

**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.