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ISRAELI NUCLEAR CAPABILITIES AND THREAT

The application of Agency safeguards in the Middle East

Report by the Director General

1. In paragraph 2 of resolution GC(XXXIV)/RES/526, the General Conference last year requested the Director General "to deploy further efforts ... with a view to applying Agency safeguards to all nuclear installations in the [Middle East] area ... and to report on the matter to the Board of Governors and to the General Conference at its thirty-fifth regular session."

2. The Director General reported to the Board in document GOV/2511, the text of which is attached as Annex A. The summary record of the Board's discussion of the Director General's report in June is attached as Annex B.

3. In recent months, the subject of safeguards in the Middle East has attracted the attention of many Governments and been the subject of several proposals. Among these was that made by President Bush on 29 May 1991.

4. The Director General commented on this proposal in his statement to the Board on 10 June 1991. He noted that President Bush had called for a verifiable ban on the production in and importation into the Middle East of weapons-usable nuclear material, had reiterated earlier calls for adherence to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and for the application of Agency safeguards to all nuclear activities in the region and had expressed the belief that the Agency could play a key role by virtue not only of its past safeguards experience in the Middle East but also of its more recent experience in implementing Security Council resolution 687.

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5. In addition, the Director General stated that some of the ideas contained in document GOV/2511 were similar to the verification features that might be called for under Security Council resolution 687 and that, given the history of long-standing conflict and tension in the Middle East, if non-proliferation commitments were to create confidence they would need to be based on more far-reaching mutually agreed restrictions and verification measures than those provided for under NPT and other non-proliferation commitments normally verified by the Agency. He suggested that Security Council resolution 687, with suitable adaptations, might offer to the region as a whole an appropriate pattern of agreed restrictions and verification measures.

6. Finally, the Director General told the Board that, in the light of the very active State diplomacy being deployed, he thought that consultations on his part should await the outcome of the current initiatives.

7. Subsequent study by the Secretariat has confirmed the view that measures designed to verify compliance with the provisions of any Middle East Nuclear-Weapon-Free Zone would need to be more far-reaching than the safeguards approaches currently applied by the Agency. Such measures might involve, inter alia, the following:

(a) The right to verify not only nuclear material but also facilities, equipment and relevant non-nuclear material, all States in the region accepting a corresponding obligation to provide the Agency with an inventory of all such material, facilities and equipment together with complete design information on all existing and any planned nuclear facilities;

(b) The right to perform unannounced inspections and inspections at short notice;

(c) The right to perform special inspections at the initiative of the Agency, or at the request of any regional organization supervising the implementation of the agreement, or - possibly - at the request of any State in the region;

(d) The right of unimpeded visa-free access for the Agency's inspectors to locations and information necessary for the performance of their obligations; and

(e) The right of access to records and reports and the right to take samples, as necessary.

ISRAELI NUCLEAR CAPABILITIES AND THREAT

The application of Agency safeguards in the Middle East

1. In paragraph 2 of its resolution GC(XXXIV)/RES/526 the General Conference last year requested the Director General

> "... to deploy further efforts in continuing the consultation with the States concerned in the Middle East area with a view to applying Agency safeguards to all nuclear installations in the area, keeping in mind the relevant recommendations contained in paragraph 75 of the report attached to document GC(XXXIII)/887, as well as the various proposals and opinions referred to in the governments' replies contained in document GC(XXXIV)/926 and the situation in the area of the Middle East, and to report on the matter to the Board of Governors and to the General Conference at its thirty-fifth regular session".

2. The situation in the area of the Middle East has been overshadowed by recent events in Kuwait and Iraq, and by diplomatic activity arising from those events. The time has not been propitious for a further round of consultations on the question of the application of Agency safeguards. However, the relevance of the subject as a contribution to the establishment of a Middle East Nuclear-Weapon-Free Zone, or of a Middle East Zone Free of Weapons of Mass Destruction, has been re-emphasized, and the importance of both objectives has been recognized in the preamble to Security Council resolution 687 (1991).

3. Although renewed formal consultations have not taken place, thought has been given by the Secretariat, in the light of recent events in the Middle East, to some considerations that might affect the application of safeguards in the Middle East. These considerations are listed below:

(a) The Area of Application. Any decision on the size of the Area would be subject to negotiation; there is no accepted definition of the term "Middle East". The Agency's paper "Modalities of application of Agency safeguards in the Middle East" (GOV/INF/568 and GC(XXXIII)/887) was based on one area, but others are possible.

(b) Measures. A more intrusive version of the existing Agency system of safeguards may prove necessary in order to establish the required confidence and co-operation between the States in the Area. It is probable that verification features will be required that go beyond what the Agency is now doing under NPT agreements or equivalent comprehensive safeguards agreements. In order to establish full mutual confidence, the following features might need to be considered for the safeguards to be applied in the Area (this list is not necessarily exhaustive):

(i) the application of safeguards not just to nuclear material, but also to relevant non-nuclear material such as heavy water, nuclear equipment and installations, and uranium ore concentrate;

(ii) the performance of special inspections at any locality when found necessary by the Agency, or upon request by any other State in the Area;

(iii) the notification of and the provision of design information on new nuclear installations at the planning stage.

(c) Confidence-Building Measures. Confidence-building, and mutual co-operation, could follow some of the following measures:

(i) Mutual regional inspections, in addition to the application of Agency safeguards;

(ii) Regional research and development programmes, including any possible future fuel cycle centres;

(iii) A regional technical co-operation arrangement, making use of local as well as Agency technical co-operation resources.

(d) Prohibition of Attacks. States in the Area might decide to conclude a regional agreement prohibiting attacks on nuclear facilities within the Area. Consideration could also be given to obtaining security assurances for States in the Area from the Nuclear-Weapon States.

4. The Secretariat will continue to study the considerations listed above, in the light of any comments made by Member States.

EXCERPT FROM THE RECORD OF THE 755TH MEETING
(held on 13 June 1991)

ISRAELI NUCLEAR CAPABILITIES AND THREAT (GC(XXXIV)/RES/526)

115. The CHAIRMAN said that in operative paragraph 2 of resolution GC(XXXIV)/RES/526, the General Conference had requested the Director General

> "... to deploy further efforts in continuing the consultation with the States concerned in the Middle East area with a view to applying Agency safeguards to all nuclear installations in the area, keeping in mind the relevant recommendations contained in paragraph 75 of the report attached to document GC(XXXIII)/887), as well as the various proposals and opinions referred to in the governments' replies contained in document GC(XXXIV)/926 and the situation in the area of the Middle East, and to report on the matter to the Board of Governors and to the General Conference at its thirty-fifth regular session".

116. Owing to recent events in the Middle East, it had not been possible to hold further consultations. However, given the importance attached to the establishment of a Middle East nuclear-weapon-free zone or a Middle-East zone free of weapons of mass destruction, the Secretariat had given thought to some considerations which might affect the application of safeguards in the Middle East. Those were set forth in document GOV/2511; the Director General had provided some additional ideas in his opening statement at the Board's 749th meeting.

117. Mr. SINAI (India) noted the report which the Director General had prepared (GOV/2511) pursuant to paragraph 2 of resolution GC(XXXIV)/RES/526. He also noted that no consultations had been possible on the question of the application of Agency safeguards in the Middle East. The situation in that area was unique in view of the nuclear threat posed by Israel to other States in the region. The General Conference resolution was aimed at eliminating the Israeli nuclear threat, and that could be done only by dealing directly with the question of Israel's possession of nuclear weapons; attention should not be diverted from that important point. With those remarks, he confirmed his support for the measures taken in implementation of resolution GC(XXXIV)/RES/526.

118. Mr. AL-TAIFI (Saudi Arabia) said that although the Gulf crisis was over, its impact remained and there was a real danger of accumulation of weapons of mass destruction in the Middle East. Recent events had shown the

need for joint efforts by States and the Agency to continue the discussions provided for in resolution GC(XXXIV)/RES/526. That resolution called on the Director General to deploy further efforts in continuing consultations with the States concerned in the Middle East, with a view to applying Agency safeguards to all installations in the area. The Director General had continued those consultations and in December 1989 he had sent messages to the Governments of Saudi Arabia and other Arab countries, and to Israel. Unfortunately, the reply from Israel was merely a further manoeuvre to justify Israel's refusal to place its nuclear facilities under Agency safeguards. It also reflected Israel's non-compliance with Security Council resolution 487(1981), which called on Israel to place its nuclear facilities under Agency safeguards and to cease to threaten or attack other nuclear facilities in the area. He hoped that the Director General would continue his efforts to encourage Israel to comply with the General Conference resolution mentioned.

119. Document GOV/2511 referred to the lack of an accepted definition of the Middle East area. That was a geographical and political issue which should not prevent the Agency from discharging its duties in accordance with the General Conference resolution mentioned, as it was fully aware of which States were involved.

120. Finally, safety could only be achieved in the Middle East by means of an agreement on the standards and principles governing the application of safeguards to all States in the region.

121. Mr. MOOSAVI BIOKI (Islamic Republic of Iran) said that Israel's nuclear capabilities and the threat posed by that country, as explained in document GOV/2511, constituted an important issue which had twice been discussed by the General Conference during the past few years. Resolution GC(XXXIV)/RES/526 had therefore requested the Director General to continue his consultations with the Middle East States. The crisis in the Persian Gulf had unfortunately prevented completion of that task, but the time had now come for the matter to be pursued.

122. Paragraphs 1 and 2 of document GOV/2511 referred to the application of safeguards in the Middle East in general, and paragraphs 3 and 4 expanded the scope of the issue even further, in an unnecessary and irrelevant way. The particular case of Israel was the cause of concern, as it was the only

Member State in the Middle East which had not yet concluded a safeguards agreement with the Agency. It was unfortunate that document GOV/2511 shifted attention away from the Israeli nuclear threat to the entire Middle East situation, which was no longer a problem, particularly following implementation of United Nations Security Council resolution 687(1991).

EXCERPT FROM THE RECORD OF THE 756TH MEETING
(held on 14 June 1991)

ISRAELI NUCLEAR CAPABILITIES AND THREAT (GC(XXXIV)/RES/526.)
(continued)

1. Ms. TALLAWY (Egypt) regretted that recent events in the Gulf had prevented the Director General from continuing his consultations on the application of safeguards in the Middle East, which was very important not just for that region, but also for world peace and security - the ultimate goal of the Agency's safeguards system. Recent events in the Middle East and the present situation at the end of the Gulf War showed just how vital it was to implement safeguards in that part of the world, as part of an international initiative to create a nuclear-weapon-free zone or a zone free of weapons of mass destruction.

2. It was essential that recent steps taken by the Agency in connection with the implementation of Security Council resolution 687(1991) should result in the creation of a nuclear-weapon-free zone incorporating all the countries of the region, including Israel, which had not yet become a signatory of the Non-Proliferation Treaty nor of any safeguards agreement with the Agency in spite of repeated exhortations to do so and of the United Nations resolutions on the subject. The latest developments in the region and their repercussions to date had confirmed the soundness of the official position held by Egypt since 1974, namely that all Middle East nuclear installations must be brought under Agency safeguards and that all States of the region, and in particular Israel, must accede to NPT.

3. It was imperative that a nuclear-weapon-free zone should be created in the Middle East and that the adoption of effective steps towards that goal should not be deferred under the pretext that the matter had to be dealt with

by direct negotiations or resolved within the framework of a comprehensive solution to other problems, such as the Arab-Israeli conflict. That did not mean that Egypt was not eager to find a solution to that particular conflict, but the first step towards a solution was to instil confidence, and nuclear disarmament was a vital step in that direction. Practical steps needed to be taken to transform the Middle East into a zone free of weapons of mass destruction. In fact, the Egyptian President had made such a proposal and submitted it to the United Nations in April 1990.

4. In January 1990 Egypt had submitted, through its Foreign Minister, a series of detailed proposals to the Director General aimed at building confidence. A number of measures had been advocated: the States of the region should make individual or simultaneous declarations of their commitment to accept full-scope safeguards, and those declarations should be deposited with the Security Council. The States of the region should give the Director General of the Agency full information about their nuclear installations. States outside the Middle East should give the Director General of the Agency a list of their exports of nuclear equipment and material to States in that region. Exporting countries from outside the Middle East should make full-scope safeguards a condition for the supply of nuclear equipment and materials to countries of that region.

5. She noted that document GOV/2511 contained some new elements relating to safeguards application in the Middle East. Those elements deserved particular attention because a new approach to the application of safeguards in the Middle East would have to be found, one in which the role of the Agency was enhanced so that it could help to eliminate the nuclear threat in the region and to create a nuclear-weapon-free zone. That would help to inaugurate a climate of confidence between the parties to the conflict, an important step towards achieving a just and comprehensive solution. Accordingly, she urged the Director General to intensify his efforts and his contacts with the States concerned with a view to finding appropriate ways in which the Agency could contribute effectively to current international efforts aimed at establishing new peace measures for the region.

6. The Agency had already initiated a study, based on its own experience, of various modalities of safeguards application. Egypt now wanted to urge the Agency to develop methods specifically designed for the conditions prevailing

in the Middle East. She proposed that the question of the Agency's future studies on that subject be discussed under the item on safeguards. The Director General might consider setting up a special unit in the Secretariat to deal with the application of safeguards in the Middle East: that would enable the Secretariat, which was after all occupied by a multitude of other tasks as well, to give all due attention to the problem of Middle East safeguards. She hoped that at the September meetings the Director General would be able to give the Board additional information on how the problem might be tackled.

7. Mr. AMMAR (Tunisia) said he wanted to take the opportunity to express the concerns which he shared with all countries committed to the pursuit of peace and security in the world, and in particular in the Middle East. He recalled that the Security Council had, in resolution 487(1981), urged Israel to submit its nuclear installations to Agency safeguards and to desist from any attack or threat of attack on nuclear installations. In spite of all efforts made in that respect, Israel remained resolute in its refusal to place its installations under Agency control. That refusal, and the fact that the Government in Tel Aviv continued to shun all its obligations, was a source of grievance to other countries in the region, silencing the most moderate voices and provoking others to excess and despair. Hence, his delegation could not but be astonished by Israel's indifference to international law and by the fact that the dangers threatening the Middle East were being underestimated. It was essential that all Security Council resolutions be considered compulsory and stringent, and that each be applied with the same degree of effectiveness. It was also important that the Director General continue his efforts and intensify his contacts with the States concerned with a view to applying Agency safeguards to all nuclear installations in the Middle East, thereby injecting new impetus into the peace process so that law would prevail over emotions, and justice over injustice.

8. Certain disarmament initiatives could, in the future, provide a means of solving the present crisis and of bringing peace and security to the region. Tunisia welcomed the steps taken by the Agency during the past two years, and particularly commended the report drawn up by the Director General in response to paragraph 2 of General Conference resolution GC(XXXIV)/RES/526. Recent events in the Gulf ought not to be used as a pretext to draw attention

away from the significance of Israeli nuclear capabilities. On the contrary, events had shown that, if the aim was really to strengthen security and stability in the Middle East, the problem would have to be dealt with in a concrete and reasonable fashion. His delegation's strong support for the establishment of a nuclear-weapon-free zone in the Middle East was based on the conviction that an initiative of that kind went hand in hand with efforts to establish a peace based on justice and the will to develop the peaceful uses of nuclear energy, in order to ensure progress and the well-being of nations in that part of the world.

9. Mr. BAKHAT (Morocco) noted that the item entitled "Israeli nuclear capabilities and threat" appeared regularly on the agenda of the Board and the General Conference, but that discussions had not yet brought any response or produced any concrete results. He could not see how extending safeguards and the non-proliferation regime could serve a useful purpose while there was still an Israeli nuclear threat. Furthermore, Israel's attitude to the resolutions of the General Conference, the Security Council and the General Assembly of the United Nations was clearly obstinate and irresponsible. Morocco accordingly urged an intensification of efforts to bring Israel's nuclear installations under the Agency's safeguards system. At the same time, his delegation considered that defining the term "Middle East" and deciding on the best measures to take, considerations referred to in document GOV/2511, could not justify any postponement of Agency activities since that would inevitably have negative repercussions which could impede the application of Agency safeguards in the Middle East.

10. Comparing General Conference resolution GC(XXXIV)/RES/526 and document GOV/2511, one could see that the latter was moving away from the original objectives. Whereas the resolution laid emphasis on Israeli nuclear capabilities and threat and on the need to submit nuclear installations to Agency safeguards, the document under examination dealt with the application of safeguards in the Middle East in a more general way, without making any reference to the Israeli nuclear threat. Furthermore, he regretted that the report contained nothing new which might persuade Israel to relinquish its obdurate stance and accept the resolutions which had been adopted on the subject, thus helping to ensure peace and security in the region.

11. Mr. NEWLIN (United States of America) expressed his appreciation to the Director General for his efforts to implement resolution GC(XXXIV)/RES/526, in which the General Conference requested him "to deploy further efforts in continuing consultations with States concerned in the Middle East area with a view to applying Agency safeguards to all nuclear installations in the area ..."

12. His Government had always urged all non-nuclear-weapons States, including those in the Middle East, to place all their nuclear activities under Agency safeguards. The acceptance of full-scope safeguards by all the countries in that region was a key element of President Bush's Middle East arms control initiative announced on 29 May. He thanked the Director General for the comments he had made on that matter in his opening statement and said that his country was ready to support the Agency in applying safeguards to all nuclear activities in the Middle East.

13. Mr. CHIKELU (Nigeria) noted that since the Gulf crisis, which had temporarily overshadowed the situation in the Middle East, had come to an end the Secretariat had actively turned its attention to very important matters relating to the application of safeguards in the Middle East. They included the definition of the region in question, the scope of safeguards or verifications, the prohibition of attacks and, above all, the issue of mutual confidence. He was sure that any measure that lessened mistrust and promoted confidence would help in achieving the objective.

14. Mutual regional inspections, regional research and development programmes and regional technical co-operation arrangements were also among the constructive proposals put forward by the Secretariat. The Nigerian delegation urged the Director General to resume his consultations with Israel and the other Middle Eastern countries in the light of the suggestions made in document GOV/2511. It considered that all nuclear installations in those countries should be subject to Agency safeguards, as that would help to generate mutual confidence and co-operation in the area and would facilitate the creation of a nuclear-weapon-free zone.

15. Ms. SCHICK (Australia) agreed with the Secretariat that, owing to events in the Middle East, conditions had not been favourable for organizing a further series of consultations on the application of safeguards in all the

countries of the region. However, the search for a peaceful solution in the Middle East, the emergence of various initiatives and the Agency's experience and responsibilities gained under Security Council resolution 687(1991) should give renewed impetus to the examination of non-proliferation assurances in that region.

16. The measures set out in document GOV/2511 offered a sound conceptual framework for expanding the application of Agency safeguards in the Middle East. In particular, the document referred to the possible use of special inspections and the submission of design information on planned installations, measures which were in any event positive steps to strengthen Agency safeguards. The possibility of extending safeguards beyond nuclear material could also help to build confidence in the region.

17. Document GOV/2511 said that "States in the Area might decide to conclude a regional agreement prohibiting attacks on nuclear facilities within the Area" and that security assurances might be obtained from the nuclear-weapon States. Her country, which had co-sponsored the Hungarian resolution at the 45th session of the General Assembly on the prohibition of attacks on nuclear facilities, could endorse the principle of a regional agreement of that type, if it were acceptable to the States of the region.

18. A number of proposals and international initiatives for arms control in the Middle East were currently under consideration. In that connection, mention should be made of the plans proposed by Presidents Mubarak and Bush, as well as the recent initiative by President Mitterrand, which had some bearing on the Middle East. Her country supported the general aims of those plans.

19. Once again Australia urged all States of the region who had not yet done so to accede to NPT. The fact that Israel had failed to do so was a matter for concern to Australia, which reiterated its call to Israel to accede to NPT and to submit all its nuclear installations to Agency safeguards. Her delegation also called on Oman and the United Arab Emirates to accede to NPT, and on NPT members who had not yet concluded the safeguards agreements required by the Treaty to do so without delay. Such action was vital to provide an additional degree of assurance.

20. Mr. TIMERBAEV (Union of Soviet Socialist Republics) pointed out that the new ideas and considerations presented in document GOV/2511 deserved the most careful attention.

21. The USSR's position of principle, namely that a nuclear-weapon-free zone should be created in the Middle East, that all countries of that region should accede to NPT and that Agency safeguards should be applied to all their nuclear activities, was well known. He was convinced that the current situation underlined the importance of those ideas and of that action. Security Council resolution 687(1991) also had a bearing on the issue. New and important efforts were being directed to the creation of a nuclear-weapon-free zone in the Middle East. The Agency could and indeed should play an important role. His delegation hoped that the Secretariat would continue to study questions related to the application of full-scope safeguards in the Middle East.

22. Mr. McRAE (Canada) was in favour of examining initiatives intended to develop a more effective safeguards system, including regional mechanisms. Nevertheless, procedures that could be applied on a regional scale should not be considered in isolation from other control methods, particularly those already available to the Agency under its mandate and those which might be introduced in the future. It was for that reason that during the discussions on item 11(d) of the agenda, his delegation had proposed examining possible regional agreements together with the five safeguards issues referred to in document GOV/INF/613: special inspections, safeguards in nuclear-weapons States, notification of design information, universal reporting and significant quantities.

23. In fact, in the regional context, the Agency could start by making greater use of special inspections, as had already been proposed in document GOV/INF/613, which constituted a good preliminary study of the statutory basis for special inspections. With respect to the question of a regional system for the Middle East, his delegation had an open mind on all proposals for regional arrangements, so long as they were based on the Agency's mandate. On the matter of regional initiatives going beyond the framework of current Agency safeguards practice and policy, he was prepared to support proposals which enjoyed regional consensus. With respect to the Middle East in particular, he doubted whether it would be possible to contemplate a regional

system without taking into consideration broader, regional non-proliferation concerns. Results obtained in that regard would depend on the progress made towards a comprehensive political settlement for the region.

24. Mr. LAVIÑA (Philippines) gave his full support to the Governor from Saudi Arabia and other delegations who had expressed similar points of view on the matter of Israeli nuclear capabilities and threat.

25. Mr. TALIANI (Italy) commended the Secretariat on the high quality of document GOV/2511, which presented very interesting ideas deserving of thorough and detailed examination.

26. The CHAIRMAN, summing up the discussion, said that a number of views had been expressed which the Secretariat would take duly into account when it came to examine the issues raised in document GOV/2511.

27. He assumed that the Board wished to take note of document GOV/2511 and to request the Director General to submit it to the General Conference, together with the summary record of the Board's discussion under the agenda item in question, as an important document relating to regional safeguards arrangements.

28. It was so decided.