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B R I E F

Perspectives on the 2010 IAEA General Conference

Arms Control and Disarmament Programme

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Introduction

On Monday 20 September 2010, delegates gathered in Vienna for the 54th annual General Conference of the International Atomic Energy Agency (IAEA). The yearly gathering of the Agency’s member states (151 as it currently stands) approves the IAEA’s programme and budget. It also decides on any other matters brought before it by the Agency’s Board of Governors, Director-General or member states. In the words of IAEA Deputy Director-General David Waller, the conference is ‘the most supreme networking opportunity in the nuclear world’, bringing together state representatives, nuclear industries and non-governmental organizations—all under close media scrutiny.

To many observers the conference also presents a valuable opportunity to engage closely with the work of the IAEA Secretariat and its member states. This briefing paper seeks to present a summary of the events of the 2010 conference. It will examine key statements by the Director-General and certain country delegations. It will also look at resolutions on nuclear security, safeguards and the Middle East. It also seeks to explore the possible verification ramifications of the meeting.

The DG’s statement

During the opening session, the Agency’s current Director-General, Yukia Amano, delivered his first statement to the General Conference as head of the Agency following his assumption of office last December. So far, his time in office has been characterized by a deepening diplomatic crisis over the Iranian nuclear programme. He has also faced continuing concerns over nuclear activities in the Democratic People’s Republic of Korea (DPRK) and Syria, as well as pressures to address Israel’s status as an undeclared nuclear weapon state. In addition, Mr Amano has also had to address long-standing divisions between IAEA members over the balance between the Agency’s various functions—particularly peaceful nuclear cooperation and verification activities.

An underlying theme in Mr Amano’s speech was the need to follow the Agency’s

‘multiple objectives’—its work on nuclear non-proliferation and on promoting the peaceful uses of nuclear energy—in a ‘balanced manner’. The ‘widespread perception’ of the Agency as the world’s ‘nuclear watchdog’ is a view that he is trying to change. It fails to do justice to the Agency’s ‘extensive activities in other areas such as nuclear energy, medicine and technical cooperation, the Director-General argued.

In addressing issues of nuclear verification, Mr Amano made a strong case for strengthening the Agency’s verification mandate, through states’ accession to the relevant safeguards agreements, so it can effectively verify the peaceful nature of their nuclear activities. In that regard, he called for countries to subscribe to the Comprehensive Safeguards Agreement (CSA) and its Additional Protocol. He also called on states to update their Small Quantities Protocols to their CSAs.

Mr Amano called on the remaining 18 states without comprehensive safeguards agreements in force to ‘bring such agreements into force without delay.’ In addition, he underlined that the Additional Protocol serves as an ‘essential tool’ for the Agency to be able to credibly verify that states’ declarations of their nuclear activities are both correct and complete. ‘I strongly hope that all remaining states will conclude Additional Protocols as soon as possible,’ he said.

Mr Amano highlighted that Agency Additional Protocols were then in force in 102 countries around the world. That number, which at the start of Mr Amano’s term stood below 100, represents an ‘encouraging development’, the Director-General said.

With regard to the implementation of Agency safeguards in Iran and Syria—items that have been on the Agency’s agenda for some time—the Director-General noted that his approach from the beginning has been that safeguards agreements between states and the Agency, as well as ‘any other relevant obligations’, should be ‘implemented fully’. In addressing the situation in the DPRK, he

described the nuclear programme there, unsafeguarded since 2002, as a matter of ‘serious concern’ and called on all parties concerned to make ‘concerted efforts’ toward the resumption of six-party denuclearisation talks ‘at an appropriate time’.

Elsewhere in Mr Amano’s speech was the recognition that ‘through its verification activities, the Agency can make an important contribution to the implementation of nuclear disarmament’. He announced that the Agency had recently received a joint letter from US Secretary of State Hillary Clinton and Russian Minister for Foreign Affairs Sergey Lavrov ‘requesting IAEA assistance to independently verify implementation of their [decade-old] agreement on the disposition of plutonium no longer required for defence purposes’. The agreement, which was signed in 2000 but stalled since then due to disagreements over its implementation, was modified—to assuage Russian concerns over the nature of technology to be used—in April 2010. The letter received by the agency will set in motion consultations by the IAEA and both countries on the modalities of that verification.

Other notable statements

The first day of the conference also saw Iran and the US take to the floor to deliver their national statements. Iran’s statement, delivered by Ali Akbar Salehi, head of Iran’s Atomic Energy Organisation, included strong criticism of the IAEA’s reporting on Iran’s nuclear programme, which he argued was not based on ‘impartiality and fairness’. And as a result, said Mr Salehi, the Agency had left itself ‘no room but to reflect the notion of political influence exerted by certain powers in the decision-making trends of this unique international technical body’.

The statement is not the first time Iran has accused the Agency of bowing to political pressure. Several IAEA reports have contained language on ‘possible military dimensions’ of Iran’s nuclear efforts. Many states are concerned about the possibility of weaponization activities within Iran. Iran itself is of the view that most of this information has been fabricated.

On 14 September 2010, Ali Ashgar Soltanieh, Iran’s ambassador to the IAEA, claimed in a letter to the Agency that the Agency’s reporting appears to have been influenced by ‘pressure from outside’.

The United States no doubt figures highly in Iranian calculations. The US were keen to chastise Iran at the conference for its ongoing refusal to accede to UN Security Council demands to halt enrichment work. As the US Secretary of Energy, Stephen Chu, declared in his country’s remarks to the plenary hall: ‘Iran’s intransigence represents a challenge to the rules that all countries must adhere to ... Iran must do what it has so far failed to do—meet its obligations and ensure the rest of the world of the peaceful nature of its intentions’. There is a ‘broad and growing international consensus’, Mr Chu said, ‘that will hold Iran accountable if it continues its defiance’.

On Iran and Syria, ‘we encourage the Agency to make full use of existing authorities,’ said Mr Chu—a gently-worded call for the IAEA to invoke its ‘special inspection’ rights. The latest IAEA report on Syria, released after the Conference, on 23 November 2010, where an Israeli air strike in 2007 destroyed what is widely believed to have been a partially constructed nuclear reactor, warned that information at the site was deteriorating with the ‘passage of time’ and that Syria’s lack of cooperation over ‘unresolved issues’ was hampering the Agency’s investigative efforts.

On the safeguards system more broadly, the IAEA is ‘facing a growing imbalance between workload and resources,’ said Mr Chu. And in line with President Obama’s campaign pledge to double the budget of the IAEA, he noted that the US supports a ‘significant increase’ in IAEA regular funding.

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Resolutions

Four resolutions were of particular importance, and the subject of intensive debate in and around the conference venue.

Those were, namely: resolutions addressing nuclear security, nuclear safeguards, the application of IAEA safeguards in the Middle East and Israeli nuclear capabilities.

Nuclear security resolution

In discussions on the draft resolution on nuclear security, two items emerged as the most contentious during the conference: first a reference to the April 2010 Nuclear Security Summit meeting in Washington, DC; and second, a reference to the need to make further progress on nuclear disarmament.

On the first point, objections were raised by some states that the Washington summit did not include all IAEA member states and, as such, was unrepresentative. As the US argued, however, the Nuclear Security Summit was the largest international gathering on this matter since the adoption of last year's resolution; the IAEA Director-General participated in it and the work plan of the summit endorses the IAEA's work on nuclear security. France pointed out that the mention of the summit doesn't impose any obligation on any state but is, rather, just a note to mark its passing.

Ultimately a compromise was found in the final draft text of the resolution by retaining the language on the Washington summit while also including references to the December 2009 Cape Town conference on effective regulatory systems and the April 2010 Tehran conference on disarmament and non-proliferation.

The second point related to the reference to nuclear disarmament. Earlier resolutions passed by the General Conference included a reference to the contribution to disarmament and non-proliferation by decreasing access to nuclear materials and enhancing nuclear security. The deletion of the paragraph in the first draft caused consternation among certain states. In particular, Egypt, on behalf of the Non-

Aligned Movement (NAM), argued that it was unfortunate to find the preambular paragraph on disarmament deleted and announced the NAM's insistence on the retention of a reference to disarmament in the resolution. On the other hand, most nuclear-weapon states, and in particular the UK and US, argued that disarmament did not suit a resolution on nuclear security, and that it was important to keep the resolution as short and focused as possible. The challenge of ensuring nuclear security is one that exists largely outside the military realm, said the US, for which reason, they argued, a paragraph on disarmament in this resolution seemed out of context and argued for its deletion this year.

The strong calls to re-insert language on disarmament won through in the end. The final resolution—adopted by consensus on the final day of the conference without a vote—thus includes a preambular paragraph ‘acknowledging the need to make further progress towards achieving nuclear disarmament’.

Safeguards resolution

Another agenda item that is annually the object of long and heated discussions is the resolution under agenda item entitled: ‘Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol’. It has become a standard procedure for the negotiations of the resolution under this item in a working group with access provided only to member states. Again issues relating to universality of comprehensive safeguards and additional protocol, confidentiality of information collected under safeguards agreement and nuclear disarmament are major sticking points.

One of the most contentious items was an abortive proposal by the NAM to require the IAEA Director-General report on safeguards to next year's conference ‘under an agenda item entitled ‘strengthening the effectiveness and improving the efficiency of nuclear verification, in order to widen the scope of discussion to include potential IAEA verification activities aside

from its current work on safeguards. The idea behind this proposal was to encourage a discussion at the Agency on ways in which the IAEA could consider a verification role in disarmament matters over and above the role it has traditionally undertaken in verifying non-proliferation through safeguards.

As it is, the resolution urges all states that have not yet done so to bring into force a comprehensive safeguards agreement with the Agency and reiterates language from the Final Document of the 2010 NPT Review Conference that the implementation of an Additional Protocol remains a state's 'sovereign decision'. On the distinction between compulsory and optional safeguards obligations, the lengthy preamble to the resolution emphasises 'that there is a distinction between the legal obligations of states and voluntary measures aimed at facilitating and strengthening the implementation of safeguards and aimed at confidence-building'.

The resolution noted that, for states with both a comprehensive safeguards agreement and Additional Protocol in force, the IAEA is able to provide 'increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for a state as a whole'. On a similar note, the resolution welcomed the current implementation of state-level 'integrated safeguards', which represent the optimal combination of the measures in both a CSA and an Additional Protocol. The resolution further urged the Secretariat of the Agency 'to ensure that the transition to integrated safeguards is given high priority' and that the 'conceptual framework' is 'continually reviewed ... with a view to maintaining effectiveness and maximising cost savings for the Agency and for states under integrated safeguards, including the reduction of verification effort'.

The resolution passed in the plenary hall during the last day of the conference by a vote of 80 in favour, none against and 20 abstentions.

Resolutions on the Middle East and Israel

For its part, the nuclear situation in the Middle East was the subject of two agenda items. Under the agenda item addressing the application of IAEA safeguards in the Middle East, a resolution sponsored by Egypt is presented every year to the conference. It calls for achieving the universality of the NPT in the Middle East and for good faith compliance with all international obligations and commitments. The resolution also affirms the need for all states to accept the application of full scope Agency safeguards on all their nuclear activities. And it calls upon states to take practical steps toward the establishment of a mutually and effectively verifiable nuclear-weapons-free zone (NWFZ) in the Middle East.

In introducing the resolution, Egypt—again on behalf of the NAM—said that regional stability cannot be achieved while the current nuclear imbalance continues to exist in the Middle East. Iran, in its remarks to the plenary hall, said that it strongly supports such a zone and lamented the fact that three decades after a NWFZ in Middle East was first proposed, no progress has yet been achieved.

For its part, Israel countered that a Middle Eastern NWFZ requires a 'fundamental change' in the regional security situation but that the establishment of such a zone remained a 'long-term goal'. Israel does not subscribe to the notion, said its representative, that universal adherence to the NPT represents a solution to Israel's security situation. On which point, Israel asked for a special vote on the paragraph that calls upon all regional states to join the NPT and voted against the paragraph. In the final vote, the resolution as a whole was adopted with none against and six countries—Canada, Chad, Haiti, Israel, the Marshall Islands and the US—abstaining.

Another Middle Eastern item on the agenda was a resolution submitted by the group of Arab states on 'Israeli Nuclear Capabilities'. The draft text emerged as one of the most hotly-debated agenda

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items of the entire week. Last year, a resolution was passed by the conference under the same item calling upon Israel ‘to accede to the NPT and place all its nuclear facilities under comprehensive IAEA safeguards’. The resolution also urged the Director-General to work with concerned states towards achieving that end, and requested him to report on the implementation of the resolution.

Before the start of the General Conference, the Director-General circulated a report on his efforts towards implementing the resolution including a visit this year to Israel. Included in this report was a description of IAEA activities in Israel, including the application of facility-based safeguards on a US-supplied research reactor as part of a nuclear cooperation agreement signed in 1955. The report maintains that the limited number of items under safeguards in Israel ‘remained in peaceful activities’. But due to the absence of a comprehensive safeguards agreement, the Director-General was not able to report on other nuclear facilities in Israel, particularly its nuclear reactor at Dimona. The report maintained that the application of safeguards in Israel is ‘limited to material, equipment and facilities specified in Israel’s safeguards undertakings’.

The draft resolution presented at this year General Conference was identical to the one passed last year. In introducing the resolution to the plenary, Sudan, speaking on behalf of the Arab group this year, said that the nuclear imbalance in the region and the absence of international pressure on Israel to accede to the NPT are both unacceptable to the Arab states. Egypt argued on behalf of the NAM that selective approaches to non-proliferation undermine the non-proliferation regime and made a call for the conference to take steps to address this.

In their pre-vote statement to the plenary hall, Israel attacked the ‘political nature’ of the resolution as contradictory to the basic aims and goals of the technically-oriented IAEA. The ‘sole purpose’ of this resolution was to condemn one member state, said Israel, with other member states seem-

ingly overlooking the ‘unique situation’ in which Israel sits. The Agency should focus on safeguards violations, they suggested, in a thinly-veiled attack on Iran, and not waste time with ‘cynically politically motivated’ agenda items such as they viewed this one.

The United States had reservations of their own. Gary Samore, White House Coordinator for Arms Control and Weapons of Mass Destruction, Proliferation, and Terrorism, paid a visit to Vienna in an attempt to persuade Arab states to withhold the resolution and other states to vote against it if tabled. In its statement, the US said that it was unfortunate that this resolution had been put forward at a time when peace talks between Israel and the Palestinians had recently been restarted. The US further worried that it could damage already shaky prospects for the holding of a conference in 2012 on the ways to promote the establishment of a NWFZ in the Middle East. Proponents of the resolution, on the other hand, argued that the goal of a nuclear-weapons-free free Middle East should go hand-in-hand with peace talks rather than proceeding in a sequential manner.

Results of the vote show a divided house on the best means to address Israeli nuclear capabilities. While all Western Group states except Turkey voted against the draft, all regional states except Israel voted for. The NAM was divided, while Russia and China voted in favour. Ultimately, the draft was not able to muster the majority it had last year. 51 states voted against its adoption, 46 voted in favour and 23 abstained.

After the vote, Sudan, on behalf of Arab states, spoke of the ‘double standards’ on display in the non-proliferation regime and, despite the defeat of this resolution, made it known that the Arab group would ‘use all legal means to express its rejection of Israel’s non-accession to the NPT’ and continue to press for all Israel’s nuclear facilities to be placed under IAEA safeguards. Iran lambasted Israel’s ‘aggressive nature’ and disregard for international rules and bodies. The matter of Israel’s

nuclear capabilities is a matter of urgent concern, said Iran, and the credibility of the IAEA will be 'seriously jeopardised' if the issue is not adequately addressed. Iran also spoke of the so-called 'double standards' on display, arguing that those calling for universality of the treaty are not, in fact, 'honest in action'.

Conclusion

Now it remains to be seen what effect, if any, these resolutions will have on the verification role of the Agency in the coming year and beyond. On the whole, the conference's support for verification was encouraging. However, there is significant room for further discussion on how to make the safeguards regime more effective, particularly in achieving the universality of the safeguards regime and reaching international consensus on the IAEA's role in nuclear disarmament.

Implementing the additional protocol will provide increased assurance that nuclear activities will remain strictly for peaceful uses. It is therefore important to implement the Additional Protocol in all states with significant nuclear activities. However, it is difficult to foresee significant strides in wider application of the protocol unless states in the Middle East are assured that Israel's nuclear capabilities are addressed in some way. However, it is not clear whether the General Conference, with its current voting patterns, can effectively address the concerns of the Arab Group in a decisive way. The issue is likely to be the source of continuous friction in the future.

The majority of the IAEA membership is in favour of a continued strengthening of the safeguards system. Ultimately, the majority seems to argue, it is essential for the organization's safeguards mission to ensure that it may deliver findings on the absence of undeclared nuclear activities. Poorly drafted, the safeguards resolution itself has become an unwieldy instrument to measure progress against. Its mixture of competing views and priorities is illustrative, however, of the challenges ahead.

The IAEA's role in safeguarding worldwide nuclear disarmament is clear. Its governing Statute assigns this role to the organization. The functional meaning of the word 'safeguarding' today may be different from its meaning when the Statute was drafted. This gives rise to considerable confusion—sometimes even arguments that nuclear disarmament falls outside the organization's statutory mandate. Member states might want to consider raising the IAEA's broader verification mandate in a separate resolution. What is less clear is how agreement can be reached on disarmament verification within the safeguards resolution.

Finally, it is notable that present great strides towards improving nuclear security are getting the attention it deserves. The controversy on the security resolution is less serious than it seems, and is perhaps a result of the fact that disarmament issues is not raised under an own agenda item of their own.

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Review

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About this paper

In September 2010, the International Atomic Energy Agency held its 54th General Conference. This paper summarizes diplomatic manouvering at the Conference, and assesses its impact on the future conferences.

Building trust through verification

VERTIC is the Verification Research, Training and Information Centre, an independent, non-profit making, non-governmental organisation. Its mission is to promote effective and efficient verification as a means of ensuring confidence in the implementation of international agreements and intra-national agreements with international involvement. VERTIC aims to achieve its mission through research, training, dissemination of information, and interaction with the relevant political, diplomatic, technical, scientific and non-governmental communities.

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