### Middle East Zone Free of Nuclear Weapons, and Other Weapons of Mass Destruction, and Their Delivery Systems

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# ESTABLISHING A NWFZ/WMDFZ IN THE REGION OF THE MIDDLE EAST

- > NWFZs
- ➤ HISTORY OF THE PROPOSED ME NWFZ/WMDFZ
- SECURITY- AND CONFIDENCE-BUILDING MEASURES TO DATE
- INITIAL STEPS
- ESTABLISHING A PROCESS

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# NUCLEAR-WEAPON-FREE ZONES (NWFZs)

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#### **NUCLEAR NON-PROLIFERATION TREATY (NPT)**

→ Nothing in this Treaty affects the right of any group of States to conclude **regional treaties** in order **to assure the total absence of nuclear weapons** in their respective territories – Article VII

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### **Nuclear-Weapon-Free Zones**

Antarctic Treaty 44 (s. 1 Dec 1959 / 23 June 1961)

**Treaty of Tlatelolco 33 (s.1967 / EIF: 1969)** 

Treaty of Rarotonga 13 (s.1985 / EIF: 1986)

[Denuclearization of Korean Peninsula (s: 20 January 1992/EIF: ?)]

Treaty of Bangkok 10 (s.1995 / EIF: 1997)

Treaty of Pelindaba 52 (s.1996 / EIF: 2009)

Central Asia 5 (s.2006 / EIF: 2009)

Mongolia (single-state) (Dec. 1992 / EIF: 2000)

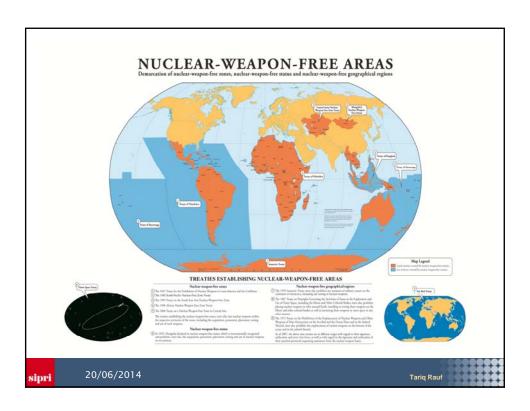
[Middle East – proposed 1974]

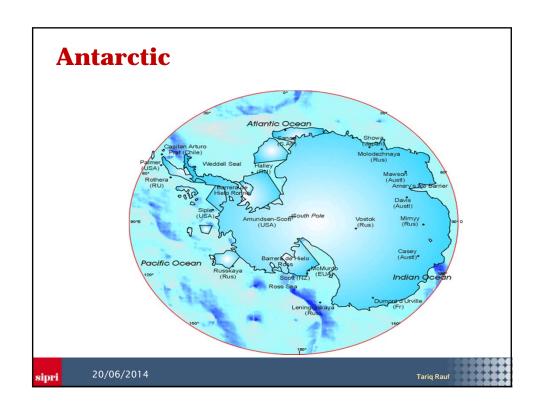
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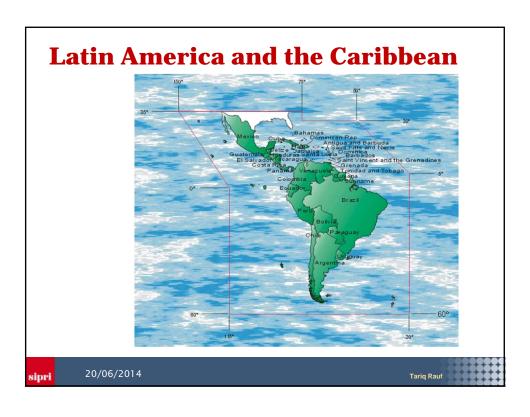
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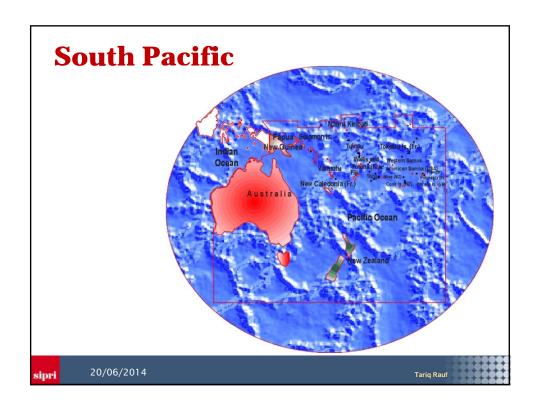
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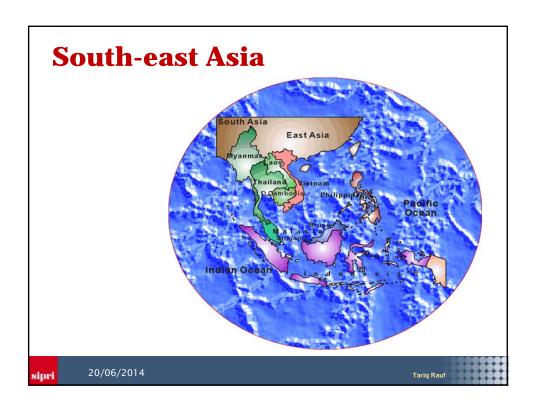
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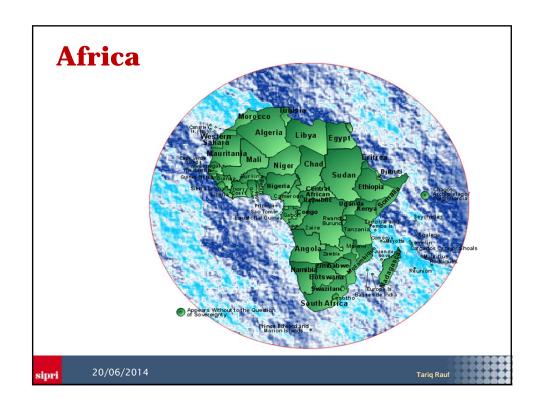




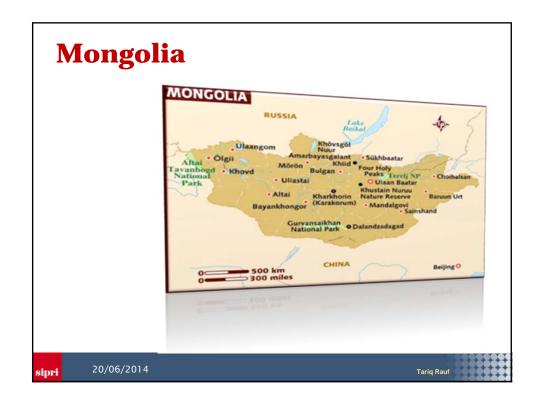












#### ANTECEDENTS OF THE CONCEPT OF NWFZ

- The idea of strengthening regional security by establishing geographical zones in which nuclear weapons would be prohibited grew out of the German question in the 1950s and first found formal expression in the so-called Rapacki Plan to de-nuclearize Central Europe (1957)
- The NWFZ approach was also reflected in the Antarctic Treaty of 1959, the Outer Space Treaty of 1967, and the Seabed Treaty of 1971

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#### WHAT IS A NWFZ?

- A NWFZ prohibits the development, manufacture, stockpiling, acquisition, possession, control, assistance in research on the development, manufacture, stockpiling or acquisition, or possession, of any nuclear explosive device within the zone of application by any contracting Party
- Peaceful applications and uses of nuclear energy, under appropriate IAEA safeguards, are allowed

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#### WHAT IS A NWFZ?

- All of the existing zones call themselves nuclear-weapon-free zones or denuclearized zones, except one which calls itself a nuclear-free zone >> the South Pacific zone, is not significantly different from the others, it and several of the other nuclear-weapon-free zones prohibit nuclear testing and dumping of radioactive wastes at sea or on land within the zone as well as the development and manufacture, and stationing, of nuclear explosive devices
- None of the zones prohibits peaceful nuclear research or power generation reactors

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#### INTERNATIONALLY AGREED CRITERIA

- □ "Comprehensive Study on the Question of Nuclear-Weapon-Free Zones in All its Aspects" (Special Report of the Conference on Disarmament, 30<sup>th</sup> Session, Agenda Item 44, UN General Assembly, of 8 October 1975)
- **Guiding principles for the establishment of NWFZs:**
- 1. NWFZs may be established not only in entire continents or large geographical regions, but also by smaller groups of States and even individual countries
- 2. The zone must be effectively free of all nuclear weapons
- 3. The initiative for creating a NWFZ should come from States within the region concerned and participation must be voluntary
- 4. All militarily significant States should be members of the zone in order to enhance its effectiveness

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#### INTERNATIONALLY AGREED CRITERIA

- □ "Comprehensive Study on the Question of Nuclear-Weapon-Free Zones in All its Aspects" (Special Report of the Conference on Disarmament, 30<sup>th</sup> Session, Agenda Item 44, UN General Assembly, of 8 October 1975)
- **Guiding principles for the establishment of NWFZs:**
- 5. The zone must contain an effective system of verification to ensure full compliance with the agreed obligations
- 6. Arrangements for a zone should promote the economic, scientific, and technological development of the members through international cooperation on peaceful uses of nuclear energy
- 7. The treaty establishing the zone should be of unlimited duration

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#### INTERNATIONALLY AGREED CRITERIA: UNGA Res.3472B

**UN General Assembly Resolution 3472 B (XXX)**, adopted on 11 November 1975, (based on a Mexican draft) defined a NWFZ as:

- ☐ I. Definition of the concept of a NWFZ:
- 1. A NWFZ shall, as a general rule, be deemed to be any zone, recognized as such by the UN General Assembly, which any groups of States, in the free exercise of their sovereignty, have established by virtue of a treaty or convention whereby:
- a. The statute of a total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone is defined
- b. An international system of verification and control is established to guarantee compliance with obligations derived from that statute

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#### **INTERNATIONALLY AGREED CRITERIA: UNGA Res.3472B**

- ☐ Definition of the **principal obligations of the NWS** towards NWFZs and towards the States included therein:
- ❖ 2. In every case of a NWFZ that has been recognized as such by the General Assembly, all nuclear-weapon States shall undertake or reaffirm, in a solemn international instrument having full legally binding force, such as a treaty, a convention or protocol, the following obligations:
- a. To respect in all its parts the state of total absence of nuclear weapons defined in the treaty or convention which serves as the constitutive instrument of the zone
- b. To refrain from contributing in any way to the performance in the territories forming part of the zone of acts which involve a violation of the aforesaid treaty or convention
- c. To refrain from using or threatening to use nuclear weapons against States included in the zone

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#### INTERNATIONALLY AGREED CRITERIA: UNSSOD.I

- ☐ The Final Document of the Tenth Special Session of the UN General Assembly (which coincidentally was also the First UN Special Session on Disarmament (UNSSOD I), adopted in 1978, states inter alia:
- ❖ 60. The establishment of NWFZs on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure
- ❖ 61. The process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons > in the process of establishing such zones, the characteristics of each region should be taken into account >> States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons

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#### INTERNATIONALLY AGREED CRITERIA: UNSSOD.I

- ❖ 62. With respect to such zones, the NWS in turn are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of the zone, in particular:
- a) To respect strictly the status of the nuclearweapon-free zone
- b) To refrain from the use or threat of use of nuclear weapons against the States of the zone

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#### INTERNATIONALLY AGREED CRITERIA

- ☐ These criteria can be summarized in six elements:
- The initiative for the creation of a NWFZ must come from the States located within the zone of application of treaty provisions
- 2. The constitutive instrument of a NWFZ must be an **internationally binding treaty**
- 3. The NWFZ must ensure the **total absence** of **nuclear weapons within its zone of application**;
- 4. A **verification and control system** should be established in the NWFZ
- 5. The geographic zone of application must be clearly defined
- 6. The **NWFZ must be recognized** as such by the **General Assembly**

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#### **INTERNATIONALLY AGREED CRITERIA: UNDC 1999**

- □ 30 April 1999: 231st UN Disarmament Commission plenary adopted by consensus: **Principles and guidelines**:
- NWFZs should be established on the basis of arrangements freely arrived at among the States of the region concerned
- Initiative to establish a NWFZ zone should emanate exclusively from States within the region concerned and be pursued by all the States of that region
- Where consensus exists on the goal to establish a NWFZ in a given region, efforts should be encouraged and supported by the international community, and assistance should be provided, as appropriate, including through the essential role of the United Nations, to the States of the region

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#### **INTERNATIONALLY AGREED CRITERIA: UNDC 1999**

- All the States of the region concerned should participate in the negotiations on and the establishment of such a NWFZ on the basis of arrangements freely arrived at among the States of the region concerned
- Nuclear-weapon States should be consulted during the negotiations of each treaty and its relevant protocol(s) establishing a NWFZ in order to facilitate their signature to and ratification of the relevant protocol(s) to the treaty, through which they undertake legally binding commitments to the status of the zone and not to use or threaten to use nuclear weapons against States parties to the treaty
- Process of establishing the zone should take into account all the relevant characteristics of the region concerned

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#### **INTERNATIONALLY AGREED CRITERIA: UNDC 1999**

- The obligations of all the States parties to a NWFZ treaty should be clearly defined and be legally binding, and the States parties should fully abide by such agreements
- A NWFZ should provide for the effective prohibition of the development, manufacturing, control, possession, testing, stationing or transporting by the States parties to the treaty of any type of nuclear explosive device for any purpose, and should stipulate that States parties to the treaty do not permit the stationing of any nuclear explosive devices by any other State within the zone
- A NWFZ should provide for the effective verification of compliance with the commitments made by the parties to the treaty, inter alia, through the application of full-scope IAEA safeguards to all nuclear activities in the zone

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#### **INTERNATIONALLY AGREED CRITERIA: UNDC 1999**

- A NWFZ should constitute a geographical entity whose boundaries are to be clearly defined by prospective States parties to the NWFZ treaty through full consultations with other States concerned, especially in cases where territories in dispute are involved, with a view to facilitating agreement of those States concerned
- Peaceful uses of nuclear science and technology permitted, including bilateral, regional and international cooperation for the peaceful use of nuclear energy in the zone

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#### **NUCLEAR-WEAPON STATES VIEWS/CRITERIA**

- ☐ United States strongly supports the establishment of NWFZs on the basis of arrangements freely arrived at among the States of the region concerned, meeting seven criteria:
- 1. **Initiative** for the creation of the zone should come **from** the **States in the region** concerned
- 2. All States whose participation is deemed important should participate in the zone
- 3. Zone arrangement should provide for **adequate verification of compliance** with its provisions
- 4. Establishment of the zone should **not disturb existing security arrangements** to the detriment of regional and international security **or otherwise abridge the inherent right of individual or collective self- defence** guaranteed in the UN Charter

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#### □ US

- 5. Zone arrangement should **effectively prohibit** its parties from developing or otherwise possessing any nuclear device for whatever purpose
- 6. Establishment of the zone should not affect the existing right of its parties under international law to grant or deny other States transit privileges within their respective land territory, internal waters and airspace to nuclear-powered and nuclear capable ships and aircraft of non-party nations, including port calls and overflights

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#### **NUCLEAR-WEAPON STATES VIEWS/CRITERIA**

#### □ US

7. The zone arrangement should **not seek to impose restrictions** on the exercise of rights recognized
under international law, particularly the **high seas freedoms of navigation** and **overflight**, the **right of innocent passage** of territorial and archipelagic
seas, the right of transit passage of international
straits, and the right of archipelagic sea lanes passage
of archipelagic waters

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#### ☐ USSR/Russian Federation criteria

- The readiness of other nuclear powers to accept and honour the denuclearized status of the area
- 2. The **completeness of obligations** of the contracting powers and the extent to which they ensure the zone's denuclearized status

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#### **NUCLEAR-WEAPON STATES VIEWS/CRITERIA**

#### ☐ China criteria

China has a long-standing policy of supporting NWFZs and has extended unconditional assurances not to use or threaten to use nuclear weapons against NNWS and NWFZs - China has enunciated seven principles regarding its support for NWFZs:

- NWFZs should be established by relevant countries in light of the realities of their region on the basis of voluntary agreement through consultations among themselves
- 2. Treaties on NWFZs should be consistent with the purposes and principles of the Charter of the United Nations and should not be used to interfere in the internal affairs of the countries outside of the relevant NWFZ
- 3. The nuclear-weapon free status of NWFZs should not be subject to the influence of any other security mechanism Countries in NWFZs should not refuse to fulfil their [NWFZ] obligations under any excuses, including that of a military alliance

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#### ☐ China criteria

- 4. A NWFZ should have a **clear geographic border**, not include continental shelves and EEZs, nor areas under dispute over territorial sovereignty or maritime rights and interests between the contracting parties to the NWFZ treaty and their neighbouring countries
- Effective verification mechanisms, including IAEA safeguards, should be put in place to effectively prevent the proliferation of nuclear weapons
- 6. NWFZ arrangements should be conducive to international cooperation in the **peaceful uses of nuclear energy** among member States
- 7. NWS should respect the status of NWFZs, undertake corresponding obligations, and commit themselves to unconditional non-use and threat of use of nuclear weapons against NWFZs

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#### **NUCLEAR-WEAPON STATES VIEWS/CRITERIA**

#### ☐ China criteria

 In contrast to the criteria set out by the United States and Russia, China holds that NWFZ provisions should take precedence over any other [regional] security arrangements

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#### ☐ France criteria

France supports all existing NWFZ agreements and their contribution to non-proliferation and disarmament as well as to regional security – criteria:

- 1. Unanimous support of the States in the region concerned
- 2. Geographical and strategic relevance
- 3. Compliance with universal legal norms (such as the 1982 UN Convention on the Law of the Sea)

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#### **NUCLEAR-WEAPON STATES VIEWS/CRITERIA**

- ☐ United Kingdom criteria
- UK has a longstanding policy of supporting the principle of NWFZs, provided they are based on arrangements freely arrived at by all the States in the region concerned
- UK "believes that NWFZs contribute to our ultimate goal: the global elimination of nuclear weapons"

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#### OTHER INTERNATIONALLY AGREED CRITERIA

#### ☐ European Union criteria (1997)

- 1. A NWFZ should be based on arrangements freely arrived at among the States of the region concerned
- 2. The initiative for the creation of a NWFZ should come from States within the region concerned
- 3. A NWFZ should form a coherent and clearly defined geographical entity
- 4. All States in the region concerned should participate in the NWFZ
- 5. A NWFZ should take into account the relevant specific characteristics of the region concerned

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#### OTHER INTERNATIONALLY AGREED CRITERIA

#### ☐ European Union criteria

- 6. A NWFZ should not have adverse effects on existing regional or international security arrangements, nor on the inherent right to individual or collective self-defence as enshrined in the UN Charter, nor on regional or international stability
- 7. A NWFZ should provide for the effective prohibition of development or possession of any nuclear explosive device for any purpose by States Parties, and should provide for States Parties not to allow the stationing in their territory of any nuclear explosive device
- 8. A NWFZ should be consistent with existing international instruments of nuclear non-proliferation and disarmament
- 9. A NWFZ should be drawn up in a manner consistent, inter alia, with international law and the undertakings sought from the nuclear weapon States

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#### OTHER INTERNATIONALLY AGREED CRITERIA

#### ☐ European Union criteria

- 10. The obligations of all States Parties to a NWFZ should be clearly defined and legally binding
- 11. A NWFZ should provide for effective verification of the obligations assumed by its Parties, inter alia, by the application of IAEA full-scope safeguards to all peaceful nuclear facilities in the zone
- 12. A NWFZ should be in full accordance with international law, in particular with all the rights of transit, and of free navigation and of overflight on the high seas

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#### **GENERAL CHARACTERISTICS OF NWFZs**

- 1. The recognized requirement of verifying that Contracting Parties are complying with the obligations incurred under the treaty, by ensuring that all nuclear material, facilities, and activities are subject to full-scope safeguards administered by the International Atomic Energy Agency (IAEA) - the specifics of the "control systems" may vary from region to region but all States within the zone must implement IAEA safeguards
- 2. The zone of application must be clearly and precisely defined and must include the entire territories of the Contracting Parties
- 3. The obligations, rights, and responsibilities of the Contracting Parties should be clearly defined, both for non-nuclear-weapon States parties within the zone, as well as for nuclear-weapon States

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#### GENERAL CHARACTERISTICS OF NWFZs

- 4. The NWFZs should recognize the right of Contracting States to use nuclear science and technology for **peaceful purposes** to promote economic and social development, both individually and collectively
- 5. The NWFZ treaty should be of unlimited or indefinite duration

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#### **KEY DEFINITIONS**

- Territory means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath
- Nuclear explosive device means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it (Tlatelolco)
- Stationing means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment

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#### **KEY DEFINITIONS**

- Nuclear installation means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present
- Nuclear material means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA

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#### **KEY DEFINITIONS**

- Zone of application generally means the whole of the "territories" of the Contracting Parties within the defined region
- Latin American NWFZ defined the zone to include the territories of States that ratified, and, when all had ratified, the total region would be defined by describing lines on a map running from one geographic point to another, the points being described by longitude and latitude and including certain adjacent ocean areas—(these "adjacent ocean areas" however would not exclude the right of passage in the international waters within the zone markers of nuclear-powered or nuclear-armed vessels belonging to extra-zonal parties)

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#### **KEY DEFINITIONS**

- Zone of application generally means the whole of the "territories" of the Contracting Parties within the defined region
- The **South Pacific zone** provision on territory to be covered started with a similar description of the boundaries of the region, except where otherwise specified, it applies to **territory** within the South Pacific Nuclear Free Zone >> "**territory**" means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them

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#### **KEY DEFINITIONS**

- Zone of application generally means the whole of the "territories" of the Contracting Parties within the defined region
- The African zone attached a map that simply displayed the land territories (and, by Treaty, national waters) for which the Treaty and Protocol provisions apply - (Pelindaba Treaty map does not include or show international waters as within its zone of application or geographical delimitation, and thus avoids the possible misunderstanding that international waters are covered by NWFZ provisions) >>"territory" means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the seabed and subsoil beneath

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#### **KEY DEFINITIONS**

- Zone of application generally means the whole of the "territories" of the Contracting Parties within the defined region
- The Southeast Asia zone applies to the "territories, continental shelves [off-shore] and EEZ [exclusive economic zones in the ocean]" of the States that become parties
- The Central Asian zone applies to the land territory, all waters (harbours, lakes, rivers and streams) and the air space above them

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#### **KEY DEFINITIONS**

- **☐ Zone of application** generally means the **whole of the "territories"** of the Contracting Parties within the defined region
- There are thus various ways of defining the region to be covered
- Most of the existing zones had to deal with ocean areas covered by the international Law of the Sea Treaty as well as land territories and air space

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#### COMPLIANCE, CONTROL AND VERIFICATION

- ☐ Mechanisms designed to monitor all nuclear activities of zonal States to ensure that:
- Peaceful nuclear activities are not diverted to the manufacture of nuclear weapons
- 2. No nuclear weapons are present within the zone
- 3. Nuclear weapons present in the zone are removed in conjunction with the entry into force of the zone agreement, (possibly with an account of the weapons history)
- 4. Other measures associated with the zone agreement are implemented

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#### COMPLIANCE, CONTROL AND VERIFICATION

- ☐ All existing **NWFZs rely on IAEA safeguards** to ensure compliance and verification, but **supplement** safeguards with regional mechanisms and procedures
- A party to NWFZ treaties is required to negotiate and conclude a [comprehensive] safeguards agreement with the IAEA covering all fissionable material within its territory, allowing the IAEA to carry out routine, ad hoc, and special inspections of safeguarded nuclear facilities and materials
- Relying on the IAEA safeguards system allows countries to take advantage of the IAEA's considerable experience and technology in this area, as well as to save costs

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#### **COMPLIANCE, CONTROL AND VERIFICATION**

- The IAEA system may not cover all verification functions required by NWFZs
- The IAEA safeguards system is geared to ensuring that non-nuclear weapon States do not divert nuclear material to build nuclear explosives
- It does not monitor other possible violations of a NWFZ, such as stationing of nuclear weapons by a party, or the use of territory within the zone by an extra-regional country for the manufacturing or testing of nuclear weapons
- The scope of the verification regimes of NWFZs may go beyond the full application of IAEA safeguards

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#### COMPLIANCE, CONTROL AND VERIFICATION

■ Regional control mechanisms created by NWFZs, such as the Organization for the Prohibition of Nuclear Weapons in Latin America (OPANAL), the Consultative Committee of the South Pacific Nuclear-Free Zone, the Commission for the Southeast Asia Nuclear-Weapon-Free Zone and its subsidiary organ, the Executive Committee, and the African Commission on Nuclear Energy (AFCONE), not only oversee and review the application of the IAEA safeguards system (including challenge inspections authorized by them, but carried out by IAEA inspectors) within their respective zones, but also provide for a number of additional control measures

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#### ROLE OF IAEA

- Principal role of the IAEA within NWFZs to implement NPT (and/or zonal) safeguards
- Physical protection of nuclear materials and facilities:
   States to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for nuclear safety, nuclear security, nuclear material accountancy

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#### **PROTOCOLS**

- □ Protocols to the NWFZ treaties provide for the application of some provisions to non-regional States – in three main categories:
- NWS to provide negative security assurances to regional parties, including a commitment not to use or threaten to use nuclear weapons against regional State parties
- Non-regional States which may have jurisdiction over territories located within the zone of application (such as colonial possessions) to accept the basic obligations concerning nuclear weapons that are assumed by regional State parties
- NWS not to test within the zone of application

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#### **SECURITY ASSURANCES**

- □ **NWS usually sign NWFZ Protocols** subject to understandings as the one the US issued on adhering to the Latin American NWFZ:
- An "armed attack by a Contracting Party [to the NWFZ] in which it was assisted by a NWS would be incompatible with the Contracting Party's corresponding obligations [not to possess nuclear weapons or encourage others to do so]
- In the event of such an armed attack by a NWFZ party, the US would feel free of the obligation not to use nuclear weapons"

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#### **BENEFITS OF ESTABLISHING NWFZs**

#### **□ NWFZ** agreements

- complement obligations undertaken under the NPT and enable the agreement and implementation of additional safeguards and nuclear safety measures
- serve as powerful CSBMs, promote cooperation in the peaceful uses of nuclear energy, cooperation in nuclear safety and security, cooperation in dealing with environmental and other problems related to nuclear materials, facilities, and activities
- unlike the NPT, NWFZs prohibit deployment of the nuclear weapons of a NWS on the territory of non-nuclear-weapon States parties

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#### BENEFITS OF ESTABLISHING NWFZs

### NWFZs contribute to global non-proliferation efforts by:

- Providing concrete evidence that the participating States are fulfilling their obligations under Articles VI and VII of the NPT as well as their commitment to denuclearization reiterated at the time of the indefinite extension of the NPT
- Complementing the NPT by including in their fold countries which were non-parties to the NPT
- Inhibiting States from going for nuclear weapons in response to future security needs

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#### **BENEFITS OF ESTABLISHING NWFZs**

### **NWFZs contribute to global non-proliferation efforts by:**

- Providing valuable supplements to the NPT's
   verification structure and the IAEA safeguards system by
   demanding more extensive reporting by States and
   providing more elaborate and intrusive inspection
   measures than the NPT
- Providing a useful and convenient diplomatic framework for threshold nuclear-weapon States to give up their nuclear weapon option

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#### BENEFITS OF ESTABLISHING NWFZs

### NWFZs contribute to global non-proliferation efforts by:

- Satisfying, by providing negative security assurances, a long-standing demand of NNWS regarding the threat to their national security posed by the existence of nuclear weapons
- Enabling States to concentrate on other non-proliferation issues including the creation of more comprehensive regional arms control and non-proliferation regimes such as weapons of mass destruction (WMD)-free zones

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#### PROCESS FOR NEGOTIATING A NWFZ

- ➤ Sub-regional or regional consultations
- ➤ Pre-negotiation phase
- ➤ Negotiation of a treaty text
- ➤ Signature > ratification
- > Entry-into-force
- ➤ Institution building, accessions
- > Implementation of the NWFZ treaty
- ➤ Operation, review (and possible amendment)

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#### PROCESS FOR ESTABLISHING A NWFZ

- **➤** Sub-regional or regional consultations
- Agreed Declaration on the desirability/feasibility of a NWFZ by interested parties
- > Consultations with NPT parties
- Consultations with nuclear-weapon States
- ➤ Discussion of the concept of a NWFZ at the Preparatory Committee and NPT Review Conferences
- ➤ Drafting, introduction, consideration of a draft resolution on the NWFZ at the First Committee of the UN General Assembly

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#### PROCESS FOR ESTABLISHING A NWFZ

- Adoption of a draft resolution on the NWFZ by the First Committee of the UN General Assembly
- Adoption of a resolution on the NWFZ by the UN General Assembly
- Drafting of a NWFZ treaty by the potential Contracting Parties
- Introduction of a treaty on a NWFZ at the First Committee of the UN General Assembly
- Welcoming of a treaty on the NWFZ by the UN General Assembly
- Convening of a Conference of the Contracting Parties (as well as the NWS) to sign the NWFZ treaty (and its Protocols)
- Ratification
- Entry into force

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- NWFZs
- > HISTORY OF THE PROPOSED ME NWFZ/WMDFZ
- SECURITY- AND CONFIDENCE-BUILDING MEASURES TO DATE
- INITIAL STEPS
- ESTABLISHING A PROCESS

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- HISTORY
- ➤ 1963: 17<sup>th</sup> United Nations General Assembly Egypt suggested nine conditions for establishing a NWFZ in the Middle East, driven by Egypt's fears of foreign domination, interference in its internal affairs, sensitivity over "sovereignty" in arms control measures
- ➤ 1974: 29<sup>th</sup> UNGA Egypt and Iran co-sponsor resolution on establishment of a NWFZ in the Middle East (*138 in favour, Israel and Burma abstained*)
- ➤ 1980: 35<sup>th</sup> UNGA resolution adopted by consensus, practice continues

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# ESTABLISHING A NWFZ/WMDFZ IN THE REGION OF THE MIDDLE EAST

- HISTORY
- ➤ Egypt stressed four basic principles during the NWFZ resolution debates in UNGA:
- ✓ all States of the region to refrain from producing, acquiring and possessing nuclear weapons
- ✓ Nuclear-weapon States to refrain from introducing nuclear weapons into the area or using nuclear weapons against States in the region
- ✓ effective international safeguards system to cover States in the region with and without nuclear weapons
- ✓ establishment of NWFZ in the Middle East to not prevent parties from peaceful uses of atomic energy

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- HISTORY
- 1988 (Fall): Egypt requested UN Sec-Gen to "undertake a study on effective and verifiable measures which would facilitate the establishment of a NWFZ in the Middle East"
- 1990: consultations undertaken in the course of the preparation of the UN report, in the summer, showed a degree of commonality of views among many States in the region on fundamental matters

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## ESTABLISHING A NWFZ/WMDFZ IN THE REGION OF THE MIDDLE EAST

- HISTORY
- Arab States, Iran, Israel believed that process of establishing a NWFZ in the Middle East would take several years
- geographical demarcation suggested in the UN report was generally accepted
- Positive Security Assurances beyond those in Security Council Resolution 255 (1968)
- verification procedures more far reaching than under NPT Israel favoured bilateral verification similar to Conference on Security and Co-operation in Europe (CSCE)
- initial confidence-building measures effective method for supporting the process of establishing a NWFZ in the Middle East

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- HISTORY
- UN report prepared before the Iraq's invasion of Kuwait in August 1990, adopted by consensus that same year (A/45/435) Effective and Verifiable Measures Which Would Facilitate the Establishment of a NWFZ in the Middle East
- suggested catalogue of CBMs and steps for the creation of the NWFZ including a regional nuclear test ban
- application of International Atomic Energy Agency (IAEA) safeguards on all nuclear facilities in the region
- accession to the NPT of all regional States not yet parties, provisions for transparency regarding all major nuclear projects

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## ESTABLISHING A NWFZ/WMDFZ IN THE REGION OF THE MIDDLE EAST

- HISTORY
- UN report suggested that NWS could extend advanced Negative Security Assurances to zonal States and commit not to station nuclear weapons in the zone
- report endorsed the importance of applying verification procedures more far-reaching than those implemented under the NPT

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- HISTORY
- 1990: Egypt proposed establishment of a zone free of weapons of mass destruction in the Middle East, including their delivery systems - not intended to replace the previous concept of a NWFZ, but to be pursued in parallel
- > Elements
- ✓ all WMD in the Middle East be prohibited nuclear, chemical or biological, without exception
- ✓ **all States of the region** without exception make an equal and reciprocal commitment in this regard
- ✓ verification measures and modalities be established to ascertain full compliance by all States in the region with the full scope of that prohibition without exception

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## ESTABLISHING A NWFZ/WMDFZ IN THE REGION OF THE MIDDLE EAST

- HISTORY
- 1995: NPT Review and Extension Conference adopted a package on three decisions in connection with the indefinite extension of the Treaty, as well as Resolution calling upon all States in the region of the Middle East to take practical steps towards the establishment of an effectively verifiable Middle East zone free of nuclear weapons as well as other weapons of mass destruction

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### 1995 NPTREC Resolution

- 5. Calls upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, inter alia,... the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems
- 6. Calls upon all States party to the NPT, and in particular the NWS, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems

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### 2000 NPT Final Document

- reaffirmed the importance of Resolution on the Middle East adopted by the 1995 NPTREC
- recognized that the resolution remained valid until the goals and objectives are achieved
- Resolution co-sponsored by the depositary States (Russian Federation, UK and USA), was an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty indefinitely extended without a vote in 1995

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### **2000 NPT Final Document**

Conference reaffirmed endorsement of the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction

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### **2000 NPT Final Document**

- Conference noted that the report of the UN Secretariat on the implementation of the 1995 Resolution (NPT/CONF.2000/7) stated that several States had acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, were States parties to the NPT
- Conference welcomed the accession of these States and reaffirmed the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East

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### **2000 IAEA General Conference**

- ➤ On 22 September 2000, in the context of the agenda item 'Application of IAEA safeguards in the Middle East', the General Conference adopted Decision GC(44)/DEC/12, in which it requested
- "the Director General to make arrangements to convene a forum in which participants from the Middle East and other interested parties could learn from the experience of other regions, including in the area of confidence building relevant to the establishment of a nuclear weapon free zone"

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### 2000 IAEA General Conference

- > The decision also called upon
- "the Director General, with States of the Middle East and other interested parties, to develop an agenda and modalities which will help to ensure a successful forum"

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### 2004 Report of the IAEA Director General

- IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone (NWFZ) in the Middle East - Agenda
- Forum be organized at the IAEA Headquarters in Vienna
- Forum, reflecting the consensus of the Agency's Member States on the importance of establishing a NWFZ in the region of Middle East, would be designed to consider the experience of Africa, Asia, Europe, and Latin America and the Caribbean in creating regional security regimes and achieving disarmament through establishing NWFZs

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### 2004 Report of the IAEA Director General

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

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### 2004 Report of the IAEA Director General

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

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### 2004 Report of the IAEA Director General

- Forum would address the following specific topics:
- 2. Principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements:
- (i) geographic delineation
- (ii) scope
- (iii) verification
- (iv) security assurances
- (v) other issues, such as the role of extra-regional States, the nature of the arrangements (politically/legally binding), the role of international governmental and non-governmental organizations and the public at large in promoting and supporting the arrangements
- 3. The potential relevance of such experience to the case and region of the Middle East  $\,$

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### 2005 Report of the IAEA Director General

- > States of the region of the Middle East:
- Algeria, Bahrain, Comoros, Djibouti, Egypt, Islamic Republic of Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen (23)
- [2014: Palestine, South Sudan need to update definition]

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### **2005 NPT Review Conference**

- Conference collapsed due to major disagreements amongst States parties – NWS and NNWS – over nuclear disarmament, compliance, peaceful uses of nuclear energy
- Collapse triggered in Main Committee II dealing with IAEA safeguards, non-proliferation and regional issues – over the issue of the Middle East NWFZ/WMDFZ

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#### 2010 NPT Final Document

• 7. ...the importance of a process leading to full implementation of the 1995 Resolution on the Middle East (a) The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction ... the 2012 Conference shall take as its terms of reference the 1995 Resolution...

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### 2011 IAEA Forum on a MENWFZ

- 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
- ➤ Chair's summary: with a view to taking the process forward, the following proposals were made:
- to continue working towards the establishment of a NWFZ in the Middle East
- to take stock of the importance of declaratory policy, in particular, declarations of good intentions could be a first step to break the current stalemate
- to make the best and most constructive use of every opportunity on the international agenda
- · to identify specific and practical confidence-building measures

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### **Facilitator**

- October 2011: Finland designated as the host country for the 2012 Middle East Conference with Helsinki as the venue
- Under-Secretary of State for Foreign Affairs, Ambassador Jaakko Laajava named as Facilitator by the United Nations Secretary-General

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### 2012 Middle East Conference

- 23 November 2012: USA announced on the website of the State Department -
- ➤ "the Conference cannot be convened because of present conditions in the Middle East and the fact that States in the region have not reached agreement on acceptable conditions for a Conference"
- Other co-sponsors, UK and Russian Federation, made similar announcements on postponement
- UK, Russian Federation, and UN Secretary-General called for the Conference to be convened in 2013

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### 2012 Middle East Conference

- 24 November 2012: Facilitator issued a press release expressing regret that the Conference would not be convened in 2012
- ➤ Finland as the host government reiterated its commitment to convene the Conference
- ➤ Facilitator together with the conveners and the States of the region would continue their efforts to "prepare the ground for the earliest possible convening of a successful Conference, to be attended by all States of the region"
- ➤ To that end, multilateral consultations proposed to be held before the 2013 NPT PrepCom, as a step towards holding the actual Conference

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### 2012 Middle East Conference

- 25 November 2012: League of Arab States regretted the postponement of the Conference
- ➤ Secretary-General of the League, stressed "all countries in the region except Israel have expressed their willingness to participate in the conference on schedule in accordance with what was agreed upon"
- Israel remained hesitant to commit to participation, even though all other States of the region had done so

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### Vienna: 2012 NPT PrepCom

- Ambassador Laajava described his outreach activities:
- ➤ not all States of the region had announced their intention to participate, and no date had been set for, the Helsinki Conference
- while all States of the region supported the goal of the WMDFZ, views differed on how and when it should be created
- ➤ further and intensified efforts were needed from the States of the region, the conveners, and also from the Facilitator himself
- ► [Consultations with States of the region, in the margins]

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## Geneva: 2013 NPT PrepCom

- Ambassador Laajava described his outreach activities:
- carried out more than 200 rounds of discussions with regional and international parties regarding the WMD free zone
- consultations had not yet produced any tangible results
- Russia expressed disappointment on the postponement of the Conference and stated that it had not given its consent for the postponement of the Conference
- Egypt left the PrepCom in the second week after its Statement in Cluster 2 issues (Middle East) as a signal of dissatisfaction with the efforts for the Conference

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### **New York: General Assembly 2013**

- 28 September 2013: UNGA General Debate, Egypt's Foreign Minister, Nabil Fahmy, announced a new initiative in support of efforts to establish a MENWFZ/WMDFZ:
- ➤ all States of the Middle East region to deposit letter with UN Secretary-General stating support for the zone
- ➤ all States of the region to join all WMD treaties
- ➤ commit to these actions before the end of 2013, and renew efforts to convene the Conference no later than Spring 2014

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### **Multilateral consultations**

- Ambassador Laajava proposed multilateral consultations:
- ➤ All States of the region of the Middle East to participate, along with the conveners, and the UN
- > States delegates should be at Ambassador level or higher, fully empowered with the authority to take decisions on the proposed agenda, timing, modalities, etc.
- Venue away from Geneva and UNOG
- ➤ Switzerland offered venue at Glion (near Montreux)

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#### **Multilateral Consultations**

❖ Glion: 21-22 October 2013

Glion: 25-26 November 2013Glion: 03-05 February 2014

❖ Geneva: 14-15 May 2014

❖ June: 24-25 June 2014

➤ "to continue discussions on the agenda and modalities of the Helsinki conference ... welcome the participation of all regional States, all regional parties, in order to facilitate consensus" among the prospective Middle East participants to the zone

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## **New York: NPT PrepCom 2014**

- Report of Facilitator (1):
- between October 2013 and February 2014, three informal meetings held in Glion, to facilitate agreement among the States of the region on the arrangements for the Helsinki Conference
- these meetings provided opportunity to exchange views on the Conference and its preparations, as well as discussions on the agenda, modalities and rules of procedure
- participants contributed actively to dialogue and presented proposals
- conveners and Facilitator impressed by participants' readiness to engage, by their wish to make progress and by their open and constructive approach

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- Report of Facilitator (2):
- divergent views persist regarding important aspects of the Conference
- more work needed, all parties strongly encouraged to engage with continued constructive attitude and readiness to find necessary compromises
- consultations with the States of the region will continue
- Facilitator and conveners will host further informal meetings in to focus on the preparations for the Conference including its agenda, modalities, rules of procedure and timing

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### New York: NPT PrepCom 2014

- Report of Facilitator (3):
- to build on the progress made, active input and contribution by all States of the region needed to arrive at an early agreement on the arrangements of the Conference
- Facilitator and the conveners will continue to encourage all States of the region to remain positively engaged and to take full advantage of the progress made so far
- ➤ all parties concerned encouraged to use the potential of the process to contribute to the Middle East region's security and stability, and to enable partners to initiate a gradual change in the region, from confrontation to cooperation, with important implications to wider interests of regional and international peace

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- Report of Facilitator (4):
- Consultations and other meetings have been actively pursued with States of the region and internationally
- ➤ Facilitator believes that these numerous consultations and other events have contributed to a better awareness and understanding of the importance of the Conference process, its possibilities and implications for peace and stability in the Middle East region and beyond

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## **New York: NPT PrepCom 2014**

- Discord among co-conveners
- Russian Federation stated no reason to delay Conference, proposed 1 December 2014 in Helsinki
- ➤ UK and US did not respond, endorse or reject
- ➤ Single unified statement by the Arab Group, individual Arab delegations did not take the floor as a show of unity and unified position urged convening of Conference before the end of 2014 on the basis of the 1995/2010 mandates

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- UK on behalf of co-conveners:
- ➤ reaffirm support for convening as soon as possible a Conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction and their delivery systems
- ➤ toward this end, and in conformity with the NPT 2010 Action Plan, continue to work closely with the Conference Facilitator, and with the States of the region to convene a Conference in Helsinki on the establishment of such a zone, on the basis of arrangements freely arrived at by the States of the region

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## **New York: NPT PrepCom 2014**

- UK on behalf of co-conveners:
- ➤ noted that States of the region have participated in three rounds of meetings convened by the Facilitator and Coconveners to move toward consensus on an agenda, modalities, and rules of procedure for the Helsinki Conference
- ➤ recognized that all parties share responsibility for making progress, we welcome the willingness of the States of the region to engage in a frank and respectful exchange of views on Conference issues
- ➤ these discussions are a positive development, as they have been constructive and substantive, and should continue

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- UK (national statement):
- ➤ remained committed to the goal of establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, and recognise that its achievement will contribute significantly to regional and global security
- ➤ recognized the importance of the 1995 Resolution on the Middle East, as well as the NPT 2010 Review Conference Final Document and Action Plan and its call for a Conference on the establishment of a zone
- ➤ also noted in this context that one of the States of the region is not a State party to the NPT and is therefore not bound by the 2010 Action Plan, but that their inclusion in a Conference is key to its success

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## **New York: NPT PrepCom 2014**

- USA (national statement):
- ➤ cases of non-compliance [Iran, Syria] undermine efforts to achieve the goal of a Middle East free of all weapons of mass destruction (WMD) and their means of delivery
- continue to fully support this goal, and stand by commitment to convene a conference (freely arrived at by the States in the region) to discuss the establishment of a WMD-free zone in the Middle East

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- USA (national statement):
- ➤ actual achievement of a WMD-free zone in the Middle East is a long term undertaking, and will require that essential conditions be in place in order to achieve it
- ➤ these conditions include a comprehensive and durable peace in the region, and ensuring full compliance by all regional States with their arms control and nonproliferation obligations

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## **New York: NPT PrepCom 2014**

- Iran (national statement):
- ➤ the establishment of a nuclear-weapon-free-zone in the Middle East, which was proposed in 1974 by Iran as the original owner of this noble idea, is of utmost importance
- ➤ the 1995 Resolution on the Middle East, as an essential element of the outcome of the 1995 Review Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995, remains valid until its objective is achieved

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- Iran (national statement):
- ➤ Iran has positively been engaged in consultations conducted by the Facilitator of the conference and officially declared its readiness to participate in the Conference in 2012, which still remains valid
- ➤ Iran calls upon the Conveners and the facilitator to convene the conference at the earliest possible time in 2014, strictly based on the 2010 plan of action

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### New York: NPT PrepCom 2014

- Arab Group (statement by Iraq):
- deep concern over the long delay in the implementation of the 1995 Resolution on the Middle East
- urged the three co-sponsors of the Resolution to fulfil their responsibility in taking all necessary measures to fully implement it without any further delay
- ➤ serious concern that no progress has been achieved with regard to Israel's accession to the Treaty, and placing all its nuclear facilities under the IAEA full-scope safeguards, and over the delay in the establishment of a NWFZ in the Middle East, all of which are objectives and priorities that were stressed in the 1995, 2000, 2010 NPT RevConfs

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## Facilitator's proposals

- Facilitator's proposal to break into three working groups "meeting in a parallel and balanced way":
- a. Properties of a zone
- b. Verification and compliance issues
- c. Regional security, conventional arms control and confidence-building measures

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# **Agenda (Facilitator's proposal)**

Opening of the conference

- Organization of the conference
  - Adoption of the agenda
  - Adoption of the rules of procedure
- Remarks by the host Government and the conveners of the conference
- Introduction of the background documents by the invited international organizations
- The establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction

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## **Agenda (Facilitator's proposal)**

- Properties of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems
- Security, cooperation and confidence building measures aimed at making progress towards the establishment of such a zone
- Follow-on steps
- Conclusion of the conference

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### 2014 NPT PrepCom: Chair's paper

The Preparatory Committee notes the importance of the implementation of the 1995 Resolution on the Middle East, and the related outcomes of the 2000 and 2010 Review Conferences; including the convening without further delay of the postponed 2012 Conference, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction on the basis of arrangements freely arrived at by the States of the region, taking as its terms of reference the 1995 Resolution

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### 2014 NPT PrepCom: Chair's paper

■ The Preparatory Committee **welcomes the letters** deposited with the Secretary-General of the United Nations by the members of the League of Arab States and the Islamic Republic of Iran in which they, *inter alia*, endorsed the declaration of the Middle East as a zone free of nuclear weapons and other weapons of mass destruction; and also **welcomes the Report of the Facilitator** 

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### 2014 NPT PrepCom: Chair's paper

■ The Preparatory Committee notes the disappointment of States parties on the postponement of the 2012 Conference, as agreed at the 2010 Review Conference; notes the commitments of the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, to hold the postponed 2012 Conference this year as soon as agreement is reached, with the support of the Facilitator, among the States of the region on the practical arrangements, and with the support of the nuclear-weapon States

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### 2014 NPT PrepCom: Chair's paper

■ The Preparatory Committee **recommends** that the 2015 Review Conference: **reaffirm** the importance of the implementation of the 1995 Resolution and the related outcomes of the 2000 and 2010 NPT Review Conferences; stress that the Resolution remains valid until the goals and objectives are achieved; underscore that the Resolution is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995; resolve that States parties undertake, individually and collectively, all necessary measures aimed at the **prompt implementation** of the 1995 Resolution and the related outcomes of the 2000 and 2010 Review Conferences

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#### **Assessment**

- Israel favours process leading to CSBMs as starting point, opposes disarmament as first step, inclusion of regional security and conventional weapons at the outset
- Arab side favours focus on 1995/2010 mandate for NWFZ/WMDFZ Helsinki Conference; opposes mandate expansion to include regional security, CSBMs, conventional weapons but has engaged in (informal) discussions on these items in multilateral consultations
- Level of participation remains an issue
- Prospects for Conference in 2014: low
- Prospects for crisis at 2015 NPT RevConf: high

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## Way Forward ...

- Continuation of consultations to reach agreement on:
- mandate, scope, outcome/follow-on of the Conference
- Iran's engagement and participation

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