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THE MIDDLE EAST AND THE NUCLEAR NON-PROLIFERATION REGIME

A Policy Memo

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In the Middle East (ME) there are lots of political and other troubles which create practical hurdles for the broad regional cooperation in the development of peaceful nuclear energies alongside with practical measures for non proliferation of nuclear weapons:

- Political instability, confrontation within the region and on its borders. It is a no war, but no peace situation. Over the last decades the ME has been the most troublesome region by the scale and duration of conflicts.
- Absence of a permanent and respected by all sides negotiation mechanism. Despite the existence of several discussion tracks little progress has been made.
- Lack of trust among major players.
- Lack of unity and, as the latest event show, of internal stability in some Arab countries.
 - Continuous verbal war in the ME, especially between Iran and Israel.
 - Lack of transparency and predictability.
 - For many years the IAEA is not able to get clear answers from Iran about its nuclear program. Lately unanswered questions from the IAEA to Syria on its military facility in Dayr ez Zaur have emerged.
 - Israel neither confirms nor denies the possession of nuclear weapons.
 - The list of troubles could be continued.

The situation is difficult, but it should not be considered as fatalistic.

The web of problems in the ME could and should be replaced by a web of proactive moves, non stop positive seeking actions, creative thinking, political will and encouragement of all regional economic and commercial cooperation.

First and foremost we should use at full strength existing international legal instruments. We should call on all participants to do the following:

1) Continue efforts to strengthen the NPT regime. Let us make an early start for the 2015 NPT Review Conference. Elaborate an amendment to the NPT or at least a UN Security Council resolution (similar to the UN SC resolution 1540) that would consider a withdrawal of a state from the NPT or a clear violation of its provisions as a threat to the international security.

2) Continue the activities in favor of a ME weapons of mass destruction free zone. Support by practical actions the Final document of the 2010 NPT Review Conference which proposes to convene an international conference on this issue in 2012 and to appoint a facilitator to assist in implementing follow-on steps. Use as a precedent the entry into force of the Treaty of Pelindaba, establishing Africa as a nuclear weapon-free zone (NWFZ). That practically means that a NWFZ is already effective for a large part of the ME. Mr Dmitry Medvedev, the President of Russia, speaking at the UN General Assembly in 2009 specified the NWFZ in the ME as a “top urgent” issue and called all countries of the region for an active stand.

3) Rely on the objective and universal safeguards regime of the IAEA. It is unique in integrating measures of nonproliferation with the encouragement of the peaceful uses of atomic energy. The implementation of the Additional Protocol practically excludes hidden nuclear activity by a recipient state. Unfortunately, in the ME region only 3 states have entered it into force (Jordan, Kuwait and Libya) and only 8 states have signed but not ratified it.

4) Encourage all ME states to sign and observe CTBT (2 ME States have not signed it and 4 did not enter it into force), as well as the BWC.

5) Start a regional dialogue on confidence building. Call on all ME states to make legally binding agreements or at least political commitments not to use force against existing and future peaceful nuclear facilities. Joint cooperative measures on monitoring, preventing and managing the ecological or industrial disasters could also contribute to the regional confidence and stability.

6) Provide full encouragement of a peaceful nuclear cooperation combined with the implementation of non proliferation measures. Give support to the growing aspirations of ME states to construct nuclear power plants (NPP). At the moment there are no such acting NPPs. (Iran’s Buser is not in operation yet.) However, almost all major countries in the ME have publicly declared their intentions to develop nuclear energy. Such projects especially at a sub-regional level could provide their participants with obvious commercial and social benefits. NPPs could be also used for desalination purposes.

7) In order to provide for non proliferation measures rely on the international fuel banks. One such bank – the International uranium enrichment center at Angarsk – is already functioning as a storage facility of low enriched uranium (LEU). Other international initiatives discussed at the IAEA should be considered, such as

establishment of international centers for management of spent nuclear fuel and radioactive waste.

As for bilateral intergovernmental agreements on the construction of NPPs we would recommend to use a precedent of Russia' arrangements with Iran on nuclear fuel. All nuclear fuel delivered by Russia under the IAEA safeguards to Busheh NPP when it becomes spent nuclear fuel will be sent back to Russia for reprocessing. Almost all other bilateral intergovernmental agreements of Russia with foreign states contain the same provision on the return to my country of spent nuclear fuel.