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President: Mr. AL-ATHEL (Saudi Arabia)

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[*] GC(XXXVII)/1085.

The composition of delegations attending the session is given in document GC(XXXVII)/INF/328/Rev.2.

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Abbreviations used in this record

DPRK	Democratic People's Republic of Korea
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
UN	United Nations

ORAL REPORT BY THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

1. Mr. POSTA (Hungary), Chairman of the Committee of the Whole, presented the Committee's report on items 10-22 of the agenda.
2. Under item 10, "Harmony and compatibility of programme and budget and accounts documents", the Committee recommended that the General Conference take note with appreciation of the information contained in document GC(XXXVII)/INF/322 with the hope that a final report on the item would be before the General Conference at its next regular session in accordance with the requests contained in resolution GC(XXXVI)/RES/581.
3. Under item 11, "The Agency's accounts for 1992", the Committee recommended that the Conference adopt the draft resolution on page III of document GC(XXXVII)/1061.
4. Under item 12, "The Agency's budget for 1994", the Committee recommended that the Conference adopt draft resolutions A, B and C in Annex IV to document GC(XXXVII)/1062.
5. Under item 13, "Scale of assessment of Members' contributions towards the Regular Budget", the Committee recommended adoption of the draft resolution in document GC(XXXVII)/1070/Add.1 with the scale of assessment contained in document GC(XXXVII)/1070.
6. In the Committee's discussion, two delegations (those of Ukraine and Belarus) had expressed reservations concerning their countries' assessment rates, but had not blocked consensus in the Committee.
7. Under item 14, "Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection", the Committee recommended that the Conference adopt the following two draft resolutions:
 - (a) the draft resolution in document GC(XXXVII)/1089 on "Measures to resolve international radioactive waste management issues"; and

- (b) the draft resolution in document GC(XXXVII)/1093 relating to sub-item 14(a)(iv) and entitled "Strengthening nuclear safety through the early conclusion of a nuclear safety convention".

8. The relatively low number of draft resolutions and requests for reports arising out of the Committee's consideration of agenda item 14 was due to the general understanding in the Committee that delegations should exercise restraint in that regard in view of time constraints and the current budgetary restrictions. Although no draft resolutions on other matters covered by item 14 were before the Conference, there had been general appreciation in the Committee for the Secretariat's efforts in the various fields in question, and the Secretariat had been urged to continue with those efforts within the framework of the Agency's programmes and budget.

9. Under item 15, "Practical utilization of food irradiation in developing countries", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVII)/1094.

10. Under item 16, "Plan for producing potable water economically", the Committee recommended the adoption by the Conference of the draft resolution contained in document GC(XXXVII)/1092.

11. Under item 17, "Strengthening of the Agency's main activities", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVII)/1095.

12. Under item 18, "Strengthening the effectiveness and improving the efficiency of the safeguards system", the Committee recommended for adoption by the Conference the draft resolution contained in document GC(XXXVII)/1096/Rev.1.

13. Under item 19, "The financing of safeguards", the Committee recommended that the Conference take note with appreciation of the report of the Board of Governors contained in the Annex to document GC(XXXVII)/1063 and in addition request the Board of Governors to re-establish the Informal Working Group on the Financing of Safeguards.

14. Under item 20, "The financing of technical assistance", the Committee recommended to the Conference the adoption of the draft resolution contained in document GC(XXXVII)/1097.

15. Under item 21, "Personnel questions", the Committee recommended that the Conference adopt the draft resolution in document GC(XXXVII)/1100 entitled "Staffing of the Agency's Secretariat" and the draft resolution in document GC(XXXVII)/1101 entitled "Women in the Secretariat".

16. Under item 22, "Article VI of the Statute", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVII)/1102, relating to sub-item 22(a) and entitled "Amendment of Article VI.A.2".

17. With regard to sub-item 22(b), "Revision of Article VI as a whole", the Committee recommended that the Conference take note with appreciation of document GC(XXXVII)/1082 and Add.1 and in addition endorse the proposal contained in paragraph 19 of the Appendix to document GC(XXXVII)/1082 relating to the re-establishment of the Informal Working Group established to review all relevant aspects of Article VI as a whole. The suggestion in paragraph 16 of the Appendix to document GC(XXXVII)/1082, that the General Conference request Member States to submit written comments on a possible review of the membership of the Board had enjoyed wide support in the Committee.

18. In conclusion, he thanked the members of the Committee for their co-operative spirit and the two Vice-Chairmen, Mr. Schmidt of Austria and Mr. Pérez-Martín of Cuba, for their support.

19. The PRESIDENT suggested that the Conference take one by one the items considered by the Committee of the Whole.

Harmony and compatibility of programme and budget and accounts documents

20. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to take note with appreciation of the information contained in document GC(XXXVII)/INF/322.

21. It was so decided.

The Agency's accounts for 1992

22. The draft resolution on page III of document GC(XXXVII)/1061 was adopted.

The Agency's budget for 1994

23. Draft resolutions A, B and C in Annex IV to document GC(XXXVII)/1062 were adopted.

Scale of assessment of Members' contributions towards the Regular Budget

24. Mr. KOSTENKO (Ukraine) said that his delegation could not agree to the increase in the assessment rate for Ukraine to 1.996% envisaged in the Annex to document GC(XXXVII)/1070 as the increase was unjustified in every respect.

25. In opting for a purely mechanical redistribution of the contribution of the former USSR, the UN Committee on Contributions had in effect departed from principles and criteria which had proven their worth over a period of several decades. Commenting on the decisions regarding the redistribution of contributions which the General Assembly had taken at its 27th session, the UN Legal Counsel had stated that the Committee on Contributions did not have a mandate to change Ukraine's contribution and that the decisions taken contradicted UN rules of procedure.

26. The envisaged increase to nearly 2% in the assessment rate for Ukraine's contribution towards the Agency's Regular Budget was being decided on at a time when his country was going through a very difficult period. Ukraine's ability to pay was being impaired by major economic problems associated with the country's becoming an independent State, by the profound political and economic reforms which were taking place in Ukraine and by the enormous expenditures necessary for dealing with the consequences of the Chernobyl accident.

27. In addition, Ukraine was suffering great economic losses as a result of: its complying with the UN Security Council resolution by means of which sanctions had been imposed on the Federal Republic of Yugoslavia; reductions in the delivery of petroleum and other energy carriers; and unresolved payments questions involving other countries of the former USSR.

28. One reason for the excessively high contributions required of Ukraine by the United Nations and other organizations was the fact that the former USSR had always provided, as a basis for working out contributions, statistical data which reflected an unrealistic rate of exchange between the rouble and the United States dollar. In the former USSR, Ukraine had never had any real influence on foreign exchange and financial policies, which had been formulated centrally, and it should not now have to pay for those policies.

29. His Government had informed the UN Secretary-General that, in making future payments towards the UN Regular Budget, Ukraine would base itself on the scale of assessment which the General Assembly had approved in 1991 when adopting resolution 46/221 by consensus.

30. In the view of his Government, scales of assessment should be fair and be based on universally accepted principles and criteria, account being taken of the specific circumstances in different countries. Accordingly, his Government had submitted to the UN Committee on Contributions national income data computed using the UN methodology, with the suggestion that for purposes of conversion use be made of the rouble/dollar exchange rate specially computed by the International Monetary Fund.

31. In addition, his Government had requested a review of Ukraine's assessment rate by the Committee on Contributions, in the hope that the Committee would take account of the current difficult social and economic conditions in Ukraine and propose a reduction of the rate in keeping with Ukraine's true ability to pay.

32. Despite its economic problems, Ukraine, which was endeavouring to meet its prior-year obligations, had made a payment of half a million United States dollars towards that end. However, an increase in Ukraine's assessment rate to nearly 2% would simply make the task more difficult for his country, which still owed the Agency over five million United States dollars.

33. His delegation could therefore not support the draft resolution set forth in document GC(XXXVII)/1070/Add.1.

34. The PRESIDENT said that the statement made by the representative of Ukraine would be reflected in the summary record, but that the matter raised by him was one for the UN Committee on Contributions to resolve.

35. He went on to ask whether, as recommended by the Committee of the Whole, the Conference wished to adopt by consensus the draft resolution on the scale of assessment of Members' contributions towards the Regular Budget contained in document GC(XXXVII)/1070/Add.1, with the table contained in document GC(XXXVII)/1070.

36. It was so decided.

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

37. The draft resolution in document GC(XXXVII)/1089 entitled "Measures to resolve international radioactive waste management issues" and the draft resolution in document GC(XXXVII)/1093 relating to sub-item 14(a)(iv) and entitled "Strengthening nuclear safety through the early conclusion of a nuclear safety convention" were adopted.

Practical utilization of food irradiation in developing countries

38. The draft resolution in document GC(XXXVII)/1094 was adopted.

Plan for producing potable water economically

39. The draft resolution in document GC(XXXVII)/1092 was adopted.

Strengthening of the Agency's main activities

40. The draft resolution in document GC(XXXVII)/1095 was adopted.

Strengthening the effectiveness and improving the efficiency of the safeguards system

41. The draft resolution in document GC(XXXVII)/1096/Rev.1 was adopted.

The financing of safeguards

42. The PRESIDENT assumed that, as recommended by the Committee of the Whole, the General Conference wished to take note with appreciation of the report of the Board of Governors contained in the Annex to document GC(XXXVII)/1063 and to request

the Board of Governors to re-establish the Informal Working Group on the Financing of Safeguards.

43. It was so decided.

The financing of technical assistance

44. The draft resolution in document GC(XXXVII)/1097 was adopted.

Personnel questions

(a) Staffing of the Agency's Secretariat

(b) Women in the Secretariat

45. The draft resolutions in documents GC(XXXVII)/1100 and GC(XXXVII)/1101 were adopted.

Article VI of the Statute

(a) Amendment of Article VI.A.2 of the Statute

46. The draft resolution in document GC(XXXVII)/1102 was adopted.

(b) Revision of Article VI as a whole

47. The **PRESIDENT** took it that, as recommended by the Committee of the Whole, the General Conference wished to take note with appreciation of documents GC(XXXVII)/1082 and 1082/Add.1, to request the Board of Governors to re-establish the Informal Working Group established to review all aspects of Article VI as a whole and to request Member States to submit written comments on a possible review of the membership of the Board.

48. It was so decided.

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (GC(XXXVII)/1084 and 1084/Add.1, GC(XXXVII)/1090 and 1090/Add.1-3)

49. The PRESIDENT invited the delegate of Canada to introduce the draft resolution contained in document GC(XXXVII)/1090.

50. Mr. CHEN (China), speaking on a point of order, said that it was a contravention of the Conference's Rules of Procedure to introduce a draft resolution before the Conference had had a general discussion of the matter to which the draft resolution related.

51. The PRESIDENT replied that, if the draft resolution were introduced at the outset, delegates would then be able to comment on it when they spoke in the general discussion under agenda item 23.

52. Mr. CHEN (China) said that there should be a general discussion before the draft resolution in document GC(XXXVII)/1090 was introduced.

53. The PRESIDENT said that, if the delegate of Canada had no objections, the Conference would first conduct a general discussion under agenda item 23.

54. Mr. KIM (Democratic People's Republic of Korea) said his delegation regarded the draft resolution contained in document GC(XXXVII)/1090 as a violation of his country's sovereignty as it ignored the nuclear threat to the DPRK posed by the United States and the misconduct of certain members of the Agency's Secretariat.

55. The DPRK had made every effort to implement its safeguards agreement with the Agency and had consistently called for negotiations to resolve the complicated issues still outstanding. However, certain members of the Agency's Secretariat had ignored the DPRK's sincere efforts and, in February, had called for special inspections in the DPRK. Also, they had induced the Board to adopt, on 1 April, a "resolution" finding the DPRK "in non-compliance with its obligations under its Safeguards Agreement with the Agency" and referring the matter to the Security Council and General Assembly of the United Nations. Furthermore, they had accepted "intelligence information" fabricated by one Member State

against another, towards which it was hostile, and had used it for Agency activities, thereby making the Agency an instrument of the double-standard policy of a Superpower and disgracing the Agency. It was to be hoped that the Agency would immediately take the necessary measures to prevent itself becoming politicized to the point where it lost sight of its mandate and objectives.

56. It seemed to his delegation that certain members of the Agency's Secretariat had joined forces with that hostile nation in an attempt to gain access to the DPRK's military installations, using inspections as a means to strangle the DPRK's socialist system. Such action on the part of the Secretariat was politically and militarily unacceptable, and it contravened both the safeguards agreement between the Agency and the DPRK and the terms of the Agency's Statute.

57. The Secretariat members whom he had in mind, who had not taken account of the characteristics of the nuclear facilities which the DPRK had built through its own efforts, had invented "inconsistencies" for publicity purposes and in order to create - as a prelude to international pressure and sanctions - suspicion regarding a possible nuclear weapons programme in the DPRK.

58. Despite the DPRK's repeated calls for consultations to clarify the alleged inconsistencies, they had ignored the dispute resolution procedures provided for in the DPRK's safeguards agreement with the Agency and unreasonably invoked the right to "special inspections".

59. The Secretariat would have to bear full responsibility for the consequences of the misconduct of some of its members - consequences which could not be undone.

60. Those consequences had been among the main factors which had compelled the DPRK to decide to withdraw from NPT.

61. His Government remained fully committed to finding a fundamental solution of the nuclear issue on the Korean Peninsula, and to that end it had been holding bilateral talks with the United States of America, in which some progress had been made.

62. Pursuant to an agreement reached during the talks, the DPRK had recently held consultations with the Agency's Secretariat on the question of the latter's partiality and on other matters related to the implementation of the DPRK's safeguards agreement. Although no progress had been made, owing to differences of view, both sides had manifested a desire to continue the consultations, and in that connection he wished to emphasize that no one could expect everything to be resolved in one round of consultations.

63. That notwithstanding, a further unjust resolution directed against the DPRK had been adopted by the Board on 23 September, owing to the machinations of certain countries.

64. The adoption of that resolution had been a face-saving exercise designed to cover up the unjust behaviour of certain members of the Agency's Secretariat and shift the blame for non-compliance onto the DPRK.

65. His delegation rejected that resolution, regarding it as an attempt to block progress towards a solution of the nuclear issue, spoil the atmosphere of dialogue and bring matters back to square one.

66. His country had been devoting great efforts to meeting its growing energy needs through the peaceful application of nuclear power.

67. However, since the economic blockade and sanctions operated by certain countries had denied the DPRK access to high-tech light-water reactors, his country had decided to establish its own independent, self-supporting nuclear power industry based on domestic resources and technology.

68. The DPRK was currently operating a 5 MW(e) experimental nuclear power plant based on domestic materials and technology, and there were a 50 MW(e) and a 200 MW(e) nuclear power plant under construction. The DPRK was planning to establish a programme under which the existing graphite-moderated reactors would be replaced by light-water reactors, the intention being to eradicate the "suspicions" about its nuclear programme. Such a decision would entail enormous sacrifices and huge investments.

69. In the light of those facts, it was clear that the nuclear issue on the Korean Peninsula was not simply a technical matter to be resolved by the DPRK alone, but a political one generated by the United States deployment of nuclear weapons in South Korea.

70. The United States had admitted as much by agreeing to start talks with the DPRK and by giving assurances that it would abstain from threats and the use of force, including nuclear weapons, against the DPRK.

71. In the interests of resolving the differences between the DPRK and the United States, his Government had unilaterally suspended effectuation of the DPRK's withdrawal from NPT at the request of the United States, and in the present extraordinary situation the DPRK had, with a view to demonstrating the transparency of its nuclear activities, allowed the Agency to conduct inspections for the purpose of maintaining safeguards continuity. It had permitted the maintenance and replacement of surveillance equipment, as requested by the Secretariat, so that all nuclear activities in the DPRK were now under strict safeguards.

72. His country had intended to resolve the inspection issue through consultations with the Secretariat, provided that the agreements reached in the bilateral talks between the DPRK and the United States were implemented. Despite the DPRK's consultation efforts, however, the issue had been hurriedly referred to the General Conference as a result of machinations by certain countries. The resulting situation resembled the situation which had developed in February, when certain members of the Secretariat and the representatives of certain countries had ignored the DPRK's call for continuing ad hoc inspections and for consultations aimed at clarifying the alleged inconsistencies.

73. The DPRK, which would not succumb to pressure, had been consistent in calling for a solution through negotiation, and his delegation was convinced that a successful outcome to the bilateral talks with the United States would lead to a solution of the inspections issue. Attempts to apply pressure during the Conference's current session would seriously harm prospects of a negotiated solution to the nuclear issue.

74. In conclusion, he expressed the hope that all Member States would weigh up the present situation and encourage dialogue and consultation between the parties concerned in order that a solution to the nuclear issue might be found.

75. Mr. CHEN (China) recalled that his delegation had opposed the inclusion of the item on the DPRK in the General Conference's agenda and noted that the present situation with regard to the implementation of the safeguards agreement between the Agency and the DPRK was very regrettable.

76. Initially, the implementation of that agreement had been smooth; the DPRK had received Agency inspection teams on several occasions, and Agency officials had visited one of the two sites in dispute. Later on, however, differences had arisen between the Agency and the DPRK.

77. Such differences were nothing abnormal, however, and they could have been resolved if the right approach had been adopted. Regrettably, the conflict had escalated after February, the situation becoming very tense. After June, as a result of constructive efforts on the part of all concerned, three-track negotiations had started among the four parties and the situation had to some extent been defused. Those positive developments had demonstrated that the right approach was to seek solutions through negotiations and consultations, and there were grounds to believe that, if the parties had continued the negotiations with a flexible and co-operative attitude, a just and comprehensive solution would have been found.

78. Unfortunately the situation had worsened again during the Board meetings in September, following the first round of consultations between the DPRK and the Agency, which had not produced satisfactory results. In view of the huge differences that existed between the Agency and the DPRK, however, it was unrealistic to expect that a solution to all problems could be found through just one or two rounds of talks. On the other hand, resort to other resolution methods would simply make matters worse.

79. His delegation therefore believed that the four parties should continue negotiations in an effort to find a just and comprehensive solution. The problems, which could not be resolved by unilateral action, should be discussed by the four parties in all three sets of negotiations simultaneously, and the parties should demonstrate political sincerity and exercise the necessary patience. His delegation hoped that a good atmosphere, based on equality and mutual respect, would be created for the negotiations. There was no point in

acting with undue haste, and it would be unwise to impose unreasonable preconditions and to exert pressure.

80. As it was important to maintain continuity of safeguards information, the Agency and the DPRK should start the second round of negotiations immediately, and the other two sets of negotiations should start as soon as possible after that.

81. China, which did not advocate or engage in nuclear proliferation, fulfilled its NPT obligations and would welcome it if every country in the world were party to NPT. It favoured the establishment of nuclear-weapon-free zones and supported the efforts of the Agency to implement the safeguards agreements concluded with its Member States.

82. In order to realize the objectives of NPT, it was essential to eliminate the nuclear threat faced by non-nuclear-weapon States. All nuclear-weapon States should therefore make an unconditional commitment not to use nuclear weapons against non-nuclear-weapon States or in nuclear-weapon-free zones. For its part, China had already made such a commitment.

83. China strongly supported the denuclearization of the Korean Peninsula and was opposed to the existence of any nuclear weapons on the Peninsula. It therefore hoped that all the parties concerned would co-operate in finding satisfactory solutions to the current problems as soon as possible, so as to ensure peace and security in that area.

84. Mr. VILAIN XIII (Belgium), speaking on behalf of the twelve member States of the European Community, said they hoped that the vote on the draft resolution contained in document GC(XXXVII)/1090 would reflect the serious concern felt by the vast majority of the Agency's Member States about the situation in the DPRK.

85. The reasons for that concern were: the Agency's inability to verify the non-diversion of nuclear material required to be safeguarded in the DPRK, referred to in the resolution adopted by the Board of Governors on 1 April; the recent aggravation of the situation, due to the fact that, quite apart from the rejection of the request for special inspections, routine and ad hoc inspections could no longer be carried out; and the risk that the continuity of safeguards would be lost.

86. The wording of the draft resolution reflected the restraint which the international community was continuing to show in the hope that a reasonable consensus solution would be found to a very serious problem. Such restraint should not, however, be regarded as a sign of tolerance towards the blatant violation by a Member State of its international obligations.

87. The DPRK could not refuse to permit inspections of the nuclear installations which the Agency had designated in accordance with the procedures in force. The Twelve believed that the consultations between the Agency and the DPRK could be resumed with real prospects of success only if the DPRK gave up trying to restrict their scope or to impose preconditions.

88. Finally, it should be recalled that the United Nations Security Council remained seized of the matter and that the Director General would inform it of the General Conference's conclusions and any further developments, as requested in Security Council resolution 825.

89. Mr. WALKER (Australia) stressed that the draft resolution in document GC(XXXVII)/1090 was in no way motivated by hostility towards the DPRK, as had been suggested. Its sole aim was that the DPRK should observe its international obligations, including its obligation towards the 159 other parties to NPT, and thereby help to reduce tension on the Korean Peninsula.

90. His country believed that all political problems should be resolved through negotiation and welcomed the DPRK's dialogue with the United States and its consultations with the Secretariat. Also, it continued to call for constructive dialogue between the two Koreas. However, it could not accept that implementation of the safeguards agreement between the DPRK and the Agency should be a matter for negotiation or be subject to conditions imposed by the DPRK, and it could not authorize the Secretariat to apply to the DPRK a lower standard in its safeguards operations than that applied to Australia and other Member States.

91. In conclusion, he appealed to the DPRK to co-operate with the Agency in achieving full implementation of the safeguards agreement and to begin by permitting scheduled ad hoc and routine inspections, since, as noted by the delegate of China, it was important to maintain continuity of safeguards information.

92. Ms. BECKER (United States of America) said that the draft resolution contained in document GC(XXXVII)/1090 clearly and strongly expressed the international community's views on the subject under consideration and that her delegation endorsed the efforts made by the Director General and the Secretariat to implement full-scope safeguards in the DPRK.

93. As the General Conference was aware, the United States - in response to Security Council resolution 825 - had engaged the DPRK in discussions aimed at helping to resolve the nuclear issue on the Korean Peninsula. Although some progress had been achieved, her country was deeply concerned that the DPRK had not yet agreed to the routine and ad hoc inspections recently requested by the Agency.

94. Those inspections were essential in order to preserve the continuity of safeguards, and they were therefore a basis for continuation of the discussions between her country and the DPRK. If her country's efforts at a dialogue with the DPRK were to fail, it would be forced to report the matter to the Security Council.

95. The United States remained committed, however, to working with the DPRK and other interested Governments in trying to find a solution which would promote peace and security on the Korean Peninsula and strengthen the international non-proliferation regime. In that connection, her Government welcomed the statement made by the DPRK that it wished to pursue a negotiated solution.

96. The issue was not a bilateral issue between the United States and the DPRK, but one which had generated broad international concern. Accordingly, the United States hoped both that the DPRK would resume consultations with the Agency and allow it to carry out the necessary inspections and that it would resume discussions with the Republic of Korea on the nuclear issue.

97. In view of the importance of the issue for the international community, her Government would like the Director General to transmit the draft resolution after its adoption, together with the summary record of the Conference's discussion under the present agenda item, to the Security Council, as requested in Security Council resolution 825.

98. As United States authorities had stated time and again, her country represented no nuclear threat to the DPRK. That had been reaffirmed in June in a joint press release in which her country and the DPRK had provided to each other all the security assurances contained in the United Nations Charter. Her country sincerely regretted the fact that the DPRK continued to make unjust and untrue allegations.

99. Finally, it should be noted that the request to the DPRK to suspend its withdrawal from the NPT had been made not only by her country, but by the vast majority of parties to the NPT.

100. Mr. GARCIA DE LA CRUZ (Cuba) said his delegation believed that, in the interests of resolving the issue under consideration, the negotiations between the parties concerned should continue and that any actions which might impede the negotiation process and escalate tensions should be avoided. It was vital that there should be, on one hand, unconditional respect for the sovereignty of States and, on the other, strict compliance with international agreements which had been entered into voluntarily but were binding for the contracting parties.

101. His delegation was grateful to the Agency and to the DPRK and other countries for their efforts to find a just and negotiated solution and hoped that they would ultimately achieve success.

102. Mr. RYZHOV (Russian Federation) said that the subject under discussion, which had caused deep and justified concern in the international community, had been before the Agency's Board of Governors for the past eight months and had also been examined by the United Nations Security Council. So far, however, no satisfactory solution had been found. The dialogue between the Agency and the DPRK could hardly be called satisfactory and the practical application of Agency safeguards - even in their traditional, routine form - was constantly encountering difficulties which were primarily of a political nature. The ability of the Agency to implement its part of the safeguards agreement with the DPRK was being called in question.

103. His country hoped that the DPRK would soon adopt a constructive approach and cooperate with the Agency. It welcomed the DPRK's decision to suspend its withdrawal from

NPT, but believed that, following that initial step, the DPRK should now actually rescind its decision to withdraw and allow the Agency to fulfil its safeguards obligations.

104. Like the entire international community, his country was interested in the exclusively peaceful utilization of atomic energy on the Korean Peninsula and the establishment of trust and co-operation between the two Koreas on the basis of the joint declaration which they had made some time before.

105. Mr. LEE (Republic of Korea) said his delegation was very concerned about the lack of meaningful progress in resolving the outstanding issues surrounding the DPRK's suspected nuclear programme. The Agency was still unable to verify the correctness and assess the completeness of the initial declaration made by the DPRK regarding its nuclear materials and facilities. The inconsistencies between the DPRK's initial declaration and the Agency's findings which had begun to emerge over a year before had still not been resolved, despite the Director General's continued efforts and the Board's repeated calls to the DPRK to comply fully with its obligations under its safeguards agreement with the Agency. Access to additional information and to two locations, which it was believed would help to clarify those inconsistencies, had so far been denied by the DPRK authorities. Thus, the Agency had not been able to conclude that the nuclear material, notably plutonium, produced by the DPRK had not been diverted for weapons development.

106. The question was how long the Agency could allow those inconsistencies to remain unclarified without the Agency's credibility being seriously undermined and how long the international community as a whole could afford to remain undecided on that crucial and urgent issue, which constituted a threat not only to peace and security in North East Asia, but also to global nuclear non-proliferation.

107. The international community had been greatly alarmed when, in February, the DPRK had refused to comply with the Board's request for special inspections and when, in March, it had announced its decision to withdraw from the NPT. Under the circumstances, the Board had had no choice but to report the non-compliance of the DPRK with its safeguards obligations to the Security Council, as required by the Statute and the safeguards agreement. As a result, in May the Security Council had adopted resolution 825. The already serious

situation had deteriorated further when the DPRK authorities had started to restrict the Agency's normal ad hoc and routine inspection activities to the minimum necessary for maintenance purposes, in violation of the relevant provisions of the safeguards agreement.

108. The DPRK authorities, in a recent communication to the Secretariat, had indicated that the DPRK's obligations under the safeguards agreement with the Agency were subject to negotiation. However, his delegation shared the Director General's view that the agreement was in force and fully operational and that the Agency's safeguards activities carried out in accordance with it could not be subject to negotiation. Any attempt by a party to a safeguards agreement to fulfil its obligation on a selective basis should be resolutely rejected.

109. The General Conference was faced with open and contemptuous defiance by a Member State of the Agency's authority. The repeated calls by the Board of Governors for the DPRK to comply fully with its safeguards agreement and to co-operate fully with the Agency had so far been rejected by the DPRK, which had challenged the Agency's main decision-making organ by demanding that it rescind all its resolutions relating to the issue. Also, the Agency's Secretariat had been accused by the DPRK of partiality in its inspection activities and of manipulating the decision-making process in the Board and the General Conference. The DPRK had even gone so far as to demand that the Secretariat admit and apologize for its partiality and that it call to account the staff members responsible. Now it was time for the international community to take a firm stand and announce its determination to resolve the matter.

110. His delegation, which still had full confidence in the Director General and the Secretariat and strongly endorsed the actions taken by them in discharging their responsibilities impartially and objectively, believed that the DPRK should reconsider its position and comply fully with its obligations under the safeguards agreement by allowing the Agency to carry out unrestricted ad hoc and routine inspection activities promptly and unconditionally so as to meet the minimum requirements of the agreement in ensuring the continuity of safeguards. It also believed that the DPRK should co-operate immediately with the Agency by complying fully with the relevant resolutions of the Board and the Security Council and that it should enter into meaningful and constructive consultations with the

Agency with a view to resolving outstanding safeguards issues, including that of access to additional information and locations so as to clarify the inconsistencies.

111. If the DPRK continued to refuse to co-operate with the Agency, the international community would be forced to take disciplinary measures. The DPRK should therefore pursue meaningful dialogue and consultations in good faith with the parties directly concerned, as called upon by the Board of Governors and the Security Council.

112. Early and full implementation of the South-North agreement on the denuclearization of the Korean Peninsula was also essential in order to resolve the outstanding issues surrounding the DPRK's suspected nuclear programme. His delegation hoped that the DPRK would return to the negotiating table soon so that there could be a joint move towards mutual confidence and transparency and the early creation of a nuclear-weapon-free Korean Peninsula.

113. Mr. MONDINO (Argentina) said that the safeguards agreement between the Agency and the DPRK continued to be in force and that therefore all its provisions should be implemented. However, the Government of the DPRK continued to obstruct the full implementation of the agreement by preventing the Agency from carrying out routine inspections, from being present during the refuelling of the 5 MW(e) reactor and from clarifying the inconsistencies between the initial inventory declaration and the Agency's findings.

114. He urged the Government of the DPRK to modify its attitude and stressed that full implementation of the safeguards agreement was essential in order to ensure the transparency of the DPRK's nuclear activities.

115. The PRESIDENT, noting that several delegates, in their statements, had referred to the draft resolution contained in document GC(XXXVII)/1090, said he would now ask the delegate of Canada to introduce it.

116. Mr. CHEN (China) said that the draft resolution should not be introduced until the general discussion had been completed.

117. The PRESIDENT said that he saw no reason why the general discussion should not be combined with consideration of the draft resolution and that he would accordingly give the floor to the delegate of Canada.

118. Mr. WALKER (Canada) said that the draft resolution dealt with a situation which, in the view of most Member States, constituted the most serious issue before the Agency. The DPRK's failure to respect its legal obligations towards the Agency and the international community represented a threat to the integrity of the safeguards regime. It was therefore both necessary and appropriate that that issue be addressed in the General Conference, a forum in which the full membership of the Agency was represented.

119. The preambular paragraphs of the resolution were designed to summarize the history of the Agency's many attempts to fulfil its verification role in the DPRK. The full chronicle of events was set out in the report by the Director General attached to document GC(XXXVII)/1084, and in that connection he wished to draw attention to the DPRK's persistent unwillingness to co-operate fully with Agency inspectors or to enter into real consultations with Agency officials.

120. The third preambular paragraph referred to the fact that, after the Board of Governors had determined that the DPRK was non-compliant with its obligations, the issue had been referred to the Security Council, which remained seized of the question.

121. The operative paragraphs reflected the fact that the Director General and the Secretariat enjoyed the full confidence of the co-sponsors, who urged the DPRK to co-operate immediately with the Agency so that the safeguards agreement could be fully implemented. There was still time, even at that late stage, for proper co-operation to be established and the integrity of the safeguards regime to be preserved.

122. Mr. BALANESCU (Romania), observing that all the discussions in the Board and the Security Council on the issue under consideration and the associated resolutions had proved fruitless, expressed concern that the DPRK was still failing to comply with its obligations under NPT and its safeguards agreement with the Agency. Moreover, the DPRK had not demonstrated any will to co-operate with the Agency and remedy a situation which

seemed to be getting worse. That was why Romania was a co-sponsor of the draft resolution.

123. Mr. AAMODT (Norway) said that his delegation regretted that the Agency had been unable to verify the correctness and assess the completeness of the DPRK's initial report and that the consultations with the DPRK had been of no avail.

124. Norway fully supported the efforts of the Agency to carry out its safeguards duties in the DPRK and urged the DPRK to resume consultations with the Agency with a view to achieving full implementation of the safeguards agreement without delay.

125. Mr. KUME (Japan) reaffirmed the continuing support of his delegation for the actions taken by the Director General in implementing the safeguards agreement with the DPRK and expressed its appreciation of the efforts made by the Governments of the United States and the Republic of Korea, through their respective bilateral dialogues with the DPRK, to support the consultations between the Agency and the DPRK.

126. His delegation was gravely concerned about the fact that the inconsistencies between the DPRK's initial report and the Agency's findings remained unresolved, especially as the DPRK still refused to provide the access to additional information or locations which might help clear up the matter. Moreover, the DPRK seemed intent on limiting inspection activities to the minimum necessary for the maintenance and replacement of safeguards equipment.

127. Japan shared the view of the Secretariat that, as the DPRK had suspended its withdrawal from the NPT, its safeguards agreement with the Agency was still in force. The DPRK was therefore under a legal obligation to fulfil all the requirements laid down in the safeguards agreement and not just some of them.

128. Regrettably, essential elements of the Board's resolutions on the matter and of Security Council resolution 825 had thus far not been implemented. His delegation therefore hoped that the DPRK would respond positively to the latest Agency request and agree to routine and ad hoc inspection activities, as specified in its telex of 8 September, as soon as possible. He appealed to the DPRK to make a serious effort to resolve all the difficulties in the next round of consultations, to be held shortly in Vienna.

129. Mr. SALAS BARAHONA (Peru), expressing support for the draft resolution, said Peru believed that the NPT and an effective safeguards system were fundamental to world peace and security and the peaceful utilization of nuclear energy, and he trusted that all other Member States thought that way.

130. Mr. GUTIERREZ LEYTON (Chile) said that the draft resolution before the Conference related to a situation which was serious and which could set an unfortunate precedent. Chile supported the actions taken by the Secretariat and the Director General, and it hoped the DPRK would soon resume consultations with the Agency in a positive spirit.

131. Mr. COOK (New Zealand) said that his country harboured no malice towards the DPRK, but it could not accept that the implementation of a safeguards agreement should be subject to negotiations or conditions.

132. His delegation, which was deeply concerned lest the present situation undermine the integrity of Agency safeguards and of the non-proliferation regime as a whole, endorsed the actions taken by the Secretariat and the Board and hoped that the DPRK would co-operate fully in the implementation of its safeguards undertakings.

133. New Zealand hoped that the DPRK would heed the views of the Conference, that it would, as a matter of urgency, agree to the routine and ad hoc inspections which were essential for maintaining safeguards continuity, and that it would enter promptly into genuine consultations aimed at resolving outstanding issues.

134. Mr. HÖGBERG (Sweden) said it was a matter of deep concern to his country that the DPRK continued to be in non-compliance with its obligations under its safeguards agreement. Noting that the DPRK had declined to permit routine and ad hoc inspections, he urged the DPRK to co-operate fully with the Agency regarding necessary inspection activities, to fulfil all its obligations under the safeguards agreement and to abide by the resolutions adopted by the Board of Governors and the Security Council. He expressed his delegation's full support for the Director General, commended him and the Secretariat for their impartial efforts to implement the safeguards agreement and expressed the hope that positive results would be achieved soon through consultations between the DPRK and the Agency.

135. Mr. OJANEN (Finland) said Finland was gravely concerned at the DPRK's continued failure to discharge its safeguards obligations. Moreover, the DPRK's non-compliance had now extended to routine and ad hoc inspections, thus jeopardizing the continuity of safeguards. He urged the DPRK to comply with the relevant Board and Security Council resolutions, endorsed the action taken by the Board and expressed full support for the Agency in its efforts to implement the safeguards agreement.

136. Mr. CONSTENLA (Costa Rica), commending the Secretariat for its efforts in endeavouring to implement the safeguards agreement between the Agency and the DPRK, said that Costa Rica, which had no army, depended on the proper functioning of international institutions and could not stand back and allow the Agency to lose its credibility. Accordingly, Costa Rica urged the DPRK to collaborate with the international community without delay in settling the matter under consideration.

137. Mr. PEYRAT (Paraguay) expressed his country's disquiet at the dangerous situation arising from the non-compliance of the DPRK with its safeguards agreement and called on the DPRK to discharge its NPT obligations. The Agency should intensify its efforts with a view to achieving compliance and thereby avoiding a precedent that would undermine the universality and effectiveness of NPT.

138. Mr. AL-SULEIMAN (Saudi Arabia) appealed to the DPRK to respect its commitments and co-operate fully with the Agency in resolving the safeguards issue.

139. Mr. ORJUELA BERMEQ (Colombia) said that, while still hoping that a peaceful solution to the nuclear issue on the Korean Peninsula could be found through constructive dialogue, he was dismayed at the DPRK's assertion that the draft resolution was a provocation and a threat to its sovereignty. It was nothing of the sort; it was simply a further attempt to achieve the implementation of contractual obligations - the basis of international law and peaceful coexistence.

140. Ms. OK (Turkey), expressing concern at the lack of progress in the negotiations between the Agency and the DPRK, urged the DPRK to fulfil its NPT obligations and said that the issue should be dealt with through a multilateral dialogue between the Agency, the DPRK, the United States and the Republic of Korea.

141. Mr. SHEARAR (South Africa) said that the decision of his country to co-sponsor the draft resolution had been motivated by its commitment to the safeguards regime and by general concern for peace and security; South Africa would have taken such a decision whichever country had been found to be in breach of its contractual undertakings.

142. His country, which had confidence in the objectivity of the Director General and the Secretariat, hoped that the DPRK would co-operate in resolving the differences which had arisen and comply fully with its international safeguards obligations.

143. The PRESIDENT asked whether the Conference wished to adopt the draft resolution in document GC(XXXVII)/1090.

144. Mr. KIM (Democratic People's Republic of Korea) requested that a roll-call vote be taken on the draft resolution.

145. Mr. CHEN (China) said that China could not support the draft resolution for the following reasons. First, it had not been necessary to put the issue on the agenda in the first place, and adopting the resolution would be a redundant act. Second, China had its own position on the resolutions of the Board of Governors and the Security Council mentioned in the draft resolution. Third, the phrase "widened the area of non-compliance" in the second operative paragraph and the follow-up action envisaged in the final operative paragraph of the draft resolution were not helpful and could only exacerbate the differences between the parties.

146. In the light of those considerations, China might well have voted against the draft resolution but, as a gesture of goodwill, reciprocating that demonstrated by the sponsoring countries, China would abstain.

147. Mr. BAKSHI (India) said that once a country had concluded an agreement it should meet its commitments thereunder.

148. As far as implementation of the safeguards agreement between the Agency and the DPRK was concerned, some progress had been made and discussions had taken place between DPRK and other interested countries. Important issues remained unresolved, however, and that was a matter for concern. India had consistently taken the position that

the differences between the parties to the agreement could be overcome only through negotiation and hoped the negotiating process would continue. Adoption of the draft resolution before the Conference might hamper that process, and his delegation had accordingly decided to abstain in any vote.

149. Ms. KSENTINI (Algeria) said her delegation supported the basic objective of the draft resolution - namely, to support the Director General in implementing the safeguards agreement with the DPRK, without preventing a constructive dialogue capable of resolving the differences between the Agency and the DPRK and of paving the way to the denuclearization of the Korean Peninsula.

150. Her delegation, which had supported the Board resolutions on the issue, would vote in favour of the draft resolution before the Conference, although it felt that there might be more pragmatic ways of achieving the desired end.

151. Mr. JOSHUA (Pakistan) said his delegation would abstain in the vote because it believed the issue should be resolved through consultations between the Agency and the DPRK; he hoped that talks would be resumed soon in a constructive spirit. Other Member States of the Agency should use their good offices in helping to achieve a negotiated settlement.

152. Pakistan, which was committed to the goal of non-proliferation, had always encouraged any effort made by countries - either individually or regionally - to advance the cause of non-proliferation. Accordingly, it had welcomed the declaration made by the Republic of Korea and the DPRK in favour of the denuclearization of the Korean Peninsula.

153. Pakistan remained unwavering in its view that international agreements freely entered into should be scrupulously adhered to. Accordingly, all safeguards agreements, including that between the Agency and the DPRK, should be meticulously implemented by the parties.

154. The PRESIDENT said the Conference would now proceed with a roll-call vote on the draft resolution contained in document GC(XXXVII)/1090, as requested by the delegate of the DPRK.

155. Guatemala, having been drawn by lot by the President, was called upon to vote first.

156. The result of the vote was as follows:

In favour: Albania, Algeria, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Republic of Korea, Kuwait, Lebanon, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Democratic People's Republic of Korea, Libyan Arab Jamahiriya.

Abstaining: Bangladesh, China, Cuba, India, Islamic Republic of Iran, Namibia, Pakistan, Syrian Arab Republic, United Republic of Tanzania, Viet Nam, Zimbabwe.

157. There were 72 votes in favour and 2 against, with 11 abstentions. The draft resolution contained in document GC(XXXVII)/1090 was adopted.

158. Mr. LI (Democratic People's Republic of Korea) said that his delegation very much regretted the adoption of the unjust resolution directed against its country, which it regarded as a violation of the DPRK's sovereignty and which it firmly rejected. The co-sponsors of the resolution and the officials of the Agency's Secretariat involved in its adoption would bear full responsibility for the consequences. If the delegate of the Republic of Korea really wanted the denuclearization of the Korean Peninsula, he should have demanded that the United States withdraw its nuclear threat against the DPRK.

159. Mr. TARMIDZI (Indonesia) said that his delegation had voted in favour of the draft resolution because it believed that openness and transparency were essential in the area of safeguards. Adoption of the resolution should not be regarded as a form of political pressure; the resolution should be implemented in an impartial and objective manner. His

delegation hoped that, with the adoption of the resolution, dialogue and further negotiations would be resumed in the near future with a view to finding solutions acceptable to all parties.

The meeting rose at 1.15 p.m.

