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(GC(46)/1)

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST

Report by the Director General

1. In resolution GC(45)/RES/18 (2001), the General Conference, 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 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.

In this regard, the resolution reiterated the Director General’s mandate from earlier resolutions of the General Conference:

“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 repeated the call from previous resolutions of the General Conference to:

“all States in the region to extend their fullest co-operation to the Director General in the fulfilment of the tasks entrusted to him”

in this regard by the General Conference.

2. Resolution GC(45)/RES/18 (2001) 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 the establishment of a NWFZ”;

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

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

It further called upon all States in the region:

“to take measures, including confidence-building and verification 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-sixth regular session a report on the implementation of this resolution”.

3. In the context of its Agenda Item ‘Application of IAEA Safeguards in the Middle East’, the Regular Session of the General Conference in 2000 adopted decision GC(44)/DEC/12 by which the Conference requested:

“the Director General to make arrangements to convene a forum in which participants from the Middle East and other interested parties could learn from the experience of other regions, including in the area of confidence building relevant to the establishment of a nuclear weapon free zone”.

The decision also called upon:

“the Director General, with States of the Middle East and other interested parties, to develop an agenda and modalities which will help to ensure a successful forum”.

4. This report describes the steps taken in seeking to fulfill the Director General’s mandates as conferred by resolution GC(45)/RES/18 (2001) and by decision GC(44)/DEC/12.

5. In his Report to the forty-fifth regular session of the General Conference (GOV/2001/36-GC(45)/19), the Director General reported on the steps he had taken to continue consultations with States of the Middle East region in seeking to fulfil the request from the General Conference. In this regard, the Director General referred to his visits in 2001 to Egypt, Kuwait, Saudi Arabia and the United Arab Emirates. During those visits and at other high level meetings, the Director General had reiterated his willingness to provide any assistance related to measures, including confidence-building and verification measures, aimed at applying full-scope (i.e. comprehensive) Agency safeguards to all nuclear activities in the region and at establishing a NWFZ in the Middle East. The Director General had also stressed the importance he attaches to obtaining additional more detailed information from States of the Middle East on all issues relevant to his mandate from the General Conference.

6. Report GOV/2000/38-GC(44)/14 also referred to the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In its Final

Document, the 2000 NPT Review Conference, inter alia, had welcomed the long-standing consensus, reached in the UN General Assembly that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. The Final Document of the 2000 NPT Review Conference noted that a number of States of the Middle East region had acceded to the NPT since 1995 and that, with these accessions, all States of the Middle East, with the exception of Israel, were now Parties to the NPT. Also of particular relevance to the Director General's General Conference mandate, the Final Document of the 2000 NPT Review Conference had invited those States of the region that had not yet done so to negotiate comprehensive safeguards agreements with the Agency and bring them into force as soon as possible. At the first session of the Preparatory Committee for the 2005 NPT Review Conference held in New York in April this year, the Agency called upon all States that had not yet done so to conclude comprehensive safeguards agreement with the Agency pursuant to article III of the NPT. The importance of establishing a NWFZ in the Middle East was noted in the Chairman's factual summary annexed to the Report on its first session of the Preparatory Committee for the 2005 NPT Review Conference. The Chairman's factual summary stated that NPT States parties had noted that no progress had been achieved in the establishment of a nuclear-weapon-free zone in the Middle East.¹

Application of Full-Scope Agency Safeguards

7. Since last year's General Conference, given the political situation prevailing in the Middle East, the Director General regrettably was unable to make further progress in fulfilling his mandate pursuant to resolution GC(45)/RES/18. In his continuing contacts with representatives of States of the Middle East region, the Director General has reiterated the importance of the tasks entrusted to him and has sought to encourage relevant ideas in this context. These points were again raised when the Director General visited Sudan in December 2001, and Algeria and Tunisia in April 2002. Thus, the Director General has continued to stress the emphasis placed in successive IAEA General Conference resolutions, and in those of other fora, on the importance of the application of comprehensive IAEA safeguards on all nuclear activities in the Middle East region. He has also stressed the need for all States that already had a binding obligation to conclude a comprehensive safeguards agreements with the Agency to do so.

8. During his visits to Middle East States, the Director General also reiterated that the signature and entry into force of comprehensive safeguards agreements not only fulfils the relevant States' Treaty obligations, and helps to strengthen the international nuclear non-proliferation regime, but can also play an important part in building confidence toward the goal of an eventual NWFZ. It remains, however, that eight States of the Middle East region that are Party to the NPT have yet to conclude their comprehensive safeguards agreements with the Agency.² It is expected that one of these States soon will conclude such a comprehensive safeguards agreement.³ Two States of the Middle East region that have already signed comprehensive safeguards agreements with the Agency have yet to bring them

¹ In accordance with the Final Document of the 2000 NPT Review Conference, paragraph 7 of the section on "Improving the effectiveness of the strengthened review process for the Treaty", the Chairman of the first session of the Preparatory Committee for the 2005 NPT Review Conference prepared a factual summary of the Committee's consideration of the issue, which is contained in Annex II to the Report of the Preparatory Committee at its first session (NPT/CONF.2005/PC.I/21).

² Bahrain, Comoros, Djibouti, Mauritania, Qatar, Saudi Arabia, Somalia and United Arab Emirates.

³ United Arab Emirates.

into force.⁴

9. On the first aspect of his mandate, it was clear from the Director General's discussions that there continued to be a long-standing and fundamental difference of view between Israel on the one hand and other States of the region on the other with regard to the application of comprehensive Agency safeguards to all nuclear facilities in the region. Israel takes the view that safeguards, as well as all other regional security issues, cannot be addressed in isolation from the regional peace process but only within the context of a just and lasting peace settlement. This view was reiterated during the Director General's further consultations on this matter. The other States of the region maintain that there is no automatic sequence which links the application of comprehensive safeguards to all nuclear facilities in the Middle East to the prior conclusion of a peace settlement, and that the former would contribute to the latter.

Model Agreements as a Necessary Step toward a Middle East NWFZ

10. The evolutionary process which has resulted in broad adherence to the NPT and to INFCIRC/153-type safeguards agreements in the Middle East is an important step in creating confidence. There is a consensus that this non-proliferation process will be further promoted through the establishment of a NWFZ with appropriate safeguards arrangements. It is against this background that the requests of the General Conference for model safeguards agreements should be seen. The General Conference regarded model safeguards agreements as an element contributing to – indeed a necessary step in – the creation of a NWFZ. However, the preparation of these model safeguards agreements require a general agreement among States in the region on the material obligations that those States are ready to assume as part of a NWFZ agreement in the Middle East region, e.g. what nuclear activities could be accepted in the zone and the scope of verification measures to be applied.

11. The Director General's letter of 10 May 1999 to Foreign Ministers of States of the Middle East region (GOV/2000/38-GC(44)/14) also addressed the above issue, namely the request from resolution GC(44)/RES/28 (2000) and earlier resolutions, to prepare model agreements as a necessary step towards the establishment of a Middle East NWFZ. In his letter, the Director General referred to successive reports to the General Conference, notably the report in document GC(XXXVI)/1019 of September 1992, which had given examples of the types of material obligation which might form part of an eventual Middle East NWFZ agreement.

12. GOV/2000/38-GC(44)/14 reproduced the text of the Director General's letter of 10 May 1999 and of the responses received. It also provided some analysis of those responses, with regard, inter alia, to possible material obligations that might feature in a future NWFZ; to the specific obligations which might be assumed by the regional Parties to the Zone; by the IAEA; and by the nuclear-weapon States. The responses had also cited other ideas, for example that specific provisions of currently existing NWFZ Treaties might be drawn upon. Emphasis had been placed, regarding verification arrangements in a future Middle East NWFZ, on the IAEA being the main body responsible for verifying compliance with safeguards obligations with specific regional verification arrangements complementing, rather than superseding, international verification. From the correspondence received, most of the States of the region consider that a willingness to accept IAEA safeguards on all nuclear

⁴ Oman and Yemen; the Secretariat has been informed that Yemen will ratify soon.

activities in the region is, in itself, the most important confidence-building and verification measure to which successive General Conference resolutions have referred.

13. As recalled in GOV/2001/36-GC(45)/19, despite further letters of 19 June 2000, the Director General received only one additional response to the matters first raised in his letter of 10 May 1999. The Director General has not received responses to his letters of 10 May 1999 and 19 June 2000 from a number of States of the Middle East region.

14. In the light of the general lack of agreement, thus far, on the substance and modalities of a Middle East NWFZ, the Secretariat may not be in a position yet to embark on the preparations of the model agreements foreseen in the resolution. However, the Secretariat will continue to consult and work with States of the Middle East region to find the common ground required to develop the model agreements as a necessary step toward the establishment of a Middle East NWFZ.

IAEA Assistance with Activities of the Multilateral Working Group on Arms Control and Regional Security

15. There has been no plenary meeting of the Working Group since December 1994 and accordingly, no request by the Working Group for IAEA assistance.

Decision GC(44)/DEC/12 of the General Conference: Arrangements to Convene a Forum

16. NWFZs have been established in Latin America, the South Pacific, Southeast Asia, and Africa by virtue of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the South Pacific Nuclear- Free-Zone Treaty (Raratonga Treaty), the Southeast Asian Nuclear-Weapon-Free Zone Treaty (Bangkok Treaty), and the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) respectively⁵. A process of negotiations and consultations is underway to establish a NWFZ in Central Asia. The established NWFZs are of particular relevance to the examination of a verification regime for a future Middle East NWFZ: all four treaties cover large inhabited areas and all are designed to ensure the total absence of nuclear weapons from the territories of the States party to it; all four treaties contain a protocol providing for the nuclear-weapon States to commit themselves not to use or threaten to use nuclear weapons against any non-nuclear-weapon State party to the treaty in question; and all four treaties provide for Agency verification of the non-diversion of nuclear material and for the establishment of regional mechanisms to deal with compliance problems. In addition to the above, the existing NWFZ treaties contain certain variations that inter alia take into account the specific characteristics of the respective regions. Thus, given the range of obligations that could be undertaken pursuant to a NWFZ arrangement, the States of the Middle East region would need to reach agreement amongst themselves regarding the various provisions of a NWFZ treaty and to communicate their views to the Secretariat.

⁵ NWFZs have also been established in certain uninhabited areas – Antarctica (Antarctic Treaty), Outer Space (Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies) and the sea bed (Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea Bed and the Ocean Floor and in the Subsoil Thereof).

17. The General Conference requested the Director General to make arrangements to convene a forum as described in paragraph 3 above. The first priority has been to seek views on an agenda and modalities from the States of the Middle East. Thereafter, with the cooperation of the States of the Middle East, the aim would be to ascertain the views of other interested parties.

18. During 2001, the Secretariat had taken steps to try to obtain the views of States of the Middle East region as inputs to a proposed agenda and modalities which could help to ensure a successful forum of the kind envisaged. The Secretariat received ideas about the forum from seven States of the region. The Director General noted in his report GOV/2001/36-GC(45)/19 that there was no general measure of agreement on the scope of the agenda which a forum would need to address.

19. The Secretariat continued consultations with States of the Middle East region in 2002. Taking into account the differing ideas about the forum received from the States of the region, and given that the experience of establishing NWFZs varies along with the obligations undertaken pursuant to such agreements, the Secretariat has drafted a preliminary proposal for an agenda for a forum on “Experience relevant to the creation of a Nuclear-Weapon-Free Zone in the Middle East”, reproduced in Annex 1. In this context, the Secretariat has distributed copies of its proposal to States of the Middle East represented in Vienna to seek their comments and suggestions.

20. Thus far, the Secretariat has received responses from three States of the region. The relevant correspondence is reproduced in Annex 2. The Secretariat has been informed that responses from other States will be received in due course.

21. From the responses received, it is evident that there is no general convergence of views regarding the agenda that a forum would need to address.

22. The Secretariat will continue consultations with States of the Middle East and other interested States in order to harmonize views on the agenda and modalities with a view to convening the forum, and will report the outcome to next year’s General Conference.

FORUM PROPOSAL**Experience relevant to the creation of a Nuclear-Weapon-Free Zone in the Middle East****[Location / dates TBA]**

Relevance of the event: The General Conference in its decision GC(44)/DEC/12 requested: “the Director General to make arrangements to convene a forum in which the participants from the Middle East and other interested parties could learn from the experience of other regions, including in the area of confidence building relevant to the establishment of a nuclear weapon free zone”; and called upon: “the Director General, with states of the Middle East and other interested parties, to develop an agenda and modalities which will help to ensure a successful forum”. The Director General in GOV/2001/36-GC(45)/19 of July 2001 reported to the Board of Governors and to the General Conference, activities undertaken by the Secretariat to implement the Board’s decision. Following consultations with Member States of the region, an updated report will be prepared by the Secretariat and presented at the General Conference in September 2002.

Objectives: To communicate to the states of the Middle East the experience gained in Latin America, the South Pacific, Southeast Asia and Africa in establishing nuclear-weapon-free zone (NWFZ) arrangements, as well as the experience gained through the creation of the Argentine-Brazil Agency for Accounting and Control (ABACC) and EURATOM. The programme and format of the forum would be designed so as to enable its participants, taking part in their individual capacity, to freely exchange ideas and views and discuss different perspectives and approaches to the subject matter. In addition to the participation of the Director General and senior officials in charge of the implementation of NWFZ arrangements, a number of leading representatives of international intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) with strong policy influence in the areas of NWFZs, arms control and non-proliferation, and regional area expertise would be invited. The focus would be on the lessons of NWFZs from other regions, international and regional nuclear verification mechanisms relevant to NWFZ arrangements, and confidence- and security-building measures, in addition to strengthened safeguards and physical protection measures. The forum would be an informational event to present and to discuss ideas relevant to the mandate provided by the General Conference – it would not be a negotiating forum.

Topics for discussion:

1. The theory and practice of nuclear-weapon-free zone arrangements
 - a. The theory of NWFZ arrangements;
 - b. The experience of the Latin American NWFZ;
 - c. The experience of the South Pacific nuclear free zone (NFZ);
 - d. The experience of the Southeast Asian NWFZ;
 - e. The experience of the African NWFZ;
 - f. The experience to date of negotiating a Central Asian NWFZ arrangement;
 - g. The relevance for the Middle East of the theory and practice of NWFZs.

2. Confidence- and security-building measures (CSBMs)
 - a. CSBMs in theory and practice;
 - b. CSBMs in the nuclear field;
 - c. United Nations study on the Middle East as a NWFZ

3. The application of IAEA safeguards and measures for physical protection
 - a. Verification in the context of NWFZs;
 - b. Regional application of safeguards--the experience of ABACC and EURATOM;
 - c. Strengthening physical protection of nuclear material and facilities.

**TEXT OF THE LETTER FROM THE
PERMANENT MISSION OF ISRAEL
ADDRESSED TO THE OFFICE OF EXTERNAL RELATIONS AND POLICY
CO-ORDINATION OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

[Received on 10 July 2002]

July 8, 2002

1-5 – 117 - 02

In response to your letter dated 24 June 2002, I would like to present to you the position of the Government of Israel regarding the Secretariat's draft proposal on a forum on "Experience relevant to the creation of a NWFZ in the Middle East".

Israel shares the view expressed in the Secretariat's draft, that the proposed forum should be an informative event, and not a negotiating forum. As such, the forum should concentrate on the experience gained in other regions that established NWFZ. We believe that it would be beneficial to begin by focussing on the Latin American experience.

Based on these views, Israel proposes that the following topics would be discussed:

1. Nuclear weapons free zone in Latin America – theory and practice.
2. Confidence and security-building measures in Latin America (CSBMs) – theory and practice.
3. The application of IAEA safeguards and measures for physical protection
 - a. Verification in the context of NFWZ, based on the Latin American experience;
 - b. Regional application of safeguards – the experience of ABACC;
 - c. Strengthening physical protection of nuclear material and facilities – Latin American experience.

In order to convene the forum, it is essential that the agenda of the forum and the list of speakers would be agreed upon by the participating states. Israel encourages the Secretariat to allow the relevant states to work directly with each other in order to elaborate the agenda and the list of participants that would be agreed upon by them.

**TEXT OF THE LETTER FROM THE
EMBASSY OF THE REPUBLIC OF IRAQ
ADDRESSED TO THE OFFICE OF EXTERNAL RELATIONS AND POLICY
CO-ORDINATION OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

[Received on 24 July 2002]

No.119/02

3 June 2002

Thank you for your Letter of 16.05.2002 addressed to the Arab Group, which reflects the need of discussing the Issue of a Forum on the “Experience relevant to the creation of a Nuclear-Weapon-Free Zone in the Middle East”.

In response to the subject, allow me to point out that the core and major issue in this regard is “Israel Nuclear capabilities”. It is the only party in the region acquires nuclear capabilities, and till the present time it refuses to sign the treaty of the comprehensive safeguard system, signed by all states in the area.

Israel, though fully aware and with complete knowledge of the devastating dangers and catastrophes, resulting from storing or using nuclear capabilities, refuses to comply or abide by any treaty, accord, charter issued by the International Community related to the issue.

It is not a “forum” that would yield an objective results or a salvation to this crucial issue. The main endeavour and the one and only action accepted that would relief the area from the devastating dangerous and horrors of acquiring “nuclear capabilities” is to urge the International Organizations (as a duty and responsibility towards humanity and mankind) to practice continuous pressure over Israel to comply and abide by all its nuclear reactors and establishments to the ((comprehensive Safeguards System)).

If Israel would not comply and abide by those international treaties, accords, charters; definitely no confidence-building measures could be presented for discussion, and any discussion to the subject matter at any “forum” would be in vain, and consequently would lead to “zero” results.

**TEXT OF THE LETTER FROM THE
PERMANENT MISSION OF THE ARAB REPUBLIC OF EGYPT
ADDRESSED TO THE OFFICE OF EXTERNAL RELATIONS AND POLICY
CO-ORDINATION OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

[Received on 02 August 2002]

Vienna, 1 August 2002-08-01

12/IAEA/OAY

With reference to the Forum Proposal on “Experience relevant to the creation of a Nuclear-Weapon-Free Zone in the Middle East”, I would like to bring to your attention the following comments:

- 1- As a long-time supporter of the establishment of a NWFZ in the Middle East as well as of all efforts aimed at achieving the universality of full-scope IAEA safeguards, Egypt supports convening the proposed forum, as it would represent a valuable step-amongst others-towards the long overdue establishment of a NWFZ in the Middle East. This implies that the Forum proposal should focus on exploring modalities and approaches through which both objectives could be realized, in addition to the various verification measures to be instituted in the region in that context.
- 2- Such a forum, convened with the assistance of “hands-on” experts from existing NFWZs, should concentrate on the practical experiences of other NWFZs of the world insofar as they are of relevance to the Middle East, thereby helping States of the region to consider the appropriate modalities to make best use of such lessons, taking into account the political and security asymmetries between those regions and the Middle East.
- 3- The Forum proposal does not address certain issues, which we consider of great relevance to the subject, namely the adherence of all regional parties to the international non-proliferation regime, including the Treaty on the Non-Proliferation of Nuclear Weapons. It is imperative that the Forum Proposal highlights these crucial issues in a clear manner to assess the impact of the adherence or non-adherence to these instruments on the process and effectiveness of establishing NWFZ in other regions.
- 4- With regard to the incorporation of the concept of Confidence and Security Building Measures (CSBM), in the paragraph dealing with “Objectives” and in paragraph “2” under “topics for discussion”, it must be indicated that this concept was not incorporated in the General Conference resolution on the application of IAEA

safeguards in the Middle East or the Presidential Statement. It is therefore necessary that the Forum should not divert from the framework defined in both documents. As to the concept of Confidence Building Measures which is a component of both documents, it is important that it focuses on the areas that are of direct relevance to facilitating the application of IAEA safeguards and the conclusion of a Nuclear Weapon Free Zone in the region of the Middle East.

- 5- Concerning Agenda item 3.C entitled “The application of IAEA safeguards and physical protection” it is deemed that the inclusion of the topic of physical protection in the title might not be suitable and therefore should not be given equal status as that of the primary activity.
- 6- It is also worthy to note the importance that participating States must be actively involved in the formulation of the procedural issues related to the convening of the Forum, in particular the selection of speakers so as to guarantee that the broadest spectrum of opinion will be represented.
- 7- In view of the aforementioned comments, the Forum should discuss, in a targeted manner, issues of interest to all parties directly concerned by the matter. To Egypt such issues should include:
 - 1- Practical measures for the application of the IAEA’s Comprehensive Safeguards System to all nuclear facilities in all States of the Middle East region.
 - 2- Confidence Building measures with direct relevance to the objective of applying full-scope IAEA Safeguards and of establishing a NWFZ in the Middle East.
 - 3- The effects of the adherence of all regional parties to the NPT, in the context of eliminating the threat of nuclear proliferation and advancing the establishment of a NWFZ in the Middle East.