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Item 11 of the Board's provisional agenda
(GOV/2008/33)
Item 20 of the Conference's provisional agenda
(GC(52)/1)

Application of IAEA Safeguards in the Middle East

Report by the Director General

A. Introduction

1. General Conference Resolution GC(51)/RES/17 (2007), in operative paragraph 2, 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 the resolution, in operative paragraph 3, 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;

furthermore, the resolution, in operative paragraph 5, invited all States in the region,

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

2. In this regard, the resolution, in operative paragraph 8, 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 an NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627”;

and operative paragraph 9 repeated the call from previous resolutions of the General Conference to:

“all States in the region to extend their fullest cooperation to the Director General in the fulfilment of the tasks entrusted to him” in this regard by the General Conference;

furthermore, the resolution in operative paragraph 10, called upon:

all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution”.

3. Resolution GC(51)/RES/17, in operative paragraph 11, requested the Director General:

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

4. In the context of its agenda item ‘Application of IAEA Safeguards in the Middle East’, the General Conference in 2000 adopted Decision GC(44)/DEC/12 in 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”.

5. The Director General has consistently continued to stress the importance of the mandates entrusted to him and has sought to encourage the development and consideration of relevant new ideas and approaches that could help to move his mandates forward. This report describes the steps undertaken by the Director General in seeking to fulfil the mandates conferred by the General Conference in Resolution GC(51)/RES/17 and by Decision GC(44)/DEC/12.

B. Application of Full-Scope Agency Safeguards

6. The Director General has continued to stress the emphasis that has been placed in successive IAEA General Conference resolutions on the application of comprehensive Agency safeguards on all nuclear activities in the Middle East region.

7. All States of the Middle East region¹ except for Israel are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and have undertaken to accept comprehensive Agency safeguards to provide the assurance that all of their nuclear activities are for peaceful purposes. Since the last report on this agenda item,² a comprehensive safeguards agreement was signed by one

¹ Algeria, Bahrain, Comoros, Djibouti, Egypt, Islamic Republic of Iran (Iran), Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya (Libya), Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen (23) – *Technical Study on Different Modalities of the Application of Safeguards in the Middle East*, (IAEA Document) GC (XXXIII)/887, 29 August 1989, para. 3.

² GOV/2007/40–GC(51)/14 (14 August 2007).

State³ in the region. Thus, as of 20 August 2008, seven States⁴ of the Middle East region that are party to the NPT have yet to bring into force their comprehensive safeguards agreements with the Agency pursuant to that Treaty; four of those States⁵ have signed but have not yet brought into force their comprehensive safeguards agreements, while the remaining three States have yet to take any action in this regard. Additional protocols are in force in three States⁶ of the region, while five States⁷ have signed but not yet brought into force additional protocols, and an additional protocol has been approved for one other State⁸ in the region but not yet signed.

8. The Director General has not been able to make further progress in fulfilling his mandate pursuant to resolution GC(51)/RES/17 regarding the application of comprehensive Agency safeguards in the region of the Middle East. The Director General's discussions with representatives of the States of the Middle East region have shown that there still continues to be a long-standing and fundamental difference of views between Israel, on the one hand, and the other States of the Middle East region, on the other hand, with regard to the application of comprehensive Agency safeguards to all nuclear activities in the region. Israel takes the view that Agency safeguards, as well as all other regional security issues, cannot be addressed in isolation from the regional peace process and that these issues should be addressed in the framework of a regional security and arms control dialogue that could be resumed in the context of a multilateral peace process, and when phase II of the "road map" is reached.⁹ The other States of the region emphasize that they are all parties to the NPT and maintain that there is no automatic sequence which links the application of comprehensive safeguards to all nuclear activities in the Middle East, or the establishment of an NWFZ, to the prior conclusion of a peace settlement, and that the former would contribute to the latter.¹⁰ The Director General will continue with his consultations in accordance with his mandate regarding the early application of comprehensive Agency safeguards on all nuclear activities in the Middle East region.

³ Bahrain.

⁴ Bahrain, Comoros, Djibouti, Mauritania, Qatar, Saudi Arabia and Somalia.

⁵ Bahrain, Comoros, Mauritania and Saudi Arabia.

⁶ Jordan, Kuwait and Libya.

⁷ Comoros, Iran, Mauritania, Morocco and Tunisia.

⁸ Algeria.

⁹ Israel's position on this matter has been elaborated further in document GOV/2004/61/Add.1-GC(48)/18/Add.1; and in the statements by the Resident Representative of Israel at the meeting of the Board of Governors on 12 September 2007 (GOV/OR.1195) and at the 51st regular session of the IAEA General Conference on 17–21 September 2007 (GC(51)/OR.8). The Middle East "road map to the solution of the Israeli-Palestinian conflict", developed by the Quartet Group (of the European Union, the Russian Federation, the United Nations and the United States of America), foresees in phase II a "revival of multilateral engagement on issues including...arms control" – "A Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict", United Nations News Centre: <http://www.un.org/media/main/roadmap122002.html>.

¹⁰ The views of some of the other States of the region (Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Oman, Saudi Arabia, Syrian Arab Republic, Tunisia, and Yemen) have been elaborated further, inter alia, in their statements at the meeting of the Board of Governors on 12 September 2007 (GOV/OR.1195), and at the 51st regular session of the IAEA General Conference on 17–21 September 2007 (GC(51)/OR.1, GC(51)/OR.2, GC(51)/OR.3, GC(51)/OR.5, GC(51)/OR.8 and GC(51)/OR.9).

C. Model Agreements as a Necessary Step towards a Middle East NWFZ

9. The evolutionary process which has resulted in broad adherence to the NPT and consequently to INFCIRC/153-type comprehensive safeguards agreements in the Middle East is an important step in creating confidence regarding nuclear non-proliferation and regional security. Furthermore, the United Nations General Assembly has adopted without a vote successive resolutions supporting the establishment of an NWFZ in the Middle East.¹¹ Additionally, in 1995¹² and 2000¹³, the parties to the NPT reaffirmed their conviction that the development of NWFZs, especially in regions of tension such as the Middle East, as well as the establishment of zones free of all weapons of mass destruction, should be encouraged as a matter of priority, taking into account the specific characteristics of each region. There is, then, a consensus that the global nuclear non-proliferation regime would be further strengthened through the establishment of an NWFZ in the Middle East. The requests of the General Conference for model safeguards agreements require, however, agreement among the States in the region on the material obligations that those States are prepared to assume as part of an NWFZ agreement in the Middle East region.

10. As described in the previous reports of the Director General, most recently in GC(51)/14, the material obligations which could form part of an eventual Middle East NWFZ agreement might fall into several general categories, inter alia, those that deal with: (i) research and development on and the possession, acquisition, manufacture or stationing of nuclear weapons or nuclear explosive devices¹⁴; (ii) the disclosure of all nuclear activities, including research and development, imports, exports and production; (iii) the application of an Agency's strengthened safeguards system¹⁵, with possible additional features relevant to the region, to all nuclear material, installations and relevant equipment and material; and (iv) research and development on and the production, importing or stockpiling of weapon-usable fissile material, as well as other sensitive nuclear activities.

11. During the last several years, the Director General has sought the views of the States of the Middle East region on the material obligations that could be part of an NWFZ and has provided examples of the types of these material obligations¹⁶. The Director General's previous reports¹⁷ provided some analysis of the responses received that suggested, for example, that specific provisions of existing NWFZ treaties might be drawn upon. Emphasis has been placed, in particular, regarding verification arrangements in a future Middle East NWFZ, on the Agency being the main body responsible for verifying compliance with safeguards obligations, with suggestions for regional verification arrangements complementing international verification.

¹¹ United Nations General Assembly Resolution 62/18, "Establishment of a nuclear-weapon-free zone in the region of the Middle East", adopted without a vote on 5 December 2007. The text of the resolution is available on the United Nations website at: (<http://daccessdds.un.org/doc/UNDOC/GEN/N07/464/85/PDF/N0746485.pdf?OpenElement>).

¹² NPT/CONF.1995/32/DEC.2, "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", paragraph 6; and NPT/CONF.1995/32/RES.1 "Resolution on the Middle East".

¹³ NPT/CONF.2000/28 (Part I), "The Middle East, particularly implementation of the 1995 Resolution on the Middle East".

¹⁴ Many of these activities are already prohibited under the NPT.

¹⁵ Strengthened safeguards refer to comprehensive safeguards agreements (INFCIRC/153 (Corr.)) and the Model Additional Protocol (INFCIRC/540 (Corr.)), and, where applicable, the revised standardized text of the small quantities protocol.

¹⁶ GC(XXXVI)/1019 of September 1992.

¹⁷ GOV/1999/51-GC(43)/17 and GOV/2000/38-GC(44)/14.

12. There still continues to be general lack of clarity on the substance and modalities of an agreement to establish a Middle East NWFZ. The Secretariat may therefore not be in a position at this stage to embark on the preparations of the model agreements foreseen in the resolution. However, the Director General and 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 towards the establishment of a Middle East NWFZ.

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

13. The General Conference in 2000 adopted Decision GC(44)/DEC/12, as referred to in paragraph 4 above, in which the Conference requested the Director General, inter alia, to develop an agenda and modalities which will help to ensure a successful forum on the relevance of the experience of existing NWFZs, including confidence-building and verification measures, for establishing a nuclear-weapon-free zone in the region of the Middle East.

14. As noted in the Director General's previous reports, most recently in GC(51)/14, nuclear-weapon-free zones have already been established in Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa and Central Asia¹⁸, respectively, through the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear-Free-Zone Treaty (Rarotonga Treaty), the Southeast Asian Nuclear-Weapon-Free Zone Treaty (Bangkok Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. These established NWFZs are of particular relevance to the examination of the material obligations to be included in the verification regime to be implemented in a future Middle East NWFZ. While the existing NWFZ treaties contain certain variations and additional rights and obligations that inter alia take into account the specific characteristics of each of the respective regions, all five NWFZ 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 them; all five NWFZ treaties provide for Agency verification of the non-diversion of nuclear material¹⁹ and for the establishment of regional mechanisms to deal with compliance problems; and all five 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 NWFZ treaty in question.

15. In previous years, as mandated by the decision of the General Conference, the Agency had sought the views of Member States of the Middle East region with regard to developing an agenda and modalities for convening 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 NWFZ in the Middle East region. In this regard, the Agency had

¹⁸ 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.)

¹⁹ The Central Asian Nuclear-Weapon Free Zone Treaty, under its Article 8, also requires States Party to conclude with the IAEA and bring into force an Additional Protocol to their comprehensive safeguards agreements within 18 months after the Treaty's entry into force.

circulated a proposed agenda (in document GC(48)/18 of 24 August 2004, attached as Annex 1) and continued to seek the views of the concerned States (as reported in documents GC(49)/18 of 1 August 2005, GC(50)/12 of 22 August 2006, and GC(51)/14 of 14 August 2007, respectively); however, it had not been possible for the concerned States to reach agreement on an agenda and modalities for convening a forum.

16. In light of the mandate given to the Director General, in early July 2008, the Agency once again sought the views of Member States of the Middle East region on an agenda and modalities for convening a forum along the lines noted above. The Agency's letter to the Member States of the Middle East region requested their views on: (i) the principles agreed in the United Nations for establishing NWFZs in populated areas of the world; (ii) the relevance of such principles in the context of the Middle East region; (iii) the geographical limitations of a Middle East NWFZ (MENWFZ); and (iv) the commitments which the different groups of States could undertake within a MENWFZ. A copy of the Agency's letter is attached as Annex 2.

17. In response to the Agency's letter, written replies were received from six Member States of the Middle East region: Egypt, Iran, Iraq, Israel, Lebanon and Syria – the relevant communications are reproduced in Annex 3, in the chronological order in which they were received at the Agency. The response from Israel states that Israel's position on convening a forum as suggested in the Agency's letter remains unchanged. Israel supports the convening of the forum in accordance with the terms of reference contained in the Director General's report (GC(48)/18) of 24 August 2004, and it hopes that the other directly concerned regional parties would join in supporting the same. The other responses, in general, support the establishment of a NWFZ in the Middle East and the convening of a forum, and note as prerequisites for the establishment of the zone, inter alia, the application of comprehensive Agency safeguards to all nuclear installations in the Middle East and the accession of all the States of the region to the NPT, as affirmed by the resolutions of the General Conference. Modifications to the proposed agenda have been suggested by Egypt, Iraq and Lebanon that, inter alia, include proposals to specifically discuss the situation in the Middle East.

18. From the responses received, it seems that a convergence of views is developing on convening the forum, but there is no consensus yet regarding the agenda and issues that a forum would need to address. The Director General will continue consultations with Member States of the Middle East and other interested States in an effort to achieve convergence of views on the agenda and modalities with a view to convening a productive forum as early as practicable.

FORUM
on
Experience of Possible Relevance to the Creation
of a Nuclear-Weapon-Free Zone (NWFZ) in the Middle East*

It is proposed that the Forum on the above subject be organized in the second half of January 2005 in Vienna. The Forum would be designed to: (i) study the experience of Africa, Asia, Europe and Latin America in creating regional security regimes and achieving disarmament through establishing NWFZs; and (ii) explore the potential relevance of such experience in the Middle East. The Forum would be solely an informational and discussion event to study concepts relevant to the mandate provided by the IAEA General Conference – it would not be a forum for negotiation.

The principal focus of the Forum would be to: (i) study the lessons of other regions regarding the regional setting and context that had prevailed there before they began considering a NWFZ; (ii) review the existing multilaterally agreed principles for establishing NWFZs in populated areas of the world; (iii) review the theory and practice of establishing the four existing NWFZs; (iv) discuss with representatives from the four existing NWFZs their experience in promoting, negotiating and practically implementing negotiated arrangements for NWFZs; and (v) discuss the possible relevance of such experience in the context of the Middle East.

The Forum would address the following specific topics:

1. Experience in Africa, Asia, Europe and Latin America in making progress towards building cooperation, regional stability and security, arms control and disarmament agreements and identification of the required prerequisites towards this end by reaching common understandings on bilateral and regional issues of security, confidence building and cooperation; including a discussion on the track record in implementing regional verification arrangements by specifically addressing the practices of Euratom and the Brazil-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC);
2. Principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements: (i) geographic delineation; (ii) scope; (iii) verification; (iv) security assurances and (v) other issues, such as the role of extra-regional States, the nature of the arrangements (politically/legally binding), the role of international governmental and non-governmental organizations and the public at large in promoting and supporting the arrangements; and
3. The potential relevance of such experience in the context of the Middle East.

* (GC(48)18)

Text of the Agency Letter to Member States of the Middle East region

[Despatched on 1 July 2008]

I am writing to you concerning Agenda item 20 for the 52nd IAEA General Conference, regarding the “Application of IAEA Safeguards in the Middle East”.

At last year’s General Conference, resolution GC(51)/RES/17, 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.

Furthermore, the General Conference in 2000 in its decision GC(44)/DEC/12 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”; 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’s latest report on these matters was contained in document GOV/2007/40-GC(51)/14.

In previous years, as mandated by the decision of the General Conference, the Secretariat has sought the views of Member States of the Middle East region with regard to developing an agenda and modalities for convening 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. In this regard, the Secretariat has circulated a proposed agenda (in document GC(48)/18) and continued to seek the views of the concerned States (as reported in documents GC(49)/18, GC(50)/12, and GC(51)/14, respectively); however, thus far it has not been possible for the concerned States to reach agreement on an agenda and modalities for a successful forum.

In light of the mandate given to the Director General, as noted in the preceding paragraphs, the Secretariat is continuing to seek views on an agenda and modalities from the States of the Middle East region about the forum. In this regard, the Secretariat requests the views of your Government. Furthermore, the Secretariat would appreciate your country’s views on: (i) the principles agreed in the United Nations for establishing NWFZs in populated areas of the world; (ii) the relevance of such principles in the context of the Middle East region; (iii) the geographical limitations of a Middle East NWFZ (MENWFZ); and (iv) the commitments which the different groups of States could undertake within a MENWFZ.

As the Secretariat is required to complete the preparation and distribution of official documents well in advance of the start of the General Conference, the Secretariat requests your co-operation in providing your Government’s comments preferably prior to 24 July 2008 in order to enable the Secretariat to reflect them in the Report of the Director General on the “Application of IAEA Safeguards in the Middle East” to the Board of Governors and the General Conference in September 2008.

In conclusion, I should like to reiterate the importance that the Director General attaches to greater clarity on the foregoing issues to assist him in fulfilling the mandate from the General Conference. The Secretariat is ready to do all it can in pursuit of that objective and I trust that I can look to your Government for its full cooperation.

Accept, Sir, the assurances of my highest consideration.

Vilmos Cserveny

Director

Office of External Relations and Policy Coordination

Text of the Letter from the Permanent Mission of Iraq

[Received on 24 July 2008]

24 July 2008

I should like to refer to your letter dated 1 July 2008 seeking the views of the Middle East States on developing an agenda and modalities for convening the forum requested by the 44th General Conference in 2000 in its decision GC(44)DEC/12 requesting the Director General to make the necessary arrangements to convene it and for participation by States from the Middle East and other States interested in the issue of the establishment of a nuclear-weapon-free zone in the Middle East.

The Government of Iraq has studied the ideas contained in your letter from its standpoint, which has been formulated in the aftermath of its bitter experiences of having had a nuclear programme and its abandonment of this option and which has been endorsed by virtue of the constitution. Iraq encourages every initiative or endeavour to rid humanity of the terror posed by the possession of nuclear weapons, especially in a tense region such as the Middle East of which Iraq is it part.

For the past thirty years Iraq has welcomed all international efforts aimed at the establishment of a nuclear-weapon-free zone in the Middle East and has supported all resolutions of the United Nations General Assembly and Security Council, including resolution 687 (1991), and of the IAEA General Conference and Board of Governors and NPT Review Conferences, particularly the resolutions of the 1995 and 2000 Conferences.

Based on the aforementioned, the Government of the Republic of Iraq welcomes the idea of convening a special forum to study the experience of other regions bearing in mind the importance of emphasizing the fundamental criteria for the establishment of the zone, namely the application of the IAEA comprehensive safeguards system to all atomic installations in the Middle East and the accession of all the States of the region to the NPT, that being an essential demand affirmed by the resolutions of the General Conference, most recently resolution GC(51)RES/17 of the 51st General Conference which is the basis of your aforementioned letter, as a measure to build confidence among all States in the region and a step in enhancing peace and security in the region. Here it should be placed on record that all the States of the region have taken these steps with the exception of a single State.

The success of the forum and the achievement of its desired goals depend basically on enabling an opportunity to study how to implement the establishment of a nuclear-weapon-free zone in the Middle East in such a way as to satisfy the interests of all States party in the region. We therefore propose that item 3 of the agenda be changed from "The potential relevance of such experience in the context of the Middle East" to read "Discussion of the situation in the Middle East".

Yours, etc.,

(signed) Tariq Aqrawi
Ambassador, Resident Representative to the International Atomic Energy
Agency
[stamp of the Permanent Mission of the Republic of Iraq]

Text of the Letter from the Permanent Mission of Israel

[Received on 25 July 2008]

July 24th 2008

I am writing in answer to your letter of July 1, 2008 concerning Agenda item 20 of the 52nd General Conference.

You may recall that last year resolution entitled “Application of IAEA Safeguards in the Middle East (GC51/res/17) did not acquire consensus for the second consecutive year. The State of Israel was among other member states that could not support this resolution. Israel’s voting followed much effort to regain consensus in the GC on this important topic.

Israel’s position on the convening of a Forum as suggested in your letter remains unchanged. Israel supports the convening of the Forum in accordance with the terms of reference contained in the Director General’s Report (GC(48)18) of August 24th 2004. Israel is hopeful that other directly concerned regional parties will join in supporting the same.

Sincerely yours,

[Signed] Israel Michaeli
Ambassador
Resident representative of Israel
to the IAEA

Text of the Letter from the Permanent Mission of Egypt

[Received on 28 July 2008]

July, 24, 2008

I wish to thank you for your letter dated 1 July 2008 regarding Agenda item 20 for the 52nd IAEA General Conference on the "Application of IAEA Safeguards in the Middle East".

In this regard I would like to reiterate that Egypt attaches great importance to all serious initiatives and efforts aiming at the establishment of a nuclear-weapon-free-zone (NWFZ) in the Middle East.

Egypt is fully committed to the establishment of a nuclear-weapon-free zone in the Middle East. Throughout the years, Egypt has continued to play a leading role, within all relevant multilateral and regional contexts, including the International Atomic Energy Agency (IAEA), in promoting the objective of ridding the Middle East of the threat of nuclear weapons.

As a State party to the Treaty on the Non-Proliferation of Nuclear Weapons and a signatory to the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty), Egypt has clearly demonstrated its rejection of nuclear weapons, since they represent a major threat to peace, security and stability in the Middle East and the world at large. Egypt notes that while all other States of the Middle East have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Israel regrettably persists in ignoring repeated calls for its adherence to the Treaty and the placement of all its nuclear facilities under full-scope IAEA safeguards, thereby perpetuating a dangerous imbalance in the region.

The importance given during the 1995 and 2000 NPT Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to the establishment of a nuclear-weapon-free zone in the Middle East is testimony to the commitment of the international community to the establishment of such a zone.

In this connection, Egypt attaches great importance to the Presidential Statement endorsed by 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". Regrettably, despite the flexibility shown by Egypt, the convening of the forum could not be materialized so far.

In order to show further flexibility, I hereby attach some suggested modifications to the agenda proposed by the Director General as contained in the annex to document (GC(48)/18). The proposed modifications aim at providing common grounds for coming to an agreement on the agenda and modalities in a fair and balanced manner, while avoiding any dilution to the objectives of the forum or undermining the prospects of achieving progress through the discussions. I sincerely hope that these suggestions will be met with a similar degree of constructiveness by other interested Member States so that progress can be achieved.

Please accept, Sir, the assurances of my highest consideration.

Sincerely yours,

Chargé d'affaires a.i.
Mootaz Ahmadein Khalil

Forum
on
Experience of Possible Relevance to the Creation of a Nuclear-Weapon-
Free Zone (NWFZ) in the Middle East

It is proposed that the Forum on the above subject be organized in _____ in Vienna. The Forum, **a reflection of the consensus within the international community on the importance of establishing a NWFZ in the Middle East**, would be designed to: (i) study the experience of Africa, Asia, Europe, and Latin America, in creating regional security regimes and achieving disarmament through establishing NWFZs; and ~~(ii) explore the potential relevance of such experience in the Middle East. The Forum would be solely an informational and discussion event to study concepts relevant to the mandate provided by the IAEA General Conference it would not be a forum for negotiation.~~

The principal focus of the Forum would be to: (i) study the lessons of other regions regarding the regional setting and context that had prevailed there before they began considering a NWFZ; (ii) review the existing multilaterally agreed principles for establishing NWFZs in populated areas of the world; (iii) review the theory and practice of establishing the four existing NWFZs; (iv) discuss with representatives from four existing NWFZs their experience in promoting, negotiating and practically implementing negotiated arrangements for NWFZs; (v) discuss ~~the possible relevance of such experience in the context~~ **the case** of the Middle East.

The Forum would address the following specific topics:

1. Experience in Africa, **Central and Southeast Asia**, Europe and Latin America **and the Caribbean** in making progress towards building cooperation, regional stability and security; arms control and disarmament agreements and identification of the required prerequisites towards this end by reaching common understandings on bilateral and regional issues of security, confidence building and cooperation; including a discussion on the track record in implementing regional verification arrangements by specifically addressing the practices of Euratom and the Brazil-Argentine Agency and control of Nuclear Materials (ABACC);
2. Principles governing the establishment of NWFZs and the conceptual framework of NWFZ treaty arrangements: (i) geographic delineation; (ii) scope; (iii) verification; (iv) security assurances and (v) other issues, such as the role of extra-regional States, the nature of the arrangements (politically/legally binding), the role of international governmental and non-governmental organizations and the public at large in promoting and supporting the arrangements; and
3. ~~The potential relevance of such experience in the context~~ **case** of the Middle East.

Text of the Letter from the Permanent Mission of Lebanon

[Received on 29 July 2008]

23 July 2008

With reference to the memorandum of the IAEA General Secretariat dated 1 July 2008 about the application of Agency safeguards in the Middle East, and specifically about General Conference decision GC(44)/DEC/12 requesting the Director General to make arrangements to convene a forum about the establishment of a nuclear-weapon-free zone in the Middle East and to draw up an agenda for it, we should like to make some observations on this proposal as follows:

1. Lebanon welcomes the international efforts aimed at creating a nuclear-weapon-free zone in the Middle East, and especially the emphasis on it in the relevant resolutions of the United Nations General Assembly and the international Security Council and the IAEA General Conference and Board of Governors, as well as the NPT Review Conferences.

2. Lebanon has always expressed, like the other Arab States, its preparedness to take practical steps towards the creation in the Middle East of a zone free of nuclear, chemical and biological weapons of mass destruction, and to refrain from taking any measures to prevent the attainment of this goal.

3. On the other hand, the policies of successive Israeli Governments have led to hindering of the peace process in the Middle East and have thwarted all the relevant initiatives to rid the Middle East of weapons of mass destruction and, first and foremost, nuclear weapons. Israel is also continuing its defiance of the international community by refusing to accede to the NPT or submit its installations to the Agency's comprehensive safeguards regime, thus exposing the region to nuclear risks and undermining peace, whilst its senior officials confirm Israel's possession of nuclear weapons, an issue capable of prompting a destructive nuclear arms race, and Israel's installations remain outside any international control.

4. Lebanon thinks that, in convening the forum, its goal should not depart from the overall framework of how this topic is addressed within the IAEA bodies and be in accordance with its resolutions, nor should it [the forum] be construed in any way as a substitute for it [the Agency], or change the path it [the Agency] is pursuing.

5. The fundamental criteria for the creation of the region are:

- Application of Agency comprehensive safeguards to all nuclear installations in the Middle East;
- Accession of all States of the region to the NPT.

We propose that item 3 of the draft agenda be restricted to discussion of the situation in the Middle East in the light of the special nature of this region, and that ambiguity in the framework of comparison with experience in another region be avoided because Israel's failure to comply with the relevant resolutions, submit its installations to the safeguards regime and accede to the NPT before the convening of the forum is conducive to perpetual continuation of the vicious circle.

(signed)

[stamp of the Permanent Mission of Lebanon, Vienna]

Text of the Letter from the Permanent Mission of the Syrian Arab Republic

[Received on 30 July 2008]

29 July 2008

I should like to thank you for your letter dated 1 July 2008 concerning a proposal to convene a forum on benefiting from the experience of nuclear weapon free zones.

I should like to convey to you the position of the Government of my country, which is as follows:

Syria was among the first States in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and to call for the establishment of a nuclear weapon free zone in the Middle East, and in 2003 Syria put forward an initiative to the Security Council to achieve this goal;

Syria welcomes the international efforts aimed at establishing a nuclear weapon free zone in the Middle East, in implementation of resolutions of the United Nations General Assembly and the IAEA General Conference and Board of Governors, and the resolution issued by the 1995 NPT Review Conference, which was reaffirmed by the 2000 Review Conference;

The establishment of a nuclear-weapon-free zone in the Middle East requires universality of the Treaty on the Non-Proliferation of Nuclear Weapons and, as a consequence, accession by Israel to the Treaty as a non nuclear weapon party and submission of all its nuclear installations to the IAEA comprehensive safeguards regime;

Syria's participation in this forum will be determined after ascertaining the objectivity of its agenda and the clarity of its objectives.

I hope that the Agency will be able to include my Government's position in the report of the IAEA Director General to the Board of Governors and the General Conference.

Accept, Sir,

(signed) Ambassador Mohammad Badi Khattab

Resident Representative of the Syrian Arab Republic
to the International Atomic Energy Agency

Vienna, 29 July 2008

Text of the Letter from the Permanent Mission of the Islamic Republic of Iran

[Received on 19 August 2008]

12 August 2008

Pursuant to your communication dated 1 July 2008, on the Agenda item of 20 for the 52nd IAEA General Conference regarding the "Application of IAEA Safeguards in the Middle East" I would like to reiterate our support to full-scope Agency's safeguard in the Middle East as an important confidence building measure. Iran as an initiator of the establishment of the Nuclear Weapons Free Zone in the Middle East in 1974 constantly backed the creation of such a zone in the region.

The Islamic Republic of Iran not only in all meetings of the IAEA including General Conference and Board of Governors but also in the NPT Conferences strongly supported the establishment and realization of such measures of paramount importance in the Middle East region.

More than 180 States Parties to the NPT in the 2000 NPR Review Conference while noting that all States of the region of the Middle East, with the exception of Israeli regime, are parties to the Treaty, reaffirmed "the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East."¹ Furthermore, the Ministers of the Non-Aligned Movement countries "demanded on Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA full-scope safeguards according to Security Council Resolution 487 (1981) and to conduct its nuclear related activities in conformity with the non-proliferation regime. They called for the earliest implementation of relevant IAEA resolutions on "Application of IAEA Safeguards in the Middle East". They expressed great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighboring and other States, and condemned Israel for continuing to develop and stockpile nuclear arsenals. In this context they also condemned the statement made by the Prime Minister of Israel on 11 December 2006, related to the possession of nuclear weapons by Israel. They urged the continued consideration of the issue of Israeli nuclear capabilities in the context of the IAEA, including at the General Conference at its 52nd Session.² Despite of uninterrupted call of international community, the Israeli regime in defiance of international demand has continued vigorously its WMD programs, in particular its clandestine nuclear weapon activities.

We are of the view that stability cannot be achieved in a region where the possession of nuclear weapons which allow one party to threaten its neighbors and the region is overlooked by certain western States.

While we are urging all countries to take collective and practical steps towards the establishment of NWFZ in the Middle East and pending its establishment, expects all Member States of the IAEA to call on the only non-party to the NPT in the region to renounce possession of nuclear weapons, to accede promptly to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapon party, and to immediately place all its nuclear facilities under IAEA full-scope safeguards.

We believe that once all in the Middle East are party to the NPT, there could be a chance to set up a Forum to take collective measures for establishing a Nuclear Weapons Free Zone in the Middle East.

{Signed} Ali Asghar Soltanieh

Ambassador

Resident Representative

1. NPT/CONF.2000/28 (Parts I and II). page 17.

2. 15th Ministerial Conference of the Non-Aligned Movement. Tehran, 27-30 July 2008, NAM 2008/Doc. I/Rev.2, paragraph 117.