



**JAMES MARTIN CENTER FOR
NONPROLIFERATION STUDIES**

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**Vienna Center for Disarmament
and Non-Proliferation**

FACT SHEET #2

Information Relevant to the IAEA General Conference

Topic: Middle East Issues

Issues related to the Middle East have traditionally been among the most controversial ones at the IAEA General Conference (GC). At some of the past GC sessions, debates on the Middle East-related resolutions ran late into the night, delaying the conclusion of the conference. The resolutions in question include the “Israeli Nuclear Capabilities” and the “Application of IAEA safeguards in the Middle East.” Debates concerning Iran’s nuclear program and safeguards implementation in Iran take place at the IAEA Board of Governors.

WHAT IS THE ISRAELI NUCLEAR CAPABILITIES (INC) RESOLUTION? WHY IS IT CONTROVERSIAL?

The latest Israeli Nuclear Capabilities (INC) resolution was adopted in 2009. It “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 does not publicly acknowledge that it does. Currently, the IAEA applies safeguards in Israel pursuant to an INFCIRC/66-type safeguards agreement, implemented at the Soreq Nuclear Research Centre in Israel. The Israeli Negev Nuclear Research Center (known as “Dimona”) is not under IAEA safeguards.

The INC resolution has become a consistent source of tension since 2006, when a previous longstanding compromise between Egypt and Israel broke down. Since 1998, the Arab states had annually requested that the INC be placed on the GC agenda for debate. But it had been agreed between them and Israel that the matter would not be brought to a vote. Each year, this act was noted in a statement by the president of the GC. In return, Israel had agreed to join the consensus of the “Application of IAEA safeguards in the Middle East” resolution (see details below).

Frustrated by the lack of progress on establishing a zone free of nuclear and other weapons of mass destruction in the Middle East, the Arab states began in 2006 to seek the adoption of the INC resolution at the GC, 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. However, 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, after a new compromise between the Arab states and Israel was negotiated to hold the IAEA Forum on nuclear-weapon-free zones and in light of the ongoing efforts to convene the Middle East WMD-free zone Conference (see below). However, the Middle East Conference, tentatively scheduled for December 2012, was subsequently postponed without an agreement on a new date. Upset by this decision, the Arab States tabled the INC again in 2013, but failed to win sufficient support, and the resolution was defeated by a vote of 51 against and 43 in favor.



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The votes themselves reflected a departure from practice. Until recently, voting on resolutions at the IAEA has been fairly unusual. Traditionally, nonproliferation issues at the Agency had 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 the 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 to be politically motivated and not constructive. Many also believe that the issue should be directly addressed by the states of the region or at the United Nations General Assembly where there is already a parallel resolution. Some also believe the INC resolution is unnecessary since the topic is already covered at the GC by the resolution on safeguards in the Middle East (see below).

The Arab States asked again this year to place the INC on the GC agenda and distributed draft text of the resolution among the IAEA member states to solicit support. It is unclear, however, whether the Arab States would be able to secure enough votes to pass the resolution. On the one hand, more states might be sympathetic to the issue this year, given the failure of the last round of the Israeli-Palestinian peace talks, the recent war between Israel and Hamas in Gaza, and the dim prospects for convening the Middle East WMD-free zone conference before May 2015. On the other hand, the cease-fire agreed between Israel and Hamas and attempts to keep politics outside of the IAEA may persuade some states that have voted against the resolution in the past to reject it again. Others may also view a push to adopt the controversial resolution at the GC as counter-productive to the ongoing consultations on the Middle East Conference (see below).

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

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”), initiated in 1991 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 IAEA Director General’s Report generally concludes that, “there continues to be a long-standing and fundamental difference of views” between regional states and, therefore, he “has not been able to make further progress in fulfilling his mandate.”

The Application resolution was adopted annually by consensus from 1991 until 2005, although Israel regularly expressed reservations about some parts of its 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. It is important to note, however, that in some years the resolution has sparked great controversy. In the last four years, after consultations between Egypt, Israel, and the United States on restoring a consensus, key delegations (particularly the United States, Canada, and Israel) have abstained rather than voted against this resolution.



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In 2013, the Application Resolution was adopted with 114 votes in favor, 0 against, and 11 abstentions (including Canada, Israel, and the United States). The United States and Canada explained that although they supported the application of comprehensive safeguards in the Middle East, they felt the resolution had become politically motivated. Furthermore, they stated that failure to mention non-compliance, which has been a serious problem with safeguards application in the Middle East, has prevented them from voting in favor of the resolution.

WHAT IS THE MIDDLE EAST CONFERENCE?

The 2010 NPT Review Conference (RevCon) adopted a consensus document containing an Action Plan for nuclear disarmament, nonproliferation and the peaceful uses of nuclear energy. In the consensus document, states parties 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 numerous consultations with states in the Middle East, the three NPT depositaries and co-sponsors of the 1995 Middle East Resolution (Russia, the United Kingdom and the United States), international organizations, and civil society.

By the end of 2012, the Arab states and Iran had committed to attend the conference. Israel, which has major reservations about the mandate and purpose of the proposed meeting, never confirmed its attendance, nor has it unequivocally refused to participate. In November 2012, the three NPT depositaries announced separately the postponement of the Middle East conference, which was tentatively scheduled for December 2012. The Arab states responded critically to this postponement. In April 2013, the Egyptian delegation walked out of the NPT PrepCom meeting in protest, and the Arab States tabled the INC resolution at the GC in September 2013.

According to the Facilitator’s reports to the 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 about the conference agenda, modalities, rules of procedure, and what the conference should accomplish. In an attempt to overcome this impasse, the Facilitator has so far convened five rounds of multilateral consultations among regional states to discuss the conference agenda, rules of procedure, and an outcome. Recent discussions have centered on the question of negotiations modalities and proposed creation of three parallel working groups. The proposed three working groups would cover:

1. Key parameters of the zone scope and main prohibitions;
2. Verification and compliance issues, and
3. Regional security, conventional arms control, and confidence building measures.

Generally, the Arab states are anxious to see the Conference take place as a first step towards negotiations on a WMDFZ in the region and implementation of the NPT 1995 Middle East resolution. Therefore, the Arab



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states would like the conference to establish a formal process. Israel, however, is concerned that such a conference would create a “slippery slope” leading to the negotiations on a zone while appropriate regional security conditions do not exist nor are addressed through the process. Recognition of Israel’s sovereignty, along with reconciliation and peaceful relations among the Middle East states, is among the conditions Israel deems as necessary for the establishment of a WMD-free zone in the region.

In addition to the lack of consensus about the agenda and projected outcomes, two factors further complicate the convening of the Middle East conference. Popular uprisings in many Arab countries have created turmoil within individual states, as well as throughout the region. Secondly, Iran, as a major player, has been absent from most consultations to date.

If no conference takes place prior to the 2015 NPT Review Conference, there is concern that the 2015 RevCon will conclude without a consensus document. Additionally, some Arab states have threatened, implicitly and explicitly, to reconsider the basis for their membership in the NPT if the Middle East Conference does not take place and there is no progress towards a WMD-free zone.

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REFERENCE DOCUMENTS

“Application of IAEA safeguards in the Middle East,” International Atomic Energy Agency, September 20, 2013, http://www.iaea.org/About/Policy/GC/GC57/GC57Resolutions/English/gc57res-15_en.pdf

“Israeli nuclear capabilities,” International Atomic Energy Agency, GC(53)/RES/17, September 18, 2009, http://www.iaea.org/About/Policy/GC/GC53/GC53Resolutions/English/gc53res-17_en.pdf

IAEA 2014 Report by the Director General, Application of IAEA Safeguards in the Middle East, August 5, 2014, http://www.iaea.org/About/Policy/GC/GC58/GC58Documents/English/gc58-15_en.pdf

Report by the Facilitator to the third session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, May 1, 2014, http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2015/PC.III/18



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Forum on Experience of Possible Relevance to Creation of a Nuclear-Weapons-Free-Zone (NWFZ) in Middle East, November 21-22, 2011, Forum Summary,
<http://www.iaea.org/newscenter/statements/misc/2011/petersen221111.pdf>