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APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST

**Report by the Director General to the Board of Governors
and to the General Conference**

1. In resolution GC(42)/RES/21 (1998), the General Conference, inter alia, called upon all parties directly concerned:

"to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable nuclear-weapon-free zone (NWFZ) in the region" of the Middle East.

In this regard, the resolution requested the Director General:

"to continue consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region",

and called upon:

"all States in the region to extend their fullest co-operation to the Director General".

2. The resolution also took note:

"of the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral working group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including establishment of a NWFZ",

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and called upon the Director General, as requested by the participants:

“to render all necessary assistance to the working group in promoting that objective”.

3. The resolution further called upon all States in the region:

“to take measures, including confidence building and verifications measures, aimed at establishing a NWFZ in the Middle East”

and requested the Director General:

“to submit to the Board of Governors and to the General Conference at its forty-third regular session a report on the implementation of this resolution”.

This report is pursuant to that request.

4. In his Report to the forty-second regular session of the General Conference (GOV/1998/45-GC(42)/15), the Director General identified the steps he had taken to continue consultations with States of the Middle East region as relevant to the mandate which the General Conference had conferred upon him. In this regard, the Director General said that during his visit to Israel from 28 June - 2 July 1998, his discussions with the then Prime Minister and other senior officials had focused on his mandate in particular and, more generally, on ways to strengthen nuclear non-proliferation in the Middle East. With regard to the Director General's mandate, to facilitate the early application of full-scope (comprehensive) Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the Middle East¹, Israel had reiterated its view that priority should be given to the establishment of comprehensive peace and security in the region. This could later be followed by arms control and the establishment of the Middle East as a NWFZ, of which mutual verifications and safeguards would be an integral part. On the other hand, the view expressed by all other States of the region, during the Director General's consultations with them, continued to be that the application of safeguards to all nuclear activities in the region should not depend upon the establishment of a Middle East NWFZ and/or on the conclusion of a comprehensive peace settlement. According to this view, the application of full-scope safeguards to all nuclear facilities in the region would itself be a key confidence building measure which could contribute towards those objectives.

5. The Director General's Report also gave details about a Technical Workshop on "Safeguards, Verification Technologies and Other Related Experience", including experience in various regional contexts, which, had taken place at Agency Headquarters from 11 - 13 May 1998 for experts from the Middle East and other areas. As the General Conference may recall, the Workshop originated from a request in a Presidential Statement at the forty-first regular session of the Conference on 3 October 1997(GC(41)/DEC/14). The programme for the workshop, prepared in consultation and co-ordination with the parties concerned, aimed further

¹ With respect to the States of the region that have nuclear activities of safeguards relevance, the Agency applies comprehensive safeguards (INFCIRC/153) to nuclear facilities in Algeria, Egypt, Iran, Libya and Syria and item-specific safeguards (INFCIRC/66) to one facility in Israel.

to increase understanding about the features and application of IAEA safeguards; of other verification concepts, technologies and tools; and about experience gained in specific regional contexts, notably in IAEA verification of compliance with NWFZ agreements. The overall objective of the Workshop, as well as of those which had preceded it in 1993 and 1997, was to help to facilitate choices and options with regard to some of the issues on which consensus will be needed for the establishment of a Middle East NWFZ, in particular, appropriate verification arrangements. The report of the Director General to the thirty sixth regular session of the General Conference (GC(XXXVI)/1019 of 16 September 1992) and other, later reports have shown that verification modalities in a future Middle East NWFZ will hinge substantially on the types of obligation to be verified. Examples of broad categories of obligations which might form part of a NWFZ agreement, have been given in reports of the Director General, for example, (i) those which preclude research and development on and the possession, acquisition, manufacture or stationing of nuclear weapons or nuclear explosive devices; (ii) those which preclude research and development on and the production, importing or stockpiling of weapons-usable materials and require the disclosure of all nuclear activities, including research and development, imports, exports and production; and (iii) those which require the application of safeguards to all nuclear material, installations and relevant equipment and non-nuclear material. As reports of the Director General have emphasised, greater clarity about the views of Middle East States on issues such as these is indispensable to the preparation of the model verification agreements foreseen in General Conference resolutions, most recently in resolution GC(42)RES/21 of 25 September 1998.

6. The Director General has continued his consultations with representatives of Middle East States since last year's regular session of the General Conference. As part of those consultations, the Director General visited Egypt, Jordan, Syria and Lebanon from 28 February - 11 March 1999 and Morocco from 12 - 15 May 1999. In his meetings with Heads of State, Heads of Government and other senior officials, the Director General reiterated his willingness to provide any assistance within his mandate and authority in connection with measures, including confidence building and verification measures, aimed at establishing a NWFZ in the Middle East. The Director General also continued to stress the importance he attaches to obtaining additional and more detailed information from States of the Middle East on all issues relevant to his mandate and sought to elicit current views.

7. As a further way of seeking more detail about the views of States of the Middle East region on key issues, the Director General wrote, in May 1999, to Foreign Ministers of States of the Middle East. In his letters, a copy of which is reproduced in Annex 1, the Director General again focused attention on the two aspects of his mandate from the General Conference.

8. With regard to the first aspect, the Director General asked recipients of his letter for their current thinking about the application of safeguards to all nuclear facilities in the Middle East and for their views on any practical steps which might be taken now to foster a climate of confidence which might lead to such application.

9. On the second aspect of his mandate, the Director General emphasised that successive Reports of the Director General to IAEA General Conferences had referred to the importance attributed to States of the Middle East region expressing clear and detailed views about the types of material obligation which might form part of an eventual Middle East NWFZ

agreement and about modalities for verifying compliance with such obligations. His letter also recalled that General Conference Reports had given examples of types of material obligations and verification modalities which might be considered. The Director General added, in his letter, that consultations and discussions over a protracted period had confirmed the basic premise that a future Middle East NWFZ would likely require far-reaching, intrusive and comprehensive verification arrangements, including mutual inspection by the parties. The letter also touched upon some of the institutional arrangements which might be relevant to the Middle East, including arrangements in which other bodies and inspection mechanisms, established to meet regional requirements, could work jointly with the IAEA. Finally, the Director General sought States' views on the geographical limitations of a future Middle East NWFZ and of the commitments which different groups of States might undertake within it.

10. To date, the Director General has received 3 responses to his letter. These responses from Iraq, Israel and Jordan are attached at Annex 2.

11. The Director General will continue his consultations with States of the Middle East with a view to achieving progress towards fulfilling the two aspects of his mandate. Furthermore, in the renewed hope that States of the region can agree, as called upon by the General Conference, "to take measures, including confidence building and verification measures, aimed at establishing a NWFZ in the Middle East", the Director General will continue to be ready to provide any assistance within his authority that the States of the region deem appropriate.



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1999-05-10

Sir,

You will know that, in each of the years since 1991, an item entitled the "Application of the IAEA Safeguards in the Middle East" has been included in the Agenda of the annual, regular session of the General Conference of the International Atomic Energy Agency (IAEA). Successive General Conference Resolutions have, inter alia, affirmed:

"The urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free-zone (NWFZ)."

and have called upon:

"all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region" of the Middle East.

The resolutions have also mandated the Director General of the IAEA:

"to continue consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region".

In accordance with the above, and as stated in my report, GOV/1998/45-GC(42)/15, to last year's Forty-second regular session of the General Conference, I have started consultations which build upon the work of my predecessor to fulfil the mandate placed upon me and I intend to continue these. This letter should be seen in that light.

On the first aspect of my mandate, to facilitate the application of IAEA safeguards to all nuclear facilities in the Middle East, there have for long been two sharply differing views: on the one hand that the safeguards issue can be considered only after the conclusion of a Middle East NWFZ agreement within the context of a just and lasting peace settlement, and on the other, that the application of safeguards to all nuclear facilities in the Middle East region should not await or be dependent upon a peace settlement but would in itself constitute a valuable confidence-building measure contributing to such a settlement.

It would be helpful to know your current thoughts on this matter. In particular, I should welcome your views on any practical steps which could be taken now to foster a climate of confidence which might lead to the application of safeguards to all nuclear facilities in the region.

On the second issue relevant to my mandate, successive reports of the Director General to the General Conference, notably the report in document GC(XXXVI)/1019 of September 1992, gave examples of the types of material obligation which might form part of an eventual Middle East NWFZ agreement. They also suggested modalities for verifying compliance with those obligations. Examples of generic types of those material obligations are:

- (i) those which preclude research and development on and the possession, acquisition, manufacture or stationing of nuclear weapons or nuclear explosive devices;
- (ii) those which preclude research and development on and the production, importing or stockpiling of weapons-useable materials (i.e. uranium enriched to 20% or more in uranium - 235 and separated plutonium) and require the disclosure of all nuclear activities, including research and development, imports, exports and production; and
- (iii) those requiring the application of safeguards to all nuclear material, installations and relevant equipment and non-nuclear material.

As for possible verification requirements and modalities, consultations and discussion with representatives of Middle East States have confirmed the basic premise that, in the particular circumstances of the Middle East, a future NWFZ in the region would most likely require far-reaching, intrusive and comprehensive verification arrangements, possibly including mutual inspections by the parties to the zone, so as to foster and sustain confidence that parties were complying with their commitments.

You will know that verification arrangements under existing NWFZ agreements provide for international verification through the IAEA and, as useful complements, for regional arrangements that may be invoked in specific circumstances. Reports to the General Conference have pointed to certain institutional arrangements which might be relevant to nuclear verification in the Middle East including arrangements which would enable other bodies and inspection mechanisms to work jointly with the IAEA. In addition, the three Workshops (in 1993, 1997 and 1998) about safeguards and verification technologies which the IAEA arranged, as requested by the General Conference, addressed, inter alia, some of the tools and techniques used in specific regional verification contexts. Your authorities might regard some of those tools and techniques as particularly relevant to the Middle East.

I should also welcome your country's views about the geographical limitations of a Middle East NWFZ and of the commitments which different groups of States could undertake within it. Greater clarity on this issue is relevant to the preparation of the model agreements foreseen in General Conference resolutions. You will note that the 1992 and 1996 reports to the General Conference gave examples of basic obligations which two groups of States - those located in the region and the declared nuclear-weapon-States - might assume. However, more information from the relevant States themselves about such matters would be helpful. So too would any further thoughts, for example about the possible role of other States.

In conclusion, I should like to reiterate the importance I attach to greater clarity on the foregoing issues to help me to fulfil the mandate from the General Conference. The IAEA is ready to do anything that it can in pursuit of that objective and I trust that I can look to your Government for assistance.

Accept, Sir, the assurances of my highest consideration.

Mohamed ElBaradei
Director General

Translated from Arabic

**TEXT OF LETTER OF 9 JUNE 1999 FROM THE
MINISTRY OF FOREIGN AFFAIRS OF IRAQ ADDRESSED TO THE
DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

Thank you for your letter of 10 May 1999, which eloquently highlighted the Agency's urgent desire to address the agenda item entitled "Application of IAEA safeguards in the Middle East", citing paragraphs from resolutions adopted by the Agency's General Conference and the mandate assigned to you in tackling this issue, as well as the prevailing points of view in the Middle East region regarding the optimum approach to applying such safeguards.

I would like to point out that we are aware of the tasks entrusted to you and the steps being taken by the Agency. I have examined your report to the forty-second session of the General Conference, as well as your reports to the General Conference in 1992 and 1996, and the resolutions which mandated you to tackle this issue of the application of Agency safeguards in the Middle East, which is extremely important for the region.

That being so, I would like to put forward our point of view regarding the contents of your letter:

1. No safeguards system can be implemented effectively and efficiently unless it is a comprehensive system covering a whole region or area, and any nuclear differentiation in the Middle East would not be helpful in creating the proper environment for the application of a safeguards system;
2. It is imperative that balanced efforts and commitments by all parties be intensified in order to broaden the basis for the implementation of the Agency's comprehensive safeguards system to cover all parties, in particular "Israel", which has so far signed neither the Treaty on the Non-Proliferation of Nuclear Weapons nor a comprehensive safeguards agreement with the Agency. I therefore question the reason behind this appeal to the Arab States - which have already accepted comprehensive Agency safeguards - to apply further stringent, rigorous measures under the Model Additional Protocol, while Israel maintains its nuclear arms arsenal and its nuclear capabilities with a view to continuing to manufacture additional nuclear weapons outside the scope of the international measures being adopted by the Agency;
3. Any partial and coercive international approach to the issue of armament in the Middle East will not achieve the objectives foreseen by the international community because a serious situation currently prevails in the Middle East, which was described by the 1995 NPT Review and Extension Conference as a "region of tension", and there is a colossal power imbalance, in which Israel possesses a massive arsenal of weapons of mass destruction, including nuclear, chemical and biological weapons, in addition to long-range missiles, in defiance

of the United Nations General Assembly's efforts since 1974 to establish the Middle East as a zone free of weapons of mass destruction and in defiance of United Nations Security Council resolution 487(1981), which called on Israel to place its nuclear facilities under comprehensive IAEA safeguards and paragraph 14 of resolution 687(1991), which called for the actions taken against Iraq to represent steps towards the goal of establishing a zone free from weapons of mass destruction in the Middle East.

This situation resulting from "Israel's" failure to respect these resolutions is posing a threat to peace and security in the region and in the world and is encouraging an arms race in the region;

4. Iraq underwent a bitter and cruel experience and was subjected, for a long time, to a system of control that was unique in its rigorousness and its arbitrariness and that used unprecedented methods and criteria, based on unjust resolutions that gave the United Nations licence to carry out its mandate fully and comprehensively for several years with respect to all weapons of mass destruction, including those in the nuclear area for which the Agency has responsibility. This mandate went beyond all the control measures and safeguards systems that have been or that are currently being applied anywhere in the world. However, we now note that the same States which - for dubious, political motives - had voiced their alleged fears and anxieties about the situation in the Middle East arising from Iraq's possession of so-called weapons of mass destruction are backing, contributing to and supporting, either directly or in various indirect ways, the programmes and activities implemented by Israel that are directly related to maintaining the development of Israel's nuclear, chemical and biological weapons capabilities and its long-range missiles;
5. Despite Iraq's bitter experience in the field of disarmament over the past nine years, Iraq has not noticed any serious, committed steps by the relevant international bodies to universalize the steps applied to Iraq by applying them to States and parties in the Middle East that possess arsenals of nuclear weapons and publicly vaunt the fact;
6. As for the intrusive, comprehensive verification arrangements proposed in the letter as part of the safeguards system, Iraq considers that they should be immediately applied in practice to all States in the Middle East without exception, and above all to "Israel", whose huge arsenal of nuclear weapons and weapons of mass destruction constitutes a danger to the peace and security of the States and populations of the region, otherwise it will be impossible to ensure the credibility of any safeguards system;

7. The application of comprehensive IAEA safeguards in the Middle East cannot be linked with a peace settlement, because Israel's development of nuclear weapons and its failure to place its nuclear facilities under Agency safeguards pose a constant threat to the Arab States and to the region of the Middle East. It is therefore imperative that Israel accede to the NPT and that it immediately and unconditionally place its facilities under Agency safeguards and eliminate its nuclear arsenal;
8. As to the geographical limitations of the Middle East region, on which you sought to have our views, these limitations are obvious and were confirmed in the remarks submitted by Iraq to the technical committee entrusted with the consideration of a draft treaty to establish a zone free from weapons of mass destruction in the Middle East, which holds its meetings on nuclear issues at the headquarters of the League of Arab States in Cairo;
9. Actions taken by the United States during the preparatory meetings for the 2000 NPT Review Conference and at other specialized meetings to thwart efforts to exert pressure on Israel to accede to the NPT, to place its facilities under the Agency's safeguards system and to eliminate its nuclear weapons played a major role in fostering Israel's tendency to run counter to the will of the international community. Moreover, the role undertaken by the relevant international organizations has been of limited effect in changing this attitude and getting Israel to comply with the will of the international community. The steps taken by the Agency's Director General have brought about no practical or tangible results in this direction over the years, because the application of comprehensive safeguards and the establishment of a nuclear-weapon-free zone in the Middle East were linked to a peace settlement in the region - a linkage which Israel constantly strives for. Serious efforts must therefore be exerted to achieve results that serve the region's security and stability, in other words, that rid it completely of nuclear weapons by applying paragraph 14 of Security Council resolution 687(1991), which was adopted in accordance with Chapter VII of the Charter of the United Nations and was fully implemented by Iraq, as well as Security Council resolution 487(1981).

Any arrangements made in the Middle East in connection with the application of the Agency's comprehensive safeguards system and the establishment of a region free from nuclear weapons and weapons of mass destruction cannot be successful, even relatively successful, as long as a selective approach is adopted and double standards are applied in dealing with armament and disarmament issues. In Iraq's opinion, the Agency should follow up the implementation of its General Conference resolutions, as well as the relevant Security Council resolutions and United Nations General Assembly resolutions, which have been adopted by consensus since 1980 until the present time.

**TEXT OF LETTER OF 6 AUGUST 1999 FROM THE
ISRAELI ATOMIC ENERGY COMMISSION ADDRESSED TO THE
DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

Thank you for your letter of May 5, 1999 concerning the General Conference agenda item entitled "Application of IAEA Safeguards in the Middle East". We appreciate the efforts you dedicate to fulfill the mandate placed upon you by the General Conference.

Your thoughtful letter has been carefully studied, and I am glad for the opportunity to respond to it and present our views, to assist in the preparations of your report to the G.C.

As you are well aware, Israel joined the consensus on GC(42) RES/21, consequently stating its fundamental reservation concerning its modalities, because it recognizes that a NWFZ could eventually serve as an important complement to the overall peace, security and arms control in the region.

The policy of Israel has always maintained that the nuclear issue, as well as all regional security problems, conventional and non-conventional should be dealt with solely within the context of the regional peace process.

Moreover, negotiations on these, as all other issues concerned with the security of the region, could only realistically be expected to take place freely and directly between the regional parties and within the framework of the peace process, a point underscored by the Madrid Peace Conference.

The IAEA by its Statute and mission has no role to play in settling political conflicts. Involvement of international organizations such as the IAEA in regional disputes would even be counterproductive to the prospects for attaining a regional settlement as well as for the Agency itself. Not in the least because it may be inappropriately perceived as a substitute to an effort by the regional parties themselves to settle their own differences. The regrettable trend of attempting to bypass a dialogue among the concerned parties in the Middle East has been repeatedly demonstrated in the Agency's Policy Making Organs.

At the appropriate stage, the Agency could render the necessary assistance to the regional parties, upon their joint request, as foreseen by paragraph 6 of the above resolution.

On a more general level, Israel pins its expectations on peace and regional security arrangements that will combine bilateral as well multilateral elements. Inspired by experience in other regions, not in the least that of Latin America, as well as Europe, we hope that proliferation problems will ultimately find their remedy through a combination of political changes, economic developments, bilateral settlements of disputes and regional arrangements such as those that have become commonplace in other regions.

In the Middle East, as earlier in other regions, progress in the areas of arms control and disarmament can come about only through political accommodation and reconciliation. This process, inherently an incremental one, can only realistically begin with modest, even voluntary arrangements. Gradually, over time, as trust is built, it can proceed to include more ambitious cooperative security undertakings dealing with conventional and ultimately also non-conventional areas.

I'd like to conclude by expressing our hope that in the coming months the peace process in our region will move forward and in the future true confidence and reconciliation among the states of the region will overcome old suspicions and hostility, paving the way for increasingly challenging objectives.

Accept, Sir, the assurances of my highest consideration.

**TEXT OF LETTER OF 10 AUGUST 1999 FROM THE
PERMANENT MISSION OF THE HASHEMITE KINGDOM OF JORDAN
ADDRESSED TO THE DIRECTOR GENERAL
OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

The Permanent Mission of the Hashemite Kingdom of Jordan presents its compliments to the Secretariat of the International Atomic Energy Agency and has the honour to inform that the position of the Government of Jordan regarding the "Application of the IAEA Safeguards in the Middle East" and other non-proliferation issues as well as weapons of mass destruction is as follows;

1. Jordan strongly supports the idea of establishing a Middle East region free of weapons of mass destruction (nuclear, chemical and biological).
2. Jordan has always called for the application of the IAEA full-scope safeguards on all nuclear plants in the Middle East without any exception.
3. Jordan has always called for the realisation of the universality of the Non-Proliferation Treaty (NPT) which calls for the adherence of all States to the Treaty. Needless to say that all States in the Middle East are parties to the NPT with the exception of the State of Israel.
4. Jordan believes that practical steps for the establishment of a nuclear-weapon-free-zone (NWFZ) should be taken as soon as possible so as to give impetus to the Middle East Peace Process. Such a mechanism, once achieved, will enhance the International regime for nuclear non-proliferation which can then be used as a tool for nuclear disarmament.

The Government of Jordan highly appreciates the efforts so far undertaken by the IAEA Director General and expresses its full readiness to cooperate in order to make the application of the IAEA Safeguards in the Middle East a tangible fact.

The Permanent Mission of the Hashemite Kingdom of Jordan avails itself of this opportunity to renew to the Secretariat of the International Atomic Energy Agency the assurances of its highest consideration.