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President: Mr. VAJDA (Hungary)

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[*] GC(XXXIV)/939.

The composition of delegations attending the session is given in document
GC(XXXIV)/INF/287/Rev.2.

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ORAL REPORT BY THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

1. Mr. NEWLIN (United States of America), Chairman of the Committee of the Whole, presented the Committee's report on items 9 to 22 of the agenda.

2. Under item 9, "The Agency's accounts for 1989", the Committee recommended that the General Conference adopt the draft resolution on page III of document GC(XXXIV)/916.

3. Under item 10, "Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXIV)/948/Rev.1, relating to the implementation of resolution GC(XXXIII)/RES/508, to liability for nuclear damage and to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. The Committee also recommended that the Conference adopt the draft resolution in document GC(XXXIV)/950 entitled "Code of Practice on the International Transboundary Movement of Radioactive Waste", the draft resolution in document GC(XXXIV)/937 entitled "Convention on the Physical Protection of Nuclear Material", and the draft resolution in document GC(XXXIV)/949 entitled "Nuclear safety guidelines for nuclear-powered vessels".

4. Under sub-item 10(f), "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation", the Islamic Republic of Iran had introduced in the Committee of the Whole a draft resolution contained in document GC(XXXIV)/COM.5/90, but had suggested that there be no discussion on it in view of the lateness of the hour. However, India had submitted some amendments to the draft resolution, and there had been a brief discussion, following which the Committee had noted that the Islamic Republic of Iran would be submitting the draft resolution directly to the General Conference in plenary session.

5. Under item 11, "The Agency's programme and budget for 1991 and 1992", the Committee recommended that the General Conference adopt draft resolutions A, B and C in Annex IV to Part I of document GC(XXXIV)/917.

6. Under item 12, "Contribution of Namibia towards the 1990 Regular Budget", the Committee recommended that Namibia be assessed for a zero contribution towards the Agency's Regular Budget for 1990.
7. Under item 13, "Scale of assessment of Members' contributions for 1991", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXIV)/925 and that, in adopting it, the Conference approve the footnote on the first page of the Annex to the draft resolution as shown in document GC(XXXIV)/925/Add.1.
8. Under item 14, "The financing of safeguards", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXIV)/941.
9. Under item 15, "The financing of technical assistance", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXIV)/947.
10. Under item 16, "Plan for producing potable water economically", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXIV)/945.
11. Under item 17, "Staffing of the Agency's Secretariat", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXIV)/951/Rev.2.
12. Under item 18, "Amendment of Article VI.A.2 of the Statute", the Committee recommended the adoption of the draft resolution in document GC(XXXIV)/940.
13. Under item 19, "Revision of Article VI of the Statute as a whole", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXIV)/943.
14. Under item 20, "Executing agency agreement between the United Nations Development Programme and the International Atomic Energy Agency", the Committee recommended that the Conference approve the draft Executing Agency Agreement contained in the Attachment to document GC(XXXIV)/923.
15. Under item 21, "Co-operation agreements with intergovernmental organizations", the Committee recommended that the Conference approve the

conclusion of the proposed co-operation agreement between the IAEA and the Arab Atomic Energy Agency set forth in Annex 1 to document GC(XXXIV)/924.

16. Under item 22, "Rule and policy on the appointment of the Director General", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXIV)/946 and that it request the Director General to transmit to the Board of Governors the summary records of the discussion on that item in the Committee and of any discussion on it which might take place in the plenary.

17. In conclusion, he thanked the two Vice-Chairmen, Mr. Mannan of Bangladesh and Mr. Jurza of Czechoslovakia, for their valuable support.

18. The PRESIDENT suggested that the Conference should now consider one by one the agenda items which had been referred to the Committee of the Whole and its recommendations thereon.

The Agency's accounts for 1989

19. The draft resolution on page III of document GC(XXXIV)/916 was adopted.

Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection

20. The draft resolutions in documents GC(XXXIV)/937, GC(XXXIV)/948/Rev.1, GC(XXXIV)/949 and GC(XXXIV)/950 were adopted.

21. The PRESIDENT recalled that, as reported by the Chairman of the Committee of the Whole, the Islamic Republic of Iran wished to submit a draft resolution directly to the General Conference in plenary session.

22. Mr. SOLTANIEH (Islamic Republic of Iran), introducing the draft resolution in document GC(XXXIV)/COM.5/90 entitled "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation", said that the protection of nuclear installations devoted to peaceful purposes against armed attacks was an important task directly related to the development of nuclear energy for peaceful purposes. The Agency was therefore the most appropriate forum for taking up the matter. The draft resolution reflected a moderate approach born of wide-ranging and intensive negotiation. If it were adopted, his delegation

would withdraw its request for inclusion of the topic in the agenda for the General Conference's thirty-fifth regular session. He appealed to delegations to support the draft resolution.

23. Mr. SINAI (India), introducing three proposed amendments to the draft resolution submitted by his delegation in document GC(XXXIV)/COM.5/90/Mod.2, said that the first amendment was to replace operative paragraph 2 of the draft resolution by a new preambular paragraph (d), simply in order to bring out clearly the notion that the matter was of particular concern to the Agency in connection with its safeguards system. In addition, he wished to propose that the words "an authoritative" which appeared in that paragraph in the document be replaced by "a comprehensive".

24. The second amendment, namely the replacement of the word "safeguarded" in operative paragraphs 3 and 5 by the word "peaceful", was prompted by the desire to make the draft resolution applicable to all peaceful nuclear installations, whether or not safeguards procedures applied to them. It would be unfortunate for nuclear installations used for peaceful purposes in non-nuclear-weapon States, as well as in nuclear-weapon States, not to be covered by the draft resolution, the main concern of which was the danger of radioactive releases - a danger that was exactly the same for installations subject to safeguards as for those that were not.

25. The third proposed amendment, deletion of operative paragraph 4, was motivated by the fact that that paragraph of the draft resolution had nothing whatever to do with the Agency.

26. Mr. SOLTANIEH (Islamic Republic of Iran) said he was prepared to accept the deletion of operative paragraph 4 but hoped for a thorough discussion of the remaining two proposed amendments and of the draft resolution itself.

27. Mr. LOOSCH (Federal Republic of Germany) said that his delegation had great sympathy for most of the material contained in the draft resolution. Much of the wording had been taken from statements made at the Fourth NPT Review Conference, and there was wide agreement on it. His

delegation had doubts, however, whether a single organization in the United Nations system should take upon itself tasks that actually fell within the province of the Security Council.

28. Furthermore, it would appear that the wording of the draft resolution was not entirely satisfactory, as evidenced by the fact that amendments to it had been proposed. He would therefore suggest that the Conference should not proceed to a detailed discussion of the draft resolution, but that the official records should indicate that there had been a broad measure of agreement among delegations on the substance of the matter.

29. Mr. KENNEDY (United States of America) said that, while it endorsed the views expressed by the delegate of the Federal Republic of Germany, his delegation regarded the subject of armed attacks on peaceful nuclear facilities as entirely inappropriate for consideration by the General Conference. The Agency had neither the competence nor the mandate to discuss the complex legal, military and political dimensions of the question. Armed attacks on peaceful nuclear installations were issues of international peace and security and were therefore properly examined by the Security Council or the Conference on Disarmament.

30. His delegation would strongly oppose any attempt to specify in advance what actions the Agency should take in response to events that were by their very nature unpredictable, and it regarded any prejudgement as to what constituted a violation of the Agency's Statute, the United Nations Charter or international law in general as unacceptable.

31. The United States had a number of specific problems with the text of the draft resolution. First, the text would have the Agency make pronouncements on the role and activities of the Security Council - pronouncements that were wholly inappropriate. Second, virtually the entire draft resolution had no relevance whatsoever to the Agency, its statutory responsibilities or its technical competence. Third, the draft resolution asked the Director General to inform Member States about developments that were not within the Agency's purview. That request, along with the repeated

efforts to address the issue in the Agency, was objectionable in principle - and in practice, given the Agency's limited resources and the genuine nuclear safety issues it had to deal with, it was a divisive distraction. The Agency needed to focus all of its attention on areas within its statutory responsibilities and technical competence. For those reasons, it would be impossible for his delegation to support the draft resolution.

32. Mr. ORNSTEIN (Argentina) said that his delegation had been one of the main proponents of General Conference resolutions GC(XXIX)/RES/444 and GC(XXXI)/RES/475 on protection of nuclear installations devoted to peaceful purposes against armed attacks, which were referred to in the preamble of the draft resolution under consideration. Those earlier resolutions had enjoyed wide support and an overwhelming majority of delegations had voted in favour of them. The present draft resolution, however, introduced concepts which were not to be found in the earlier resolutions, and which his delegation could not espouse. Although the Iranian delegation had made intensive efforts to arrive at a formulation that would be acceptable to a broad majority, Argentina could not go along with the language used in operative paragraphs 2, 3, 4 and 5 as submitted. The amendments proposed by India would greatly improve the draft resolution, however, and his delegation would join in a consensus on them.

33. Mr. GOMES DE MATTOS (Brazil) said that although his delegation had in the past sponsored resolutions similar to the one under consideration, it had difficulties with several operative paragraphs as at present formulated. The amendments submitted by India would go a long way towards meeting his delegation's concerns, and it would join in a consensus on those amendments.

34. Mr. ERRERA (France) said that his delegation had always held the view that the Agency was not the appropriate forum for consideration of the subject now under discussion. France could not, therefore, endorse the draft resolution.

35. The PRESIDENT said that the question appeared not to be ripe for resolution, and that it might be preferable to postpone further consideration until the next session of the General Conference.

36. Mr. LOOSCH (Federal Republic of Germany) said that, instead of placing the item on the agenda for the next session of the General Conference, it might be sufficient to record that there had been broad agreement on a number of aspects of the issue, including the fact that resolution of such matters was the province of forums other than the Agency.

37. Mr. KENNEDY (United States of America) strongly endorsed the suggestion made by the delegate of the Federal Republic of Germany.

38. Mr. van GORKOM (Netherlands) said that attacks on nuclear installations, like all other attacks or use of force, had to be judged on the basis of the principles of the United Nations Charter, particularly those expressed in Article 2, paragraph 4. An attack on a nuclear installation acquired a special dimension if the possibility existed that large quantities of radioactive material would be released thereby. His country's efforts were aimed at strengthening the present regime in order to prohibit such attacks. That could be done in the Conference on Disarmament, in a diplomatic conference on the Additional Protocols to the 1949 Geneva Conventions, or through regional or national restrictive measures. His delegation would therefore strongly advocate including, in the reference to the Conference on Disarmament in operative paragraph 7 of the draft resolution, the phrase "recognizing that attacks on nuclear facilities could result in large releases of radioactivity with potentially grave consequences".

39. It was open to question whether the references to Security Council matters in operative paragraphs 3 and 4 of the draft resolution were appropriate in an Agency context. Nevertheless, the Netherlands believed that the draft properly took into account the view that the matter did not primarily concern the Agency and was accordingly prepared to join in a consensus on it.

40. The amendments proposed by India, on the other hand, raised serious problems for his delegation. The Netherlands could not accept the proposals regarding operative paragraphs 2, 3 and 5 and, if they were accepted, would be forced to withdraw its support for the draft resolution.

41. Mr. SOLTANIEH (Islamic Republic of Iran) said that in drafting the resolution an attempt had been made to find the most widely acceptable wording so as to ensure its approval in the present session and to obviate the need to reopen discussion of the matter at the next session of the General Conference.

42. He requested that the resolution be put to a roll-call vote.

43. Mr. DAVIES (Secretary of the Committee of the Whole) pointed out that, in accordance with Rule 76 of the Rules of Procedure of the General Conference, amendments to a proposal must be voted on before the proposal itself. In other words, voting would take place first on paragraph 1 of document GC(XXXIV)/COM.5/90/Mod.2, then on paragraph 2 of the same document and finally on the draft resolution submitted by the Islamic Republic of Iran in document GC(XXXIV)/COM.5/90, but with the deletion of operative paragraph 4 as proposed by India and agreed to by the Iranian delegation.

44. Ms. TALLAWY (Egypt) felt that the draft resolution, which she fully supported, would be weakened by the deletion of operative paragraph 4. Furthermore, the proposal to replace the word "safeguarded" in operative paragraphs 3 and 5 by the word "peaceful" was not acceptable, since all non-military installations were supposed to be under the safeguards system.

45. Mr. LAVIÑA (Philippines) thought it might still be possible to avoid a vote by reaching a consensus on the Iranian draft resolution, which he supported while reserving his position on the amendments proposed by India.

46. Mr. CSERVENY (Hungary) said that for a small country such as his own with a high population density the massive radioactive releases caused by an attack on nuclear installations on its own or on neighbouring territory were of the greatest concern. It was in the interests of all countries, whether or not they possessed nuclear facilities, to strengthen the protection of such facilities by international law.

47. In view of the poor progress made on the matter in the Conference on Disarmament in Geneva and other multilateral forums, an even greater effort should be made in all forums to enable a solution to be proposed to the relevant United Nations bodies and future diplomatic conferences.

48. Considered as a whole, the issue went beyond the Agency's competence, but certain aspects were nonetheless relevant to its activities. The Iranian draft resolution in its original form provided an acceptable solution and would forestall further protracted and repetitive discussion of the matter. Moreover, as it did not require specific action by the Agency, his delegation would vote for the draft resolution either as proposed by Iran or as amended by the Netherlands, i.e. with the addition of a phrase concerning radioactive releases.

49. Mr. SINAI (India), replying to comments on his delegation's proposed amendments, said that he was opposed to retaining the word "safeguarded" in operative paragraphs 3 and 5 because it seemed contrary to the intention of preambular paragraph (c). Although he would prefer to replace it by the word "peaceful", he would not insist on that point.

50. Since the deletion of the word "safeguarded" from operative paragraphs 3 and 5 would make paragraph 2 redundant, it could conveniently be replaced by the new preambular paragraph (d) proposed by his delegation, in order to show the Agency's particular concern in the matter.

51. With regard to Egypt's wish to restore operative paragraph 4 of the draft resolution, he considered that it was the prerogative of the depositaries and signatories of NPT to request action by the Agency, but not vice versa, as not all Member States of the Agency were parties to the Treaty. Neither was it proper for the Agency to instruct the United Nations Security Council on its course of action in any circumstances. However, if it were felt desirable to provide some sort of guidance to the Security Council, a preambular paragraph could be included along the following lines: "Considering that an armed attack against a nuclear installation devoted to peaceful purposes would call for action by the Security Council of the United Nations".

52. Mr. TALIANI (Italy) said that he could not agree to the suggested deletion of the word "safeguarded", since not all nuclear facilities were under the Agency's safeguards system. Furthermore, he wondered at what point an installation under construction became a nuclear facility.

53. Mr. DAVIES (Secretary of the Committee of the Whole), for the purposes of final clarification before voting, explained that India's first amendment was as stated in paragraph 1 of document GC(XXXIV)/COM.5/90/Mod.2, but with the replacement of the words "an authoritative" by "a comprehensive". The second amendment was as stated in paragraph 2 of that document, namely the replacement of "safeguarded" by "peaceful". He wished to make it quite clear that voting would not be necessary on paragraph 3 of that document, since the sponsors of the original draft resolution had already withdrawn operative paragraph 4 thereof.

54. The PRESIDENT proposed that the General Conference proceed to vote on India's first amendment to the draft resolution, as contained in paragraph 1 of document GC(XXXIV)/COM.5/90/Mod.2, with the replacement of the words "an authoritative" by "a comprehensive". As requested by the delegate of the Islamic Republic of Iran, the votes would be taken by roll-call.

55. Bangladesh, having been drawn by lot by the President, was called upon to vote first.

56. The result of the vote was as follows:

In favour: Algeria, Argentina, Brazil, Chile, China, Cuba, Ecuador, India, Pakistan, Philippines, Turkey.

Against: Albania, Australia, Austria, Bangladesh, Belgium, Costa Rica, Denmark, Egypt, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Italy, Japan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Qatar, Saudi Arabia, Spain, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Afghanistan, Bolivia, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Democratic People's Republic of Korea, Ghana, Holy See, Republic of Korea, Romania, Senegal, Sudan, United Republic of Tanzania, Viet Nam, Yugoslavia, Zimbabwe.

57. There were 11 votes in favour and 50 against, with 17 abstentions. The amendment submitted by India in paragraph 1 of document GC(XXXIV)/COM.5/90/Mod.2 with the replacement of the words "an authoritative" by "a comprehensive" was rejected.

58. The PRESIDENT invited the General Conference to vote on the second amendment to the draft resolution, as contained in paragraph 2 of document GC(XXXIV)/COM.5/90/Mod.2.

59. Spain, having been drawn by lot by the President, was called upon to vote first.

60. The result of the vote was as follows:

In favour: Algeria, Argentina, Brazil, China, Cuba, India, Mexico, Pakistan, Philippines, Turkey.

Against: Albania, Australia, Austria, Bangladesh, Belgium, Canada, Costa Rica, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Republic of Korea, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Afghanistan, Bolivia, Cameroon, Chile, Colombia, Democratic People's Republic of Korea, Ghana, Holy See, Iraq, Senegal, United Republic of Tanzania, Viet Nam, Yugoslavia, Zaire, Zimbabwe.

61. There were 10 votes in favour and 55 against, with 15 abstentions. The amendment submitted by India in paragraph 2 of document GC(XXXIV)/COM.5/90/Mod.2 was rejected.

62. The PRESIDENT proposed that the General Conference now vote on the original draft resolution submitted by the Islamic Republic of Iran, in document GC(XXXIV)/COM.5/90, with the deletion of operative paragraph 4.

63. Myanmar, having been drawn by lot by the President, was called upon to vote first.

64. The result of the vote was as follows:

In favour: Albania, Algeria, Bangladesh, Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Democratic People's Republic of Korea, Ecuador, Egypt, Ghana, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Republic of Korea, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Mongolia, Morocco, Netherlands, Nigeria, Pakistan, Philippines, Poland, Qatar, Romania, Saudi Arabia, Senegal, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

Against: Argentina, Brazil, France, Japan, Monaco, Switzerland, United States of America.

Abstaining: Australia, Austria, Belgium, Cameroon, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Finland, German Democratic Republic, Federal Republic of Germany, Greece, Holy See, Iceland, India, Italy, Liechtenstein, Luxembourg, New Zealand, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Zaire, Zimbabwe.

65. There were 46 votes in favour and 7 against, with 28 abstentions. The draft resolution submitted by the Islamic Republic of Iran in document GC(XXXIV)/COM.5/90 was adopted with the deletion of operative paragraph 4.

66. Mr. ALER (Sweden) said that he had voted in favour of the draft resolution mainly because it did not insist on reverting to the issue at the next session of the General Conference and because it upheld Sweden's view that the Conference on Disarmament in Geneva was the most suitable forum for discussing the matter. The resolution contained much of the language of the documents of the Fourth NPT Review Conference. However, since those documents had been the result of a compromise, Sweden's views on several issues were not covered by the text of the resolution.

67. Mr. AL-KITAL (Iraq) pointed out that, although his delegation had voted in support of the Iranian resolution, it none the less had serious

reservations about its operative paragraph 3. It was inconsistent to refer to nuclear facilities under construction, since "nuclear facility" was a well-defined term in safeguards terminology. His delegation's positive vote was based on that understanding of the term.

68. Mr. LOOSCH (Federal Republic of Germany) said that, although he agreed with the resolution in general terms, he had been obliged to abstain because, in his view, other United Nations bodies provided the proper forum for discussing the matter at hand and because it was not appropriate for the General Conference of the Agency to advise the United Nations Security Council.

69. Mr. ROSALES ARIAS (Cuba) said he had abstained primarily because the resolution only covered safeguarded installations. Using the concept of nuclear installations devoted to peaceful purposes would have been more in the spirit of the present resolution and that adopted at the previous General Conference, which his country had also sponsored.

70. Mr. LORENZINI CORREA (Chile) said that his reason for abstaining had been the same, namely that the resolution was confined to safeguarded installations. He stressed, however, that it did have positive elements similar to those in the earlier resolutions on the subject co-sponsored by the Latin American Group.

71. Mr. SOLTANIEH (Islamic Republic of Iran) expressed his sincere gratitude to all who had supported his delegation's resolution, which reflected its concern for the maintenance of peace and prosperity throughout the world, the health of mankind and the protection of the environment.

The Agency's programme and budget for 1991 and 1992

72. Draft resolutions A, B and C in Annex IV to Part I of document GC(XXXIV)/917 were adopted.

Contribution of Namibia towards the 1990 Regular Budget

73. The PRESIDENT assumed that, as recommended by the Committee of the Whole, the General Conference wished Namibia to be assessed for a zero contribution towards the Agency's Regular Budget for 1990.

74. It was so decided.

Scale of assessment of Members' contributions for 1991

75. The PRESIDENT assumed that, as recommended by the Committee of the Whole, the General Conference wished to adopt the draft resolution contained in document GC(XXXIV)/925 and that, in adopting it, the Conference approve the footnote on the first page of the Annex to the draft resolution as shown in document GC(XXXIV)/925/Add.1.

76. It was so decided.

The financing of safeguards

77. The draft resolution in document GC(XXXIV)/941 was adopted.

The financing of technical assistance

78. The draft resolution in document GC(XXXIV)/947 was adopted.

Plan for producing potable water economically

79. The draft resolution in document GC(XXXIV)/945 was adopted.

Staffing of the Agency's Secretariat

80. The draft resolution in document GC(XXXIV)/951/Rev.2 was adopted.

Amendment of Article VI.A.2 of the Statute

81. The draft resolution in document GC(XXXIV)/940 was adopted.

Revision of Article VI of the Statute as a whole

82. The draft resolution in document GC(XXXIV)/943 was adopted.

Executing agency agreement between the United Nations Development Programme and the International Atomic Energy Agency

83. The PRESIDENT assumed that, as recommended by the Committee of the Whole, the Conference wished to approve the draft Executing Agency Agreement contained in the Attachment to document GC(XXXIV)/923.

84. It was so decided.

Co-operation agreements with intergovernmental organizations

85. The PRESIDENT assumed that, as recommended by the Committee of the Whole, the Conference wished to approve the conclusion of the proposed

co-operation agreement with the Arab Atomic Energy Agency set forth in Annex 1 to document GC(XXXIV)/924.

86. It was so decided.

Rule and policy on the appointment of the Director General

87. The draft resolution in document GC(XXXIV)/946 was adopted.

88. The PRESIDENT assumed that, as recommended by the Committee of the Whole, the Conference also wished to request the Director General to transmit to the Board of Governors the summary records of the discussion on the item in the Committee of the Whole.

89. It was so decided

SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXXIII)/RES/524; GC(XXXIV)/942;
GC(XXXIV)/INF/290)

90. The PRESIDENT reminded the Conference that the item in question had been included in the agenda pursuant to resolution GC(XXXIII)/RES/524 adopted by the General Conference during its thirty-third regular session. Pursuant to the request made in that resolution the Director General had reported to the current session of the Conference in his opening statement. In addition, the Conference had before it document GC(XXXIV)/INF/290, containing a statement by the South African Foreign Minister circulated at the request of the Ambassador of South Africa, and document GC(XXXIV)/942, containing a draft resolution submitted by the African Group which he would invite the delegate of Sudan to introduce.

91. Mr. GAILI (Sudan), speaking on behalf of the African Group, said that South Africa's nuclear capabilities were a direct threat to Africa and had long been a subject of discussion in the United Nations and the Agency. The African countries wished to achieve stability in order to promote economic and social development, but such stability was rendered impossible by the nuclear threat of South Africa. In that situation, all African countries were of the view that Africa should become a denuclearized zone.

92. South Africa, by its refusal to comply with resolutions of the United Nations General Assembly and the IAEA, had shown its unwillingness to adhere to the principles and objectives of the United Nations Charter and the Statute of the Agency.

93. The draft resolution contained in document GC(XXXIV)/942 was substantially similar to the resolution adopted by the Conference's thirty-third regular session in 1989 (GC(XXXIII)/RES/524), though there were some amendments - the wording of the draft resolution was milder, but the substance was the same. The more conciliatory note of the new draft resolution had been introduced in the face of the political changes taking place in South Africa and in an attempt to encourage mutual understanding and co-operation. Thus, the phrase "vehemently condemns" in operative paragraph 1 of the 1989 resolution had been replaced by the word "deplores", the phrase "persistent refusal to comply" in the same paragraph had been replaced by the word "non-compliance", and the phrase "refusal to adhere to the principles and purposes of the United Nations" had been substituted by the phrase "non-adherence to the principles and purposes of the United Nations".

94. In conclusion, he urged that a decision be taken on the recommendation concerning the suspension of South Africa from the exercise of the privileges and rights of membership in accordance with Article XIX B of the Statute which was contained in operative paragraph 4 of the Board of Governors resolution reproduced in Attachment 1 to document GC(XXXI)/807, and expressed the hope that the new draft resolution contained in document GC(XXXIV)/942 could be adopted by consensus. If not, he would request that a roll-call vote be taken on it.

95. Mr. CHIKELU (Nigeria) voiced his support for the draft resolution and associated himself with the statement made by the delegate of Sudan on behalf of the African Group.

96. There had been high hopes before the current meeting that South Africa would join the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). However, it had not, nor had it abolished apartheid. He took note of the statement by the South African Foreign Minister contained in document GC(XXXIV)/INF/290; that document was interesting but did not go far enough. Pressure must continue to be applied on South Africa until it abolished apartheid and subjected its nuclear facilities to Agency safeguards.

97. For those reasons, he urged all delegations present to send a clear message to the South African Government by adopting the draft resolution.

98. Mr. SINAI (India), speaking as the Chairman of the Group of 77, said that the draft resolution also had the support of the Latin American and Asian groups.

99. There were positive signs in South Africa of improvements, and hints of a possible end of apartheid, but the recent acts of violence by the security forces were cause for concern. There were also signs of a shift in policy in the nuclear area, but the issue must remain on the General Conference's agenda until such time as South Africa had actually placed its nuclear facilities under Agency safeguards. The milder wording of the draft resolution was intended as a conciliatory move in the face of the political changes taking place in South Africa.

100. Speaking on behalf of the Indian Government, he said that his country continued to stress the fact that safeguards were voluntary and could not be imposed on a State.

101. Mr. MBODJ (Senegal) said that South Africa's nuclear capabilities were a threat to the whole African continent and to international security and peace generally. He therefore urged all States to vote in favour of the draft resolution. Any other course of action could only encourage South Africa to continue with its attempt to develop a nuclear capability.

102. Mr. MAHIGA (United Republic of Tanzania) associated himself with the statements made by previous speakers. The new draft resolution was an improvement on that from the preceding year. It was moderate and realistic. Though there were positive signs of political changes inside South Africa, pressure had to be maintained until the South African Government demonstrated that its avowed intentions to improve the situation were serious.

103. Mr. KENNEDY (United States of America) said that the draft resolution contained in document GC(XXXIV)/942 was the same in almost all respects as the resolution on South Africa which had been submitted to the 1989 session of the General Conference. Though he had already explained in detail in previous years the United States reasons for voting against that kind of resolution, he wished to reiterate those reasons briefly.

104. First of all, the preamble referred to violations of international law and the United Nations Charter. Such matters were properly the concern of the United Nations Security Council and were beyond the mandate and competence of the IAEA. Although operative paragraph 2 did not propose an immediate suspension of South Africa from the exercise of its privileges and rights as a Member of the Agency, it did call for a decision on the issue at the next session of the General Conference. The United States could not support such a provision for a number of reasons - firstly, any attempt to exclude a Member State or limit its participation in the Agency except as specifically authorized by the Agency's Statute would undermine the principle of universality of membership in international organizations. It would also compromise the Agency's ability to promote the peaceful and safe uses of nuclear energy, as that objective could only be met if all nations with nuclear energy programmes could participate in Agency activities. Secondly, Article XIX.B of the Agency's Statute provided for suspension of a Member State only if it had persistently violated the Statute or an agreement concluded pursuant to it which South Africa had not done. Thirdly, the Agency's safeguards system was a vital component of the non-proliferation regime. Any steps which might reduce the scope of safeguards, make their extension more difficult, or call into question their continued application in any country should therefore be avoided. Fourthly, safeguards were voluntary measures and to treat them as sanctions or penalties could only undermine the common objective of preventing the spread of nuclear weapons.

105. His country's opposition to the draft resolution should in no way be interpreted as a weakening of its support for NPT. The United States, together with the other NPT depositary States, had been engaged in intensive discussions with the South African Government since December 1989. Those discussions had brought the South African Government closer to acceding to the Treaty and had produced related positive decisions. For example, South Africa had decommissioned its pilot enrichment plant in February 1990.

106. He welcomed the statement by South Africa's Minister for Foreign Affairs, circulated in document GC(XXXIV)/INF/290, in which the Government of South Africa expressed its interest in joining NPT and concluding a comprehensive safeguards agreement with the Agency. Nevertheless, he remained disappointed that South Africa had not yet taken a final decision to adhere to the Treaty. He hoped the South African Government would start discussions with the Agency without delay. He also encouraged other countries in southern Africa to accede to NPT, since accession by all States in the region would demonstrate that they wished to join the growing international trend away from confrontation and towards co-operation, disarmament and non-proliferation. It would furthermore facilitate the establishment of a nuclear-weapons-free zone in the region.

107. Mr. ABDEL MONEIM (Egypt) said that his country had already stated its interest in establishing a nuclear-weapons-free zone in Africa, which was only possible if all States in the region placed their nuclear facilities under safeguards. He welcomed South Africa's avowed intention to join NPT, but noted that it could not set conditions for its accession to that Treaty in the form of demanding that other States in the region also accede to NPT. Many countries bordering on South Africa did not even have nuclear facilities. In conclusion, he voiced the opposition of his Government to the system of apartheid and urged all those present to vote for the draft resolution.

108. The PRESIDENT, noting that there were no more speakers, invited the Conference to vote on the draft resolution contained in document GC(XXXIV)/942. As had been requested by the delegate of Sudan, the vote would be taken by roll-call.

109. Bangladesh, having been drawn by lot by the President, was called upon to vote first.

110. The result of the vote was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bangladesh, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Chile, China, Colombia, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Ghana, India, Indonesia, Islamic Republic of Iran, Iraq, Republic of Korea, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Mongolia, Morocco, Namibia, Nigeria, Pakistan, Philippines, Poland, Qatar, Romania, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Iceland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czechoslovakia, Holy See, Hungary.

111. The draft resolution contained in document GC(XXXIV)/942 was adopted by 54 votes to 26, with 3 abstentions.

112. Mr. TALIANI (Italy), speaking on behalf of the European Community, said that, although the position of the countries of the European Community with regard to apartheid was well known, they also opposed the suspension of Member States and had therefore been unable to support the draft resolution. He also noted the recent positive political developments in South Africa, including their avowed intention to sign NPT.

113. Mr. WILSON (Australia) said that he had voted against the draft resolution because his delegation felt there were insufficient grounds to suspend South Africa from the exercise of its rights and privileges of membership under Article XIX of the Statute. Furthermore, Australia was committed to the principle of universal membership of international organizations and was not prepared to join in an action inconsistent with that principle. It was regrettable that, despite several pronouncements of intention to adhere to NPT, South Africa had still not signed the Treaty.

However, he hoped that the Foreign Minister's recent statement would lead to swift acceptance of NPT by all States in the region. He reminded those present that South Africa was not alone amongst the IAEA's Member States in not joining NPT and not accepting full-scope safeguards. Suspension of South Africa on that basis would therefore constitute selective application of non-proliferation principles; it would also isolate South Africa from international nuclear dialogue, which could be counter-productive. Australia's opposition to the resolution in no way represented a diminution of Australia's abhorrence of the policy of apartheid.

114. Mr. GLEISSNER (Austria) said that he had been unable to support the draft resolution because it ran counter to the principle of universal membership of international organizations.

115. Mr. LEE (Canada) said that his country persisted in its deep abhorrence of the racial policies of the South African Government and was firmly committed to increasing pressure on South Africa through economic sanctions. Canada had repeatedly urged South Africa to accede to NPT, and had made it clear to the South African Government that NPT was an end in itself and that adherence to that Treaty had to be unconditional. Accession by South Africa would not end Canadian sanctions, nor would it lead to the provision of nuclear co-operation. Nevertheless, Canada remained firmly committed to the principle of universal membership of international organizations and had therefore been unable to support the draft resolution, since the suspension of a Member State might do great damage to the aims and effectiveness of the Agency, particularly with regard to non-proliferation and safeguards.

116. Mr. CSERVENY (Hungary) said that his country was a committed supporter of non-proliferation and urged all States which had not yet done so to adhere to NPT. Hungary therefore shared the general concern expressed in the draft resolution with regard to South Africa's nuclear capabilities. He hoped that the intentions voiced by South Africa's Foreign Minister in his statement would lead in the near future to discussions with the Agency concerning adherence to the Treaty. Clearly, important changes were taking place within South Africa, though much remained to be done. Regrettably,

however, the draft resolution had not mentioned those improvements. The Hungarian delegation had therefore felt unable to support the draft resolution and had accordingly abstained.

117. Mr. BROOKS (New Zealand) said that his country, too, was totally opposed to the system of apartheid in South Africa and continued to voice its opposition in all appropriate forums. The fact that South Africa and other countries had not yet undertaken a legally binding commitment not to acquire nuclear weapons and had not placed their peaceful nuclear facilities under Agency safeguards was also cause for grave concern. However, the suspension of South Africa from the Agency was not a remedy, since only countries which were members of the IAEA could be encouraged to comply with the Agency's principles. New Zealand firmly supported the principle of universality of membership of international organizations and had therefore been unable to support the draft resolution. In conclusion, he urged all States to adhere to NPT and to conclude safeguards agreements with the Agency under that Treaty.

118. Mr. ORNSTEIN (Argentina) said that his country had voted for the draft resolution because of South Africa's persistent violation of the United Nations Charter. However, it was against making safeguards compulsory.

119. Mr. GAILI (Sudan) thanked all those who had voted in favour of the draft resolution.

120. The DIRECTOR GENERAL assured the Conference that he would do his utmost to implement the actions requested of him in the draft resolution. He also reminded those present that the statement issued by the South African Foreign Minister had suggested that the South African Government was ready to start talks with the Agency on the conclusion of a comprehensive safeguards agreement to cover all nuclear facilities in the country. He emphasized that the Secretariat was ready to commence such talks at any time.

REPORT ON VOLUNTARY CONTRIBUTIONS PLEDGED TO THE TECHNICAL ASSISTANCE AND CO-OPERATION FUND FOR 1991 (GC(XXXIV)/934/Rev.3)

121. The PRESIDENT said that by 5.30 p.m. on 20 September 1990 the voluntary contributions pledged by Member States to the Technical Assistance and Co-operation Fund had reached a total of US \$16 353 267. Since then, Belgium had pledged \$125 392 and Ghana \$5000, which took the total amount pledged for 1991 to \$16 483 659.

CLOSING OF THE SESSION

122. Mr. ERRERA (France), speaking on behalf of all delegations present, thanked the President for the authority and elegance with which he had directed the discussions and assisted the harmonious progress of the Conference's work. Everyone was aware of the symbolism underlying the designation as President of the representative of a country whose attachment to liberty and whose respect of law had recently achieved fulfilment; and that at a time when all were convinced that the solidarity of all Member States was more than ever necessary if the Agency was to achieve its goals.

123. The PRESIDENT thanked the delegate of France for his kind words. It had been an honour and a privilege for him to serve as President of the General Conference at its thirty-fourth regular session. He was grateful to all delegations for the co-operation extended to him during the conduct of the Conference's business, which had involved a number of problems that could only be dealt with thanks to that co-operation.

124. He thanked the members of the General Committee and the Chairman of the Committee of the Whole for their assistance. He likewise thanked the Secretary of the General Conference, who had been of great assistance to him in his work.

125. Finally, on behalf of the Conference, he thanked the Austrian authorities and the City of Vienna for their traditional hospitality and for the excellent facilities provided for the fourth time at the Austria Center Vienna. He also thanked the Director General and all his staff for their support, which had enabled the Conference to complete its work successfully.

126. Before closing the session, he invited delegations to observe one minute of silence dedicated to prayer or meditation, in accordance with Rule 48 of the Rules of Procedure.

All present rose and stood in silence for one minute.

127. The PRESIDENT declared the thirty-fourth regular session of the General Conference closed.

The meeting rose at 6.15 p.m.

