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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(41)/RES/25 (1997), 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”.

and called upon:

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

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

It also requested the Director General:

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

4. In his report to the forty-first regular session of the General Conference (GOV/2941-GC(41)/16, the former Director General stated that he had taken such opportunities as had arisen to continue his consultations with States of the Middle East as relevant to the mandate which the General Conference has conferred upon him. These consultations have been resumed by the current Director General to try to obtain additional and more detailed views from States of the Middle East about modalities for the early application of full-scope Agency safeguards to all nuclear activities in the region, as well as about the kind of material obligations which might feature in a future Middle East NWFZ agreement. Greater clarity on the latter issue is fundamental to the preparation of the model verification agreements foreseen in successive General Conference resolutions, most recently in resolution GC(41)/RES/25 of 3 October 1997.

5. As part of his consultations with States of the Middle East region, the Director General visited Israel from 28 June - 2 July 1998. The discussions focused on measures to strengthen nuclear non-proliferation in the Middle East in general and the Director General's mandate in particular. In this context the Prime Minister and other officials confirmed the importance Israel attaches to the Comprehensive Test Ban Treaty (CTBT) to which it is a signatory, and its commitment to CTBT objectives.

6. Israel welcomed the work undertaken to strengthen the effectiveness and improve the efficiency of the IAEA safeguards system and expressed its readiness to look into the possibility of implementing some of these measures through the conclusion of an Additional Protocol consistent with its safeguards obligations and related commitments.

7. With regard to the Director General's mandate 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 Middle East,

Israel reiterated its view that priority should be given to the establishment of comprehensive peace and security in the region which could later be followed by arms control and the establishment of the Middle East as a nuclear-weapon-free zone, of which mutual verifications and safeguards would be an integral part.

8. In the course of the Director General's consultations with other States of the Middle East, on the other hand, the view was expressed that the application of safeguards to all nuclear facilities in the region should not depend on the establishment of a nuclear-weapon-free zone and/or the conclusion of a comprehensive peace. According to this view, the application of full scope IAEA safeguards to all of Israel's nuclear facilities through its accession to the Treaty on the Non-Proliferation of Nuclear Weapons would constitute a confidence building measure that would contribute to the establishment of a nuclear-weapon-free zone and to the attainment of a peaceful settlement in the region.

9. In a Presidential Statement at the forty-first regular session of the General Conference on 3 October 1997 (GC(41)/DEC/14), adopted in conjunction with GC(41)/RES/25 of 3 October 1997, the Director General was requested:

“to invite experts from the Middle East and other areas to a technical workshop on safeguards, verification technologies and other related experience, including experience in various regional contexts”.

The Statement further called on the Director General:

“to commence with the preparation [of the technical workshop], in consultation and co-ordination with the parties concerned, with a view to developing an agenda and modalities that will help ensure a successful workshop”.

10. Pursuant to the above request, the Secretariat prepared a programme for the workshop in consultation and co-ordination with parties concerned. The workshop, the third of its kind, took place at the Agency Headquarters in Vienna from 11 to 13 May 1998. The workshop which was open to experts from the Middle East and other regions, was attended by a total of 23 participants representing 21 countries, including 20 participants representing 12 Middle East countries. An expert observer from the League of Arab States also took part.

11. The aim of the workshop was to further increase the understanding with regard to the origin, features and application of IAEA safeguards and other verification concepts, techniques and tools, as well as with regard to the lessons learnt from catering for specific regional initiatives and needs including those learned by the IAEA through its verification of NWFZs. With this aim in mind the workshop covered the evolution of safeguards, the material obligations and legal instruments in which the application of IAEA safeguards are anchored; the characteristics of and interaction between global, regional and national nuclear inspectorates; innovative inspection techniques such as challenge inspections, inspections by managed access and no-notice or short-notice inspections; and the 'state-of-the-art' verification technologies

including satellite imaging, environmental sampling and monitoring through remote and unattended techniques.

12. The workshop included also presentations by external experts about their own experience of nuclear verification in regional settings. These included presentations about nuclear verification under the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) and about the more recent regional verification arrangements in South East Asia and in Africa.

13. The presentations given at the workshop have been assembled by the Secretariat into a Compendium in order to reach a wider audience. The Compendium is available upon request by Member States from the Secretariat.

14. Over the past years, the Agency Secretariat has carried out activities and consultations with a view to contributing to the goal of applying IAEA safeguards to all nuclear facilities in the Middle East. During these activities and consultations views were exchanged, inter alia, with regards to some basic issues namely: i) that it would be desirable for Agency safeguards to apply to all nuclear activities in the Middle East; ii) that the establishment of a NWFZ with appropriate verification arrangements would be an important step in enhancing security and creating confidence; and, iii) that a verification system for a NWFZ would most likely need to be comprehensive and intrusive to be able to deal with the legacy of wars and distrust that exists in the region, and would most likely benefit from a system of mutual verification by the Parties in addition to global verification by the IAEA. Views, however, continued to differ on the key issues of sequence and timing as referred to in paragraphs 8 and 9 above.

15. The Director General will continue his consultations with the States of the region with a view to discharging the mandate conferred upon him by the General Conference to facilitate the early application of full scope Agency safeguards to all nuclear activities in the region. He will also continue to consult on the model agreements foreseen in the General Conference resolution as a necessary step towards the establishment of a Middle East NWFZ. Progress in the preparation of these agreements could only be achieved when there is greater clarity from all the States involved about the material obligations envisaged in a Middle East NWFZ and about modalities for verifying compliance with those obligations. In the interim, it is to be hoped that States of the region 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 stands ready to provide any necessary assistance that the States of the region may deem appropriate.