

General Conference

GC(52)/OR.10

Issued: December 2008

General Distribution

Original: English

Fifty-second regular session

Plenary

Record of the Tenth Meeting

Held at the Austria Center, Vienna, on Saturday, 4 October 2008, at 5.45 p.m.

President: Mr GHISI (Italy)

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¹ GC(52)/21.

Abbreviations used in this record:

NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone

20. Application of IAEA safeguards in the Middle East (continued) (GC(52)/L.1/Mod.2, GC(52)/L.8)

1. The PRESIDENT asked the representative of Algeria for an update regarding her suggestion for amending the proposal contained in document GC/(52)/L.8.
2. Ms FEROUKHI (Algeria) said that her delegation had hoped to avoid a vote both on that proposal and on the amended version suggested by her, but that did not seem possible as one delegation had requested a vote. She was therefore proposing a new paragraph for the draft resolution contained in document GC(52)/L.1/Mod.2 — it read “Emphasizes the importance of the peace process and the establishment of a NWFZ in the Middle East in promoting mutual confidence and security in the region”. The proposal was co-sponsored by Egypt and Jordan.
3. The PRESIDENT asked the representative of Algeria whether her proposal was meant to replace the proposal made in document GC(52)/L.8.
4. Ms FEROUKHI (Algeria) said that it was.
5. The PRESIDENT asked whether the proposal made in document GC(52)/L.8 was being withdrawn.
6. Mr ZNIBER (Morocco) said that it was.
7. The PRESIDENT requested the representative of Algeria to indicate where her proposal should appear as an operative paragraph in the draft resolution contained in document GC(52)/L.1/Mod.2.
8. Ms FEROUKHI (Algeria) indicated that it should be placed immediately after operative paragraph 8.
9. Mr DANIELI (Israel) said that, in his delegation’s opinion, the wording just proposed by the representative of Algeria constituted an amendment to existing paragraph 9 of the draft resolution contained in document GC(52)/L.1/Mod.2, which had been adopted the previous day. He invoked Rule 66 of the Rules of Procedure (Reconsideration of proposals and amendments), under which a two-thirds majority would be required for any reconsideration.
10. The PRESIDENT agreed that Rule 66 applied.
11. Ms FEROUKHI (Algeria) said that she had not proposed that an approved amendment be amended; she had proposed the insertion of a new paragraph into the draft resolution contained in document GC(52)/L.1/Mod.2. Accordingly, there was no reason to apply Rule 66.
12. The PRESIDENT said that, if he understood correctly, the representative of Algeria had proposed not that paragraph 9 be replaced but that a new paragraph be inserted, so that both paragraphs would appear in the text.
13. Ms FEROUKHI (Algeria) said that Rule 66 did not apply as the purpose of her proposal was to replace, not to amend, paragraph 9.
14. The PRESIDENT, having consulted with the Secretariat, said he concluded that the proposal made by the representative of Algeria, to replace the existing paragraph 9, would in fact constitute

reconsideration of that paragraph, which had been adopted the previous day, and that Rule 66 was therefore applicable.

15. He asked the representative of Algeria whether she agreed.

16. Ms FEROUKHI (Algeria) said that she did.

17. The PRESIDENT confirmed the need for a two-thirds majority pursuant to Rule 66 and said he took it that delegations were ready to vote on the proposal made by the representative of Algeria.

18. Mr DENIAU (France), speaking on behalf of the European Union, requested a suspension of the meeting for consultations.

The meeting was suspended at 6 p.m. and resumed at 6.10 p.m.

19. Mr RAUTENBACH (Director, Office of Legal Affairs) said that, pursuant to Rule 66, there should first be a procedural vote, requiring a two-thirds majority, on whether to reconsider the decision taken the previous day on paragraph 9. If a two-thirds majority decided in favour, a vote would then need to be held on the substance of the proposal made by the representative of Algeria, and that required a simple majority for adoption.

20. Ms FEROUKHI (Algeria) said that the purpose of her proposal was not to amend a paragraph approved the previous day, but to insert a new paragraph.

21. Mr DANIELI (Israel), speaking on a point of order, said that in the view of his delegation the voting had already commenced.

22. The PRESIDENT said that he had not yet called for a vote.

23. Ms FEROUKHI (Algeria) reiterated that the purpose of her proposal was to insert a new paragraph and said that therefore Rule 66 did not apply.

24. The PRESIDENT recalled that the representative of Algeria had earlier said that the purpose of her proposal was to replace paragraph 9, approved the previous day.

25. Ms FEROUKHI (Algeria) confirmed the President's recollection of that earlier statement. However, after looking at Rule 66, she had taken the floor again in order to state that the purpose of her proposal was the addition of a new paragraph and not the amendment of an existing one. Thus, a two-thirds majority was not necessary.

26. The PRESIDENT, responding to a question put by the representative of FRANCE, said that, as he saw it, Rule 66 applied.

27. The PRESIDENT suspended the meeting in order to consult with the representative of Algeria.

The meeting was suspended at 6.20 p.m. and resumed at 6.25 p.m.

28. The PRESIDENT confirmed his ruling that the Conference would consider the proposal made by the representative of Algeria in the context of Rule 66. He was grateful to the representative of Algeria for her understanding.

29. Mr DENIAU (France), speaking on behalf of the European Union, and pursuant to Rule 66, which accorded permission to speak on a motion to reconsider a proposal or amendment to two speakers opposing the motion, said that there was no reason to reconsider a paragraph which had been adopted the previous day.

30. Mr SOLTANIEH (Islamic Republic of Iran) said that it was clear from what the representative of Algeria had said that she had withdrawn her proposal calling for the replacement of a paragraph approved the previous day and had made a new proposal, to add a new paragraph. Thus, Rule 66 did not apply.

31. The PRESIDENT said that two contradictory proposals had been made by the same delegation. He had discussed the matter with the representative of Algeria and with the Secretariat, and, based on his judgment of the content of the paragraph, the representative of Algeria had agreed to revert to her initial proposal. He hoped that the delegation of the Islamic Republic of Iran could go along with that explanation.

32. A vote would now be held on the motion to reconsider paragraph 9 of the draft resolution contained in document GC(52)/L.1/Mod.2, which read “Emphasizes the importance of the peace process in the Middle East in promoting mutual confidence and security in the region, including the establishment of a NWFZ”. In order to save time, he asked delegations whether they would agree to voting by a show of hands.

33. It was so agreed.

34. The motion was rejected by 35 votes in favour to 38 against, with 21 abstentions.

35. Mr DANIELI (Israel) requested a vote on the draft resolution contained in document GC(52)/L.1/Mod.2.

36. The PRESIDENT asked whether a vote by show of hands was acceptable to the delegation of Israel.

37. Mr DANIELI (Israel) said that it was.

38. Mr FAWZY (Egypt) requested a roll-call vote.

39. At the request of Mr Fawzy (Egypt) a roll-call vote was taken.

40. France, having been drawn by lot by the President, was called upon to vote first.

41. The result of the vote was as follows:

In favour: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia Herzegovina, Brazil, Bulgaria, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Holy See, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Monaco, Mongolia, Montenegro, Myanmar, Namibia, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, Uruguay, Bolivarian Republic of Venezuela, Vietnam, Zambia, Zimbabwe.

Against: None.

Abstaining: Bangladesh, Botswana, Canada, Côte d’Ivoire, Georgia, India, Iraq, Israel, Libyan Arab Jamahiriya, Mexico, Pakistan, Syrian Arab Republic, United States of America.

42. There were 82 votes in favour and none against, with 13 abstentions. The draft resolution was adopted.

43. Mr KUMAR (India), speaking in explanation of vote, said that his delegation had abstained because the language used in the draft resolution went beyond the purview of the Agency's Statute.

44. Mr HASTOWO (Indonesia), having associated himself with the statement made the previous day by the representative of Cuba on behalf of NAM, said that his country continued to favour the establishment of a nuclear-weapon-free zone in the Middle East. Although the issue had been discussed in various United Nations fora for over thirty years, a nuclear-weapon-free zone in the Middle East had not yet materialized, and the Director General had remarked in his opening statement that no further progress had been made regarding the application of Agency safeguards in the Middle East.

45. The 2000 NPT Review Conference had reaffirmed that Israel would have to accede to the NPT and place all its nuclear facilities under comprehensive Agency safeguards before a nuclear-weapon-free zone could be established in the Middle East. The prospect of such a zone seemed to be a distant one, however, as the region remained unsettled, and the situation was exacerbated by Israel's continued development and stockpiling of nuclear weapons, which posed the risk of a destructive arms race. Moreover, the continued threat to the security of neighbouring countries was having a negative impact on efforts to curb proliferation in the region.

46. He welcomed the progress made towards the convening of a forum in which States in other regions might share their experience of nuclear-weapon-free zones with the States of the Middle East, and he hoped that consultations with Member States in the Middle East would result in a consensus regarding the modalities and agenda of the forum.

47. He urged Israel to respond positively to the demands of the international community and place all its nuclear activities under full-scope Agency safeguards.

48. Mr SOLTANIEH (Islamic Republic of Iran), speaking in explanation of vote, said that he had voted in favour of the draft resolution in the light of his country's position regarding the establishment of a nuclear-weapon-free zone in the Middle East.

49. His country would continue to support all measures aimed at pressuring on the Zionist regime of Israel into destroying its nuclear weapons and placing all its nuclear facilities under full-scope Agency safeguards, as Israel's nuclear capabilities continued to pose a threat to the security of the Middle East and the world at large.

50. The adoption, by an overwhelming majority, of paragraph 2 of the draft resolution, reading "Calls upon all States in the region to accede to the Non-Proliferation Treaty", was a clarion call for Israel to accede to the NPT. The international community would not tolerate the status quo, and the United States and Israel had isolated themselves still further by voting against the adoption of that paragraph.

51. Although it had voted in favour of adoption of the draft resolution as a whole, his delegation had reservations regarding paragraph 9, the inclusion of which it had voted against.

52. Mr DANIELI (Israel), in explanation of his request for a vote on the draft resolution, said that his delegation had strived for a text that would enable the General Conference to regain the consensus it had lost three years previously. However, the spirit of compromise and good faith shown by his delegation had met with repeated attempts to exclude Israel.

53. The adoption of the redundant amendment proposed by the representative of Algeria had left his delegation with no choice but to request a vote on a draft resolution it would otherwise have supported. That was regrettable, because Israel attached great importance to the Middle East peace process, which was an indispensable step towards the eventual establishment of a nuclear-weapon-free zone in the Middle East, and to compliance by all States in the region with international obligations and commitments relating to safeguards.

54. Operative paragraph 2 of the draft resolution was inconsistent with Israel's position that the applicability of the NPT in the Middle East was at best limited. It was important to bear in mind that three of the four widely recognized cases of non-compliance with the NPT had taken place in Middle East States party to the NPT.

55. His delegation greatly appreciated the support shown by Member States for the amendments proposed by Israel in document GC(52)/L.6, and it hoped that, in future, a new balance would be found; that would benefit both the Middle East and the Agency.

56. Mr OTHMAN (Syrian Arab Republic) said that his delegation had abstained in the vote on the draft resolution because it was disappointed with the way in which various proposed amendments had been dealt with. The General Conference had once again failed to adopt by consensus the most important draft resolution before it.

57. In order for a nuclear-weapon-free zone to be established in the Middle East, Israel must first accede to the NPT and place all its nuclear facilities under full-scope Agency safeguards. All other States in the region had done so in good faith as a confidence-building measure, but the international community had shown total disregard for their actions by condoning Israel's refusal to take measures that would contribute to international peace and security.

58. Moreover, it was inappropriate to criticize States in the Middle East for politicizing the Agency's mandate: the real politicization lay in the implication that a nuclear-weapon-free zone in the Middle East would be possible only once peace had been established there. Nothing would be achieved by making peace a precondition for the establishment of a nuclear-weapon-free zone.

59. International obligations and commitments relating to safeguards should be complied with by all States, including Israel, and to claim that it was exempt because it had not acceded to the NPT created a double standard. Instead of adopting amendments proposed by Israel, which gave the erroneous impression that it was committed to compliance with international obligations and commitments while others were not, the General Conference should have called upon Israel to accede to the NPT.

60. Mr CONCHOLA GUTIERREZ (Mexico) said that his country, which was strongly in favour of the establishment of a nuclear-weapon-free zone in the Middle East, would have preferred the adoption of the more balanced draft resolution contained in document GC(52)/L.1.

61. Ms GOICOCHEA ESTENOZ (Cuba) said that her delegation had voted in favour of the draft resolution despite a number of serious reservations, particularly with regard to paragraphs 3 and 9, which her delegation would have voted against had each paragraph been voted on separately.

62. With regard to paragraph 3, the country that had proposed its inclusion had not acceded to the NPT or placed all its nuclear facilities under Agency safeguards. That was a matter of particular concern given that the Israeli Prime Minister had said on 11 December 2006 that Israel possessed nuclear weapons. His comments had in September 2007 been condemned by NAM at a ministerial meeting held in Tehran. Her delegation fully supported the statements made regarding those comments at the ministerial meeting.

63. With regard to operative paragraph 9, it referred to aspects of the Middle East peace process that had no place in the draft resolution contained in document CG(52)/L.1/Mod.2.

64. Cuba, which strongly supported the application of Agency safeguards, would very much like to see the establishment of a nuclear-weapon-free zone in the Middle East. In order for that to happen however, Israel must accede to the NPT.

65. Her delegation hoped that at the next session of the General Conference a balanced draft resolution would be adopted.

66. Mr ELDIN ELAMIN (Sudan) said that, although his delegation had voted in favour of the draft resolution, it was strongly opposed to paragraphs 3 and 9. Those paragraphs, proposed by the Israeli delegation, ran counter to the basic principles of the Agency and were not conducive to the establishment of a nuclear-weapon-free zone in the Middle East.

67. His delegation had favoured the original draft resolution proposed by Egypt in document GC(52)/L.1.

68. The international community should press for the establishment of a nuclear-weapon-free zone in the Middle East, with the accession of Israel to the NPT. Failure to do so would have serious consequences.

69. Ms FEROUKHI (Algeria) said that it was regrettable that the draft resolution had not been adopted by consensus.

70. Her delegation had voted in favour of it because the inclusion of paragraph 2, reading “Calls upon all States in the region to accede to the Non-Proliferation Treaty”, made for a better balance.

71. Her country hoped that Israel would accede to the NPT and place all its nuclear facilities under Agency safeguards.

72. With regard to paragraph 9, the Agency should avoid politicization and continue its efforts aimed at the establishment of a nuclear-weapon-free zone in the Middle East. Her delegation had every confidence that the Director General would successfully implement his mandate in that connection.

73. Mr MENESI (Libyan Arab Jamahiriya) said that his delegation had abstained in the vote because paragraphs 3 and 9 had changed the spirit of the draft resolution proposed by Egypt in document GC(52)/L.1. In particular, paragraph 9 politicized a very important issue. By declaring peace to be a precondition for the establishment of a nuclear-weapon-free zone in the Middle East, the General Conference was sending a signal to one of the States in the region that it could continue to acquire weapons of mass destruction, including nuclear weapons, until peace was achieved. That was contrary to the aims of the Agency.

74. In 2003 his country had voluntarily renounced all weapons of mass destruction, including nuclear weapons, and it would like to see Israel following suit and acceding to the NPT.

75. Mr ENKHS AIKHAN (Mongolia) said that his delegation had voted in favour of the draft resolution because Mongolia attached great importance to the establishment of nuclear-weapon-free zones as a practical regional measure for strengthening the non-proliferation regime and promoting confidence and cooperation.

76. The establishment of such zones was particularly important in regions prone to conflict, and the accession of all States in the Middle East to the NPT, with the application of full-scope Agency safeguards, would represent an important milestone in that region.

77. His delegation hoped that the persistent efforts of the Director General would soon result in the convening of a forum for sharing experiences of existing nuclear-weapon-free zones and thereby creating the political environment required for pursuing the establishment of such a zone in the Middle East. In the meantime, all States in the region should refrain from taking any action that might hinder the attainment of that objective.

78. Mr SCHULTE (United States of America), speaking in explanation of vote, said that great efforts had been made during the Conference's current session to find a consensus approach to the package of Middle East issues. Regrettably, no consensus had been reached, and the United States had abstained in the vote. However, it endorsed the principal aims of the draft resolution just adopted — universal adherence to the NPT and a Middle East free of all weapons of mass destruction, including nuclear weapons, within the context of a stable and comprehensive regional peace. It therefore agreed with the General Conference's calling upon all States in the Middle East to comply with their international obligations and commitments relating to safeguards and to cooperate fully with the Agency.

79. Mr QUEISI (Jordan), speaking in explanation of vote and having recalled that his country had voted against the amendments proposed by Israel the previous day, said that Jordan had voted in favour of the draft resolution given its interest in the establishment of a nuclear-weapon-free-zone in the Middle East. In its view, Israel should accede to the NPT and place all its nuclear facilities under comprehensive Agency safeguards, as envisaged in the draft resolution just adopted.

21. Israeli nuclear capabilities

(GC(52)/1/Add.1, GC(52)/16, GC(52)/17, GC(52)/20, GC(52)/26, GC(52)/L.2 and Add.3)

80. The PRESIDENT said that item 21 had been included in the Conference's agenda pursuant to a request by the Arab States that were members of the Agency. An explanatory memorandum was contained in document GC(52)/1/Add.1. The Conference also had before it documents GC(52)/16, GC(52)/17, GC(52)/20 and GC(52)/26.

81. Mr ZNIBER (Morocco), speaking on behalf of the Member States of the League of Arab States, said that it was unacceptable for any country in one of the most volatile regions of the world to possess nuclear weapons. The Arab countries had adopted a unified position in support of the nuclear non-proliferation regime and had, without exception, acceded to the NPT and embraced the initiative for the establishment of a nuclear-weapon-free zone in the Middle East. Mutual security remained absent in that region, however, owing to the refusal of Israel to accede to the NPT and place all its nuclear facilities under international safeguards. Israel's refusal to join the nuclear non-proliferation regime would only exacerbate tensions in the Middle East and could lead to an arms race.

82. The Arab countries were seeking not simply to highlight a dangerous situation, but also to present practical solutions. A solution could be found only through the adoption of a comprehensive approach that took into account the security of all countries in the Middle East rather than dealing separately with each country, since that suggested selectivity, bias and double standards. As a result of Arab endeavours during the past three decades, resolutions had been adopted within the framework of the United Nations General Assembly and Security Council, the NPT Review Conferences and the Agency calling upon Israel to accede to the NPT and place all its nuclear facilities under comprehensive Agency safeguards. Despite those resolutions, Israel continued to ignore international

calls for it to accede to the NPT — a prerequisite for the establishment of a nuclear-weapon-free zone in the Middle East.

83. Impartial reports had indicated that Israel possessed an enormous nuclear arsenal; the Arab countries and the international community at large could not disregard such a state of affairs. It was incomprehensible that Israel could pursue the development of its nuclear capabilities thanks to the absence of genuine international pressure on it to desist. Moreover, the situation had evolved to the point where all possible means were being used in order to prevent the adoption of any General Conference resolution mentioning Israel, at a time when accusations were being arbitrarily directed at other States.

84. The problem of nuclear proliferation in the Middle East would never be resolved as long as Israel rejected adherence to the relevant treaties, and the international community should call upon Israel to accede immediately to the NPT as a prelude to the establishment of a nuclear-weapon-free zone in the Middle East.

85. He wished to address the reasons put forward by some countries as a pretext for trying to prevent the inclusion of the item now under consideration in the Conference's agenda and all discussion under that item.

86. Firstly, in response to the view that the Agency was a technical body that should not meddle in political issues, he said that the item had been discussed during previous sessions of the General Conference and that several resolutions with language more forceful than that in the draft resolution contained in document GC(52)/L.2 had been adopted. Indeed, the draft resolution now before the Conference was the result of modifications made in response to concerns expressed by some Member States, and the agenda item title "Israeli nuclear capabilities and threat" had become "Israeli nuclear capabilities".

87. Secondly, regarding the view that one resolution on the Middle East would suffice, he said that the resolutions entitled "Application of IAEA safeguards in the Middle East" and "Israeli nuclear capabilities" related to two separate agenda items and differed substantially in content. The first dealt generally with the application of Agency safeguards in the Middle East, without making explicit reference to particular countries, whereas the second focused on Israel as the only country in the region that had refrained from acceding to the NPT and placing all its nuclear facilities under Agency safeguards. There was no procedural impediment to the adoption by the General Conference of two or more resolutions relating to just one region.

88. Thirdly, regarding the view that naming Israel would be tantamount to singling it out and pressurising it, he said that Israel had chosen to single itself out by insisting on remaining the only country in the Middle East that refused to accede to the NPT.

89. Fourthly, regarding the frequently heard call for compromise, he said that the Arab Member States had again demonstrated their interest in preserving the "Spirit of Vienna" when preparing the draft resolution contained in document GC(52)/L.2.

90. He called on the General Conference to give the "Israeli nuclear capabilities" issue the attention it deserved with a view to ridding the Middle East of nuclear weapons and laying the foundations for peace and security in the region and the world at large, and thanked those who had supported the Arab position and the inclusion of the item in the agenda of the Conference — particularly NAM and the Organisation of the Islamic Conference.

91. Ms GOICOCHEA ESTENOZ (Cuba) said that her country attached the utmost importance to the agenda item under consideration as it related to an issue which had grave negative implications for peace and security in the Middle East and the world at large. Through its actions, Israel was violating

the spirit of the Agency's Statute, and Cuba did not accept the view that the issue did not fall within the purview of the Agency.

92. As regards the “Spirit of Vienna”, the past 24 hours had underlined the absence of any such spirit, with delegations being called upon to respect the “Spirit of Vienna” precisely by those delegations which failed to do so themselves. Cuba rejected such hypocrisy.

93. Israel, which was the only country in the Middle East that was not a party to the NPT, and which had not expressed any intention to become one, should accede to that treaty without delay and place all its nuclear facilities under comprehensive Agency safeguards. That would be a significant contribution to the cause of establishing a nuclear-weapon-free zone in the Middle East.

94. In the interests of peace and stability, the transfer to Israel of all nuclear equipment, information, material, facilities, resources and devices should be stopped, along with the provision of scientific and technological assistance of use in the nuclear field. At a NAM ministerial conference held in Tehran in July 2008, ministers had expressed serious concern at the fact that a nuclear-weapon State was continuing to grant Israeli scientists access to its nuclear facilities, as such action could have serious negative implications for security in the Middle East and the viability of the global non-proliferation regime.

95. Real political will was necessary if the Middle East was to become a region of peace. An end must be put to the double standards in nuclear-related matters demonstrated by the Government of the United States and others that accused some States in the region of non-compliance with safeguards obligations while continuing to provide Israel with assistance in the nuclear field. The United States and its allies should adopt a consistent position and call for the controlled destruction, under international supervision, of Israel's nuclear weapons.

96. Ms CALCINARI (Bolivarian Republic of Venezuela) said that her country was concerned at the continuing refusal of Israel to accede to the NPT and place all its nuclear facilities under Agency safeguards despite repeated calls from the international community. Its concern had grown considerably when the Israeli Prime Minister had admitted publicly that Israel possessed nuclear weapons.

97. The world could not remain indifferent to the knowledge that a State that had for decades been disregarding United Nations resolutions and the basic rights of the Palestinian people was conducting an advanced nuclear programme not subject to any Agency safeguards. Nor could the world ignore the fact that a State capable of attacking two of its neighbours, Lebanon and the Syrian Arab Republic, in open violation of the basic principles of international humanitarian law and the United Nations Charter was in possession of nuclear weapons not subject to any international supervision.

98. The existence in the Middle East of a State with an advanced nuclear programme not subject to Agency safeguards was clearly the greatest obstacle to the establishment of a nuclear-weapon-free zone in the region. The refusal of Israel to accede to the NPT was a clear challenge to the international community, and called into question the willingness of its Government to achieve a lasting peace with its neighbours.

99. It was unacceptable that some Member States purporting to be defenders of freedom and justice should refuse to deplore the fact that a State with a history of aggression within its region had a nuclear programme outside international law.

100. Mr FAWZY (Egypt) said that the preservation of international peace and security and the implementation of the principles of non-proliferation and disarmament were closely interrelated goals. The persistence of double standards regarding Israel's nuclear capabilities constituted a serious threat to peace and security in the Middle East. The international silence in the face of that threat and the

willingness to provide political cover for it were undermining the non-proliferation regime and the efforts being made to achieve a comprehensive and just peace in the Middle East. That silence was persisting despite the existence of binding resolutions of the Security Council and resolutions of the General Assembly, the General Conference and the NPT Review Conferences held in 1995 and 2000, all of which supported the creation of a nuclear-weapon-free zone in the Middle East and called upon Israel to renounce the nuclear option, to accede to the NPT, to place all its nuclear facilities under full-scope Agency safeguards and to work with its neighbours for the establishment of a nuclear-weapon-free zone. It was persisting also despite significant indications that Israel, with the public announcement of its possession of military nuclear capabilities, had moved away from a policy of nuclear ambiguity.

101. It was bewildering that Israel had, under the agenda item “Application of IAEA safeguards in the Middle East”, proposed the addition to the draft resolution contained in document GC(52)/L.1 of a paragraph reading “Calls upon all States in the region of the Middle East to comply with their international obligations and commitments relating to safeguards” while itself refusing to comply.

102. Regrettably, neither Israel nor some other countries had appreciated the Arab States’ concession in refraining in previous years from submitting a draft resolution under the agenda item “Israeli nuclear capabilities and threat”. Israel was taking advantage of the cover that some States were continuing to provide, advancing the unacceptable argument that the possession of nuclear weapons guaranteed peace and security.

103. Member States should give balanced consideration to the issue now before the Conference, demonstrating an international commitment to work for the implementation of all the aforementioned resolutions and for the continued credibility of the non-proliferation regime as embodied in the Agency’s comprehensive safeguards system.

104. The international community should send a clear message to Israel under the current agenda item by addressing the serious threat to international peace and security posed by Israel’s nuclear capabilities. That would help to restore the credibility of the international community, and more particularly that of the five nuclear-weapon States when they called for the universality of the nuclear non-proliferation regime.

105. Mr SOLTANIEH (Islamic Republic of Iran), reviewing past events that had a bearing on the item under discussion, said that the Zionist regime of Israel was the only regime to have attacked nuclear facilities, threatening peace and security and also public health. In 1982, a draft resolution had been submitted to the General Conference condemning that inhuman violation of international law. The United States had threatened to leave the Agency if the draft resolution was adopted, which would have caused a major financial crisis. The Islamic Republic of Iran had undertaken to offset the financial deficit. Although the draft resolution had been adopted, the United States had remained a member of the Agency. Later, in 1990, the General Conference had adopted resolution GC (XXXIV)/RES/533, in which it was stated that any attack on or threat of armed attack against nuclear facilities devoted to peaceful purposes, whether under construction or in operation, constituted a violation of the United Nations Charter, international law and the Statute of the Agency and that, in the event of such an attack or threat of attack, the Security Council would have to act immediately.

106. What was regrettable was not only Israel’s continuing violations of the spirit and letter of the Agency’s Statute and numerous General Conference resolutions, but also the double standards and shameful silence of Western countries — particularly the United States — that claimed to be the proponents of the NPT and the Agency’s safeguards and nuclear safety and security regimes. The United States, the United Kingdom and France had continuously cooperated with Israel, violating their obligations under Article I of the NPT by transferring nuclear weapons technology and materials to it.

Such action had led to the announcement by Israel of its possession of nuclear weapons. While the majority of the Agency's Member States had condemned that announcement, the United States and the European Union had failed to do so.

107. His country welcomed the solidarity of NAM vis-à-vis the Zionist regime of Israel. At a NAM ministerial conference held in Tehran in July, ministers had reiterated that the only country in the Middle East that had not acceded to the NPT, or declared its intention to do so, should renounce its possession of nuclear weapons, accede to the NPT without delay, promptly place all its nuclear facilities under Agency full-scope safeguards in accordance with Security Council resolution 487(1981) and conduct all its nuclear-related activities in conformity with the non-proliferation regime. The ministers had called for the prompt implementation of the General Conference's resolutions on the application of Agency safeguards in the Middle East and had expressed great concern regarding Israel's acquisition of nuclear capabilities, which posed a serious continuing threat to the security of neighbouring and other States. In addition, they had condemned Israel for continuing to develop and stockpile nuclear weapons, and also the statement made by the Prime Minister of Israel on 11 December 2006 relating to Israel's possession of such weapons. The ministers had called for the continuing consideration of Israel's nuclear capabilities within the context of the Agency since stability could not be achieved in a region where massive imbalances in military capacity persisted, particularly owing to one State's possession of nuclear weapons. They had also called for a complete prohibition of the transfer to Israel of nuclear-related equipment, information, material, facilities, resources and devices and for termination of the provision to Israel of scientific and technological assistance useful in the nuclear field. They had expressed serious concern about the fact that Israeli scientists were still being granted access to the nuclear facilities of nuclear-weapon States, which could have serious negative implications for security in the Middle East and for the global non-proliferation regime. The ministers had underscored NAM's position of principle regarding the use, or threat of use, of force against the territorial integrity of any State and had condemned the Israeli attack on a Syrian facility carried out on 6 September 2007, while welcoming Syria's cooperation with the Agency in that connection.

108. A lasting peace could not be achieved in the region while the threat of Israel's nuclear capabilities persisted.

109. Mr DENIAU (France) said that the European Union's position in support of universalization of the NPT and the establishment of a zone free of weapons of mass destruction, including nuclear weapons, in the Middle East was well known. That position was reflected in General Conference resolutions adopted between 1993 and 2005. The fact that the Conference had not managed to reach a consensus regarding such resolutions since 2005 did not mean that the desire to achieve those objectives had diminished in any way.

110. The resolution just adopted on the application of Agency safeguards in the Middle East called for the universalization of the NPT in the Middle East. In the European Union's opinion, however, the draft resolution on Israeli nuclear capabilities went far beyond that objective, and consequently the European Union could not support it.

111. For over ten years, the European Union had been cooperating with the Southern Mediterranean States within the framework of the Barcelona Process, one of the objectives of which was to promote the establishment of a zone free of all weapons of mass destruction and means of carrying such weapons in the Middle East. On 13 July 2008, in Paris, the Union for the Mediterranean had been launched with the objective of promoting — inter alia — the establishment of a zone free of weapons of mass destruction in the Mediterranean region. Other initiatives relating to the establishment of a zone free of weapons of mass destruction in the Middle East had included the organization by the European Union Institute for Security Studies earlier in 2008 of an informal forum that had been

attended by representatives of the European Union, the League of Arab States, the Council of the European Union, national nuclear authorities, universities and think tanks.

112. A zone free of all weapons of mass destruction in the Middle East could not be established without dialogue among the parties concerned, confidence-building measures and peace negotiations. All States in the region had to be convinced that the establishment of such a zone would enhance their security, not diminish it. Also, any nuclear-weapon-free zone in the Middle East would have to be verifiable. The Agency would have to be able to verify compliance with safeguards agreements, the non-diversion of declared material to military purposes, and the absence of undeclared nuclear material and activities. Accordingly, all States in the region would have to sign, ratify and implement an additional protocol and cooperate fully with the Agency, and cases of violation of non-proliferation obligations would have to be resolved.

113. The General Conference should strive to achieve consensus and preserve the “Spirit of Vienna”, but the draft resolution on Israeli nuclear capabilities could only divide it. The Agency was, and should remain, a technical body, and the draft resolution dealt with issues that went beyond the purview of the Agency. His delegation hoped that Member States would work together to find and acceptably resolve the issue now before the Conference.

114. Mr HASTOWO (Indonesia) said that the Israeli Prime Minister had, in December 2006, acknowledged that Israel possessed nuclear weapons. Such weapons were a matter of grave concern for the international community, posing a serious threat to the security of the Middle East and beyond. NAM had called for the transfer of nuclear material, information, equipment and facilities and the provision of nuclear-related scientific and technical assistance to Israel to be prohibited. NAM’s call should be respected in order to maintain the status of the NPT.

115. Indonesia was deeply concerned about the present unfeasibility of establishing a nuclear-weapon-free zone in the Middle East due to the non-compliant attitude of Israel in refusing to accede to the NPT and accept Agency safeguards on all its nuclear facilities. A change in that attitude was a prerequisite for the establishment of a nuclear-weapon-free zone, and would contribute greatly to peace and security in the Middle East.

116. Indonesia continued to favour discussion of the issue of Israel’s nuclear capabilities within the framework of the Agency, particularly in the General Conference, and the adoption of a draft resolution on the issue.

117. Mr ELDIN ELAMIN (Sudan) said that his country was greatly concerned about Israel’s nuclear programme, which was not under Agency safeguards and put peace and security in the Middle East at risk, and about the fact that the Israeli Prime Minister had acknowledged the possession by Israel of a nuclear arsenal.

118. The General Conference had not been able to adopt a resolution on Israel’s nuclear capabilities since 1999, although interest in the issue, and in the establishment of a nuclear-weapon-free zone in the Middle East, had grown. Given the security situation in the region, the adoption of a resolution by the General Conference was necessary now more than ever, and Sudan hoped that the General Conference would assume its responsibilities in that respect.

119. The draft resolution submitted in document GC(52)/L.2, which spelled out basic principles agreed on by all Member States, called upon Israel to accede to the NPT and place all its nuclear facilities under comprehensive safeguards — actions already taken by all other States in the Middle East.

120. Over a quarter of a century before, in its resolution 487 (1981), the United Nations Security Council had called upon Israel to accede to the NPT and submit all its nuclear facilities to safeguards,

but Israel had ignored the voice of the international community, and no one had since then been able to force Israel to heed it. Rather, Israel had been helped to remain an exception. Sudan would like to see a just and balanced policy adopted vis-à-vis Israel given the importance of the nuclear issue.

121. In that context, his country greatly appreciated the Agency's efforts in support of peace, stability and security in the Middle East.

122. Mr EL-KHOURY (Lebanon) said that his country welcomed the presence of the present item on the agenda of the General Conference, since the nuclear activities of Israel posed a threat to its neighbours and undermined peace and security in the Middle East.

123. During its history, Lebanon had on numerous occasions been subject to Israeli aggression directed against its people and its infrastructure, with serious negative consequences for his country. Lebanon was still struggling to recover from the act of aggression that had taken place in July 2006.

124. At the end of the previous General Conference session, his delegation had hoped that the year 2008 would give concerned Member States time to re-examine the issue of Israel's nuclear capabilities, with Arab States endeavouring to convince other States to change their position. It remained convinced of the importance of reaching agreement on basic principles relating to that issue, particularly the principle that States were entitled to express their concerns about countries that produced and were in possession of nuclear weapons.

125. In the opinion of Lebanon, which had unconditional respect for the NPT and for the relevant resolutions adopted within the United Nations framework, it was essential that Israel accede to the NPT and give the Agency access to all its nuclear facilities.

126. It appeared that a consensus on the draft resolution in document GC(52)/L.2 would not materialize. Lebanon, which greatly regretted that fact, would like to see Member States in all regions ensuring that no political pressure was brought to bear and no political compromises were made in such an important matter.

127. Mr OTHMAN (Syrian Arab Republic) said that his country was greatly concerned about the fact that the issue of Israel's nuclear capabilities was not receiving the attention it warranted. All Arab States had acceded to the NPT, while Israel remained outside the NPT regime despite the calls made by the international community, particularly in United Nations Security Council resolution 487 (1981). It was surprising that the world's major Powers were not inquiring about the fate of that resolution, particularly as in September 2008 the United Nations General Assembly had again stressed the need for Israel to accede to the NPT and place all its nuclear facilities under Agency safeguards.

128. In all relevant international fora, the international community had been calling for universalization of the NPT, but Israel had been using flimsy pretexts to justify its refusal to accede to the NPT, thereby undermining the efforts being made to establish a nuclear-weapon-free zone in the Middle East. His delegation would like to see the General Conference adopting a resolution in which the finger was pointed at the disregard for international law displayed by Israel thanks to the protection from accountability afforded by the United States of America. However, the draft resolution now before the General Conference was very mild — for example, in order to address the concerns of a number of States, the sponsors had used the title "Israeli nuclear capabilities" instead of "Israel nuclear capabilities and threat".

129. The most important step towards the establishment of a nuclear-weapon-free zone in the Middle East would be for Israel to show full transparency by acceding to the NPT and submitting all its nuclear facilities unconditionally to Agency verification, thereby demonstrating to the international community that it sought a just and comprehensive peace in the region. In his view, the statements made by the representatives of Israel in the General Conference amounted to no more than a

smokescreen. Member States, particularly those which bore a special responsibility under the NPT, should consider the facts of the matter fairly and adopt a balanced policy without double standards.

130. Ms FEROUKHI (Algeria) said that the draft resolution in document GC(52)/L.2 related to matters within the Agency's verification mandate and was in line with international commitments arising out of relevant General Assembly and Security Council resolutions and with decisions of the 1995 and 2000 NPT Review Conferences. The General Conference was a very appropriate forum for discussing the subject of Israeli nuclear capabilities, which was directly relevant to the security of the Middle East.

131. Algeria, which had participated in the launching of the Union for the Mediterranean and believed in its aims, considered the situation in the Middle East to be imbalanced owing to the refusal of Israel to accede to the NPT and submit all its nuclear facilities to Agency verification. With the next NPT Review Conference set to take place in 2010, it was important to work now towards universalizing the NPT by, in particular, persuading Israel to change its policy.

132. The support of Algeria for the draft resolution was based on its commitment to the principles of non-proliferation and to strengthening the role of the Agency with respect to a country which possessed nuclear weapons, as admitted by its own Prime Minister.

133. Mr AL-SAUD (Saudi Arabia) said that his country attached great importance to universalization of the NPT and that Israel was the only State in the Middle East which had not acceded to that treaty. Adoption of the draft resolution by the General Conference, particularly with the support of those Member States which had a special responsibility for ensuring international peace and security, would help greatly in addressing a situation which posed a serious threat to peace, stability and security both in the Middle East and in the world at large.

134. Mr AL-DOBHANY (Yemen) said that Israel's nuclear capabilities were a source of concern for all other countries in the Middle East, particularly since Israel, which had refused to accede to the NPT and submit all its nuclear facilities to Agency safeguards, was continuing to expand its nuclear arsenal without any form of accountability.

135. The least that those other countries could expect was that the subject of Israel's nuclear capabilities be addressed by the General Conference and a draft resolution relating to that subject be considered.

136. The establishment of a nuclear-weapon-free zone in the Middle East presupposed the application of Agency safeguards throughout the region without double standards. That presupposed the accession of Israel to the NPT and the acceptance by Israel of the application of Agency safeguards to all its nuclear facilities.

137. Mr AYOUB (Iraq) said that the situation in the Middle East was imbalanced because Israel had an advanced military nuclear programme and ignored international resolutions calling upon it to accede to the NPT and submit all its nuclear facilities to Agency safeguards. The General Conference was an ideal international forum for consideration of the question of Israel's nuclear capabilities, and Arab States for many years had been working for the adoption of a General Conference resolution on that question.

138. Iraq regretted that a group of States was endeavouring to prevent the adoption of such a resolution, even though the States in question attached great importance to non-proliferation — except in the case of Israel. Such a double standard did not further the cause of regional — or international — peace and security. Those States should act in line with the principles which they advocated and not prevent the draft resolution in document GC(52)/L.2 from being adopted.

139. Mr AL-JASEM (Kuwait) said that all States in the Middle East except Israel had acceded to the NPT and accepted comprehensive Agency safeguards and that the international community should increase its efforts to bring about a peaceful resolution of the Israeli nuclear issue. Success in those efforts would be an important step towards the establishment of a nuclear-weapon-free zone in the Middle East, and adoption of the draft resolution in document GC(52)/L.2 would be an important step towards universalization of the NPT.

140. Mr BEN AYED (Tunisia) said that his country, which was supporting all efforts of the international community to limit nuclear proliferation, would like to see a nuclear-weapon-free zone established in the Middle East with a minimum of delay, as an important confidence-building step.

141. Tunisia, which considered that the goal of a nuclear-weapon-free zone in the Middle East was relevant to the Agency's mandate, hoped that the General Conference would help to ensure that Israel acceded to the NPT and submitted all its nuclear facilities to Agency safeguards.

142. Mr TOUKAN (Jordan) said that the existence of nuclear weapons presented a serious threat to peace and security, particularly in the Middle East. Accordingly, it was important that Israel accede to the NPT. With Israel's accession to the NPT, other States in the region could invest in development and not in an arms race that would only heighten regional tensions.

143. Ms GERVAIS-VIDRICAIRE (Canada) said that her delegation regretted that fact that, at the current General Conference session, the traditional procedure of addressing issues of verification in the Middle East as a package had again been abandoned.

144. Canada had not opposed the holding of a debate under the agenda item "Israeli nuclear capabilities", but now that the sponsors of the draft resolution in document GC (52)/L.2 and other States had had an opportunity to express their views, her delegation wished to move the adjournment of the debate under Rule 59 of the Rules of Procedure, with no action to be taken on the draft resolution, which, in the view of her delegation, was very divisive.

145. Her delegation hoped that Member States would revert to a consensual approach at future sessions of the General Conference, so as to avoid politicizing a forum which should remain a technical one.

146. The PRESIDENT noted that under Rule 59 of the Rules of Procedure two delegates were permitted to speak in favour of and two delegates against a motion before it was put to the vote.

147. Ms GERVAIS-VIDRICAIRE (Canada) requested that a roll-call vote be held on the motion.

148. Ms GOICOHEA ESTENOZ (Cuba), speaking against the motion, said that her delegation rejected the suggestion that the draft resolution represented an effort to politicize the General Conference — a forum in which double standards were frequently applied.

149. Mr DENIAU (France), speaking on behalf of the European Union and in favour of the motion, said that a useful debate had taken place and expressed the hope that, at the next General Conference session, the subject of the debate would be addressed under the item entitled "Application of IAEA safeguards in the Middle East".

150. At its present session, the General Conference had adopted a resolution under that item in which it called upon all States in the Middle East to accede to the NPT, but the draft resolution now under consideration went beyond that and could therefore not be supported by the European Union.

151. The European Union regretted the fact that consensus could not be achieved, despite the efforts of the President, and believed that the General Conference should concentrate on the Agency's essential technical functions and avoid divisive initiatives.

152. Mr MENESI (Libyan Arab Jamahiriya), speaking against the motion, said that Israel continued to possess nuclear weapon capabilities and was disregarding the will of the international community, a matter of great concern which had been raised in many other international forums. To oppose further discussion of the draft resolution in document GC(52)/L.2 was to deny States the right to express their views on proliferation in the Middle East, which was a volatile region in danger of being engulfed by an arms race. To take no action in the matter would be, once more, to apply double standards and would be inconsistent with the aims of the Agency.

153. Mr GALANXHI (Albania), speaking in favour of the motion, endorsed the statement just made by the representative of France on behalf of the European Union.

154. Albania, which considered that a well thought-out solution, free of emotions of the moment, was needed in order to achieve long-term stability and peace in the Middle East, was committed to making its modest contribution to the achievement of that goal. It believed that the General Conference was the right forum for exchanging opinions with a view to solving existing problems, not for nourishing new ones.

155. The PRESIDENT invited the General Conference to proceed to a roll-call vote on the motion to adjourn the debate under Rule 59 of the Rules of Procedure, as requested by the delegate of Canada.

156. Slovakia, having been drawn by lot by the President, was called upon to vote first.

157. The result of the vote was as follows:

In favour: Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Republic of Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America.

Against: Algeria, Argentina, Azerbaijan, Bangladesh, Belarus, Brazil, Chile, China, Cuba, Ecuador, Egypt, Ghana, Indonesia, Islamic Republic of Iran, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mongolia, Morocco, Myanmar, Namibia, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Serbia, Singapore, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, Venezuela, Vietnam, Yemen, Zimbabwe.

Abstaining: Ethiopia, Kazakhstan, Mexico, Russian Federation, Turkey, Uruguay, Zambia.

158. The motion was adopted by 46 votes to 43, with 7 abstentions.

159. Mr SKOKNIC (Chile) said that his country's vote against the motion should be understood as a vote on procedure, not on the substance of the draft resolution in document GC(52)/L.2.

160. Mr KUMAR (India) said that his country, along with the other NAM members, had supported inscription of the item under consideration in the agenda of the General Conference in view of its importance, even though the explanatory memorandum submitted by the countries requesting its inscription had referred to matters extraneous to the Agency. India favoured all efforts aimed at

reviving the traditional consensus on the issue now before the Conference, but, unfortunately, the efforts to that end had so far not met with success.

161. India had voted for the motion because certain aspects of the draft resolution lay well outside the purview of the Agency's Statute.

162. Mr BERDENNIKOV (Russian Federation) said his delegation would have been ready to support the draft resolution had it been put to the vote since, on the whole, it corresponded to Russia's consistent position with regard to promoting universalization of the NPT, the application of comprehensive safeguards and the establishment of a zone free of weapons of mass destruction in the Middle East. At the same time, Russia was in favour of reaching a consensus on the issue now before the Conference and avoiding further politicization of the discussion of it within the Agency. For that reason, his delegation had abstained in the vote on the motion.

163. Mr SERRA (Spain) said that his country remained unequivocally committed to universalization of the NPT and to the establishment of a nuclear-weapon-free zone in the Middle East, as witnessed by its consistent position regarding those issues in the United Nations General Assembly. It was also committed to the application of Agency safeguards to all nuclear facilities in the Middle East and the pursuit of negotiations aimed at establishing a just and lasting peace in the region. The fact that the President's efforts to bring about a consensus had not borne fruit had only strengthened Spain's resolve to vote in favour of the motion.

164. Spain appealed to all interested parties to work towards the achievement in 2009 of a consensus in the General Conference as had been customary up until 2005.

165. Ms FEROUKHI (Algeria), on a point of order, asked for clarification regarding the inclusion of item 21 in the agenda for the next General Conference session.

166. The PRESIDENT, having consulted the legal adviser, said that the present situation was different from the situation at previous General Conference sessions, where a 'package solution' had been adopted; namely, the draft resolution had been withdrawn and there had been a Presidential statement, including a request by several Member States for inclusion of the item in the provisional agenda for the following General Conference session. Now, the debate on the item under discussion had simply been adjourned. Any Member State had the right to propose the item, like any other, for inclusion in the agenda for the 2009 General Conference session.

24. Report on contributions pledged to the Technical Cooperation Fund for 2009

167. The PRESIDENT said that document GC(52)/22/Rev.4 contained details of the pledges and contributions to the Technical Cooperation Fund for 2009 which governments had made to the Director General by 10:30 p.m. on 3 October 2008. By that time, Member States had pledged a total of US \$14 291 828, or 16.91% of the target for 2009. That was 46% higher than the percentage of pledges received by the corresponding time in the preceding year. Since that document had been sent for printing, further Member States had communicated pledges to the Director General: China had pledged \$2 187 050 and Kuwait had pledged \$149 600. That brought the total amount pledged to \$16 628 478/469, or 19.56% of the 2009 Technical Cooperation Fund target.

168. He urged all delegations which had not yet done so to make their 2009 pledges and to pay their contributions in full at the earliest opportunity in order that the Secretariat might submit to the Technical Assistance and Cooperation Committee in November a proposed 2010 technical cooperation programme based on the level of pledges received, and thereafter implement the approved programme without hindrance or uncertainty.

The meeting was suspended at 9:30 p.m. and resumed at 10:15 p.m.

– Oral report by the Chairman of the Committee of the Whole

169. Mr NIEWODNICZAŃSKI, Chairman of the Committee of the Whole, presented the outcome of the Committee's deliberations on agenda items 14, 15 and 18.

170. Under item 14, "Nuclear security — measures to protect against nuclear terrorism", the Committee was unable to recommend to the Conference the draft resolution in document GC(52)/COM.5/L.6/Rev.1, entitled "Nuclear security — measures to protect against nuclear terrorism".

171. Under item 15, "Strengthening of the Agency's technical cooperation activities", the Committee was unable to recommend to the Conference the draft resolution in document GC(52)/COM.5/L.10/Rev.2, entitled "Strengthening of the Agency's technical cooperation activities".

172. During the Committee's consideration of the draft resolution in document GC(52)/COM.5/L.12, entitled "Strengthening of technical assistance to least developed countries in the peaceful applications of nuclear energy", an understanding that the matter would be considered by the Conference at its fifty-third regular session had been reached.

173. Under item 18, "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol", the Committee was unable to recommend to the Conference the draft resolution in document GC(52)/COM.5/L.2/Rev.2, entitled "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol".

174. He was grateful to all members of the Committee of the Whole for the cooperative spirit in which the Committee's deliberations had taken place. He was particularly grateful to the Committee's two Vice-Chairmen, Mr Steinmann, the delegate of Switzerland, and Mr Monawar, the delegate of Afghanistan, and to Mr Kessler, of the delegation of Switzerland, who had conducted consultations on a very important agenda item.

175. Finally, he said that the Committee's deliberations had shown the extent to which the Agency had lately become politicized.

Nuclear security – measures to protect against nuclear terrorism (agenda item 14)

176. Mr DENIAU (France) said that the objective of the draft resolution in document GC(52)/COM.5/L.6/Rev.1 was to provide for a global approach to nuclear security and measures to protect against nuclear terrorism. It reflected the efforts made by the international community since the previous General Conference session to promote the security of nuclear facilities and materials in the face of the major threat to international security represented by nuclear and radiological terrorism. It

highlighted the calibre of the Agency's work with regard to nuclear security and protection against nuclear terrorism and the importance of the forthcoming Nuclear Security Plan for 2010–2013.

177. The draft, elaborated by the European Union and sponsored by 58 Agency Member States, had been the subject of intensive consultations during the past few days, and only two countries had opposed consensus on it. It was for that reason that he requested that the text be considered by the Conference in plenary.

178. Mr FAWZY requested a roll-call vote on the draft resolution.

179. He said that, unfortunately, his delegation, which had received the draft resolution only just before it was introduced, had noted that it included controversial wording on which Egypt had already expressed its views at the previous General Conference session. The draft resolution as currently formulated did not go far enough in dealing with the threats posed by the existence of unsafeguarded nuclear materials and facilities, which undermined the effectiveness of international cooperation in the area of nuclear security and combating nuclear terrorism. It was unfortunate that a balance had not been preserved on an issue of such crucial importance as nuclear security despite the fact that his delegation had submitted constructive proposals for additional language to make the draft text more balanced. The application of a double standard in dealing with the issue and attempts by some countries to impose their views on others rather than seeking consensus had become characteristic of the Agency's work, threatening the efficiency of that work. He had called for a roll-call vote in order to draw attention to the serious nature of the situation, which must be addressed without delay.

180. The PRESIDENT invited the General Conference to vote on the draft resolution contained in document GC(52)/COM.5/L.6/Rev.1.

181. Madagascar, having been drawn by lot by the President, was called upon to vote first. In the absence of a representative of Madagascar, the voting started with Malaysia.

182. The result of the vote was as follows:

In favour: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Montenegro, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Bolivarian Republic of Venezuela, Vietnam, Zambia, Zimbabwe.

Abstaining: Algeria, Egypt, Islamic Republic of Iran, Iraq, Libyan Arab Jamahiriya, Qatar, Sudan, Syrian Arab Republic, Tunisia, Yemen.

183. There were 77 votes in favour and none against, with 10 abstentions. The draft resolution was adopted.

Strengthening of the Agency's technical cooperation activities (agenda item 15)

184. Mr SHAHBAZ (Pakistan), speaking on behalf the Group of 77 and China, said, with reference to the draft resolution contained in document GC(52)/COM.5/L.10/Rev.2, that technical cooperation contributed to the well-being of peoples, especially in developing countries, and gave them a sense of ownership of development activities.

185. Unfortunately, it had not been possible to reach agreement on the draft resolution in the Committee of the Whole, but he still felt that it provided a good basis for a consensus on an important statutory function of the Agency.

186. Mr SCHULTE (United States of America), Ms GERVAIS-VIDRICAIRE (Canada) and Mr SMITH (United Kingdom) said that they would join a consensus on the draft resolution.

187. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(52)/COM.5/L.10/Rev.2 without a vote.

188. It was so decided.

Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (agenda item 18)

189. Mr BOECK (Austria) said that the draft resolution contained in document GC(52)/COM.5/L.2/Rev.2, originally submitted by the Member States of the Agency belonging to the European Union, reflected efforts since the previous General Conference session to promote the implementation of safeguards and encourage Member States to fulfil their safeguards obligations. It was the product of many hours of informal negotiations and represented, in his opinion, the best possible compromise.

190. Unfortunately, the Committee of the Whole had been unable to reach a consensus on it, but he hoped that the General Conference would adopt it by consensus now.

191. Mr KUMAR (India) said that his delegation would like to join a consensus on the draft resolution. In order to join a consensus, however, it would require a minor amendment to paragraph 3 — namely, the addition of the word “concerned”, so that the paragraph would read “... urges all concerned States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible”. The present version of the paragraph implied that every State had concluded a comprehensive safeguards agreement which it could bring into force if it wished, which was not the case. The amendment would remove the incorrect implication, and his delegation hoped that it would receive the support of all Member States present.

192. If the amendment was not accepted, his delegation would request a roll-call vote on paragraph 3.

193. Mr SHAHBAZ (Pakistan) expressed support for the amendment proposed by the representative of India.

194. Mr FAWZY (Egypt), having requested a roll-call vote on the draft resolution as a whole, said that during the informal negotiations his delegation had proposed amendments relating to the need to implement safeguards agreements in a fair and balanced manner and to the role of a nuclear-free-weapon zone in the Middle East in supporting the safeguards regime. However, its proposals had not been accepted or even properly discussed.

195. The countries that supported the draft resolution were seeking to extend verification beyond the limits laid down in the Agency's Statute and establish the Model Additional Protocol as the main basis for verification of a country's nuclear activities. However, the draft did not address current cases of nuclear proliferation, did not propose practical measures to deal with countries that were not willing to make a clear safeguards commitment and did not emphasize the need to promote nuclear disarmament, which was the ultimate aim of the NPT. His country and other Arab countries could not accept attempts to strengthen a safeguards regime that was not being applied to countries not party to the NPT without any safeguards agreement in force.

196. His country respected its safeguards commitments and was collaborating with the Agency in promoting international peace and security. However, the fact that Israel was still outside the safeguards regime was a threat to the national security of Egypt and other countries and created an imbalance that was the real source of all the verification problems encountered by the safeguards regime. That regime could not be strengthened merely by increasing the commitments required of States which were already committed to safeguards: the only solution was to resolve the imbalance between States which were not committed and those which were.

197. His delegation would abstain in the vote on the draft resolution.

The meeting was suspended at 11 p.m. and resumed at 11.05 p.m.

198. The PRESIDENT asked whether delegations were prepared to accept the amendment to paragraph 3 proposed by the representative of India.

199. Mr FAWZY (Egypt) said that his delegation could not accept the proposed amendment, which it did not consider to be a minor one.

200. Mr KUMAR (India) said that the purpose of the proposed amendment was merely to rectify an incorrect statement of fact.

201. Mr MOHAMAD (Malaysia), Mr SOLTANIEH (Islamic Republic of Iran), Mr TOUKAN (Jordan), Mr ZNIBER (Morocco) and Ms FEROUKHI (Algeria) said that they could not accept the amendment proposed by the representative of India.

202. Mr KUMAR (India) asked for a vote on the proposed amendment to paragraph 3.

203. Mr SOLTANIEH (Islamic Republic of Iran) asked for a roll-call vote.

204. Armenia, having been drawn by lot by the President, was called upon to vote first.

205. The result of the vote was as follows:

In favour: India, Pakistan.

Against: Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Brazil, Canada, Chile, Cuba, Czech Republic, Ecuador, Egypt, Estonia, Finland, Germany, Ghana, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Italy, Japan, Jordan, Republic of Korea, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Portugal, Qatar, Romania, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Bolivarian Republic of Venezuela, Vietnam, Yemen.

Abstaining: Armenia, Belarus, Belgium, Bulgaria, China, Croatia, Cyprus, Denmark, France, Georgia, Greece, Israel, Kazakhstan, Latvia, Luxembourg, Montenegro, Poland, Republic of Moldova, Russian Federation, Serbia, The Former Yugoslav Republic of Macedonia, United States of America, Zambia.

206. There were 2 votes in favour and 65 against, with 23 abstentions. The amendment to paragraph 3 was rejected.

207. Mr KUMAR (India) requested a roll-call vote on paragraph 3 of the draft resolution

208. Mr RAUTENBACH (Director, Office of Legal Affairs), following a request for clarification from Mr MOHAMAD (Malaysia), said that, if any delegations objected to the request for a separate vote on paragraph 3, it would be necessary to take a vote on the request for division of the proposal in accordance with Rule 75 of the Rules of Procedure.

209. Mr MOHAMAD (Malaysia), supported by Mr SOLTANIEH (Islamic Republic of Iran) and Mr OTHMAN (Syrian Arab Republic), requested a vote on India's motion for a separate vote on paragraph 3.

The meeting was suspended at 11.35 p.m. and resumed at 11.40 p.m.

210. The PRESIDENT, recalling the request made by the delegate of Malaysia for a vote on India's motion for a separate vote on paragraph 3 of the draft resolution in document GC(52)/COM.5/L.2/Rev.2, put that motion to a vote by show of hands.

211. There were 50 votes in favour of holding a separate vote on paragraph 3 and 33 against, with 6 abstentions.

212. The PRESIDENT then put paragraph 3 of the draft resolution to a separate vote by show of hands.

213. There were 86 votes in favour of paragraph 3 and 2 against, with 2 abstentions. The paragraph was adopted.

214. Mr SHAHBAZ (Pakistan), speaking in explanation of vote, said that Pakistan supported all activities of the Agency in every area of Agency responsibility, in accordance with the provisions of the Statute. Its support for the Agency's safeguards manifested itself in the fulfilment of all its safeguard obligations and in its cooperation with the Agency in that regard. The commitment of Pakistan to the Agency's safeguards was anchored in its firm belief that the role of those safeguards was to facilitate cooperation in the peaceful utilization of nuclear energy without discrimination based on political or strategic considerations.

215. His delegation had been constrained to vote against operative paragraph 3 and in favour of the amendment thereto proposed by the delegation of India. It had voted in that way owing to the failure of the sponsors of the draft resolution to make paragraph 3 consistent with the letter and spirit of the Statute, which took into account the differentiated nature of the safeguards obligations of Member States and did not prescribe a particular safeguards model as the only standard for Agency verification. In calling for universalization of a particular safeguards model, adherence to which was not a legal obligation of all Member States, the draft resolution directly contradicted the practice and actions of the Board of Governors, which had recently approved a new safeguards model suited to the specifics of a bilateral nuclear cooperation agreement.

216. His delegation's vote was a reflection of Pakistan's commitment to upholding the Agency's Statute in every respect. Pakistan would continue to support the Agency's verification activities in a manner consistent with the framework provided for in the Statute.

217. Mr SCHULTE (United States of America), speaking in explanation of vote, said that his delegation had abstained because the proposed amendment to paragraph 3 was ambiguous, and there had been insufficient time to seek instructions. The policy of the United States of America regarding the matter in question remained unchanged.

218. Mr KUMAR (India), speaking in explanation of vote, said that, as a founding member of the Agency, India had consistently supported all its activities falling within the framework of the Statute. It attached great importance to the Agency's safeguards activities in particular and had contributed to improving the effectiveness and efficiency of the safeguards system — inter alia through participation in the recent past in the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute.

219. India would accordingly have much preferred that the draft resolution in document GC(52)/COM.5/L.2/Rev.2 be adopted by consensus, and in the Committee of the Whole his delegation had striven hard to make that possible. He regretted that his delegation's concerns had not been accommodated. Until 2000, resolutions on safeguards issues had been adopted by consensus. In 2001, however, there had been added an operative paragraph urging all States to bring into force comprehensive safeguards agreements, the specifics of different States and the voluntary nature of safeguards agreements being overlooked. The consensus had thus been broken.

220. It was well known that safeguards agreements, whether comprehensive or not, stemmed from a State's sovereign decision. Paragraph 3 of the draft resolution under consideration did not reflect that basic feature of safeguards. His delegation had therefore had no option but to vote against paragraph 3.

221. Mr MOHAMAD (Malaysia), speaking in explanation of vote, said that his delegation had voted against the holding of a separate vote on paragraph 3 on procedural grounds. Had an amendment to paragraph 3 not been proposed, it would have agreed that a separate vote be taken.

222. The PRESIDENT, recalling the request for a roll-call vote made by the delegate of Egypt, put the draft resolution contained in document GC(52)/COM.5/L.2/Rev.2 to the vote.

223. The Republic of Moldova, having been drawn by lot by the President, was called upon to vote first.

224. The result of the vote was as follows:

In favour: Albania, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Montenegro, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Bolivarian Republic of Venezuela, Vietnam, Zambia.

Abstaining: Algeria, Egypt, India, Islamic Republic of Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen, Zambia.

225. There were 71 votes in favour and none against, with 19 abstentions. The draft resolution was adopted.

226. Mr SOLTANIEH (Islamic Republic of Iran), speaking in explanation of vote, said that the draft resolution had totally ignored serious security concerns regarding sensitive nuclear materials not subject to safeguards in non-parties to the NPT and in the nuclear-weapon States.

227. Also, serious concerns with regard to the non-mentioning of nuclear disarmament in the draft resolution had been expressed by his delegation during the informal negotiations on the draft resolution. They had been shared by many like-minded delegations but unfortunately not reflected in the draft resolution. Discriminating between States by categorizing them as non-nuclear-weapon States parties to the NPT, non-parties to the NPT and nuclear-weapon States hampered efforts to strengthen the safeguards system.

228. In addition, his delegation had expressed serious concerns about safeguards implementation going beyond legal obligations, but those concerns had also not been reflected in the draft resolution.

229. His delegation had had similar concerns about the draft resolution on nuclear security (contained in document GC(52)/COM.5/L.6/Rev.1) and, in the informal discussions on it, had expressed its dissatisfaction with provisions in the text that went beyond the Agency's statutory mandate and also with the failure of the text to cover all nuclear facilities and materials not subject to Agency safeguards, since such facilities and materials were highly sensitive from the standpoint not only of nuclear safety but also of nuclear security.

230. Mr SHAHBAZ (Pakistan), speaking in explanation of vote, recalled that in 2007 his country had voted in favour of adoption of the corresponding resolution (GC(51)/1/RES/15) notwithstanding its objection to one of the operative paragraphs. In doing so, it had hoped that in 2008 the sponsors of the draft resolution on the safeguards system would endeavour to produce a text that addressed the concerns of all Member States. Regrettably, the text just voted on once again failed to reflect the common interests of the Agency's membership, and that was a symptom of an unhealthy trend that needed to be reversed.

231. Pakistan would like to see all Member States, and particularly the traditional sponsors of the draft resolutions on the safeguards system, displaying in future consultations the flexibility and openness necessary for the production of a consensus text. Achieving consensus should not be difficult. It required only the recognition by all Member States of the differentiated nature of States' safeguards obligations, as provided for in the Agency's Statute.

232. Ms FEROUKHI (Algeria), speaking in explanation of vote, said that her delegation had abstained because of the manner in which the draft resolution on Israeli nuclear capabilities, submitted by the Arab Group, had been handled.

233. Preventing the General Conference from taking action on that draft resolution ran counter to the General Conference's democratic traditions.

234. As a party to the NPT and related instruments, Algeria, which had provided the Chairperson of the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute, remained deeply committed to the safeguards system of the Agency. In its view, however, the system

should be applied without discrimination, particularly in the Middle East, where there was a country with significant nuclear activities that was not a party to the NPT.

235. Mr AL-SAUD (Saudi Arabia), speaking in explanation of vote, said that in the implementation of safeguards no exceptions should be made — the same standards should be applied to all States. It was essential that efforts to universalize the NPT and application of the Agency's safeguards system continue.

236. Mr NSEMUKILA (Zambia) said that he had abstained from voting because he had not received instructions from his Government.

– Closing of the session

237. The PRESIDENT said that the current session of the General Conference had been well attended by high-level representatives of Member States, including 32 ministers. During the general debate, 113 speakers had taken the floor.

238. Mr EL-KHOURY (Lebanon) expressed appreciation for the efforts of the President during the current session of the General Conference. The President had shown objectivity and neutrality in his focus on reaching consensus decisions on all issues before the Conference, and his efforts had contributed greatly to the success of its work. The Conference had demonstrated its awareness of the fact that the Agency was a precious gift, to be cherished and allowed to move forward in fulfilment of its important objectives. All Member States should cooperate in the spirit that had characterized the Conference's work in the interests of the fulfilment of those objectives.

239. The PRESIDENT said that he was grateful for the kind words addressed to him on behalf of the Conference. It had been an honour and privilege for him and his country that he had been elected to serve as President of the General Conference at its fifty-second session.

240. He thanked all delegates for their cooperation, which had allowed the problems encountered during the conduct of business to be dealt with.

241. On behalf of the Conference, he thanked the Austrian authorities and the City of Vienna for their hospitality during the past week. He also thanked the Director General and his staff for their valuable support.

242. Finally, in accordance with Rule 48 of the Rules of Procedure of the General Conference, and in commemoration of the International Day of Peace celebrated earlier that week, he invited the Conference to observe one minute of silence dedicated to prayer or meditation.

All present rose and stood in silence for one minute.

243. The PRESIDENT declared the fifty-second regular session of the General Conference closed.

The meeting rose at 12.30 a.m.