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Item 6(b) of the Board's provisional agenda
(GOV/2003/44)
Item 21 of the Conference's provisional agenda
(GC(47)/1)

Application of IAEA Safeguards in the Middle East

Report by the Director General

1. General Conference Resolution GC(46)/RES/16 (2002), 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.

2. In this regard, the resolution in operative paragraph 5 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, referred to in resolution GC(XXXVII)/RES/627”;

and operative paragraph 6 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.

3. Resolution GC(46)/RES/16 (2002), in operative paragraph 7, 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 in operative paragraph 4, 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”.

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. Resolution GC(46)/RES/16 (2002), in operative paragraph 9, requested the Director General:

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

6. This report describes the steps undertaken by the Director General in seeking to fulfil the mandates conferred by General Conference in Resolution GC(46)/RES/16 (2002) and by Decision GC(44)/DEC/12.

Application of Full-Scope Agency Safeguards

7. Since last year’s General Conference, given the political situation prevailing in the Middle East, the regional and international security environment has not been conducive to the Director General being able to make progress in fulfilling his mandate pursuant to resolution GC(46)/RES/16. 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 consistently sought to encourage relevant ideas in this context. These points were reiterated by the Director General during his visits to Egypt and the United Arab Emirates in 2002, and to the Islamic Republic of Iran and Jordan in 2003.

8. The Director General and the Secretariat have continued to stress the emphasis that has been placed in successive Agency General Conference resolutions on the application of comprehensive IAEA safeguards on all nuclear activities in the Middle East region. The Director General has also stressed the need for all States that already have a binding obligation to conclude a comprehensive safeguards agreements with the Agency to do so. At the second session of the Preparatory Committee for the 2005 NPT Review Conference, held in Geneva from 28 April through 9 May this year, the Agency called upon all States that had not yet done so to conclude comprehensive safeguards agreements with the Agency pursuant to Article III.1 of the NPT.

9. In this connection, letters stressing the importance of applying comprehensive IAEA safeguards on all nuclear activities in the Middle East region were sent by the Secretariat in June 2003 to the States of the Middle East. In the letters, the only State in the region not party to the NPT was encouraged to conclude a comprehensive safeguards agreement with the Agency; those States of the region that are party to the NPT but have not yet concluded a comprehensive safeguards agreement with the Agency were urged to conclude and bring into force such an agreement; and those States that

have concluded a comprehensive safeguards agreement but not an Additional Protocol to this agreement were encouraged to do so.

10. Comprehensive safeguards agreements entered into force during 2002 for two States of the Middle East region that are party to the NPT¹ and two other States of the region also party to the NPT signed such a safeguards agreement.² It remains, however, that six States of the Middle East region that are party to the NPT have yet to conclude their comprehensive safeguards agreements with the Agency.³ An Additional Protocol to a comprehensive safeguards agreement was signed by a State⁴ of the Middle East region and entered into force for another State of the region⁵.

11. The Director General's discussions showed that there continues to be a long-standing and fundamental difference of view between Israel, on the one hand, and other States of the Middle East region, on the other hand, 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 consultations on this matter during the past year. 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. The Director General will continue his consultations in this regard.

12. At the invitation of the organizers – the United Nations Institute for Disarmament Research and the Arab League – the Secretariat contributed its views on the verification of non-proliferation commitments and on promoting the application of comprehensive safeguards in the context of a zone free of nuclear weapons (and other weapons of mass destruction) in the Middle East, at a symposium entitled “Building a WMD Free Zone in the Middle East: Global Non-Proliferation Regimes and Regional Experiences”, held in Cairo, in February 2003.

Model Agreements as a Necessary Step towards a Middle East NWFZ

13. 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 commitments. Furthermore, the United Nations General Assembly has adopted without a vote successive resolutions supporting the establishment of a NWFZ in the Middle East⁶. Additionally, in 1995⁷ and 2000⁸, 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 will be further

¹ Kuwait and Yemen.

² Mauritania and United Arab Emirates.

³ Bahrain, Comoros, Djibouti, Qatar, Saudi Arabia and Somalia.

⁴ Mauritania.

⁵ Kuwait.

⁶ United Nations General Assembly Resolution 57/55, “Establishment of a nuclear-weapon-free zone in the region of the Middle East”, adopted without a vote on 22 November 2002, and earlier resolutions.

⁷ 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”.

⁸ NPT/CONF.2000/28 (Part I), “The Middle East, particularly implementation of the 1995 Resolution on the Middle East”.

strengthened through the establishment of an NWFZ in the Middle East. The requests of the General Conference for model safeguards agreements require, however, an 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.

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: (i) preclude research and development on and the possession, acquisition, manufacture or stationing of nuclear weapons or nuclear explosive devices; (ii) require the disclosure of all nuclear activities, including research and development, imports, exports and production; (iii) require the application of the Agency's strengthened safeguards system⁹, with possible additional features relevant to the region, to all nuclear material, installations and relevant equipment and material; and (iv) preclude research and development on and the production, importing or stockpiling of weapon-usable fissile material, as well as possible other prohibitions or restrictions on some specific sensitive nuclear activities.

15. During the last few 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 obligations¹⁰. The Director General's previous reports¹¹ provided some analysis of the responses received that had cited 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 Agency being the main body responsible for verifying compliance with safeguards obligations with specific regional verification arrangements complementing international verification.

16. There continues to be general lack of agreement on the substance and modalities of 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 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.

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

17. There has not been a plenary meeting of the Working Group held since December 1994 and, accordingly, no request has been received from the Working Group for Agency assistance. The Middle East "road map" developed by the Quartet Group (of the European Union, the Russian Federation, the United Nations and the United States) foresees the revival of multilateral discussions – including on arms control – but no request for Agency assistance on this matter has yet been received.

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

18. The General Conference requested the Director General to make arrangements to convene a forum as described in paragraph 4 above.

⁹ Strengthened safeguards refer to comprehensive safeguards agreements (INFCIRC/153 (Corr.)) and the model Additional Protocol (INFCIRC/540 (Corr.)).

¹⁰ GC(XXXVI)/1019 of September 1992.

¹¹ GOV/1999/51-GC(43)17 and GOV/2000/38-GC(44)14.

19. NWFZs have already been established in Latin America, the South Pacific, Southeast Asia, and Africa¹², respectively, through 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) respectively. 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 them; 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; and 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 NWFZ treaty in question. In addition to the above, the existing NWFZ treaties contain certain variations that inter alia take into account the specific characteristics of each of the respective regions.

20. During 2002, 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 the modalities that could help to ensure a successful forum of the kind envisaged. The Secretariat received ideas about the forum from five States of the region – these were reproduced in document GOV/2002/34-GC(46)9 and its two addenda. The Director General noted in his report GOV/2002/34-GC(46)9 that there was no measure of agreement on the scope of the agenda which a forum would need to address.

21. The Secretariat continued consultations with States of the Middle East region during the past year and 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 revised preliminary proposal for a forum on “Experience relevant to the creation of a Nuclear-Weapon-Free Zone in the Middle East”, which is reproduced in Annex 1. In this context, the Secretariat has distributed copies of its proposal to the States of the Middle East to seek their comments and suggestions.

22. Thus far, the Secretariat has received comments and suggestions from three States of the region. The relevant correspondence is reproduced in Annex 2. From the responses received, it is evident that there still does not exist any convergence of views regarding the agenda that a forum would need to address. The Secretariat will continue consultations with States of the Middle East and other interested States in order to try to harmonize views on the agenda and modalities with a view to convening a successful forum as soon as practical, and will report the outcome to next year’s regular session of the General Conference.

¹² 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.)

Proposal for a Forum

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 document GOV/2002/34-GC(46)/9 of August 2002 reported, to the Board of Governors and to the General Conference, on the activities undertaken by the Secretariat to implement the Board’s decision. Following further consultations with Member States of the region, an updated report will be prepared by the Secretariat and presented to the General Conference in September 2003.

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) treaty arrangements, as well as the experience gained through the creation of regional verification organizations such as 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 concepts, 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 could be invited. The focus would be on the experience and lessons of NWFZs from other regions, as well as on nuclear verification and nuclear security – including a focus on the regional application of safeguards and on protection against nuclear terrorism. The event would assess possible approaches to establishing an NWFZ in the Middle East. Preparatory events could include the holding of informal preparatory discussions involving representatives of the States of the Middle East region along with the participation of possible partners with expertise on NWFZ matters, such as the Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) and the United Nations Institute for Disarmament Research (UNIDIR). The forum would be solely an informational and discussion event to present and to discuss concepts relevant to the mandate provided by the General Conference – it would not be a forum for negotiation.

Possible features of a Middle East NWFZ (MENWFZ) treaty for discussion: In accordance with internationally recognized criteria governing the establishment of NWFZs, a MENWFZ should ensure, *inter alia*: a clear definition of the geographic zone of application; the total absence of nuclear weapons within the area encompassed by the zone; the establishment of an international system of verification and control to monitor compliance; the creation of a regional nuclear co-operation and verification mechanism; universality of membership of the States of the region; and the provision of

assurances by the five nuclear weapon States to unconditionally refrain from the use or threat of use of nuclear weapons against the States of the zonal treaty. Additional features could include prohibitions on: enrichment or reprocessing of nuclear material; dumping of nuclear and radioactive waste; attacking nuclear facilities; stationing or transit of nuclear weapons; and unsafeguarded and undeclared nuclear activities. Other key features could include provisions for: verified dismantlement and destruction of any existing nuclear weapons and irreversibly placing under safeguards all weapon-usable nuclear material; converting all existing weapon-usable nuclear material to a form not suitable for weapon use; universal regional implementation of comprehensive and strengthened IAEA safeguards; enhanced physical protection of nuclear and other radioactive material and nuclear facilities; nuclear safety; conversion or destruction of nuclear weapon related facilities; mutual verification and joint research; a regional nuclear fuel repository; and a permanent secretariat.

Possible topics for discussion

The conceptual framework of NWFZ treaty arrangements: scope, mandate, geographic delimitation, verification, security assurances, etc.

The experience of existing NWFZ treaty arrangements.

Latin American NWFZ (Treaty of Tlatelolco).

South Pacific NWFZ (Treaty of Rarotonga).

Southeast Asian NWFZ (Bangkok Treaty).

African NWFZ (Pelindaba Treaty).

Review of the findings of the United Nations Study on the Middle East as an NWFZ.

Nuclear verification and nuclear security in the context of the NWFZ arrangements.

Safeguards system of the IAEA.

Regional application of safeguards: the experience of ABACC and EURATOM.

Protection against nuclear terrorism.

Possible approaches relevant to establishing an NWFZ in the Middle East region.

Text of the Letter from the Permanent Mission of the Hashemite Kingdom of Jordan addressed to the Office of External Relations and Policy Co-Ordination of the International Atomic Energy Agency

[Received on 8 July 2003]

Ref.No. VAA/2/231

Date July/7th/2003

With reference to your letter dated June 6th, 2003 concerning agenda item 21 of the 47th IAEA General Conference regarding the “Application of IAEA Safeguards in the Middle East, I would like to present hereunder the position of the government of Jordan regarding the secretariat’s reformulated draft“ proposal for a forum: Experience relevant to the creation of a Nuclear –Weapon- Free zone in the Middle East”:

Jordan has always called for the realization of the Non-Proliferation Treaty and its objectives. The adherence of all states in the Middle East to the obligations under the treaty is highly prudent for the establishment of a nuclear-weapon-free-zone in the Middle East, which will in turn enhance the International nuclear non-proliferation regime.

The holding of this Forum will be of paramount benefit to all its participants. The forum should address the application of the full-scope IAEA safeguards on all nuclear plants in the Middle East in the context of confidence and security building measures.

Jordan believes that practical steps for the establishment of a nuclear-weapon-free-zone (NWFY) should be taken as soon as possible so as to give impetus to the revived Middle East Peace Process i.e. the Road Map. Such a mechanism, once achieved, will enhance the International regime for nuclear non-proliferation, which can then be used as a tool for nuclear disarmament.

We welcome the intention of the Agency to design the forum so as to enable its participants to freely exchange and discuss concepts, ideas and views, in particular when relating the different existing experience of NWFZ treaties to the possible approaches relevant to the establishment of a NWFZ in the Middle East region.

I look forward for the realization of the forum in a manner that agrees to all parties.

[Ambassador]

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 8 July 2003]

July 8, 2003

In response to ...[the] letter dated June 6, 2003, I would like to present to you the position of the Government of Israel regarding the Secretariat's proposal for 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 focusing on the Latin American experience.

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

- Confidence and security building measures in Latin America (CSBMs) – theory and practice
- Nuclear weapons free zone in Latin America – theory and practice
- Nuclear verification and nuclear security in the context of the NWFZ arrangements:
 - a. Verification in the context of NWFZ, based on the Latin American experience;
 - b. Regional application of safeguards – the experience of ABACC;
 - c. Protection against nuclear terrorism - strengthening physical protection of nuclear material and facilities.

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.

[Ambassador]

Text of the Letter from the Permanent Mission of the Syrian Arab Republic Addressed to the Office of External Relations and Policy Co-Ordination of the International Atomic Energy Agency

[Received on 10 July 2003]

No.: 48

Sir,

Reference is made to your Note No. 22705, dated 6 June 2003, regarding the IAEA proposal to hold a forum entitled "Experience on the Establishment of a Nuclear-Free Zone in the Middle East", to be attended by all States of the region and concerned parties.

I would like to convey to you the support of the Government of the Syrian Arab Republic for this proposal, which aims at the removal of nuclear weapons from the area and achievement of the universality of the Treaty on the Non-Proliferation of Nuclear Weapons.

Israel, which is the only nuclear-weapon State in the region, must adhere to the Nuclear Non-Proliferation Treaty and place all its nuclear establishments, activities and material under the Agency's comprehensive safeguards system.

I will inform you in due course of the level of participation in the work of the forum once the relevant proposal has been approved.

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

[Ambassador]