica con el OIEA, con la

Comunidad Europea, en particular con EURATOM, y con el Departamento de Energía de los Estados Unidos (DoE). Con este último, consideramos muy importantes los ejercicios de intercomparación de laboratorios, de gran relevancia para la calificación de los laboratorios involucrados. La relación con otros socios internacionales, particularmente con Francia- en el suministro inicial de equipos- Japón, Reino Unido y Corea del Sur, en el desarrollo conceptual de la aplicación de salvaguardias, y Canadá en el desarrollo de cursos de capacitación, ha sido muy importante para la ABACC.

La participación en foros internacionales, tales como las conferencias de las asociaciones con intereses en el ámbito de las salvaguardias, tales como ESARDA y INMM, ha producido un intercambio de ideas y experiencias muy productivo para la calificación de la ABACC.

Un factor determinante para el éxito de la ABACC es el apoyo y reconocimiento por parte de los gobiernos de Brasil y Argentina, demostrado en la serie de declaraciones conjuntas que se han sucedido en el tiempo por parte de los distintos gobiernos. Esa actitud se manifiesta en acciones concretas y apoyo financiero a los programas de la ABACC. También se traduce en la cooperación técnica con los laboratorios que apoyan el accionar de la ABACC, pertenecientes a los diferentes órganos e instituciones nucleares de ambos países, siempre con el apoyo de ambos gobiernos.

La formación misma de los cuadros de personal de la ABACC, su cuerpo permanente de funcionarios y el grupo funcional de los inspectores, es clara muestra de esta cooperación. Todos ellos provienen de las instituciones que constituyen el sector nuclear de los dos países. Dado que la ABACC no posee laboratorios propios de medición de muestras, utiliza una red de laboratorios de ambos países para satisfacer sus necesidades en materia de análisis destructivo de muestras, tanto de instalaciones nucleares como de muestras ambientales, así como de apoyo técnico para el desarrollo de técnicas de análisis no destructivo.

La ABACC tiene una estructura funcional reducida. Su cuerpo directivo, denominado la Comisión de la ABACC, está integrado por cuatro miembros, dos representantes de cada país. Esta Comisión supervisa el trabajo de la Secretaría, que es el órgano ejecutivo. La Secretaría está compuesta por profesionales técnico-administrativos elegidos por la Comisión y un cuerpo de auxiliares administrativos.

El personal técnico consta de diez funcionarios, cinco argentinos y cinco brasileños, bajo la conducción de los dos Secretarios. La titularidad de la Secretaría rota anualmente y es ejercida por los dos funcionarios de mayor jerarquía propuestos por los respectivos gobiernos de Argentina y Brasil y aprobados por la Comisión.

Las inspecciones de salvaguardias son llevadas a cabo por un cuerpo de inspectores altamente calificados. En la actualidad son aproximadamente

100 inspectores, repartidos por igual entre ambos países. Los inspectores argentinos realizan inspecciones en las instalaciones nucleares de Brasil y los inspectores brasileños hacen lo propio en las de Argentina.

Los inspectores no forman parte del plantel estable de personal de la ABACC, sino que se incorporan a su Secretaría durante las inspecciones.

Es dable destacar que los funcionarios de la ABACC no son considerados parte de las estructuras gubernamentales de ninguno de los dos países. Se los encuadra como funcionarios internacionales, con total independencia en lo que hace al cumplimiento de sus funciones. Un tratamiento similar se les otorga a los inspectores cuando se encuentran desempeñando funciones para la ABACC.

STATEMENT BY AMBASSADOR AS 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 for Africa. This not only relates to the possible membership of some African States to a zone free of nuclear weapons in the Middle East, but also, as noted in the Pelindaba 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 devices, 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 Pelindaba 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 Pelindaba 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 its 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 regional and international peace and security, thereby enhancing political stability, which contributes to economic and social development.

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
(November 21-22, Vienna)

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.

The 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.

The substantial provisions of the EURATOM Treaty cover ten areas including radioprotection, research, supply of nuclear materials, international relations – and nuclear

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

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"-arrangements². 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. 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.

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)).

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.

FORUM OIEA
ON EXPERIENCE OF POSSIBLE RELEVANCE TO THE CREATION OF NWFZ IN
MEDDLE EAST

21 Y 22 DE NOVIEMBRE 2011

PARTICIPACION DE GIOCONDA UBEDA, SECRETARIA GENERAL DEL OPANAL
REPRESENTANTE ZONA LIBRE DE ARMAS NUCLEARES DE AMERICA LATINA Y EL
CARIBE

SALUDOS: AL DIRECTOR GENERAL DE LA OIEA, SR. YUKIYA AMANO

PRESIDENTE DEL FORUM, H.E. Mr. JAN PETERSEN

EMBAJADORES Y DELEGADOS

INVITADOS ESPECIALES

INTRODUCCIÒN

LA ZONA LIBRE DE ARMAS NUCLEARES DE AMERICA LATINA Y EL CARIBE SE CREA EN 1967, DESPUES DE TRES AÑOS DE NEGOCIACIONES ENTRE 21 ESTADOS DE 22 QUE EXISTIAN ENTONCES EN LA REGION. ESTAS FUERON INTENSAS, CONTINUAS Y CON UNA ACTIVA PARTICIPACION DE LOS ESTADOS A TRAVES DE SUS REPRESENTANTES AL MAS ALTO NIVEL. UNA VEZ CONCLUIDO EL PROCESO DE ELABORACIÒN, NEGOCIACION Y APROBACION DEL TRATADO DE TRATELOLCO EN 1967, TODOS LOS 21 ESTADOS LO FIRMAN ESE AÑO, INCLUIDOS ARGENTINA, BRASIL Y CHILE QUE SE INTEGRAN PLENAMENTE COMO ESTADOS PARTES HASTA EN 1994.

EL DETONANTE O DISPARADOR DE ESTA DECISION EN CUANTO A VOLUNTAD POLITICA, FUE LA "DECLARACION CONJUNTA SOBRE DESNUCLEARIZACION DE LA AMERICA LATINA" QUE FIRMARON EN ABRIL DE 1963 CINCO PRESIDENTES

(BOLIVIA, BRASIL, CHILE, ECUADOR Y MEXICO), EN LA QUE HACEN UN LLAMADO AL RESTO DE LOS PAISES DE LA REGION, A FIRMAR UN ACUERDO MULTILATERAL LATINOAMERICANO EN EL QUE LOS ESTADOS SE COMPROMETEN A DECLARAR A LA AMERICA LATINA COMO UNA ZONA DESNUCLEARIZADA. ESTA DECLARACION FUE FUNDAMENTADA EN LA SITUACION POLITICA INTERNACIONAL Y EN LA EXPERIENCIA REGIONAL EN CUANTO A LOS MISILES NUCLEARES.

CUAL FUE ESE CONTEXTO REGIONAL QUE HIZO NECESARIO Y POSIBLE LA CREACION DE LA PRIMERA ZONA LIBRE DE ARMAS NUCLEARES EN UN TERRITORIO DENSAMENTE POBLADO?

- 1. LA CONFRONTACION PERMANENTE, EN EL MARCO DE LA GUERRA FRIA , DE LAS DOS GRANDES POTENCIAS NUCLEARES, ESTADOS UNIDOS DE AMERICA Y LA UNION DE REPUBLICAS SOCIALISTAS SOVIETICAS.**
- 2. LA EXPANSIÓN DEL ARMAMENTISMO NUCLEAR, TANTO HORIZONTAL COMO VERTICAL, POR PARTE DE LA POTENCIAS CONSOLIDADAS (EU 1945, URSS 1949, UK 1952) Y DE LAS EMERGENTES (FRANCIA 1960 Y CHINA 1964).**
- 3. LOS ENSAYOS NUCLEARES Y SUS IMPREDECIBLES EFECTOS. 1962 FUE EL PEOR AÑO, SE REALIZARON 117 PRUEBAS NUCLEARES EN LA SUPERFICIE TERRESTRE Y 61 SUBTERRANEAS.**
- 4. PRECISAMENTE EN ESE MISMO AÑO, EL MUNDO ESTUVO EN RIESGO DE SUFRIR UNA GUERRA MUNDIAL CON LA CRISIS DE LOS MISILES EN BAHIA COCHINOS, CUBA, EN LA QUE SE ENFRENTARON LAS GRANDES POTENCIAS NUCLEARES (EU Y URSS). ESTA CONFRONTACION JUNTO AL BLOQUEO DE BERLIN FUERON LAS MAYORES CRISIS ENTRE AMBAS POTENCIAS DURANTE LA GUERRA FRIA. LA QUE OCURRIO EN EL TERRITORIO CUBANO FUE LA QUE ESTUVO MAS CERCA DE UNA GUERRA NUCLEAR.**
- 5. ESTE HECHO EVIDENCIO QUE LOS EFECTOS DE UNA POSIBLE CONFLAGRACION NUCLEAR AFECTARIA A TODOS LOS PUEBLOS DEL CONTINENTE.**
- 6. LA GRAN PREOCUPACION DE LAS POTENCIAS NUCLEARES EN ESE ESCENARIO ERA LA PROLIFERACION HORIZONTAL DE ESAS ARMAS.**

7. OTRO ASPECTO REGIONAL A CONSIDERAR FUE EL SURGIMIENTO DE PAISES CON CAPACIDAD NUCLEAR EN CRECIMIENTO, QUE PODRIA SIGNIFICAR UN PELIGRO SI SE APLICABA A FINES BELICOS.

EN ESE ESCENARIO DE CRECIENTE PREOCUPACION, CON EXPERIENCIAS QUE PUSIERON EN RIESGO LA SEGURIDAD, LA PAZ Y HASTA LA VIDA DE LOS PUEBLOS LATINOAMERICANOS, FUE QUE LOS DEMAS PRESIDENTES DE 21 ESTADOS LATINOAMERICANOS, DE UN TOTAL ENTONCES DE 22, SE SUMARON RAPIDAMENTE A LA INICIATIVA DE LOS CINCO PRESIDENTES. EN 1964 SE INICIARON LOS TRABAJOS PARA ESTABLECER LA ZLAN.

TRANSCURRIERON 3 AÑOS DE SESIONES A NIVEL DE CONFERENCIAS, CON DIVERSAS INSTANCIAS INTERMEDIAS QUE SE CREARON CON EL PROPOSITO DE NEGOCIAR, PREPARAR Y APROBAAR FINALMENTE EL 12 DE FEBRERO DE 1967 EL TRATADO DE TLAHELCO. ESE MISMO AÑO LOS 21 ESTADOS LO FIRMARON, INCLUIDOS BRASIL, ARGENTINA Y CHILE QUE SE INCORPORAN COMO MIEMBROS PLENOS HASTA EN 1994, PARA ELLO TRANSCURRIERON 27 AÑOS, DURANTE LOS CUALES LOS ESTADOS MIEMBROS PLENOS Y EL OPANAL REALIZARON INNUMERABLES GESTIONES AL MAS ALTO NIVEL PARA QUE ELLO SE CONCRETARA. MUY SIMILAR SUCEDIÓ CON CUBA QUE SE INCORPORO PLENAMENTE EN EL 2002, 35 AÑOS DESPUES DE QUE SE SALIO A LA FIRMA EL TRATADO, SIENDO EL ULTIMO ESTADO EN HACERLO DE LOS 33 QUE CONFORMABAN LA REGION PARA ENTONCESE, DEBIDO AL SURGIMIENTO DE NUEVOS ESTADOS SOBERANOS EN EL CARIBE. PARA CREAR LAS CONDICIONES DE ESTOS A LA ZLAN, FUE NECESARIO REALIZAR DOS ENMIENDAS AL TRATADO.

En LO QUE RESPECTA A BRASIL Y ARGENTINA, DURANTE LOS 30 AÑOS QUE TRANSCURREN DESDE QUE SE INICIO EL PROCESO HASTA 1994, PARTICIPARON ACTIVAMENTE EN LA ELABORACION DEL TRATADO (1964_1967) NEGOCIANDO CONDICIONES QUE LE PERMITIERAN INCORPORARSE PLENAMENTE DESPUÈS A LA ZLAN (ARTICULOS 18 Y 28, HOY 29). DURANTE ESE TIEMPO EL ESPACIO MULTILATERAL, OPANAL, DESEMPEÑO UN PAPEL CLAVE PARA LA COMUNICACIÓN Y LA

NEGOCIACION ENTRE AMBOS PAISES HASTA QUE LOGRARON LOS ACUERDOS DE POLITICA NUCLEAR COMUN (1985 Y 1990) BASADOS EN LA CONSTRUCCION DE LA CONFIANZA MUTUA Y LA COOPERACION, QUE DESPUES CREAN EL ABACC (1991) Y FACILITA LA FIRMA DEL ACUERDO CUATRIpartita CON LA OIEA EN 1991, PROCUCIENDO ELLO UNA ENMIENDA AL TRATADO DE Tlateolco EN LO QUE AL SISTEMA DE CONTROL SE REFIERE. UN EJEMPLO MAS DE LA FLEXIBILIDAD DEL ESPACIO MULTILATERAL PARA AVANZAR EN LA CONSOLIDACION DE LA ZLAN MEDIANTE ACUERDOS NEGOCIADOS. ESTE SISTEMA BILATERAL Y ACUERDO CUATRIpartita REFUERZA EL SISTEMA DE CONTROL DEL TRATADO DE Tlateolco QUE TIENE SU CENTRO NEURALGICO EN LOS ACUERDOS DE SALVAGUARDIA DE LA OIEA Y EN LOS PROCEDIMEINTOS DE VERIFICACION MEDIANTE INSPECCIONES.

CUALES FUERON LOS PRINCIPIO MULTILATERALES QUE ESTUVIERON A LA BASE DE ESE ACUERDO REGIONAL?

- 1. LA SOLUCION DE LOS CONFLICTOS Y LA BUSQUEDA DE PAZ POR MEDIOS PACIFICOS**
- 2. EL DERECHO A LA ENERGIA NUCLEAR PARA FINES PACIFICOS CON GARANTIA DE ACCESO REGULADO.**
- 3. EL DESARME TOTAL Y COMPLETO COMO PROPOSITO FINAL DE LA ZLAN, LA NO PROLIFERACION REGIONAL COMO UN MEDIO PARA LOGRARLO (PREAMBULO DEL TRATADO, PARRAFO 4).**
- 4. PRESERVAR A SUS PUEBLOS DE LAS TRAGICAS CONSECUENCIAS QUE ACARREARIA UNA GUERRA NUCLEAR.**
- 5. CONTRIBUIR A LA CONSOLIDACION DE UN MUNDO EN PAZ, FUNDADO EN LA IGUALDAD SOBERANA DE LOS ESTADOS, EL RESPETO A LA VECINDAD Y EL RECONOCIMIENTO MUTUO.**

ESTOS PRINCIPIOS ESTUVIERON COMPLEMENTADOS CON PROCEDIMIENTOS ORIENTADOS A DIALOGO, LA NEGOCIACION Y LA CONSTRUCCION DE LA CONFIANZA ENTRE LOS ESTADOS:

1. ACTIVA Y CONTINUA PARTICIPACION DE LOS DELEGADOS DE LOS ESTADOS REPRESENTADOS EN LAS DIVERSAS INSTANCIAS CREADAS, INCLUYENDO LA PARTICIPACION DE LOS PRESIDENTES LATINOAMERICANOS.
2. LA CALIDAD, NIVEL Y EXPERIENCIA DIPLOMATICA DE LOS REPRESENTANTES, SOBRE QUIENES DIRIGIAN EL PROCESO, DESTACA ENTRE ELLOS EL PREMIO NOBEL DE LA PAZ 1982, EMBAJADOR EMERITO MEXICANO ALFONSO GARCIA ROBLES.
3. DEFINICION DE UN AGENDA CORTA Y PRECISA QUE PERMITIA CENTRAR LAS DISCUSIONES HASTA AGOTAR CADA UNO DE LOS PUNTOS.
4. APLICACIÓN DE REGLAMENTOS, PRIMERO DE LA ONU Y LUEGO PROPIOS
5. LA ACEPTACION DE ESTADOS OBSERVADORES EN LAS SESIONES PLENARIAS, LLEGARON A SUMAR 22 LOS ESTADOS EN ESTA CALIDAD, INCLUYENDO EN LAS DOS ULTIMAS SESIONES A LAS POTENCIAS NUCLEARES Y PAISES BAJOS.
6. ACCESO A LA DOCUMENTACION PRODUCIDA EN EL PROCESO. ESTE HECHO Y EL ANTERIOR DIERON TRANSPARENCIA AL PROCESO.

LA CREACION DE LA ZLAN DE LA AMERICA LATINA Y EL CARIBE FUE POSIBLE TANTO POR LA CONCRECION DE LA NORMA DE NO PROLIFERACION (21 ESTADOS FIRMARON 1967) EN EL TRATADO DE TLATELOLCO Y SUS DOS PROTOCOLOS ADICIONALES, COMO POR LA CONSTRUCCION PERMANENTE DE LA CONFIANZA ENTRE LOS ESTADOS DE LA REGION, LA FLEXIBILIDAD EN LAS NEGOCIACIONES, Y LA TRANSPARENCIA EN EL PROCESO. EL LARGO PROCESO (3 AÑOS) DE NEGOCIACION, ELABORACION Y APROBACION DEL TRATADO DE TLATELOLCO, DEMOSTRO EL COMPROMISO POLITICO (LA VOLUNTAD POLITICO) Y LA CAPACIDAD DE DIALOGO DE LOS ESTADOS.

EN ESTE PROCESO TAMBIEN TUVO UN ROL IMPORTANTE LAS NACIONES UNIDAS MEDIANTE EL APOYO E IMPULSO DADO POR LAS RESOLUCIONES DE LA ASAMBLEA GENERAL, EMPEZANDO POR LA 1911 APROBADA EN 1963 A PROPOSITO DE LA PRESENTACION DE LA DECLARACION DE LOS CINCO PRESIDENTES PARA DESNUCLERIZAR LA REGION. FUERON

CONSTANTES LOS LLAMADOS A LAS POTENCIAS NUCLEARES PARA QUE APOYARAN ESTE PROCESO Y LUEGO FIRMARAN Y RATIFICARAN LOS PROTOCOLOS ADICIONALES.

QUE ELEMENTOS DEL TRATADO DE TLAHELCO SON IMPORTANTES MENCIONAR PARA LOS PROPOSITOS DE ESTE FORO?

- 1. DEFINE, ART. 4, LA ZONA DE APLICACIÓN, QUE ES LA SUMA DE TERRITORIOS, CONSIDERADO CUANDO SE CUMPLA EL INGRESO PLENO DE TODOS LOS ESTADOS MIEMBROS Y LA RATIFICACION DE LOS DOS PROTOCOLOS POR PARTE DE LA POTENCIAS NUCLEARES Y PAISES BAJOS. ESTO PERMITIO CREAR UN MARCO ESPACIAL LO MAS AMPLIO POSIBLE QUE INTEGRABA A TERRITORIOS EN LITIGIO Y LOS QUE ESTUVIERAN DE IURE O DE FACTO BAJO LA ADMINISTRACION O RESPONSABILIDAD DE LOS ESTADOS EXTRACTINENTALES Y CONTINENTALES. PARA ESTE PROPOSITO SE REDACTA EL PROTOCOLO ADICIONAL I Y ESTA ES LA RAZON POR LA QUE ES HASTA 1992, CON LA RATIFICACION DE FRANCIA QUE ENTRA EN VIGOS CON LA RATIFICACION DE LOS CUATRO ESTADOS VINCULADOS (ESTADOS UNIDOS, PAISES BAJOS Y REINO UNIDO).**
- 2. EL TRATADO NO PERMITE LAS RESERVAS, ART. 28 ACTUAL**
- 3. CREA EL ORGANISMO PARA LA PROSCRIPCION DE LAS ARMAS NUCLEARES EN LA AMERICA LATINA Y EL CARIBE (OPANAL) PARA VELAR POR EL REGIMEN DE DESNUCLEARIZACION MILITAR DE LA ZONA, CON CARCTER INDEPENDIENTE. ESTE INICIA FUNCIONES EN 1969 Y TIENE UN ROL RELEVANTE EN EL PROCESO DE CONSOLIDACION DE LA ZLAN, DESDE LA INTEGRACION PLENA DE LOS ESTADOS MIEMBROS HASTA LA FIRMA Y RATIFICACION DE LOS PROTOCOLOS ADICIONALES.**
- 4. VINCULA A LOS ESTADOS POSEEDORES DE ARMAS NUCLEARES MEDIANTE EL PROTOCOLO II PARA GARANTIZAR LA EFICACIA DEL REGIMEN DE DESNUCLEARIZACION DE LA ZLAN Y LOGRAR LAS GARANTIAS NEGATIVAS DE SEGURIDAD. EN 1979 SE CONCRETA LA RATIFICACION POR PARTE DE LAS CINCO POTENCIAS (1969 UK, 1971 EU, 1974 CHINA Y FRANCIA, 1979 URSS). EL INTERES EN LA NO**

PROLIFERACION FUE UN FACTOR PARA CONCRETAR EN UN RELATIVO CORTO TIEMPO LA ENTRADA EN VIGOR DE ESTE PROTOCOLO.

- 5. LA DISPENSA ESTABLECIDA EN EL ARTÍCULO 28.2 FUE UN ELEMENTO DE FLEXIBILIDAD PARA NEGOCIAR EL TRATADO (BRASIL), QUE EN ESENCIA DISPONE EL PÁRRAFO PRIMERO UNA SERIE DE CONDICIONES PARA QUE ENTRE EN VIGENCIA (FIRMA Y RATIFICACION DE TODOS LOS ESTADOS MIEMBROS, FIRMA Y RATIFICACION DE LOS PROTOCOLOS I Y II POR PARTE DE LOS ESTADOS VINCULADOS Y FIRMA DE TODOS LOS ACUERDOS DE SALVAGUARDIAS CON LA OIEA) PERO CON LA DISPENSA PUEDEN OBVIARSE. FUE ASI COMO EN 1969 CON LA RATIFICACION DE LOS PRIMEROS 11 ESTADOS QUE ENTRO EN VIGOR EL TRATADO DE TLATELOLCO.**

LA DISPENSA FUE UNA NOVEDAD EN UN INSTRUMENTO INTERNACIONAL COMO TAMBIEN LO FUE TODO EL PROCESO DE CREACION DE LA ZLAN, UNA EXPERIENCIA SIN PRECEDENTES POR LO QUE FUE CREATIVO Y AJUSTADO A LAS CONDICIONES DE LA REGION DE AMERICA LATINA Y EL CARIBE.

VENTAJAS Y DIFICULTADES PARA EL ESTABLECIMIENTO DE LA ZLAN?

VENTAJAS:

- 1. NINGUN ESTADO DE LA REGION HABIA DESARROLLADO ARMAS NUCLEARES, AUNQUE SI HUBO MISILES NUCLEARES DE POTENCIAS EXTRAREGIONALES Y TAMBIEN SOSPECHAS DE LA EXISTENCIA EN DE SU EXISTENCIA EN DISTINTOS LUGARES DE LA REGION.**
- 2. EXISTIA EN LA EPOCA UN INTERES DE LAS POTENCIAS NUCLEARES EN EVITAR LA PROLIFERACION HORIZONTAL DE ARMAS NUCLEARES, ESO CONTRIBUYO A QUE EL PROTOCOLO II ENTRARA EN VIGENCIA MUCHO ANTES QUE EL I, AUNQUE CUATRO DE LAS CINCO POTENCIAS HICIERON DECLARACIONES INTERPRETATIVAS QUE RESTRINGEN EL ESTATUTO DESNUCLEARIZADO DE LA ZLAN.**

3. LAS NACIONES UNIDAS APOYARON EL PROCESO DE CREACION Y CONSOLIDACION MEDIANTE RESOLUCIONES.

QUE SIGNIFICO PARA EL MUNDO EL TRATADO DE TLATELOLCO Y CON SU ENTRADA EN VIGOR LA CREACION DE LA PRIMERA ZLAN?

- **UN APORTE A LA PAZ Y SEGURIDAD REGIONAL Y TAMBIEN A LA PAZ Y SEGURIDAD REGIONAL.**
- **UN REFERENTE PARA LA CREACION DE OTRAS ZLANS**
HOY EXISTEN OTRAS EXPERIENCIAS QUE HACEN NECESARIO REFLEXIONAR SOBRE LA EVOLUCION DEL CONCEPTO Y LA PRACTICA , CADA EXPERIENCIA SURGIO EN UN CONTEXTO POLITICO DISTINTO, CON LO CUAL SON UN CUMULO DE EXPERIENCIAS Y APRENDIZAJES.

PERO AUN CUANDO EL CONTEXTO FUE DIFERENTE SE HIZO NECESARIO CUMPLIR CIERTAS CONDICIONES Y USAR DISTINTOS MECANISMOS PARA LOGRAR LOS ACUERDOS, CONSTRUIR LA CONFIANZA ENTRE LAS PARTES ES UN REQUISITO SINE QUA NON, LO MISMO EL COMPROMISO POLITICO CONTINUO, LA PARTICIPACION DE LOS ESTADOS, EL APOYO DE LA COMUNIDAD INTERNACIONAL Y AHORA DE LA SOCIEDAD CIVIL. LAS REGLAS DEBEN SER CLARAS Y TRANSPARENTE EL PROCESO, ACORDANDO PRIMERO LO POSIBLE PARA SEGUIR AVANZANDO HACIA LO MAS COMPLEJO, CON FORMULAS PROPIAS A CADA SITUACION .

QUE RESCATARIA COMO EXPERIENCIA A COMPARTIR AL PROPOSITO DE ESTE FORUM?

PARTIENDO DE QUE CADA EXPERIENCIA ES UNICA POR LAS RAZONES GEOPOLITICAS REGIONALES Y GLOBALES, POR LAS RELACIONES DE PODER QUE ESTAN A LA BASE Y LA HISTORIA, VOY A MENCIONAR ALGUNAS:

1. LA CREACION DE ESPACIOS MULTILATERALES PODRIA SER PROPICIO PARA AVANZAR EN EL DIALOGO Y LAS NEGOCIACIONES BILATERALES
2. LAS SITUACIONES DE CRISIS EXTREMA PODRIAN GENERAR UNA VOLUNTAD POLITICA PARA INICIAR EL DIALOGO Y LAS NEGOCIACIONES PARA ESTABLECER UNA ZLAN O ZLADM. ESA VOLUNTAD POLITICA NO NECESARIAMENTE SE DA AL MISMO TIEMPO ENTRE TODOS LOS ESTADOS QUE COMPRENDEN EL TERRITORIO DE APLICACIÓN DE LA ZLAN. ES NECESARIO SER FLEXIBLES PARA CREAR CONDICIONES EN EL PROCESO DE CREACION E INTEGRACION DE LA ZLAN.
3. DESDE EL INICIO DEBERIAN ESTAR CLAROS LOS PRINCIPIOS QUE NUTREN EL PROCESO MULTILATERAL Y LOS BENEFICIOS DE LOGRAR LA CONSOLIDACION DE LA ZLAN.
4. EL PROCESO DEBERIA SER CONTINUO Y CON LA PARTICIPACION AL MAS ALTO NIVEL POR PARTE DE LOS ESTADOS FUNDADORES, QUIENES SEGURAMENTE DEBERAN REALIZAR CON EL APOYO DE LA COMUNIDAD INTERNACIONAL (ESTADOS, ONU Y ORGANIZACIONES REGIONALES), ACCIONES O GESTIONES CONSTANTES FRENTE A LOS ESTADOS QUE TIENEN MAYORES INTERESES EN JUEGO PARA INTEGRARSE A LA ZLAN.
5. DELIMITAR LA ZONA DE APLICACIÓN LO MAS AMPLIO POSIBLE PARA FACILITAR LOS PROCESOS DE INTEGRACION.
6. EN AMERICA LATINA Y EL CARIBE HA SIDO IMPORTANTE LA CREACION DEL ORGANISMO MULTILATERAL, EL OPANAL PARA CONSOLIDAR EL PROCESO DE INTEGRACION LA ZLAN.

POR ULTIMO, UNA REFLEXION GENERAL, LAS CRISI MAS EXTREMAS HAN PERMITIDO EN LA HISTORIA DE LA HUMANIDAD ENCONTRAR OPORTUNIDADES PARA SUPERARLAS. EN LA REGION DE AMERICA LATINA Y EL CARIBE TENEMOS LA ESPERANZA DE QUE ESTA SEA UNA OPORTUNIDAD PARA INICIAR EL DIALOGO Y LA NEGOCIACIÓN PARA

LOGRAR ACUERDOS QUE CONDUZCAN A LA PAZ Y LA SEGURIDAD DEL MEDIO ORIENTE.

- **GRACIAS**

**Elements of SEANWFZ
IAEA Forum on the
Creation of the Nuclear Weapon Free Zone in the Middle East,
Vienna, 24 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 device 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.

CV of the Presenter

Ambassador I Gusti Agung Wesaka Puja, known as Mr. Puja, is the Ambassador/Permanent Representative of the Republic of Indonesia to the UN and Other International Organization in Vienna. He also currently serves as the Governor for Indonesia in the IAEA Board of Governor and the Indonesian Sherpa for the Nuclear Security Summit 2012. Before his current position, Ambassador Puja served as Ambassador/Deputy Permanent Representative in Geneva, where he was, among other things, dealing with the Conference on Disarmament. He studied political sciences at the University of Michigan. He is a career diplomat. He joined the Ministry of Foreign Affairs of Indonesia in 1986.

He will make a presentation on the Nuclear Weapon-Free-Zone in the South East Asia, also known as Bangkok Treaty, on behalf of H.E. Dr. Marty R.M. Natalegawa, the Indonesian Minister for Foreign Affairs, in his capacity as the Chairman of the Commission for SEANWFZ, who is, despite his eagerness to participate, unable to join us today due special circumstances related to ASEAN Summit, ASEAN + 3 Summit and East Asian Summit takes place in the same period of time in Bali.

Presentation on the South Pacific Nuclear Free Zone Treaty 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.

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