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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

AFRA	African Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear-weapon-free zone
TACF	Technical Assistance and Co-operation Fund

THE DENUCLEARIZATION OF AFRICA (GC(XXXVI)/RES/577; GC(XXXVII)/1075, 1088)

1. The PRESIDENT noted that the item had been included in the agenda pursuant to resolution GC(XXXVI)/RES/577, adopted by the General Conference at its previous session. As requested in operative paragraph 2 of that resolution, the Director General had submitted a report, contained in document GC(XXXVII)/1075, on the progress made with the implementation of the resolution. That report had already been considered by the Board of Governors during its meetings the week before. In addition, the Director General had referred to the issue in his opening statement to the Conference, and a draft resolution had been submitted on behalf of the African Group in document GC(XXXVII)/1088, which he invited the delegate of Ethiopia to introduce.
2. Mr. YIMER (Ethiopia), speaking on behalf of the African Group, said it was a great honour to introduce the draft resolution, which was straightforward and clear. It contained two main elements: the first related to the establishment of a nuclear-weapon-free zone in Africa, and the second to South Africa's nuclear programmes. Both elements were interdependent. The draft resolution recognized the positive developments in South Africa's nuclear activities and welcomed the progress which had been made with the establishment of a nuclear-weapon-free zone in the region. It also requested South Africa to continue its stated policy. He hoped that the draft resolution would promote the establishment of a nuclear-weapon-free zone in Africa and that the Conference would adopt it by consensus.
3. Mr. PLUG (Netherlands) supported the draft resolution and highlighted the general appreciation which had been shown by many delegations for South Africa's openness about its nuclear activities, which was perhaps not sufficiently reflected in the draft resolution. That transparency had greatly contributed to the prospect of an African continent free of nuclear weapons. The Government of the Netherlands was following developments in South Africa closely, and looked forward to the point when South Africa would once again be participating in all the Agency's activities.
4. Mr. HULSE (United Kingdom) associated himself with the statement made by the delegate of the Netherlands. He supported the draft resolution but found the language rather uncharitable, particularly concerning South Africa's declaration that it had voluntarily

destroyed its nuclear weapons - a momentous decision which he hoped would be imitated by other States.

5. Mr. de LA FORTELLE (France) said his delegation also supported the draft resolution and appreciated the efforts which had been made by the South African Government. The new attitude of that Government should enable South Africa to resume participation in all the Agency's activities within the near future, and should also facilitate the establishment of a nuclear-weapon-free zone on the African continent.

6. Mr. McRAE (Canada) congratulated the South African Government on its policy of openness and co-operation with the Agency and the international nuclear community. The actions of the South African Government had greatly contributed to the strengthening of the international nuclear non-proliferation regime. For the first time in the history of the IAEA, a country with a previously active nuclear weapons programme had decided to suspend that programme and adopt a policy of full transparency.

7. The progress made over the preceding few years on the resolution which the Conference was considering had been most gratifying. The prospect of a nuclear-weapon-free zone in Africa was much closer to becoming a reality than anyone would have thought possible only a few years previously. It was regrettable that the draft resolution as it stood did not contain an invitation to South Africa to rejoin all the Agency's activities. While supporting the draft resolution submitted by the African Group, therefore, he looked forward to further progress over the course of the coming year.

8. Mr. WALKER (Australia) said that his country strongly supported the establishment of a nuclear-weapon-free zone in Africa and accordingly welcomed South Africa's voluntary abandonment of its nuclear weapons activities and its adoption of a policy of transparency and co-operation with the IAEA. He was therefore able to endorse the draft resolution. He also welcomed the other positive political developments which were taking place in South Africa and hoped that the new South Africa would soon be taking its rightful place in all international bodies.

9. Mr. VILAIN XIII (Belgium) expressed himself very much in favour of the establishment of a nuclear-weapon-free zone in Africa and welcomed the progress which had

been made in the preceding year. South Africa had contributed to that progress and had clearly demonstrated its wish to co-operate fully with the Agency. He hoped that positive trend would continue and looked forward to a point where South Africa would resume its participation in all the Agency's activities.

10. Ms. BECKER (United States of America) said that real progress had been made during the preceding year towards drawing up a comprehensive treaty for the denuclearization of Africa. The United States, having long supported the establishment of a nuclear-weapon-free zone in Africa, endorsed the draft resolution and would continue to follow developments in that area with great interest. Her delegation hoped in particular that South Africa would soon be able to participate fully in activities relating to the peaceful use of nuclear energy at the regional and international levels.

11. The United States commended the Government of South Africa on its co-operative attitude - which incidentally it would have liked to see better reflected in the text of the draft resolution. South Africa's commitment to implementing full transparency with regard to the nuclear weapons programme which it had conducted and dismantled prior to its accession to the NPT was especially gratifying. South Africa's actions could and should serve as an important model for other countries wishing to turn away from nuclear weapon programmes and establish full international confidence in their commitment to nuclear non-proliferation.

12. Mr. SHEARAR (South Africa) said that his delegation was greatly disappointed by the text of the draft resolution contained in document GC(XXXVII)/1088, as it signally failed to reflect fully the events which had taken place in South Africa during the preceding year and which were partly described in document GC(XXXVII)/1075, as well as the reaction to those events from the international community at large, the Board of Governors during its meetings the preceding week, and many speakers in the general debate and even in the discussion of the item during the current meeting. The draft resolution also did not reflect the current state of bilateral relations. Indeed, the recognition it gave South Africa could at best be described as miserly.

13. Equally importantly, it left unresolved certain outstanding limitations on the relationship between South Africa and the Agency which also had an impact on the work of

the Secretariat. The use of South African facilities in the implementation of Agency and other training programmes in Africa was but a small example.

14. With a view to remedying that defect and ensuring that the draft resolution reflected greater credit on the General Conference, he would propose adding, in operative paragraph 2 after the words "full transparency", the clause "and invites it to resume full participation in the work of the Agency".

15. Under the circumstances, his delegation wished to make it clear that South Africa's support for the operative part of the draft resolution was limited to those paragraphs which related to a nuclear-weapon-free zone in Africa. South Africa would, in pursuance of its declared policy of transparency, continue to meet in full its obligations as a Member State of the IAEA, as well as its commitments under the NPT and under its safeguards agreement with the Agency. However, equally in the interests of transparency, his delegation would have to consult with the South African authorities concerning any negative implications which the adoption of the draft resolution might have for South Africa's voluntary contributions toward the Agency's technical and regional co-operation activities. Pending the outcome of those consultations, South Africa could not be bound by any voluntary pledges it had made either to the TACF or to AFRA. He did not in any way wish to imply that the resolution would affect the promotion of bilateral relations with South Africa's neighbours. As in the past, South Africa would be prepared to consider reasonable bilateral proposals, guided by its belief in the development of peaceful nuclear technology and research in Africa. However, its first priority would have to be its own interests and domestic requirements for economic development.

16. Thus, South Africa could not join any consensus on the current text.

17. Mr. MENDEN (Germany) said that his delegation supported the draft resolution and, like many other delegations, appreciated South Africa's decision to dismantle its nuclear weapons. That decision was a historical move which had contributed greatly to the efforts to establish a nuclear-weapon-free zone in Africa. He looked forward to the point when South Africa would once more be participating fully in the Agency's activities.

18. Mr. AYATOLLAHI (Islamic Republic of Iran) said his delegation had always supported the concept of nuclear-weapon-free zones and his country had been the first to propose the establishment of a nuclear-weapon-free zone in the Middle East. He therefore welcomed South Africa's declaration that it had dismantled its nuclear weapons and was submitting its nuclear installations to Agency safeguards. That move constituted real progress which, it was to be hoped, would eventually lead to the establishment of a nuclear-weapon-free zone in Africa.

19. The PRESIDENT, there being no further speakers, took it that the Conference wished to adopt the draft resolution contained in document GC(XXXVII)/1088 without a vote.

20. It was so decided.

21. Mr. BAKSHI (India) expressed his full support for the aspirations of the people of Africa to secure equality and lasting peace in their part of the world. For decades, India had consistently supported the just struggle of the people of Africa. He welcomed the momentous positive developments which had taken place in South Africa in recent years, and applauded the progress towards full participatory democracy.

22. The resolution contained in document GC(XXXVII)/1088 referred to the establishment of a nuclear-weapon-free zone in the continent of Africa. His delegation had a clearly defined position on the concept of nuclear-weapon-free zones, namely that any such proposal should emanate from the region concerned, that it should evolve from consultations and negotiations among the States of the region, and that it should be based upon the consent of all the States in the region. He noted that the States in the African region were working towards the establishment of a nuclear-weapon-free zone and that, at their request, the Director General of the IAEA had been assisting them in their efforts. His delegation was therefore able to go along with the resolution. He also expressed the hope that South Africa would be able to participate fully in all the Agency's activities in the not too distant future.

IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 687, 707 AND 715 RELATING TO IRAQ (GC(XXXVI)/RES/579; GOV/2677-GC(XXXVII)/1069 and Add.1, GC(XXXVII)/1091 and Add.1 and 2)

23. The PRESIDENT noted that the item had been included in the agenda pursuant to resolution GC(XXXVI)/RES/579, which had been adopted by the General Conference during its preceding session. Pursuant to operative paragraph 5 of that resolution, the Director General had submitted, in document GOV/2677-GC(XXXVII)/1069, a report on his efforts to implement Security Council resolutions 687, 707 and 715 which had also been considered by the Board during its meetings the preceding week. In addition, the Director General had referred to the matter in his opening statement, and a draft resolution on the issue was before the Conference in GC(XXXVII)/1091.

24. Mr. AL-KITAL (Iraq) appealed to all delegates to set aside any political considerations and discuss the issue on its own merits.

25. The item related to the implementation of Security Council resolutions 687, 707 and 715. Those resolutions had been adopted by the Security Council under the terms of Chapter VII of the United Nations Charter. Chapter VII of the United Nations Charter gave the Security Council a wide variety of options as far as the enforcement of its resolutions was concerned.

26. Paragraph 13 of Security Council resolution 687 charged the Director General of the Agency with a special task which was clearly defined in the resolution. That task had been laid upon the Director General and not upon the Agency, and the former had been made responsible to the Security Council for the carrying out of that task. He had used an action team to perform the task and had not involved the Department of Safeguards. He was not required to seek permission from the Board of Governors or the General Conference for any of the activities relating to that task.

27. During its preceding session, the General Conference had discussed an item entitled "Iraq's non-compliance with its safeguards obligations". That topic came within the Agency's field of competence. The item on the agenda for the current session, on the other hand, dealt with the implementation of Security Council resolutions, which was not a matter that fell within the Agency's field of competence. Therefore the General Conference could

only listen to the Director General's report; it could not discuss the issue or take a decision on it. In case anyone disagreed with that view, he requested that a legal opinion be given on the matter.

28. The PRESIDENT asked the Conference to proceed with its deliberations on the issue pending the delivery of an opinion by the Legal Division.

29. Mr. AL-KITAL (Iraq) proposed that all discussion of the issue be suspended pending the delivery of a legal opinion.

30. The PRESIDENT ruled that discussion of the issue should continue and invited the French delegation to introduce the draft resolution on the matter.

31. Mr. de LA FORTELLE (France) said that the draft resolution contained in document GC(XXXVII)/1091 expressed the concerns of a great number of countries and that the delegations of Romania and Ireland had asked to be added to the long list of co-sponsors.

32. The central message of the draft resolution was that some progress had been made with the implementation of the Security Council resolutions, but that certain essential elements had still to be implemented.

33. Mr. AL-KITAL (Iraq), interrupting the representative of France, said that the Conference was engaged in an illegal procedure and should suspend its discussion of the present issue until the legal opinion he had requested was forthcoming.

34. The PRESIDENT replied that discussion of the issue would continue until the Legal Division was ready to deliver an opinion.

35. Mr. de LA FORTELLE (France), resuming his introductory statement, said that since some elements of the Security Council resolutions had still not been implemented, the draft resolution called upon Iraq to comply fully with its obligations. The vigilance of the international community had to be maintained, especially in view of the recent peace developments in the region. The resolution also commended the efforts of the Director General and the Secretariat.

36. In conclusion, he stressed that the resolution had been drawn up in a constructive manner. It had attracted wide support, and he hoped that it would be adopted by consensus.

37. The DIRECTOR GENERAL noted that, although Security Council resolution 687 laid the responsibility for the implementation of that resolution upon the Director General of the Agency, subsequent resolutions, such as resolution 707, spoke directly about the IAEA (for example in paragraph 3). Thus it was clear that the Security Council had mandated tasks to the Agency. Moreover, Article VII.B of the Statute stated that the Director General was "under the authority of and subject to the control of the Board of Governors". Therefore, even though the Security Council had mandated a task to him, he was still answerable to the Board and to the Agency. Equally, the Board was always free to report on its deliberations to the General Conference, and Article V.D of the Statute stated that:

"The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute, and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters."

38. It was, of course, up to the General Conference to decide whether it had the authority to adopt a resolution on the issue, but he was of the opinion that it did have that authority.

39. Ms. BECKER (United States of America) expressed her country's full support and appreciation for the Agency's continuing efforts to implement its responsibilities in Iraq pursuant to the relevant Security Council resolutions. Under the effective leadership of Professor Maurizio Zifferero, those efforts had succeeded in alleviating concerns regarding any remaining capability in Iraq to produce nuclear weapons. The Agency's activities must be pursued vigorously in order to maintain a high level of confidence that Iraq was not attempting to reconstitute its illegal nuclear weapons programme.

40. Iraq had so far refused to co-operate fully with the Agency and the United Nations Special Commission in meeting the requirements of the Security Council resolutions. Consequently, the United States of America was pleased to co-sponsor the draft resolution contained in document GC(XXXVII)/1091, which demanded that Iraq immediately comply with all its obligations under Security Council resolutions 687, 707 and 715 - particularly by providing to the Security Council the answers to questions about its foreign suppliers and sources of technical advice.

41. Mr. MENDEN (Germany) said that under resolution GC(XXXVI)/RES/579, adopted by the General Conference the previous year, the Director General clearly had both the authority and the obligation to report to the General Conference on the Agency's efforts to implement Security Council resolution 687. The matter had therefore rightly been put on the agenda and Germany fully supported the draft resolution contained in document GC(XXXVII)/1091.

42. Mr. AL-KITAL (Iraq) thanked the Director General for the opinion he had given and explained that while he had no objection to the Director General reporting to the General Conference, he considered that the General Conference did not have the legal authority to adopt resolutions giving the false impression that it could assist the Security Council in implementing its own resolutions. To do so was sheer hypocrisy and constituted a meaningless political exercise. Only the Security Council had the authority to speed up implementation of its resolutions. Discussions were currently taking place in Baghdad at which a great deal of information was being provided, so it was even possible that many of the open questions - including those referred to by the representative of the United States - had already been answered.

43. Turning to the draft resolution, he pointed out that preambular paragraph (b), referring to Iraq's non-compliance with its safeguards obligations towards the Agency, had already been discussed the previous year and the year before that and had no direct relevance to implementation of Security Council resolutions 687, 707 and 715. As to operative paragraph 1 demanding full compliance in submitting a full, final and complete declaration of Iraq's nuclear programme, Iraq had submitted such a declaration in March 1992. The response had been a series of questions from the Agency's Action Team - all of which had been answered. Nevertheless, the Action Team had maintained that not all the information had been supplied. At the high-level technical talks which had taken place in New York in early September 1993, Iraq had provided further information, and it had subsequently updated the appendices to Security Council resolution 707. Document GC(XXXVII)/1069/Add.1, which contained the minutes of those meetings in New York, made no mention of any information being missing in the full, final and complete declaration. It was missing only in the minds of those who had written draft resolution

GC(XXXVII)/1091, which was neither factual nor precise. Clearly the aim of that draft resolution was to perpetuate the issue for political purposes.

44. The claim that Iraq had not accepted ongoing inspections was false. The Director General himself had said that the stage of ongoing inspections was now in progress. Equipment, such as gamma sensors, had been installed, water samples collected and analyses made as part of the ongoing inspections. Iraq was co-operating fully with the Agency in that respect, but anyone thinking that the attitude reflected in the draft resolution under discussion was conducive to that process was under a grave misapprehension.

45. Accordingly, he formally proposed that preambular paragraph (b) and operative paragraph 1 of the draft resolution contained in document GC(XXXVII)/1091 be deleted and requested that separate roll-call votes be taken on those two deletions and on the text as a whole.

46. Mr. TAN (Malaysia) said that his country could go along with the draft resolution provided it was, in fact, legally correct for the matter to be discussed by the General Conference. Having taken note of the Director General's opinion on the subject, he proposed that a vote be taken on whether the Conference was competent to discuss and take a decision on the matter.

47. The PRESIDENT, referring to Rule 64 of the Rules of Procedure of the General Conference, suggested that a roll-call vote should first be taken on the competence of the General Conference to discuss and take a decision on the draft resolution submitted.

48. Indonesia, having been drawn by lot by the President, was called upon to vote first.

49. The result of the vote was as follows:

In favour:

Albania, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia,

Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia.

Against: Jordan.

Abstaining: Algeria, Cuba, Democratic People's Republic of Korea, India, Indonesia, Islamic Republic of Iran, Malaysia.

50. There were 68 votes in favour and 1 against, with 7 abstentions. The General Conference was competent to discuss and take a decision in respect of the draft resolution.

51. The PRESIDENT recalled that the delegate of Iraq had proposed two amendments to the draft resolution contained in document GC(XXXVII)/1091, namely deletion of preambular paragraph (b) and deletion of operative paragraph 1. He had also requested that separate roll-call votes be taken on each of those two amendments and on the text as a whole.

52. Ms. BECKER (United States of America), referring to Rule 75 of the Rules of Procedure, objected to the request made by the delegate of Iraq.

53. Mr. AL-KITAL (Iraq) said that Rule 75 was not applicable since he was not asking for a separate vote on each part of the draft resolution but for separate votes on two amendments.

54. The PRESIDENT suggested that the General Conference should comply with Iraq's request for three separate votes and a roll-call vote on whether to delete preambular paragraph (b) of the draft resolution as proposed by Iraq. A vote in favour would signify being in favour of deletion of the paragraph.

55. Zambia, 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: None.

Against: Albania, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia,

Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia.

Abstaining: Algeria, Cuba, Democratic People's Republic of Korea, Jordan.

57. There were no votes in favour and 74 against, with 4 abstentions. The proposal to delete preambular paragraph (b) was rejected.

58. Mr. VILAIN XIII (Belgium), noting that under Rule 63 of the Rules of Procedure the President was not obliged to allow the amendments proposed by Iraq to be discussed or put to the vote, suggested that the President should invite the Conference to proceed directly to a vote on the draft resolution itself, since the Iraqi proposals were clearly intended to prolong the session rather than to advance discussion.

59. The PRESIDENT replied that since the Conference had already embarked on taking the three votes requested by Iraq, he felt it should now proceed with a roll-call vote on whether to delete operative paragraph 1 of the draft resolution as proposed by Iraq. A vote in favour would signify being in favour of deletion of the paragraph.

60. Armenia, having been drawn by lot by the President, was called upon to vote first. In the absence of a representative of Armenia, the voting started with Australia.

61. The result of the vote was as follows:

In favour: None.

Against: Albania, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador,

Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia.

Abstaining: Algeria, Cuba, Democratic People's Republic of Korea, Jordan.

62. There were no votes in favour and 74 against, with 4 abstentions. The proposal to delete operative paragraph 1 was rejected.

63. The PRESIDENT asked the General Conference to proceed to a roll-call vote on the text of the draft resolution contained in document GC(XXXVII)/1091 as a whole.

64. Pakistan, having been drawn by lot by the President, was called upon to vote first.

65. The result of the vote was as follows:

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

Against: None.

Abstaining: Algeria, Cuba, Democratic People's Republic of Korea, Jordan.

66. There were 73 votes in favour and none against, with 4 abstentions. The draft resolution contained in document GC(XXXVII)/1091 was adopted.

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST
(GC(XXXVI)/RES/601; GOV/2682-GC(XXXVII)/1072 and GC(XXXVII)/1086)

67. The PRESIDENT noted that the item had been included in the agenda pursuant to resolution GC(XXXVI)/RES/601, adopted by the General Conference at its 1992 session. Pursuant to operative paragraph 7 of that resolution, the Director General had submitted the report contained in document GOV/2682-GC(XXXVII)/1072, which had already been considered by the Board of Governors the previous week. The Director General had also referred to the matter in his opening statement to the Conference.

68. In addition, a draft resolution had been submitted in document GC(XXXVII)/1086 on which there had since been intensive consultations between himself, the sponsors and other interested parties. As a result, an amended version had been circulated in which the original operative paragraph 3 was replaced by the following two new operative paragraphs:

"3. Calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region, and invites the countries concerned to adhere to international non-proliferation regimes, particularly the nuclear non-proliferation regime, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region.

"4. Takes note of the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral working group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including establishment of a NWFZ, and calls on the Director General, as requested by the participants, to render all necessary assistance to the working group in promoting that objective."

69. If the amended version was accepted, the subsequent operative paragraphs 4 to 8 would of course have to be renumbered accordingly.

70. Mr. AYATOLLAHI (Iran) expressed his delegation's reservations regarding the circulated amendment, which had implications that went beyond the Agency's mandate.

71. Mr. HADDAD (Syrian Arab Republic) noted that the draft resolution, as set out in document GC(XXXVII)/1086, was essentially the same as the previous year's resolution GC(XXXVI)/RES/601 except for two new features: an addition in preambular paragraph (e) commending the Agency on various initiatives relating to the application of safeguards in the Middle East, and a new operative paragraph 3 which was the more important addition in that it invited all the countries of the region which had not yet done so to accede to the NPT.

72. Regarding the circulated amendment, his delegation would have preferred to retain the original wording of paragraph 3 but was willing, for the sake of consensus, to go along with its replacement by the two new paragraphs proposed.

73. As to the proposed new operative paragraph 4, his Government was not opposed in principle to setting up a multilateral or any other kind of working group, but felt that it would be premature to do so before the bilateral negotiations had achieved substantial progress in establishing peace and mutual understanding in the region. Such progress would be greatly facilitated if the region were free of all nuclear weapons and weapons of mass destruction or if at least all the countries of the region would adhere to the relevant instruments in order to promote mutual confidence.

74. Mr. SALLOUKH (Lebanon) reaffirmed his country's desire for a just peace in the region, a goal which could not be attained unless all the parties concerned joined in the necessary efforts.

75. A first step towards building mutual confidence would be for all the countries that had not yet done so to accede to the NPT and submit all their nuclear activities to Agency safeguards. A number of instances, including the Agency, were engaged in various initiatives aimed at achieving that goal with a view to bringing about a more humane society in the region guided by peace-loving principles rather than being ruled by the threat of mass destruction.

76. Lebanon would support a consensus on the replacement of operative paragraph 3 by the two new paragraphs. Its only proviso was that the efforts - albeit undoubtedly important - should be regarded as depending upon substantive progress being achieved in the bilateral negotiations. Such progress could be encouraged through accession to the NPT by all parties in the region and through the speeding up of the negotiations. Once those conditions had been fulfilled it would be reasonable to proceed to multilateral talks - a move his delegation looked forward to making, but only when the time was right.

77. Mr. AL-KITAL (Iraq) said that his country had supported the efforts undertaken within the framework of the United Nations Security Council over a period of many years with a view to establishing a nuclear-weapon-free zone in the Middle East and had, moreover, advocated making the region free of all weapons of mass destruction, a view it had expressed clearly during the discussion on chemical weapons at the Paris Conference of States Parties to the 1925 Geneva Protocol, held in January 1989.

78. Accession to the NPT by all the countries of the region was a prerequisite for achieving mutual confidence. Any contrary approach could only serve to intensify the arms race. It was well known, after all, that nuclear weapons were already present in the region, specifically in Israel.

79. Among the obvious weak points of the draft resolution before the Conference was its failure to refer to Security Council resolution 487 (1981), which had been adopted unanimously and which called upon Israel to place its nuclear facilities under to the Agency's safeguards. The draft resolution also omitted any reference to operative paragraph 14 of Security Council resolution 687(1991), in which it was recognized that the actions to be taken by Iraq in accordance with that resolution represented steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction.

80. Turning to the proposed amendment, he said that the new operative paragraph 4 constituted an attempt to exclude from the sphere of competence of the United Nations the subjects of safeguards, their application in the Middle East and the establishment of a nuclear-weapon-free zone in that region, since it implied that those issued would be dealt

with in negotiations in which not all the countries of the region were able to participate and in which no one country could act on behalf of another.

81. His delegation would not, therefore, be in a position to vote in favour of the draft resolution, even if it had the right to do so.

82. Ms. BECKER (United States of America) said that, in the light of recent developments which had raised hopes that a just, durable, secure and comprehensive peace could at long last be achieved in the Arab-Israeli conflict, her delegation was especially pleased to be able to join the consensus on the current year's resolution on the application of safeguards in the Middle East.

83. That resolution reflected an important principle for promoting security in the region, namely that widely based international non-proliferation regimes, including in particular the nuclear non-proliferation regime, could complement the achievement of regional goals. Moreover, it reinforced a regional goal that deserved - and indeed commanded - strong support by the parties directly concerned - a Middle East free of all weapons of mass destruction, including nuclear weapons.

84. In addition, the draft resolution recognized the important role to be played in approaching that goal by the multilateral working group on Arms Control and Regional Security. Specifically, it cited the role of the working group in promoting a nuclear-weapon-free zone in the region and called upon the Director General and the Agency to assist in that effort.

85. Taken together, those were tangible and important steps forward in the process of building confidence and security in the Middle East. In that connection, her Government particularly welcomed the constructive spirit of compromise that had produced such an encouraging outcome.

86. Mr. AYATOLLAHI (Iran) reiterated that his delegation, while in general considering that the draft resolution contained important elements for the application of safeguards in the Middle East, nevertheless had some reservations about the text.

87. Regarding preambular paragraph (d), he felt that, for the sake of avoiding ambiguity, the activities referred to in the phrase "recent initiatives regarding arms control in the region" should be defined in greater detail.

88. The same comment applied to preambular paragraph (e): it would have been appropriate to give more detailed information regarding the States whose positive response was being commended.

89. Turning to operative paragraph 3 in both the original and the amended version, he noted that the word "practical" seemed unnecessary and left the paragraph open to misinterpretation and misuse by those seeking to justify their reluctance to pursue the resolution's objectives.

90. With those remarks, his delegation could support the draft resolution as set forth in document GC(XXXVII)/1086. It had greater difficulty, however, in accepting amendments which strayed into areas, such as arms control, that were beyond the Agency's mandate and merely diverted attention from issues of greater immediate relevance to its activities, namely the application of safeguards and the positive response forthcoming from the region with regard to the conclusion of full-scope safeguards agreements.

91. The PRESIDENT said that, in the light of the comments made, he had the impression that the Conference was prepared to adopt the draft resolution in document GC(XXXVII)/1086, as amended, without a vote.

92. It was so decided.

93. Mr. FRANK (Israel), explaining his country's position, said that Israel had joined the consensus over the resolution because, in its amended version, it included some important and positive elements.

94. Israel's policy on the nuclear issue was based on four principles, the first being that of comprehensiveness: the nuclear issue should be addressed within the context of the entire peace process including all regional security problems, both conventional and non-conventional.

95. The second principle concerned the regional framework: nuclear non-proliferation could be achieved only by establishing a mutually verifiable nuclear-weapon-free zone in the Middle East.

96. The third principle was that of a step-by-step approach: for reasons of practicality, it was necessary to begin the process with confidence- and security-building measures, to establish peaceful relations and, in due course, to complement the process by tackling conventional and non-conventional arms control, assigning priority to systems that experience had shown to be destructive and destabilizing.

97. The fourth principle was the primacy of the peace process: negotiation on all the issues related to the security of the region had to take place in a free and direct way - as was the case with the bilateral and multilateral talks - within the framework of the peace process.

98. It was to be hoped that the consensus reached by the Conference on the present occasion, however modest, would contribute to the goodwill and moderation so necessary for all concerned to invest the crucial efforts without which the ongoing peace process could not be sustained.

99. Finally, his delegation expected that the remnants of past animosity still to be seen in some of the Agency's resolutions would now be removed.

100. Ms. OK (Turkey) expressed her delegation's gratification at the fact that the amended resolution had been adopted with the agreement of all the parties concerned.

101. Her Government welcomed the recent developments in the Middle East which represented a stride towards a peaceful future for that region and the entire world.

102. The presence of nuclear arms in some countries of the region was an issue that her country viewed within the context of the regional security of the Middle East rather than that of bilateral conflicts.

103. Her Government trusted that the new environment in the Middle East would be conducive to the development of co-operation in the nuclear field in that region. It was to be hoped that, with the successful consummation of the peace process, a firm political will would evolve to make the Middle East a nuclear-weapon-free zone.

104. Finally, she reaffirmed her Government's desire for as many countries as possible within Turkey's region to join the NPT as Turkey had done already.

105. Mr. BAKSHI (India) recalled his country's consistent support for all efforts aimed at establishing comprehensive and lasting peace in the Middle East. India had welcomed all steps taken in that direction, particularly the momentous political developments of the past two months. India had also been a faithful and strong supporter of the just cause of the people of Palestine and continued to hope and pray for the further consolidation and expansion of the peace process in the Middle East.

106. With respect to the resolution just adopted by the Conference, he emphasized a basic principle underlying the application of safeguards, namely that the Agency should conduct its activities in response to a request made by a State or States. The same applied to proposals to establish a nuclear-weapon-free zone in a region: any such proposal should emanate from the region concerned, should have the consent of all the States of the region, and should evolve as the result of negotiations among them. Similarly, every sovereign country had the right to decide which international agreement or agreements it wished to sign.

107. In the case of the Middle East, it appeared that no State in the region had expressed reservations regarding the application of safeguards or the establishment of a nuclear-weapon-free zone in the region, which could evidently be construed as implying consent. That was only his delegation, despite having reservations on certain elements of the resolution, had decided to go along with it for the sake of consensus.

EXAMINATION OF DELEGATES' CREDENTIALS (GC(XXXVII)/1098, 1099)

108. The PRESIDENT drew attention to the General Committee's report on its meeting to examine delegates' credentials, contained in document GC(XXXVII)/1098. Paragraphs 2 to 12 of the report described the manner in which the Committee had approached its task and conveyed the opinions expressed during the discussion. The Committee had agreed to recommend that the Conference adopt the draft resolution contained in paragraph 13 of its report.

109. Mr. ALLOWAIS (United Arab Emirates), on behalf of the Arab delegations members of the League of Arab States participating in the current session of the General Conference, read out the statement circulated as an Attachment to document GC(XXXVII)/1099 concerning those delegations' reservations in respect of the credentials submitted by the delegation of Israel.

110. Ms. BECKER (United States of America) regretted that the issue of the Israeli delegation's credentials had been raised once again at the General Conference. Recent far-reaching and positive developments in the Middle East, including the agreement signed recently by Israel and the Palestine Liberation Organization, had made it seem inappropriate to express such reservations in respect of the credentials submitted by the delegation of Israel, which her delegation found to be in perfectly good order. Issues of the past should be left behind once and for all, and all efforts should be dedicated to contributing to a climate which would further the peace process.

111. The PRESIDENT assumed that the General Conference was prepared to adopt the draft resolution contained in paragraph 13 of document GC(XXXVII)/1098.

112. The draft resolution was adopted.

APPOINTMENT OF THE EXTERNAL AUDITOR

113. The PRESIDENT pointed out that the current term of office of the External Auditor, who was the Auditor General of Canada, would end when he had finished auditing the Agency's accounts for 1993; the Conference therefore needed to make an appointment at its current session to provide for the auditing of the accounts for 1994 and 1995.

114. He had been informed that the Auditor General of Canada would be prepared to serve as the Agency's External Auditor for a further period of two years, and so he proposed that the General Conference appoint the Auditor General of Canada as External Auditor to audit the Agency's accounts for 1994 and 1995.

115. The President's proposal was accepted.

ELECTIONS TO THE AGENCY'S STAFF PENSION COMMITTEE

116. The PRESIDENT recalled that the General Conference was currently represented on the Agency's Staff Pension Committee by two members - Mr. Hamada (Tunisia) and Ms. Schick (Australia) - with Mr. Khalifa (Egypt) and Mr. Myck (Luxembourg) as alternates. Mr. Khalifa being no longer available to serve on the Committee, he proposed that Mr. Campuzano Piña (Mexico) be elected to fill the vacancy as an alternate.

117. Mr. Campuzano Piña (Mexico) was elected as an alternate member of the Agency's Staff Pension Committee, with Mr. Hamada and Ms. Schick continuing to serve as members and Mr. Myck continuing to serve as an alternate.

REPORT ON VOLUNTARY CONTRIBUTIONS PLEDGED TO THE TECHNICAL ASSISTANCE AND CO-OPERATION FUND FOR 1993 (GC(XXXVII)/1079/Rev.4)

118. The PRESIDENT, drawing attention to document GC(XXXVII)/1079/Rev.4, said that by 6.30 p.m. on 30 September 1993, the voluntary contributions pledged by Member States to the Technical Assistance and Co-operation Fund for 1994 had reached a total of US \$11 208 464. Since then, the Czech Republic had pledged \$245 700, the Democratic People's Republic of Korea \$29 250 and Ghana \$5000, thus bringing the total amount pledged for 1994 to \$11 488 414.

119. He hoped that all Members would pledge and also pay their full voluntary contributions to the TACF as early as possible in 1994, so that the objectives of the technical co-operation programme for the year could be carried out without any hindrance or uncertainty.

120. Mr. SHEARAR (South Africa) regretted that the South African delegation, in view of the resolution adopted by the General Conference earlier on, was no longer in a position to recommend to its Government that the voluntary pledge of a contribution of US \$122 850 to the TACF for 1994, made in good faith the previous week, be paid. He therefore requested that South Africa's name be included in document GC(XXXVII)/1079, as revised, with the majority of the Agency's Members which were not yet in a position to pledge a voluntary contribution.

CLOSING OF THE SESSION

121. Mr. ADEKANYE (Nigeria), speaking on behalf of all delegations, expressed their warmest congratulations to the President for the skilful manner in which he had conducted the present session of the General Conference. The firmness, balance and sensitivity which he had displayed in the course of the proceedings had met all the expectations of member delegations. On behalf of the Nigerian delegation, and on behalf of all the delegates, he thanked the President profoundly.

122. The PRESIDENT expressed his deep gratitude to all delegations for the confidence and trust they had shown by electing him. He deeply appreciated the spirit of co-operation which had prevailed throughout the discussions. That spirit had been demonstrated by all delegations and had been the hallmark of the Conference.

123. On behalf of the Conference, he expressed appreciation to the Director General, the Vice-Presidents, the members of the General Committee, the Chairman of the Committee of the Whole and his Vice-Chairmen, and, last but not least, all members of the Secretariat for their excellent preparations that had so facilitated the work of the Conference.

124. On behalf of the conference, he also thanked the Austrian authorities and the City of Vienna for the traditional hospitality which had been enjoyed by all during the past week.

125. He further wished to thank the interpreters, translators, précis-writers and printers for their valuable support, without which it would not have been possible to complete the work of the Conference.

126. It was his sad duty to announce the death of Dr. Robert Patrick Baffour of Ghana, who had been President of the General Conference in 1962. Dr. Baffour had been a distinguished scholar who had made an important contribution to the development of nuclear science and technology in his home country as Vice-Chancellor of the Kwame Nkrumah University of Science and Technology, among the many other public offices he had held during his lifetime. On behalf of all participants, he wished to express to the Ghanaian authorities heartfelt condolences on the demise of Dr. Baffour.

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

All present rose and stood in silence for one minute.

128. The President declared the thirty-seventh regular session of the General Conference closed.

The meeting rose at 6.5 p.m.