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RECORD OF THE TWO HUNDRED AND FORTY-FIFTH PLENARY MEETING

Held at the Neue Hofburg, Vienna,
on Friday, 24 September 1982, at 10.35 a.m.

President: Mr. SIAZON (Philippines)

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*/ A provisional version of this document was issued on 4 October 1982.

**/ GC(XXVI)/674.

The composition of delegations attending the session is given in document GC(XXVI)/INF/208/Rev.4.

CONSIDERATION OF THE SUSPENSION OF ISRAEL FROM THE EXERCISE OF THE PRIVILEGES AND RIGHTS OF MEMBERSHIP IF, BY THE TIME OF THE GENERAL CONFERENCE'S TWENTY-SIXTH REGULAR SESSION, IT HAS NOT COMPLIED WITH THE PROVISIONS OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 487 OF 19 JUNE 1981 (GC(XXVI)/675 and Add.1 and 2)

1. The PRESIDENT pointed out that delegates had before them the draft resolution contained in document GC(XXVI)/675. He wished to announce that Jordan, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Morocco and Nicaragua were additional co-sponsors of the draft resolution.

2. Mr. GHEZAL (Tunisia) recalled that on 12 June 1981 the Board of Governors had considered the question of the military attack by Israel on the Iraqi research reactor and had adopted a resolution declaring that the attack represented an act of aggression against the Agency's safeguards system which could have extremely serious consequences. The Board had recommended that the General Conference consider the possible suspension of Israel from the privileges and rights of membership.

3. At its twenty-fifth regular session, the General Conference had adopted resolution GC(XXV)/RES/381, stating inter alia that the Israeli action constituted an attack against the Agency and its safeguards regime. The General Conference had decided to suspend the provision of technical assistance to Israel and had resolved to reconsider the question of its suspension from membership of the Agency at the twenty-sixth regular session if by that time Israel had not complied with the provisions of United Nations Security Council resolution 487. The Israeli refusal to comply with that resolution was clearly contrary to the principles of the United Nations Charter and a violation of the conditions for the admission of States to membership of the Agency.

4. Article IV.B of the Statute stated that "In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations". Article XIX.B allowed for the suspension of a Member which had "persistently violated the provisions of this Statute or any agreement entered into by it pursuant to this Statute".

5. The General Conference ought to be able to take a decision on the question before it. To defend its credibility, the Agency must decide to suspend Israel from the exercise of the privileges and rights of membership for its persistent violation of the Statute and the purposes and principles of the Charter of the United Nations. It should also condemn Israel for maintaining its threats to repeat its attacks in the future and should call upon all Member States to initiate action for the adoption of a convention to prohibit armed attacks against nuclear facilities used for peaceful purposes. All Member States should further be urged to release all information in their possession concerning the Israeli nuclear arms programme.

6. The Board of Governors, the General Conference and the international community had judged the Israeli attack to be an unprecedented form of aggression against peace and security in the Middle East and an assault on the very raison d'être of the Agency.

7. The sponsors of the draft resolution hoped that it would receive the support of Member States so that they could show the world that they were determined to preserve the Agency and guarantee its future.

8. Mr. DAVIS (United States of America) noted that the General Conference was being asked for the second time to consider the suspension of Israel from the privileges and rights of membership. His Government had consistently opposed proposals to expel or suspend Israel illegally in the past, and continued to do so. The substantive and procedural grounds for suspension required under the Statute were clearly not present. Continued consideration of the subject was disruptive of the Agency and detracted from the time and attention Member States could give to important issues under the Agency's mandate.

9. The Statute contained no provision for expulsion. Article XIX.B set out the grounds for suspension, namely when a Member "... has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute ...". The Israeli military raid had been condemned in

Security Council resolution 487, for which the United States Government had voted. However, that attack did not violate any specific Article of the Statute or any agreement entered into pursuant to the Statute. Nor could a one-time action qualify as "persistent".

10. The Agency's Statute gave no mandate to attempt to enforce resolutions of the Security Council or other United Nations organizations. The Agency's relationship agreement with the United Nations made it clear that the Agency was bound by the Statute alone. Furthermore, Security Council resolution 487 contained no recommendation for sanctions for whatever reason.

11. Although the United States Government favoured the universal acceptance of full-scope safeguards, such acceptance was not a condition of Agency membership and its absence did not constitute grounds for suspension. Indeed, the Security Council resolution had recognized that it was in the interest of all to encourage Israel's maximum participation in Agency safeguards. Because the Security Council had not imposed sanctions, suspension by the Agency would run counter to the considered judgement of the United Nations organ specifically charged with responsibility for the maintenance of international peace and security.

12. Article XIX.B of the Agency's Statute also provided that suspension by the General Conference was "... upon recommendation by the Board of Governors". There had been no such recommendation. Nor were there grounds for the suspension of technical assistance - one of the rights of membership.

13. Although the Statute specifically set out the grounds for suspension - in Article XIX.B - the draft resolution before the General Conference ignored that and was based on Article IV.B, which related to the consideration of new Members. It attempted to link together a series of political issues which were outside the mandate of the Agency. The United States Government, like many others, placed great importance on the principle of universality, which underpinned the integrity of the entire United Nations system. If the United Nations was to be able to influence the resolution of conflicts peacefully, it made no sense to exclude States party to such disputes. That was why, after 30 years marked by military action in virtually every region of the globe, no Member State had ever been suspended.

14. Specifically, it was in no one's interest to banish Israel from the one international organization designed to promote the peaceful uses of nuclear energy and the broad extension of international safeguards. Furthermore, to embroil the Agency in the problems of recurrent violence in the Middle East could only lead it away from its responsibilities under the Statute, immobilizing it and rendering it ineffective. As he had made clear the previous year, the suspension of Israel from any United Nations body would jeopardize continued United States support for that body and would have grave consequences for its continued participation in it. The illegal suspension of Members would be the dangerous first step toward the unravelling of the whole United Nations system.

15. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the Israeli attack on the Iraqi nuclear research centre had been severely condemned by the Board of Governors and the Security Council. The General Conference in 1981 had resolved to reconsider the question at its current session if Israel had not by then complied with Security Council resolution 487. Israel had clearly shown it would not heed that resolution and that it had no respect for the United Nations Charter or the Agency's Statute.

16. The Soviet Union fully shared the position of those countries which had condemned the aggressive policy of Israel. The matter before the General Conference had to be considered in relation to the existing situation in the Middle East. Under those conditions, the Conference was fully justified in raising the question of Israel's suspension, since its actions had been in contravention of the Statute. The Agency could not stand aside when one Member State attacked the peaceful nuclear installations of another and thus threatened the future use of nuclear energy in the whole region.

17. The Soviet delegation therefore supported the draft resolution contained in document GC(XXVI)/675.

18. Mr. AMROLLAHI (Islamic Republic of Iran) said that his delegation was not surprised by the United States support of Israel as it still remembered the destruction of Hiroshima. He would not only call for the suspension of Israel but request its expulsion.

19. Mr. MAPARA (Zambia) recalled the background to the draft resolution before the General Conference. It was clear that Israel had not complied with

the requirements of Security Council resolution 487. The world had been horrified at the recent massacres in Beirut, which had occurred at a time when Israel had taken it upon itself to act as the custodian of law and order in that city. The time was opportune for the General Conference to take punitive action so as to make Israel realize the folly of its actions.

20. Mr. SINGH (India) said that his country supported the draft resolution. The facts were that Israel had launched an unprovoked attack against a fellow Member State's nuclear facility and that the Board had in June 1981 recommended that the General Conference should consider the implications of that attack for the Agency, which included the possibility of suspension of Israel from the exercise of the privileges and rights of membership. The Security Council had condemned the Israeli attack as a clear violation of the Charter of the United Nations and of all the norms of international conduct. At its 237th plenary meeting, the General Conference had recognized that Israel's military attack on the Iraqi research reactor constituted an attack on the Agency and its safeguards system and had decided to consider the suspension of Israel at its 26th regular session if certain conditions had not been fulfilled by then. The only question the General Conference was called upon to consider, therefore, was whether or not Israel had fulfilled those conditions by complying with the provisions of United Nations Security Council resolution 487 of 19 June 1981. If it had, the draft resolution now before the Conference should be withdrawn. On the other hand, if no delegation felt it could truthfully state that Israel had complied with those provisions, the General Conference must regretfully agree to suspend Israel from exercising the privileges and rights of membership.

21. Mr. ERNEMANN (Belgium) said that, although his country had always defended Israel's right of existence and independence, it could not but condemn the military attack on the Iraqi nuclear research centre as an act of international piracy and aggression and as a serious blow against the Agency and its safeguards system. Since the General Conference's decision to allow Israel one year in which to comply with the provisions of Security Council resolution 487, Israel had shown no sign of wishing to comply with those provisions; indeed, it had indicated that it would take military action again if attempts were made to reconstruct the Iraqi facility. Recent events in Lebanon further showed that Israel was not willing to abandon its policy of violence and war.

22. However, his country believed in the principle of universality for the organizations in the United Nations family. The expulsion of one Member State would set a precedent which could easily lead to the expulsion of others on various pretexts. Moreover, as the United States delegate had pointed out, Article XIX.B of the Statute called for suspension only in cases of persistent violation of the provisions of the Statute, and acceptance of NPT or of safeguards did not constitute a requirement for membership of the Agency. Belgium therefore felt that it would be wise not to suspend Israel from membership, but to continue efforts to persuade Israel eventually to accept safeguards on all its installations.

23. Mr. SCHACK LARSEN (Denmark), speaking on behalf of the Member States of the European Community, said that those States had strongly condemned Israel for its premeditated and unjustified attack on the Iraqi nuclear centre, but nevertheless opposed the suspension of Israel from membership because of the fundamental importance of the principle of universality, without which the organizations of the United Nations family could not operate effectively.

24. Mr. GHAZALI bin Hj. Abd. RAHMAN (Malaysia) said that Israel's unwarranted and unprovoked attack on the Iraqi nuclear research centre, a facility under Agency safeguards, was a flagrant violation of international law and norms and a serious blow against the Agency's safeguards regime, which was internationally accepted as the foundation of NPT. Israel had not heeded the General Conference's request that it should comply with Security Council resolution 487, and the General Conference was therefore under a moral obligation to see that its decisions were respected by taking strong action against the party concerned.

25. Mr. LALOVIC (Yugoslavia) said that the inadmissible behaviour of Israel in its international relations had been the subject of detailed discussions both in the United Nations and in the Agency. Several resolutions had been adopted which clearly stated what action should be taken in order to prevent such acts from being repeated in the future. Unfortunately, those resolutions had not been implemented, and further violation of the norms of international behaviour had occurred in the meantime. Recent tragic events showed clearly that the country concerned was unwilling to assume

responsibility for its acts and had no regard for the international community and its standards of behaviour. Failure of the international community to ensure implementation of its resolutions and to restore confidence in the Agency's safeguards and in mutual relations between Member States might have serious consequences. If any provisions of the Agency's Statute were ignored, the Agency's position and authority as the leading international organization in the field of nuclear energy would be weakened, and that would be damaging to the principle of universality. Yugoslavia therefore supported the draft resolution calling for the suspension of Israel from membership, which was fully consistent with the letter and spirit of Article XIX of the Statute.

26. Mr. EILAM (Israel) said that the draft resolution before the Conference to suspend Israel's rights and privileges was politically motivated, illegal and discriminatory. It concerned a political matter beyond the scope of the Agency's mandate and was therefore incompatible with Articles II and III of the Statute.

27. The consideration of suspension of Israel from the exercise of its privileges and rights of membership on the proposed grounds had no legal foundation in the Statute and was inconsistent with Articles IV.C and XIX.B of the Statute as well as with the Agency's relationship agreement with the United Nations. To invoke Security Council resolution 487 or any other United Nations resolution as grounds for considering the suspension of Israel's rights and privileges of membership was both artificial and illegal. If such political requirements for membership existed, many States represented at the Conference, in particular Iraq, would be in violation of the Statute and therefore subject to suspension.

28. The consequences of action by the General Conference against Israel would be grave. Disregard for the legal foundations of the Agency would deprive it of its ability to achieve its objectives and to perform its functions credibly in accordance with the Statute. There could be no greater damage to the international non-proliferation regime than a politicized International Atomic Energy Agency.

29. In the Middle East, further harm would be done to the tenuous progress towards the establishment of a nuclear-weapon-free zone in that region. The Government of Israel had in recent years taken a number of initiatives towards the establishment of a nuclear-weapon-free zone in the Middle East, to be negotiated and patterned after the Tlatelolco Treaty. Those initiatives by themselves constituted an expression of Israel's support for the establishment of an effective non-proliferation regime in the Middle East.

30. Israel strongly believed that the Agency should be allowed to maintain the unique position it had assumed within the family of international organizations. Iraq and its supporters should not be allowed to destroy the organization and what it stood for. Israel therefore requested other delegations to oppose the draft resolution under consideration so that wisdom and responsibility might prevail.

31. Mr. AL-ZAHAWI (Iraq) said that Article III.B of the Statute called upon the Agency to conduct its activities in accordance with the purposes, principles and policies of the United Nations. It was therefore nonsense to assert that the Agency was being politicized, or acting illegally, if it considered the Israeli military attack in the light of the purposes and principles of the Charter of the United Nations.

32. It was also wrong to claim that Israel was to be suspended from membership because it had failed to accept full-scope safeguards, since the real reason was its act of aggression against the Agency and its safeguards system and against the peaceful use of nuclear energy by another country.

33. The delegate of Israel had gone so far as to invoke the principle of sovereign equality of all the Agency's Members, embodied in Article IV.C of the Statute. Surely there had never been a greater violation of that principle than Israel's decision to take the law into its own hands and destroy a research reactor operated for peaceful purposes by another Member of the Agency.

34. The argument that Israel should not be suspended for the sake of the principle of universality was fallacious. The principle of universality was nowhere mentioned in the Statute. On the other hand, to argue on the basis of that principle that no Member should ever be suspended constituted an illegal alteration of the Statute, since it rendered inoperative Article XIX.B, which contained clear provisions for such suspension in certain cases. Moreover, the principle of universality had never been considered as being worth upholding at any cost, even if it meant retaining in the Agency a Member bent upon destroying the Agency and all it stood for. It was therefore illogical of the United States of America to threaten to withdraw from the Agency, and thereby wreck it, in order to protect a Member that clearly desired its destruction.

35. Those who had spoken against the draft resolution appeared to be unaware of the feelings of revulsion in their own countries and in Israel itself at the terrorist régime of Begin, since they were pursuing a policy of appeasement towards that régime which would lead to results more disastrous than those of Munich 1938, now that Israel had access to weapons of mass destruction and seemed to know no limits to its desire for expansion.

36. Israel had been allowed a full year in which to show some sign of repentance; instead, it had invaded Lebanon and committed crimes far worse even than the attack on the Iraqi nuclear research centre. People the world over were waiting with impatience to see how the Agency would treat the Israeli aggressor. The delegation of Iraq therefore requested the General Conference to proceed to a roll-call vote on the draft resolution presented in document GC(XXVI)/675.

37. The PRESIDENT said that he would now ask the Conference to vote on the draft resolution contained in document GC(XXVI)/675.

38. At the request of Mr. Al-Zahawi (Iraq), a roll-call vote was taken.

39. The Philippines, having been drawn by lot by the President, was called upon to vote first.

40. The result of the vote was as follows:

In favour: Albania, Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Cyprus, Czechoslovakia, Democratic Republic of Korea, German Democratic Republic, Ghana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mongolia, Morocco, Nicaragua, Niger, Nigeria, Pakistan, Poland, Qatar, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia.

Against: Australia, Belgium, Canada, Chile, Colombia, Denmark, Finland, France, Federal Republic of Germany, Guatemala, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Panama, Portugal, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Austria, Brazil, Ecuador, Egypt, Greece, Ivory Coast, Kenya, Mexico, Paraguay, Peru, Philippines, Spain, Sri Lanka, Thailand, Venezuela.

41. There were 43 votes in favour and 27 against, with 16 abstentions. The required two-thirds majority being 47, the draft resolution was rejected.

42. Mr. TAYLHARDAT (Venezuela) pointed out that his country had categorically condemned the Israeli attack on the Iraqi reactor, severely censured Israel's aggression against other countries in the Middle East and expressed its indignation at the recent massacre in Beirut. However, it had abstained from voting on the draft resolution for a number of reasons. First, the United Nations General Assembly and the Security Council were the only two bodies which were competent to impose sanctions on a State for violation of the United Nations Charter. Second, under Article XIX.B suspension could be imposed only if violations of the Statute were persistent; furthermore, suspension under that Article could not be resorted to as a political sanction. Third, for those reasons, the operative paragraphs of the draft resolution calling for suspension went beyond the Agency's competence. Furthermore, the

proposed measure would not serve the purpose for which it was intended, for a country which had hitherto behaved in an anti-social manner would then have even more complete freedom to act as it pleased without being accountable to anyone.

43. Operative paragraphs 4 and 5 were outside the scope of the Agency's functions. Lastly, although no provision of the Statute expressly called for universality in membership, such a principle was inherent in any international organization. Suspension of a Member State would jeopardize that principle.

44. Mr. do NASCIMENTO e SILVA (Brazil), Mr. GALVEZ VILLARROEL (Peru), Mr. MUSSI (Austria) and Mr. PIÑEIRO RIVERA (Ecuador) said that they had abstained from voting for the reasons mentioned by the delegate of Venezuela. Their abstention did not imply that they condoned the Israeli attack on the Iraqi reactor or the recent events in Lebanon.

45. Mr. PECCI (Paraguay), indicating his agreement with the views expressed, stressed the principle of non-intervention in the internal affairs of a Member State. The Agency's functions were scientific and technical, relating as they did to the application of safeguards and promotion of the peaceful uses of atomic energy.

46. Mr. BELTRAMINO (Argentina) added that persuasion could be more effective than suspension. Moreover, the draft resolution should have condemned Israel for its attack on the Iraqi reactor without mentioning safeguards, which were a matter for voluntary agreement between a State and the Agency. He strongly agreed, however, about the need for an international convention on the protection of nuclear facilities.

47. Mr. BRADY ROCHE (Chile), Mr. LEVRERO PUIG (Uruguay), Mr. KORHONEN (Finland), Mr. COPITHORNE (Canada), Mr. OTALORA (Colombia), Mr. KOREF (Panama) and Mr. ZANGGER (Switzerland) explained that their countries could not approve the draft resolution for essentially the same reasons as those put forth by the States which had abstained from voting. They strongly deplored the Israeli attack on the Iraqi nuclear research centre and its action in Lebanon.

48. Mr. MALM (Sweden), associating himself with the views already expressed, called upon Member States to make a serious effort to draft an international convention on the protection of nuclear facilities which could gain wide acceptance.

49. Mr. HAMAMOTO (Japan) stated that his delegation had voted against the draft resolution for the following reasons: first, it considered that the principle of the universality of the Agency should be protected, especially given the Agency's technical character; and secondly, legally speaking his delegation had doubts as to whether suspension of the exercise of the privileges and rights of membership under the Statute - especially pursuant to Article XIX.B - applied in the present case.

50. At the same time, his delegation's vote did not imply any weakening of the sense of outrage his country felt about the Israeli attack, and Japan's strong condemnation of it still held.

51. His Government considered that an international convention should be concluded to prohibit armed attacks against nuclear facilities being used for peaceful purposes, but it did not think that the Agency was the proper forum for considering that question.

52. Lastly, he urged the Government of Israel to accept Agency safeguards on all its nuclear facilities and stated that on a number of occasions his Government had expressed its condemnation of the Israeli invasion of Lebanon and its deep sympathy with the inhabitants of Lebanon, including the Palestinians, over the losses and suffering caused.

REPORT ON VOLUNTARY CONTRIBUTIONS PLEDGED TO THE TECHNICAL ASSISTANCE AND CO-OPERATION FUND FOR 1983 (GC(XXVI)/673/Rev.3)

53. The PRESIDENT stated that by 6 p.m. on 23 September 1982, 49 Member States had pledged voluntary contributions amounting to \$9 695 660. Because of the dates fixed for the adoption of their national budgets, some Member States were not yet able to pledge their contributions, but would do so at a later stage.

54. The pledges so far amounted to 51.3% of the target figure. He therefore appealed to Member States which had not yet done so to pledge their voluntary contributions at their earliest convenience, for which purpose they should contact the Agency Secretariat. His appeal was addressed in particular to those Member States which were sufficiently developed to be able to afford easily their base rate share of the target recommended by the Board.

The meeting rose at 1.15 p.m.