

Introductory remarks of Amb. J. Enkhsaikhan at the opening of the second trilateral meeting

27 September 2009

Geneva

On behalf of the Mongolian delegation I would like to welcome you all to this second meeting to continue to discuss the draft trilateral treaty regarding Mongolia's nuclear-weapon-free status.

What has been done so far

Last March the three delegations met here in Geneva to discuss Mongolia's draft trilateral treaty and how to address the issues reflected in it. The meeting was held in a business-like and constructive atmosphere. At the opening of that meeting the Mongolian delegation explained the main aim of the treaty and introduced the main provisions of the draft treaty. That was followed up by an open and frank question and answer session, and a discussion. We believe that this proved useful for all three sides.

After discussion of some concrete provisions of the draft, it was agreed that the next meeting should continue these discussions, and at the same time specifically address two issues: the scope of the draft treaty and its possible format. It was also agreed that if the Russian and Chinese sides would have further questions regarding the draft or its provisions, they would, separately or jointly, draw a list of these questions and present it to the Mongolian side. Regarding the timing of the next meeting, it was agreed that the meeting should not be held during the third Prepcom session in New York, but rather at another time, preferably during the meeting of the CD. As to the venue, the delegates were generally open-minded. Mongolia indicated the usefulness of holding the next meeting in Vienna, seat of the IAEA, where, if necessary, its experts could be asked to provide technical and legal advice.

After the NPT Prepcom, in June the Mongolian side proposed to hold the second meeting on 3-4 September in Vienna. Upon consultations we have all agreed to meet again here in Geneva. It took some time to agree on the date and for some to get the required instructions.

Mongolia's follow-up measures

After the March meeting the Mongolian delegation has reported on its outcome to the appropriate authorities. The proceedings of the meeting, especially the comments and suggestions of the delegations of both China and Russia, have been thoroughly analyzed and, based on that, the delegation was instructed to be open-minded regarding the draft articles that address the two issues to be "problematic" for our neighbors. Thus it was decided that bearing in mind the progressive development of international law regarding nuclear safety and security (the treaty will not deal with military aspects of nuclear security), Mongolia might not insist on mandatory notification or exchange of

information regarding nuclear activities within 1000 km zone from the borders of the three states.

However, since all three countries are immediate neighbors, there might be a need sometime in the future to conclude special agreements regarding concrete forms of cooperation in peaceful nuclear activities in the areas close to borders, including exchange of information. I believe that that would be useful for our two neighbors as well once Mongolia starts exploitation of its uranium reserves and builds nuclear power reactor (s).

Nature of Mongolia's relations with its immediate neighbors

Before we proceed with the discussion of concrete draft articles, I would like to briefly address, once again, the issue of the nature of our relations with Russia and China, which found clear reflection in the treaties of friendly relations and cooperation that Mongolia concluded with both neighbors as well as in Mongolia's own national security and foreign policy concepts. We believe that bearing in mind the nature of the relations is always important to put the issue of security assurances in its proper perspective. This enables clearer understanding of the issues involved, helps to promote greater mutual understanding and could simplify our discussions and search for a mutual agreement.

Mongolia maintains good-neighborly relations with both of its neighbors, which is and shall be the priority of our policy. It has no unresolved territorial, border or other issues with its neighbors. Unlike in the past, Mongolia is pursuing a balanced relationship with its neighbors and is committed not to take sides in their possible future disputes (unless that dispute affects Mongolia's vital interests). On the other hand, when fully normalizing their relations our two neighbors have agreed not to use the territory of their neighboring third states against each other. Mongolia fully supports that policy which has found reflection in its security and foreign policies mentioned above. This Sino-Russian agreement was duly taken into account when Mongolia formulated its post-cold war foreign and nuclear-weapon-free status policies.

Nature of commitments

Bearing in mind the nature of the relations with its neighbors, Mongolia has no reason to believe that nuclear weapons would be used against it. Far from it. We are convinced that our neighbors also do not have such intention. On the other hand, one cannot rule out a situation when its territory might be tempted to be used by a nuclear-weapon State to place nuclear weapons or parts of such weapon systems on its territory¹. Therefore, unlike other nuclear-weapon-free zones to which the P5 provide or are

¹ There could be different reasons, including regional nuclear arms race, development of regional or national missile defense system, a tracking system connected with nuclear missiles, militarization and weaponization of outer space, etc. There could be other reasons for using Mongolian territory by the great powers

expected to provide assurances of non-use or threat of use nuclear weapons², the trilateral treaty would only require Russia and China not to contribute to any act that might compel Mongolia to violate its nuclear-weapon-free status commitments mentioned in draft Article 3³. That is why Mongolia believes that though the P5 Joint Statement of 2000 was an important political measure of support for the status, however, bearing in mind the nature of our relations, it went against the spirit and logic of the good-neighborly nature of these relations. *In a nutshell*, the commitment that we are seeking from the neighbors is not regarding the non-use or threat to use of a nuclear weapon against Mongolia, but not to contribute to any act that would compel Mongolia to violate its nuclear-weapon-free status. Such violation or attempt would be against the good-will, predictability and stability in the region. This position of ours is clearly reflected in draft Article 4.

Treaty's scope and format

During the March meeting, the Chinese and Russian sides have expressed difficulty in agreeing to the provision of draft Article 7 regarding exchange of information on nuclear activities within 1000 km zone from the borders of the parties. As I have already pointed out, bearing in mind the emergence of international norms and standards regarding security and safety of nuclear installations and facilities, we would be prepared to limit exchange of information to border areas only and not to extend to 1000 kms. Since all the three countries are parties to the CPPNM, I am sure we can find a language from the Convention or agree on one that would make reference to that convention. If need be, practical cooperation in border areas could later be agreed upon bilaterally bearing in mind the emerging international practice⁴.

With respect to the format of the agreement, my delegation sees no reason to change it from the present internationally accepted format as long as our agreement is clearly articulated in a written form and expresses our consent to be bound by such agreement⁵. As to the number of parties to the treaty, the draft envisages our three states. The draft protocol to the treaty also envisages other P3 to join the agreement at some stage, if they or all the P5 decide to do so. That was one of the understandings reached eight years ago in Sapporo in 2001. The door is open.

² See Article 3 of Additional Protocol II of the Tlatelolco treaty, Article 1 of Protocol 2 of the Rarotonga treaty, Article 2 of the Protocol to the Pelindaba treaty and Article 2 of the Protocol to the Semipalatinsk treaty.

³ If Russia and China are able to provide legally binding security assurances to far away African, Asian, Pacific or Latin American/Caribbean countries, it is logical that they would be able to do so regarding Mongolia. The nature of the commitment would also be less, limited only to refraining from acts that could compel Mongolia to violate its status, and not use or non-use of nuclear weapons.

⁴ As I mentioned in March, Austria has bilateral agreements and protocols regarding cooperation at the local legal and in border areas.

⁵ Article 2 (1.a) of the Vienna Convention on the Law of Treaties stipulates :”treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.

Again, the Mongolian delegation is prepared to have a serious and productive session so that when we report back to our capitals we will have concrete results to report on.