



**JAMES MARTIN CENTER FOR  
NONPROLIFERATION STUDIES**

*Vienna, September 2012*



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

**FACT SHEET #2**

***Information Relevant to the IAEA General Conference***

## **Topic: Middle East Issues**

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### **WHAT IS THE ISRAELI 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 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. Currently, the IAEA applies safeguards in Israel pursuant to an INFCIRC/66-type safeguards agreement which is implemented to the Soreq Nuclear Research Centre. The Negev Nuclear Research Center (known as “Dimona”) is not under IAEA safeguards.

Controversy about the INC stems from a breakdown that took place in 2006 of a previously longstanding compromise. Although the Arab states ask annually to place the item onto the GC agenda, in 1991, the Arab states and Israel agreed that the Arab states would not bring the INC resolution to a vote at the GC—an act which was noted in a [statement](#) by the GC president—while Israel would continue to join the consensus on the “Application of IAEA safeguards in the Middle East” resolution (see below).

Frustrated by lack of progress on a nuclear-weapons-free zone in the Middle East, however, the Arab states began in 2006 to push for the INC resolution to come to a vote. The first year, the Western European and Other States Group (WEOG) used procedural measures to adjourn debate. In 2007, the Arab countries were unable to garner support for tabling the INC resolution or even for securing a presidential statement on the matter. In 2008, once again, the GC voted to adjourn the debate and not consider the INC resolution. In 2009, the Arab states claimed a victory when the GC voted to adopt the INC resolution 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, the Arab states decided not to table the resolution, assessing they did not have a majority to pass it, and after a new compromise between the Arab states and Israel was negotiated to hold the IAEA Forum (see below).

Voting on the resolutions at the IAEA is unusual. Traditionally, nonproliferation issues at the Agency have been addressed based on 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 at the United Nations General Assembly where there is already a parallel resolution and that the INC resolution is not necessary since the topic is already covered at the GC by the “Application Resolution” (see below for details.)



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Although they again asked to place the INC on the 2012 GC agenda, the Arab states will probably avoid bringing the INC resolution for a vote this year as well. A decision by the Arab states to move ahead with the INC resolution will face international resistance and most relevant players would perceive this move as unconstructive, if not detrimental for the ongoing efforts to convene the 2012 Middle East Conference (see below).

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

The General Conference annually has adopted the 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 by a vast majority every subsequent year since 2006. It is important to note, however, that in some years the resolution sparks controversy. 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. Although in 2011 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.

In a surprise move, in August 2012 Russia circulated a new draft resolution, presumably to replace the current Application Resolution. The proposed language expresses support for holding the Middle East Conference in December 2012 and calls upon all relevant states to attend it and engage constructively in the discussion of possible further steps. In preparing the draft, Russia, the originator of the 2012 Conference idea, did not consult the other co-conveners of the conference, namely the United States and the United Kingdom, nor the Facilitator. However, it will be up to the states from the region now to decide whether they support the new text and whether it will replace the current Application Resolution. It is very unlikely, though, that the Arab states will agree to a resolution that does not mention the NPT and does not call on all states in the region to join the treaty and place all nuclear facilities under full-scope IAEA safeguards.



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## WHAT IS THE IAEA-SPONSORED FORUM ON NWFZ FOR MIDDLE EAST?

On November 21-22, 2011, the IAEA held a forum in Vienna on “Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone (NWFZ) in the Middle East.” The Forum convened based on a request in the Application Resolution adopted in 2000. The Forum was chaired by Ambassador Jan Petersen of Norway and participation was restricted to IAEA member states, three official IAEA observers –the Palestinian Authority, League of Arab States and the European Union—and two regional verification bodies—European Atomic Energy Community (EURATOM) and the Brazil-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC). Iran did not participate in the IAEA forum, raising questions about its participation in the 2012 Conference.

The principal focus of the Forum was to: (1) study the lessons of other regions regarding the regional setting and context that had prevailed there before they began considering a NWFZ; (2) review the existing multilaterally agreed principles for establishing NWFZs in populated areas of the world; (3) review the theory and practice of establishing the five existing NWFZs; (4) discuss with representatives from the five existing NWFZs their experience in promoting, negotiating and practically implementing negotiated arrangements for NWFZs; and (5) discuss the region of the Middle East in this context.

Representatives of the five existing nuclear-weapon-free zones, EURATOM and ABACC delivered presentations and identified lessons learnt from existing NWFZs. According to the Chair’s summary, participants at the Forum proposed:

- to continue working towards the establishment of a NWFZ in the Middle East;
- to consider declarations of good intentions as a first step to break the current stalemate;
- to make the best and most constructive use of every opportunity on the international agenda; and
- to identify specific and practical confidence-building measures.

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## WHAT IS THE 2012 MIDDLE EAST CONFERENCE?

The 2010 NPT Review Conference adopted a consensus document containing an [Action Plan](#) for nuclear disarmament, nonproliferation, and peaceful uses. In the consensus document, Russia, the United Kingdom, and the United States, with the UN Secretary-General, were asked 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, the co-conveners designated Finland as the host country for the 2012 Middle East Conference, and named the Finnish Undersecretary of State Ambassador Jaakko Laajava as the Facilitator. The 2010 NPT final document tasks the facilitator with conducting consultations and undertaking preparations for the convening of the 2012 conference to support implementation of the 1995 Middle East Resolution. The document further tasks the facilitator with assisting “in implementing follow-on steps agreed at the 2012 conference” and reporting to the NPT 2015 Review Conference and its Preparatory Committee meetings. Since his appointment, Ambassador Laajava has conducted over 100 consultations



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with states in the Middle East, NPT depositaries and co-sponsors of the 1995 Middle East Resolution (Russia, the United Kingdom and the United States), international organizations, and civil society. While many have identified the 3rd week of December as the proposed date for the conference, the co-conveners have not yet sent out official invitations. They are expected to do so only after the November 6, 2012 elections in the United States. A number of states, including Israel and Iran, have not yet confirmed their participation, but no state has yet definitively refused to attend, either.

Further answers to frequently asked questions about the 2012 Middle East conference can be found at [http://cns.miis.edu/stories/120508\\_mideast\\_conference\\_2012\\_faq.htm](http://cns.miis.edu/stories/120508_mideast_conference_2012_faq.htm).

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