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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(39)/RES/24 (1995), 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.

The resolution in this regard, 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".

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",

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 extend their fullest co-operation to the Director General in the fulfilment of the tasks entrusted to him and requested the Director General:

"to submit to the Board of Governors and to the General Conference at its fortieth regular session a report on the implementation of this resolution ...".

4. It may be recalled that the Director General submitted to the General Conference, in 1992, a report contained in document GC(XXXVI)/1019 of 16 September 1992 which described the kinds of obligations which might be undertaken, in a Middle East NWFZ agreement, by the States located in the region and by the declared nuclear-weapon States. Such obligations were characterised as falling within three broad categories:

- (i) Those precluding research and development on and the possession, acquisition, manufacture or stationing of nuclear weapons or nuclear explosive devices;
- (ii) those precluding research and development on and the production, importing or stockpiling of weapons-usable materials (i.e. uranium enriched to 20 per cent or more in uranium 235 and separated plutonium) and requiring 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.

The report further identified types of obligations described in the three broad categories which had already been entered into by States in the Middle East whether by reason of their membership in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), or because of other pertinent considerations.

5. As well as describing the kinds of material obligations which might form part of a Middle East NWFZ agreement, the Director General's report submitted in 1992 identified possible verification requirements in such a zone, noting that in view of the particular circumstances of the Middle East and its underlying tensions, creating confidence in a Middle East NWFZ would most likely require far-reaching and comprehensive verification arrangements. As noted in document GC(XXXVI)/1019, institutional arrangements combining international and regional verification in a NWFZ, can be devised.

6. However, as stated by the Director General in his previous reports, for him to be able to proceed further in examining verification modalities which might feature in a Middle East NWFZ, and in particular to develop the model agreements foreseen, inter alia, in resolution GC(39)/RES/24, it would be helpful if States which have not yet responded to the Director

General's request for views on the obligations, verification requirements and modalities described in document GC(XXXVI)/1019 were to provide them. In this regard and notwithstanding the call upon relevant States, in GC(39)/RES/24, to extend their fullest co-operation to the Director General, no further replies have been received to the Director General's letters of November 1992 seeking States' views about possible material obligations included in a Middle East NWFZ agreement or on verification requirements and modalities.

7. Paragraphs 8-10 of the Director General's 1995 report to the General Conference in document GOV/2825-GC(39)/20 described Secretariat participation, as part of the United Nations delegation, in the work of the multilateral working group on Arms Control and Regional Security (ACRS). The report recalled, inter alia, that following a proposal by the Secretariat, the IAEA and the European Atomic Energy Community (EURATOM) organized, with the co-operation and assistance of the relevant German authorities, a visit, by regional participants in the multilateral working group's deliberations, to the Phillipsburg Nuclear Power Plant in Germany in October 1994 to see a practical demonstration of nuclear verification techniques and to become more fully acquainted with the ways in which regional verification structures and activities complement international verification in Europe. The visit appeared to be helpful in further acquainting Middle East participants with the practicalities of nuclear verification, including through co-operative arrangements with regional systems.

8. At the sixth Plenary meeting of the working group on ACRS held in Tunis from 13-15 December 1994 in which the Secretariat participated, again as part of the United Nations delegation, in fulfilment of the mandate conferred upon the Director General by resolution GC(XXXVIII)/RES/21, there was a wide-ranging exchange of views about whether to undertake further work on generic verification techniques and principles. In this connection, consideration was given to a proposal for a workshop on a model safeguards agreement for the Middle East which would have led the participants to explore how such an arrangement might work technically. No meeting of the ACRS working group has been held since the sixth Plenary meeting.

9. As requested by the General Conference, the Director General continued his consultations with States of the Middle East, including further visits to the region. Since his report contained in document GOV/2825-GC(39)/20, the Director General has visited Israel, Kuwait, Oman, Algeria, Morocco and Egypt.

10. During these visits, the Director General continued to underline the importance of verification measures for a nuclear weapon free zone in the Middle East and to explain the various options available to the States of the region in this regard. There continue to be common understanding among these States that verification measures would need to be more far-reaching than current safeguards in States with comprehensive safeguards agreements and

that some form of regional or mutual verification might need to be established in addition to verification by the IAEA to create additional regional confidence. In this connection, the Director General highlighted the importance of Agency's current efforts to strengthen its safeguards system, particularly with regard to increasing its capability to detect undeclared nuclear activities, in order to provide additional assurances, both globally and regionally, in the exclusively peaceful nature of nuclear activities.

11. There continued, however, to be difference of views among States of the region as to the timing of the application of full-scope Agency safeguards to all nuclear activities in the Middle East as well as the timing of the establishment of a NWFZ in that region. Most States believe that the application of full-scope Agency safeguards to all nuclear activities in the Middle East - possibly through adhesion to the NPT, or through the establishment of a nuclear-weapon-free zone - is a step that should be taken prior to or concurrently with the conclusion of peace agreements as an important arms control and security measure that cannot lag behind peace agreements. One State, on the other hand, believes that application of full-scope safeguards and the establishment of a nuclear weapon free zone should await and follow the conclusion of comprehensive peace in the region because arms control measures should be the outcome of peace and detente.

12. The general concept of NWFZs and in particular of such a zone in the Middle East has continued to be a focus of discussion in other fora. Thus, a further resolution supporting the establishment of a Middle East NWFZ, resolution 50/66, was adopted by the United Nations General Assembly without a vote on 12 December 1995 and which, inter alia, recognized "the importance of credible regional security, including the establishment of a mutually verifiable nuclear weapon free zone".

13. The Director General will continue his efforts, pursuant to the mandate entrusted to him by the General Conference, of contributing to the development of verification modalities for such a zone. The report of the Director General in GC(XXXVI)/1019 of 1992 inter alia noted that there were many options and problems on which a consensus would be needed among the parties for the establishment of a Middle East NWFZ. It noted also that it is only through a process of discussion that the choices of options and the answers to problems, which in many instances will be decisive for the safeguards model agreements foreseen in General Conference resolutions, can emerge. With this in mind, and with a view further to encourage States of the Middle East to convey their views about relevant issues, the Director General intends to pursue his consultations with such States in Vienna and visits to the region.

14. It is still to be hoped that through written response from relevant States, through consultation and through the Agency's participation in the working group on ACRS, the views of relevant States, especially with regard to material obligations to be assumed in a Middle East NWFZ and to possible verification modalities, will be clarified to an extent to enable the Director General to prepare model verification agreements envisaged in resolutions GC(39)/RES/24, GC(XXXVIII)/RES/21, GC(XXXVII) /RES/627 and GC(XXXVI)/RES/601.

