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Item 23 of the Conference's provisional agenda  
(GC(43)/1)

**APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST**

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

**Addendum**

1. In paragraph 10 of the Report by the Director General to the Board of Governors and to the General Conference with regard to the application of IAEA safeguards in the Middle East (GOV/1999/51-GC(43)17 of 17 August 1999), a reference is made to three responses (from Iraq, Israel and Jordan) to the Director General's letter of 10 May 1999 to Foreign Ministers of States of the Middle East.
2. Replies to the Director General's letter have now been received from Syria, Morocco, Kuwait and Libya, and are reproduced herewith.

For reasons of economy, this document has been printed in a limited number.  
Delegates are kindly requested to bring their copies of documents to meetings.

Translated from Arabic

**TEXT OF A LETTER OF 17 AUGUST 1999 FROM THE  
PERMANENT MISSION OF THE SYRIAN ARAB REPUBLIC ADDRESSED TO  
THE DIRECTOR GENERAL OF THE  
INTERNATIONAL ATOMIC ENERGY AGENCY**

I would like to thank you for the efforts exerted by the IAEA Secretariat under your wise direction to attain the Agency's aims and objectives of enhancing peace and security in the context of establishing a nuclear-weapon-free zone in the Middle East and endeavouring to achieve safeguarded disarmament worldwide.

With reference to your letter dated 10 May 1999 requesting information on the position of the Syrian Arab Republic's Government on the issue of establishing a nuclear-weapon-free zone in the Middle East and the practical steps which can be taken to create an atmosphere of confidence conducive to the submission of all nuclear facilities in the region to safeguards, we would like to state the following:

It is recognized in the international community that all States in the Middle East - with the exception of Israel - have joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and bound themselves by comprehensive safeguards agreements. The accession of Israel to the NPT and the submission of its installations to inspection by the Agency would, in our view, constitute an essential part of the confidence-building to which you refer. Needless to say, such confidence among parties cannot be built while further nuclear warheads and material are being stockpiled by Israel, which has recently acquired submarines capable of carrying nuclear warheads. We would therefore like to call upon you once again to remind the nuclear-weapon States of their obligations under Article I of the NPT, in particular their undertaking "not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices."

As to the second aspect of your mandate, the accession to the NPT of the only party in the Middle East that has not yet joined it and that party's acceptance of a comprehensive safeguards agreement are prerequisites for the fulfilment of all the material obligations mentioned in your letter.

The Agency's long-standing and unique experience of mechanisms and methods of verification makes it the focus of expertise in this field and to a great extent ensures that commitments are complied with - provided that parties possessing nuclear weapons accept such commitments. It is worth mentioning here that such mechanisms are already being applied to all Arab States by the Agency. However, inspections, including mutual verification by parties in the region, cannot enhance and sustain confidence unless the parties are equal in capabilities and responsibilities.

While the workshops held in 1993, 1997 and 1998 on safeguards and verification technology were valuable sources of information for participants about the concept of safeguards and the role played by the Agency in implementing its objectives, they did not, in our view, provide a key to a new mechanism comprising tools specifically tailored to the Middle East region.

Defining the boundaries of the Middle East region is a very complicated matter which depends on the aim with which such a definition is sought. If Iran is part of the Middle East, how could it allow its neighbour Pakistan to acquire nuclear weapons? And if Iraq belongs to the Middle East, how can it accept Turkey having nuclear weapons in its military bases? Such a definition would be much easier if States of the region were equal in terms of their commitments under international non-proliferation systems. A geographical delineation of a nuclear-weapon-free zone would undoubtedly be affected by the convergence or divergence of interests of States within the region. The issue should therefore be considered by all concerned States.

In conclusion, we would like to stress that the highest-priority need for the Middle East region, in its current situation, is for Israel to join the NPT and submit its nuclear establishments to control in accordance with IAEA regimes.

Accept, Sir, the assurances of my highest consideration.

Translated from Arabic

**TEXT OF A LETTER OF 26 AUGUST 1999 FROM THE  
MINISTER OF FOREIGN AFFAIRS AND COOPERATION OF MOROCCO  
ADDRESSED TO THE DIRECTOR GENERAL  
OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

With reference to your letter of 10 May 1999, we should like to make the following comments.

The International Atomic Energy Agency has made significant achievements in pursuing its basic objective of using nuclear techniques for peaceful purposes through the application of the Treaty on the Non-Proliferation of Nuclear Weapons, the comprehensive safeguards system and the establishment of nuclear-weapon-free zones in most parts of the world.

However, the region of the Middle East continues to be a source of concern to the Member States of the Agency in general, and to the States of the region in particular, especially the Arab States. At a time when all the Arab States have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, Israel continues to refuse to accede to the Treaty and to place its installations under the Agency's comprehensive safeguards system, thereby constituting an obstacle to the achievement of peace in the region.

Despite the recommendations of the Agency's General Conference, including the latest ones contained in resolution GC(42)/RES/21, and of the United Nations General Assembly, including the latest ones contained in resolution A/RES/52/41, no progress worth mentioning has been made in this area.

In the light of the above, I should like to convey to you the position of the Kingdom of Morocco on the following four points: the definition of the region of the Middle East; the application of the safeguards system; specific confidence-building measures and the different responsibilities; and control and inspection measures.

Firstly, the draft agreement on the establishment of the Middle East as a zone free of weapons of mass destruction prepared by a technical committee of the League of Arab States defines "the region of the Middle East" as "the territories under the sovereignty of Member States of the League of Arab States as well as Iran and Israel". Thought is also being given to ways of including Turkey among the States of the region.

Secondly, with regard to the first aspect of the mandate given to you by the General Conference, the Kingdom of Morocco has always been convinced that the full application of the safeguards system in the region is a separate element which could be implemented regardless of the developments that may take place in the Middle East peace process or the establishment of a nuclear-weapon-free zone in the region. There are two reasons for this:

1. The application of the safeguards system is a universal concern and objective that supports international security and peace. Therefore, its implementation is related not only to the States of the region, although of primary concern to them, but also to all countries of the world because of its impact on security and peace;
2. The conclusion by all the States of the region, including Israel, of comprehensive safeguards agreements with the Agency would constitute an important initial step towards building confidence among the States of the region and would help facilitate the subsequent establishment of a nuclear-weapon-free zone in the Middle East in line with the provisions of operative paragraph 2 of General Conference resolution GC(42)/RES/21, which affirms "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".

Thirdly, with regard to the second aspect of the mandate given to you by the Agency's General Conference, we consider that the arrangements mentioned in document GC(XXXVI)/1019, dated 16 September 1992, constitute an acceptable basis for determining the type of obligation that a nuclear-weapon-free zone might include.

We also think that it would be possible to draw upon the provisions of some of the various treaties establishing nuclear-weapon-free zones, in particular the Pelindaba Treaty signed in Cairo in July 1996, especially Articles 3-9 and Annex II of the text of the Treaty as reproduced in document GC(40)/14.

It is worth mentioning that the Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in May 1995 adopted a resolution on the Middle East as an expression of the concern of the Parties to the Treaty about the serious situation in the Middle East resulting from the existence in the region of undeclared nuclear activities and nuclear installations not subject to Agency safeguards that posed a threat to regional and international peace and security.

In general, we believe that there are three types of obligation – obligations incumbent upon the Agency, obligations incumbent upon the States of the region and obligations incumbent upon the nuclear-weapon States.

- **Obligations incumbent upon the Agency** in accordance with Article III.A.5 of its Statute, which requires the Agency "to establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy".

- **Obligations incumbent upon the States of the region**, which were called upon by the General Conference in operative paragraph 3 of resolution GC(42)/RES/21 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 in the Middle East, and which were invited to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region.
- It should be recalled that resolutions of the Agency's General Conference and the United Nations General Assembly also refer to the **obligations incumbent upon the nuclear-weapon-States**, namely, the obligation, on the one hand, to provide the necessary support for the establishment of a nuclear-weapon-free zone in the region and, on the other hand, to refrain from any action in conflict with the letter and the spirit of the resolutions in which the General Conference 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 such resolutions. Those States should not provide any technical assistance, material support or technological expertise that would accelerate the nuclear armament process in the region.

Fourthly, with regard to control and inspection measures, Morocco believes that the Agency remains, in accordance with its Statute, the principal body responsible for the application of the comprehensive safeguards system and the measures that might be required under a treaty establishing a nuclear-weapon-free zone, taking into account the fact that the African Arab States are currently subject to the control provisions and measures specified in the Pelindaba Treaty.

Finally, even if some of the measures that are to be implemented are independent and separate, some of them continue to be linked to the climate of détente and the positive development that may be seen in the Middle East peace process, which seeks to find a comprehensive and just peace for all peoples of the region.

I am confident that, thanks to your steadfastness, wisdom and continuous efforts, you will be able to achieve substantial progress in the implementation of the General Conference resolutions that seek to establish a nuclear-weapon-free zone in the Middle East and that you will be able to ensure that the Agency plays its role in strengthening international security and peace in this region.

Accept, Sir, the assurances of my highest esteem.

Translated from Arabic

**TEXT OF A LETTER OF 7 SEPTEMBER 1999 FROM THE  
MINISTER OF FOREIGN AFFAIRS OF KUWAIT ADDRESSED TO THE  
DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

With reference to your letter dated 10 May 1999, in which you request the State of Kuwait's opinion concerning the item entitled "Application of IAEA Safeguards in the Middle East" included in the agenda of the 43rd regular session of the International Atomic Energy Agency's General Conference to be held in Vienna this September, I have pleasure in conveying to you the opinion of the Government of the State of Kuwait requested in the above-mentioned letter.

- (1) The State of Kuwait strongly supports the establishment of a nuclear-weapon-free zone in the Middle East, and to this end it supports the application of comprehensive Agency safeguards to all nuclear installations in the region as a necessary step towards the declaration of the region as a nuclear-weapon-free zone.
- (2) The State of Kuwait regards the idea of establishing a nuclear-weapon-free zone in the Middle East as a basic step towards achieving the paramount goal of freeing the region from all forms of weapons of mass destruction (nuclear, chemical, biological and ballistic). The State of Kuwait also looks forward to the conclusion of an agreement among the States of the region on limiting the level of conventional weapons in the region as well.
- (3) One of the prerequisites for the achievement of that goal is that Israel - the only State in the region which has not yet done so - should accede to the Treaty on the Non-Proliferation of Nuclear Weapons and join the comprehensive safeguards system.
- (4) The application of the comprehensive safeguards system in the region should not be linked with the achievement of a comprehensive peaceful settlement - which the State of Kuwait hopes will happen as soon as possible - since the Agency's General Conference resolutions, for several years and as a general principle, have called upon all States of the region, as well as other States, to place all their nuclear installations under Agency safeguards. The existence of an effective safeguards system would itself strengthen the mutual confidence required for such a settlement.
- (5) The State of Kuwait understands the term "Middle East region" to mean all the States that are members of the League of Arab States as well as Iran and Israel.

- (6) As is the case with the existing conventions establishing other nuclear-weapon-free zones, the principal responsibility with respect to verification arrangements must be entrusted to the IAEA since it is a neutral international organization with extensive experience in this field. In order to avoid duplication of efforts and waste of resources, the State of Kuwait is not in favour of the establishment of a regional institution or administrative body specifically for this purpose. However, this does not preclude the possibility of setting up specific regional arrangements - as useful complementary elements - which might be invoked in certain circumstances, such as mutual inspections by the parties in the region.
- (7) With regard to the types of obligation, we support the idea that any agreement on the establishment of a nuclear-weapon-free zone in the Middle East that might ultimately be concluded should provide for all three generic types of material obligation mentioned as examples in your above-mentioned letter.
- (8) In this context, it is important - in addition to what has been stated in the previous paragraph - that all the States in the region undertake to disclose - honestly and completely - all their nuclear or nuclear-related installations, equipment and programmes, and that, in return, the Agency's verification activities be effective, comprehensive and capable of detecting both declared and clandestine nuclear installations.
- (9) States exporting nuclear technology must undertake not to supply countries of the region with material or technology related to the acquisition, development or production of nuclear weapons, regardless of whether the exporter is from the public or the private sector, and must undertake to prohibit such activities and impose penalties on any of their nationals involved in such activities.

The State of Kuwait highly appreciates your unremitting efforts since 1991 to facilitate the optimum application of Agency safeguards in the Middle East, and would like to reiterate its intention to render every possible assistance in this respect.

Accept, Sir, the assurances of my highest consideration.

Translated from Arabic

**TEXT OF A LETTER FROM THE  
GENERAL PEOPLE'S COMMITTEE OF FOREIGN LIAISON OF THE  
LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE  
DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY**

With reference to your letter dated 10 May 1999, in which you request the opinion of the Great Socialist People's Libyan Arab Jamahiriya concerning the application of Agency safeguards to all nuclear installations in the Middle East, the establishment of a nuclear-weapon-free zone in that region, the priority to be accorded to the implementation of Agency safeguards and the geographical limitations of a nuclear-weapon-free zone in the Middle East, I have the honour to convey to you the following:

1. The Libyan Arab Jamahiriya is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, has concluded a comprehensive safeguards agreement and places its installations under the IAEA's safeguards system. It reiterates its support for every effort and measure aimed at the complete elimination of all nuclear weapons and its support for the endeavours to make the Middle East a region free of all types of nuclear weapons;
2. The Libyan Arab Jamahiriya believes that the main obstacle to making the Middle East a nuclear-weapon-free zone lies in Israel's persistent refusal to accede to the NPT, its refusal to implement Security Council resolution 487 (1981), which calls on it to place its nuclear facilities under the IAEA's safeguards system, and its failure to respond to the repeated calls by the General Assembly, the Security Council and the IAEA for it to renounce any possession of nuclear weapons;
3. In the light of the above, the Libyan Arab Jamahiriya considers that a nuclear-weapon-free zone cannot be established in the Middle East unless Israel accedes to the NPT, places all its nuclear installations under the IAEA's safeguards system and draws up measures for the elimination of its nuclear weapons and believes that such steps must take precedence over any other action;
4. The Libyan Arab Jamahiriya declared in its letter No. 2/3/452 of 2 May 1990 reflected in document GOV/2682-GC(XXXVII)/1072 of 10 September 1993 its reservation regarding what was stated in document GC(XXXIII)/887 concerning its inclusion in the Middle East region. It now reaffirms this position because there is no specific definition of this region in either the General Assembly's resolutions or any other United Nations document.

Accept, Sir, the assurances of my highest consideration.