



JAMES MARTIN CENTER FOR
NONPROLIFERATION STUDIES



Vienna Center for Disarmament
and Non-Proliferation

FACT SHEET #2

Information Relevant to the IAEA General Conference

Topic: Middle East Issues

WHAT IS THE ISRAEL NUCLEAR CAPABILITIES (INC) RESOLUTION?

WHY IS IT CONTROVERSIAL?

The INC resolution is an item on the agenda of the IAEA General Conference (GC). The resolution adopted last in 2009 “expresses concern about the Israeli nuclear capabilities,” and “calls upon Israel to accede to the NPT [nuclear Nonproliferation Treaty] and place all its nuclear facilities under comprehensive IAEA safeguards.” Israel is widely believed to have nuclear weapons but doesn’t publicly acknowledge that it does. Currently, the IAEA applies safeguards in Israel pursuant to an INFCIRC/66-type safeguards agreement which is implemented at the Soreq Nuclear Research Centre. The Negev Nuclear Research Center (known as “Dimona”) is not under IAEA safeguards.

The INC resolution has been controversial since 2006 when a previous longstanding compromise broke down. Since 1991, the Arab states had asked annually for the resolution to be placed on the GC agenda, but had agreed with Israel that the matter would not be brought to a vote. Each year, this act was noted in a statement by the GC president. In return, Israel continued to join the consensus on the “Application of IAEA safeguards in the Middle East” resolution (see below for details.)

Frustrated by lack of progress on a nuclear-weapons-free zone in the Middle East, however, the Arab states in 2006 began to push for the INC resolution to come to a vote, but were blocked for several years by the Western European and Other States Group (WEOG). In 2009, the Arab states finally brought the matter to a vote and emerged with a victory when the INC resolution was adopted by a narrow margin of 49 in favor, 45 against, and 16 abstentions. In 2010, due to an intensive effort by WEOG, the resolution was rejected for the first time by a vote. In 2011 and 2012, the Arab states decided not to table the resolution, assessing they did not have a majority to pass it, after a new compromise between the Arab states and Israel was negotiated to hold the IAEA Forum, and in light of the ongoing efforts to hold the WMD-free Zone Conference (see below for details.)

Voting on resolutions at the IAEA is fairly unusual. Traditionally, nonproliferation issues at the Agency have been addressed on the basis of consensus – an approach known among the diplomatic community as “the spirit of Vienna.” However, since 2005, both the General Conference and Board of Governors have had to resort to voting on a number of occasions, particularly on issues related to the Middle East. Most states in the West, and even some among the Non-Aligned Movement (NAM), consider the INC politically motivated and not constructive. Many also believe that the issue should be addressed among the states of the region or at the United Nations General Assembly where there is already a parallel resolution, and that the INC resolution is unnecessary since the topic is already covered at the GC by the “Application Resolution.”

Although the Arab States again asked to place the INC on the 2013 GC agenda, they have not yet distributed draft language and will probably avoid bringing the INC resolution for a vote this year as well. This is partly due to the possibility of convening consultations on the Middle East Conference (see below) at the end of September. It would be counterproductive for the Arab group to bring the controversial resolution to a vote ahead of such consultations, and it will be perceived by many states as an unconstructive move. Another



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influencing factor might be the restarted peace talks between the Israelis and Palestinians. Furthermore, it appears that even if tabled, the resolution is unlikely to get enough votes to be adopted.

WHAT IS THE RESOLUTION ON THE APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST?

The General Conference annually has adopted this resolution affirming the need for all states in the Middle East “to forthwith accept the application of full-scope safeguards as an important confidence building measure... and as a step in enhancing peace and security in the context of the establishment of a nuclear-weapon-free zone.” The resolution (known also as the “Application Resolution”), tabled by Egypt, also requests that the IAEA Director General consult “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.”

The Application resolution was adopted from 1991 until 2005 by consensus, although Israel expressed reservations about some parts of the text. In 2006, Egypt asked for a vote on the INC resolution (see above) after introducing amendments to the Application Resolution that were unacceptable to Israel. As a result, Israel asked for a vote on the Application Resolution, which was adopted by a wide margin. The Application Resolution has been adopted since 2006 by a vast majority, though sparking controversy in some years. In the last three years, thanks to consultations between Egypt, Israel, and the United States on restoring consensus, key delegations (particularly the United States, Canada and Israel) have abstained rather than vote against this resolution. In 2012, the Application Resolution was adopted with 111 votes in favor, 0 against and 8 abstentions (Canada, Côte d’Ivoire, Israel, Lesotho, Rwanda, Uganda, Tanzania, and the U.S.). Usually, upon request from India or Israel there is a separate vote on Operative paragraph 2 that calls upon all States in the region to accede to the NPT. In 2012, Operative paragraph 2 was approved with 110 votes in favor, 1 against (Israel) and 8 abstentions (Canada, Ghana, India, Lesotho, Rwanda, Uganda, Tanzania, and the United States).

Although in 2011 and 2012 the Arab states decided not to table the INC resolution, the parties were still unable to restore consensus on the Application Resolution. If the INC resolution is not put to a vote again this year, the sides may agree to negotiate on the Application Resolution text, though consensus seems unlikely at this stage.

WHAT IS THE MIDDLE EAST CONFERENCE?

The 2010 NPT Review Conference adopted a consensus document containing an Action Plan for nuclear disarmament, nonproliferation, and peaceful uses of nuclear energy. In the consensus document, the states agreed to convene a conference in 2012 “on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region, and with the full support and engagement of the nuclear-weapon states” and to appoint, in consultation with the states of the region, a facilitator.

In October 2011, Finland was designated as the host country for the Middle East Conference, and the Finnish Undersecretary of State Ambassador Jaakko Laajava named as the Facilitator. Since his appointment, Ambassador Laajava has conducted over 100 consultations with states in the Middle East, NPT depositaries



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and co-sponsors of the 1995 Middle East Resolution (Russia, the United Kingdom and the United States), international organizations, and civil society.

According to the facilitator's reports to the 2012 and 2013 NPT Preparatory Committee (PrepCom) meetings for the 2015 Review Conference, all states in the region "share the goal of establishing a zone" and many emphasize that the process is a unique opportunity to foster cooperation in the region on this matter. However, there are still disagreements among the states in the region on the conference agenda and what the conference should accomplish. The Arab states are anxious to see the Conference take place as a first step towards negotiations on a WMD-free zone in the region and implementation of the 1995 Middle East resolution. Therefore, they would like the conference to establish a formal process. Israel, however, is concerned that such a conference might lead to a "slippery slope" of negotiations on a zone, while the regional conditions Israel deems as necessary for a regional process (peaceful relations and reconciliation among all states in the region) are not present. In addition to divergent views about the possible agenda and what the conference should accomplish, further factors that complicate the convening of the conference are the Arab Uprisings and the accompanying political turmoil throughout the region.

By end of 2012, the Arab states and Iran had committed to attending the conference. Israel, which has major reservations about the mandate and purpose of the proposed meeting, never confirmed attendance, nor has it unequivocally refused to participate. In November 2012, the three NPT depositaries announced the postponement of the Middle East conference, which was tentatively scheduled for December 2012. Each of the three states released a separate statement, which was reflective of disagreements among the three on how to approach the organization and postponement of the meeting. The Arab states have responded critically to the postponement, and in April 2013, Egyptian delegation walked out of the NPT PrepCom meeting in protest. The League of Arab States also instructed the Arab group in Vienna to put the Israeli Nuclear Capabilities issue on the agenda of the 2013 IAEA General Conference.

To overcome the impasse, the Facilitator has proposed that the Arab states, Iran and Israel, hold multilateral consultations to discuss the conference agenda, rules of procedure, and outcome. Although a pre-consultation meeting between representatives from Israel and the Arab League took place in August 2013, the consultations have not yet taken place because of the key parties' disagreements over their terms and conditions. The Arab states suggested that the participants in such consultations be limited to those committed to attending the Middle East conference, and that the new date for the conference be set before the consultations convene. Israel expressed willingness to participate in the multilateral consultations as long as it is not required to commit to attend the conference itself before an agreement is reached on the agenda and other issues.

Should a conference not take place by the 2015 NPT Review Conference, there is a concern that the RevCon will end without a consensus document. Additionally, as part of the push to convene the conference, some Arab states have threatened, implicitly and explicitly, to reconsider their NPT membership if the Middle East Conference does not take place and there is no progress towards a WMD-free zone.

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