



First Steps of a Nuclear Dialogue in the Middle East

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REPORT

The Finnish Pugwash Committee, in cooperation with Erik Castrén Institute of International Law and Human Rights, Peace Union of Finland and Finnish Peace Committee, held their annual symposium on 18 November 18, at the University of Helsinki, Faculty of Law, on the topic of *“First steps of a Nuclear Dialogue in the Middle East”*

The symposium aimed to provide new, concrete and innovative recommendations to national and international dialogue-building on how to start a dialogue on nuclear and other WMD in the Middle East, building upon the practical and scientific expertise of the invitees. Much of the work was done in three different working groups:

WG 1: Political Dialogue (Chair: Dr. Barbara Zanchetta, FIIA)

WG 2: Technical Dialogue (Chair: Olli Heinonen, Harvard Kennedy School of Government)

WG 3: Competence for Dialogue – Encounter of Cultures (Chair: Professor Reijo Heinonen)

(1) Recommendations of the Political WG (Finnish Pugwash Consultations, 18.11.2011)

Chair: Dr. Barbara Zanchetta, Finnish Institute of International Affairs

Rapporteur: Dr. Katriina Simonen, Finnish Pugwash Committee

Key starting points:

1. Any constructive dialogue has to focus on initiating *a process*, while not immediately focusing on the end result. A clarification of goals is crucial, but success should not be measured by attainment or non attainment of goals. Instead, it should be assessed on the basis of the initiation of a process, which, in time, leads to the attainment of goals.
2. The negotiations have to be perceived by the parties involved as ultimately leading to *increasing, not decreasing their national security*.

Means of initiating a nuclear (or WMD) dialogue in the absence of progress in comprehensive peace talks with Israel:

1. From the standpoint that history has proven that arms control treaties are by nature *treaties between adversaries* and that peaceful relations are *not* required before entering negotiations, the WG recommends the elimination of all preconditions for entering a dialogue.

2. Negotiations on a nuclear (or WMD) free zone should be considered as a means to reduce tensions, *independently* from progress in the peace process. A positive start in one area is likely to affect positively the possibilities of addressing the peace process.
3. The call for multilateral negotiations should be *comprehensive and open to all*.
4. While seeking to be as comprehensive as possible, in particular in providing Israel with an incentive to join in, talks should proceed with the parties which agree to attend. *No one country should have the power to jeopardize the entire initiative*. If attendance is not possible in the beginning, a country may join in later.
5. Regional representatives underlined these specific steps: (1) the need to ensure equal treatment to all parties; (2) to focus initially on a declaration of principles rather than on a binding legal document; (3) to detach the negotiations on a WMD free zone from the NPT framework. The project of a nuclear (or WMD) free zone should be linked but not necessarily subordinated to the NPT.
6. *Technical means* for facilitating the beginning of a dialogue were considered, such as focusing on arms control steps which could be immediately taken by the parties and the need to gather more reliable and impartial data on weapons systems detained by the parties.
7. A system of *external guarantees* should be considered as a means to enhance the security of the parties encouraged to disarm.
8. A discussion should be opened on the *effects and deterrent value of a nuclear weapon* and its results disseminated widely in the region. In this connection, discussion on regional (common) threat conceptions should be encouraged.

The need to address the bilateral relationship between Israel and Iran:

1. While the negotiations on the WMD free zone need to be multilateral, the negative impact on the prospects of negotiations of *the state of almost belligerency* between Israel and Iran cannot be overlooked.
2. Further, if *military action* is taken against Iran, the process will backfire for indeterminate time. The region cannot bear the consequences of a military action.
3. The organizers of the 2012 conference should consider appointing an *ad hoc* negotiator to work behind the scenes – a mediator to which both Israel and Iran would agree to talk with, while still not directly talking with each-other. The WG suggests a *Kissinger-style shuttle diplomacy*, kept low key and secret while linked to the Facilitator of the 2012 conference.
4. Seeking to improve the bilateral relationship should proceed *in parallel* with the multilateral negotiations.
5. The United States and other influential outside powers (Russia, the EU) should clarify their position towards these two states, while linking it to the prospects of the establishment of a WMD free zone, which could be seen a means to aid the solution of other long-standing issues.

The 2012 conference as part of a broader process:

1. The organizers should focus on steps taken to avoid the conference from being a damaging experience – thus defining an agenda that focuses on initiating *a longer term process*.
2. Advance preparatory work is crucial. Especially NGOs have done considerable work on the issue at hand. Also, trust enjoyed by specific NGOs in the region should be understood.

3. In this vein, the Facilitator and his team need to build on expertise and knowledge in order to build and ensure trust *between himself and relevant regional parties*.
4. If postponement is needed, this should be a calculated decision and part of the Facilitator's agenda already since the beginning and not an *ad hoc* measure of last resort.

(2) Recommendations of the Technical WG (Finnish Pugwash Consultations, 18.11.2011)

Chair: Senior Fellow Olli Heinonen, Harvard Kennedy School of Government

Rapporteur: Senior Adviser Mikael Moring, The Radiation and Nuclear Safety Authority of Finland

Scope of the treaty

The IAEA Comprehensive Safeguards Agreement (CSA) with the Additional Protocol (AP) could serve as a verification standard. However, provisions for the dismantlement of existing nuclear weapons programs need to be included. This would also mean that nuclear material accountancy records and reports and information on the design of facilities may differ from those of the CSA. Similarly, the confidentiality undertakings could be more rigorous.

The relation of the treaty to other verification regimes such as the NPT needs to be clearly stated. It is also still uncertain whether this treaty should be nuclear weapons specific or if it should cover all weapons of mass destruction. Some other items that could be covered in the treaty are ballistic missiles, other delivery systems, naval propulsion and export and import control. Enrichment and reprocessing for peaceful use would probably be left outside the treaty, as they are allowed also under the NPT.

Legal instruments and verification

The treaty will need to address what kind of declarations and reports should be made and what the controlling body to declare to would be. The controlling body would be arranging verification issues and probably issue yearly statements on the verification, either alone or in unison with the verified state party. Provisions for handling non-compliance are hard to write into a treaty, as there can be so many different levels of non-compliance. The Treaty on the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) was seen as one current treaty that might serve as a model. The possibility of adding bi-lateral agreements to the treaty was discussed, but not generally favoured.

The treaty will need to be non-discriminatory and include provisions to detect undeclared activities. There was a discussion on whether it should be built on existing UN structure, and what role signing and ratification of the CTBT by the parties could have for the treaty. The treaty could then also cover issues like conventional arms limitations and payload limitations on carriers.

The verification could be handled through a regional system, but also the IAEA could have a role in verification. The kind of access provisions for verification allowed under the treaty will have an important role in setting the tone. For example, inspections that can be triggered by request from a party of the treaty can become politically difficult.

Supporting arrangements

Co-operation on peaceful nuclear use, either on a regional or the multinational level, could support the treaty. There should be a model for handling the finances for the verification body and for the dismantling of current capabilities. Confidence building measures and nuclear safety measures could also be addressed within the treaty.

Current nuclear weapons capability

The dismantling of current nuclear weapons and weapons capabilities is a demanding process. The first step is to stop all new production. A faster road could be to transport current weapons out of the region, for dismantling in current weapons states. Still the facilities and information that is specific for constructing nuclear weapons should be given up. This process requires long term monitoring. A balance of nuclear materials in peaceful use should ultimately be reconstructed in states where such a balance is not currently held. The IAEA has some previous experience of this kind of work.

Towards a permanent treaty

Given the complex current situation it was envisioned that there would be a substantial transition period before the treaty could take full force. This transition period could possibly be governed by a separate treaty. The Entry into force provisions are important, and should be such that they do not create unnecessary delays. A clear statement of no first use of weapons of mass destruction could be a first step towards a final treaty.

(3) Recommendations of the Cultural WG (18.11.2011 Finnish Pugwash Consultations)

Chair: Professor em. Reijo Heinonen, University of Eastern Finland

Rapporteur: Leading Expert of Safeguards and Nuclear Security Juha Rautjärvi, The Radiation and Nuclear Safety Authority of Finland

The security paradigm is getting ever worse – making a change in our guiding values necessary

Human cultures are strong in 'negotiating' the satisfaction of legal needs but weak in satisfying other, moral needs. However, a legalistic approach does not often prevent injustice. Laws are always promulgated *ex post facto*, as a reaction to moral concerns.

Let us look briefly back in history to put our current dilemma in context. In December 1938, Otto Hahn invented a way to split uranium. In February-March 1939, there were approximately 200 scientists who knew how to build a nuclear bomb.

Carl Friedrich Weizsäcker wrote: "On that day I went to Georg Picht to discuss the situation. We stated three things:

1. If there is an opportunity to build a bomb, somebody will do it
2. If there is a bomb, somebody will use it
3. For humankind, there remain two options: either destroy itself or overcome the preconditions for nuclear warfare."

On the day Weizsäcker realized this, he decided to become a physicist, researching solutions to problems caused by nuclear energy. Today, we are far from overcoming the preconditions for nuclear warfare.

All of the above means to us *now* that in the scientific / humanistic / ethical realms extremely dangerous developments must be anticipated, and the politicians firmly *reminded* about their responsibilities, in order to mobilize the will to change the paradigm.

The need for a paradigm change, echoed in the 1990s in the UN ambit, emphasizes the immaterial foundations of security. "Human security" means (meant) that security should be experienced in our daily interactions, politics and economics (so-called "having values"), in cultural connections, including cultural encounters (so-called "loving values"), and on the existential, personal level, including our religious and philosophical worldviews (so-called "being values").

There is no straight way of proceeding to the goal, e.g. an international treaty on a NWFZ. This is because there are too many unknown factors between the parties, which make the undertaking a "salto mortale" (a deadly leap). In other words, risks seem high. The question of *dialogue competence* may be of key importance in this equation. The Middle-East 2012 conference offers a concrete opportunity to work for a change in the security paradigm, through means of dialogue competence. To put it another way, the establishment of working dialogue between the parties can serve as a catalyst in overcoming current issues of mistrust and misinformation.

In practice, this means that all parties are relevant, and need to be invited to take part in and contribute to the success of the Middle-East 2012 conference, and the activities that will follow it. The conference can be seen as an inception meeting for this great undertaking. It is essential that good care is taken of the atmosphere; the conference must foster an environment where genuinely open dialogue between the parties can take place. Particular, but nonetheless legitimate, individual or regional agendas should be appropriately embedded into the larger agenda. The conference is instrumental in this process.

A need to re-introduce morality to politics

Ethics of responsibility calls for accountability. Any entity (e.g. the IAEA, the Facilitator for the 2012 conference, *etcetera*) taking part in the process at any level and in any way is accountable for something; accountable to themselves, and accountable to the 'other'. The entity is responsible for taking good care of the relationships, the processes and their quality, and the delivery of legitimate benefits, which must be reasonable, fair and appropriate. The entity must act in good faith, its motives must be honorable and its character noble, so that some failures can be accepted and appropriately addressed (generosity). These values must be adhered to and realized also in the implementation of agreements. The essential message is that a comprehensive agreement on behalf of all parties to act responsibly and in accordance with the spirit of the meeting is needed

There is a particular challenge in understanding the diversity of cultural and religious concepts, and the way that these ideas are put into practice. Each cultural and religious group, diverse as they are, contribute in their own way to the unity of the group of nations, and in so doing will make this complex security undertaking sustainable. A lot of work needs to be done on this account immediately, by different scholars everywhere. There are a lot of solid practical examples in the ambit of different international actors, such as the IAEA, NATO, OSCE, and others; these examples help to emphasize the importance of understanding the unity in diversity, and provide guidance for any negotiations and further implementation.

Confidence building and credible assurances

In order to be able to take care of existentially important needs of a human community, there must be TRUST. This fundament is provided by dialogue between different groups (cultural, religious, and so on). Confidence, on the other hand, is based on proven reliability of the entity in question (e.g. the IAEA) and the thing at issue (e.g. the declarations of Iran and the IAEA's verification results). Confidence is something that must be built, established and maintained. Good care must be taken that no entity shows signs of non-objectivity and/or incompetence.

A brief review of the Iran case suggests that a lot of effort has been invested in ensuring that formally binding obligations are complied with. The risk of failure and that of non-compliance has been minimized. The record, from this point of view, is close to perfect. On the outset, it appears hard to make a case for Iran's non-compliance on these grounds. What is, then, the problem?

The comprehensive safeguards agreement (CSA) is implemented in Iran, like in all other NPT States, as agreed by Iran and the IAEA. The results are reflected in the Subsidiary Arrangements (e.g. General Part Code 3.1 issue) and in the Protocol Additional to the CSA. How to proceed when the subsidiary agreements seem, however, not to deliver efficient arrangements and implementation practices, like the issue around Iran and the IAEA suggests? Is it feasible to call for a UN Security Council meeting, or, as an alternative, to resort to the CSA and carry out a Special Inspection? In the latter case, the entity in question (IAEA) would

also be in a position to address appropriately and efficiently the security related issues with the support it may expect from all IAEA Member States.

The Iran case suggests that the use of a Special Inspection must be seen as a pragmatic measure, and not as a political tool. This would mean that resorting to this tool would also signal the timely mobilization of the competences which are required to address all relevant aspects of a given situation. What this means is that a Special Inspection should be an objective tool for analyzing both compliance with international treaties as well as potential threats to regional- and global security.

Also, the IAEA and its Member States must ensure that the legally binding obligation to negotiate the Subsidiary Arrangements and, if relevant, the Additional Protocols, will be complied with, taking into account the lessons learned. This means that should there be any unresolved issues associated with the completeness of the inventories or with the information about the nuclear activities in any country, these need to be addressed timely, in an objective manner and taking into account the legitimate security concerns, also of regional and global in nature.

Guided by these basic values and through mobilization of all required competences, including dialogue competencies, also Israel's legitimate security needs can be appropriately addressed and all its nuclear materials and activities put to serve exclusively peaceful purposes, like in the case of the Republic of South Africa.

Attention is to be paid to competencies and processes that enable differentiation between formal legality, on one hand, and situations where wider issues such as human security are at stake, on the other. This differentiation could be of paramount importance when organizing and carrying out the work aimed at the establishment of a WMD-free Middle East.

Dialogue competencies and an ethical agenda

The lack of adequate dialogue competence is one constraint that is likely to contribute to an inability to address complex security issues. Dialogue competence can be briefly described as knowledge of cultures, religions and the rules of dialogue, understanding of the multidimensionality of language, and the capacity to avoid generalizations. In this regard, it is important to note that local NGOs have considerable work experience and understanding of the Middle-East. Their knowledge, and the trust they have generated in their community, should be fully used also in the international forum.

Every successful dialogue has a common ethical agenda. It means that within the framework of dialogue there exist at least one global, ethical principle, such as respect, equality and reciprocity. These principles secure a successful dialogue, delivering and maintaining an atmosphere of mutual trust and confidence. Without this, it is difficult to encounter one another on an equal level. Such a situation may even lead to complete failure. In order to prevent this, *an established ethical agenda* needs to be available from the very beginning, to lay the groundwork for a successful Conference.

Learning dialogue competence - by doing

There is a chance at success. The goals are shared by a good number of actors. Also, resources, practical experience, and various instruments, institutions and individual capacities all exist. There are programs and action plans that can be mobilized at this instant, e.g. by the IAEA, the European Commission, and by various state actors. Resources can, and should, be directed to projects that will enable and facilitate the progress in this WMD-free Middle-East -undertaking:

- Permission should be given to the aforementioned actors to direct resources to serve the WMD-free Middle-East -undertaking;
- Flexible use of available financial instruments and resources should be ensured, policies and rulings that may constrain strategic decision-making need to be more flexible;

- Good note should be taken of the above propositions, in order to secure a positive atmosphere throughout the Middle-East 2012 Conference and after;
- Those entities in charge of chemical-, biological-, radiological- and nuclear security, should immediately undertake work that could offer opportunities to build the technical and operational capacity required for improving CBRN security;
- Dialogue competencies and skills must be actively improved. For example, relevant programs and resources of the IAEA and the European Commission need to be revisited and directed to serve the WMD-free Middle-East -undertaking;
- Administrative policies and practices are to be complemented with pragmatic procedures, that will enable the timely delivery of desired results;
- Work on the establishment of CBRN centers and competence networks, including ones for the Middle-East, shall be initiated immediately.

Ethos: the Conference can't fail

In order to secure the success of the Middle-East 2012 Conference, it is suggested that the agenda, work and processes will be organized in such a way that good care is taken of the atmosphere, and that the eventual lack of progress in some areas can also be appreciated as “lessons learnt” instead of a negative setback, and thereby understood as important results of the Conference. The Conference, in taking place, will be a type of success in any case, being an inherent part of a long process ahead.

Finnish Pugwash Participants list, with working group assignment (November 18.11.2011)

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Mikko Laakkonen, Finnish Naval Command; Finnish Pugwash Chair Kari Takamaa (right)

