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GENERAL CONFERENCE



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GENERAL COMMITTEE

RECORD OF THE FIRST MEETING

Held at the Austria Center Vienna
on Monday, 19 September 1994, at 5.20 p.m.

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[*] GC(XXXVIII)/1 and Add.1-2.

94-03773 (VIII)

ATTENDANCE AT THE MEETING

Chairman

Mr. BAER (Switzerland), President of the General Conference

Members

Mr. MARSCHIK (Austria), Vice-President of the General Conference

Mr. GARCÍA DE LA CRUZ (Cuba), Vice-President of the General Conference

Mr. AYATOLLAHI, representing Mr. AMROLLAHI (Islamic Republic of Iran),
Vice-President of the General Conference

Mr. HASHIM (Malaysia), Vice-President of the General Conference

Mr. RYZHOV, representing Mr. MIKHAILOV (Russian Federation), Vice-President
of the General Conference

Mr. AMMAR (Tunisia), Vice-President of the General Conference

Mr. LAWRENCE, representing Ms. O'LEARY (United States of America), Vice-
President of the General Conference

Ms. NGUYEN THI HOI (Viet Nam), Vice-President of the General Conference

Mr. GOESELE (Germany), Chairman of the Committee of the Whole

Mr. WALKER (Canada), Additional Member

Ms. DRDAKOVA, representing Mr. STULLER (Czech Republic), Additional
Member

Mr. HELLER ROUASSANT (Mexico), Additional Member

Ms. SCHIMMING-CHASE (Namibia), Additional Member

Mr. JAMAL (Qatar), Additional Member

Ms. BATACLAN (Philippines)

Chairman of the Board of Governors

Mr. WALKER (Australia)

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

Abbreviations used in this record

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

ADOPTION OF THE COMMITTEE'S AGENDA (GC(XXXVIII)/GEN/1)

1. The CHAIRMAN pointed out that, in addition to the traditional arrangements for the General Conference, the provisional agenda for the meeting contained an item dealing with a request for the restoration of voting rights on which the General Committee was invited to make a recommendation to the General Conference.
2. If there were no objections, he would take it that the Committee wished to adopt the proposed agenda for its meeting contained in document GC(XXXVIII)/GEN/1.
3. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

- (a) **ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION (GC(XXXVIII)/1 and Add.1-2)**

Items for inclusion in the agenda

4. The CHAIRMAN pointed out that two addenda to document GC(XXXVIII)/1 had been issued: Addendum 1 contained requests for the inclusion in the General Conference's agenda of three supplementary items, while Addendum 2 contained a request for the inclusion of an additional item. Supplementary item A, entitled "Restoration of technical assistance to Israel", had been requested by Israel, and the explanatory memorandum required under the Rules of Procedure of the General Conference was contained in document GC(XXXVIII)/14. Supplementary item B, entitled "South Africa's position in the IAEA and the Board of Governors", had been requested by South Africa, the explanatory memorandum being contained in document GC(XXXVIII)/15. Supplementary item C, "Designation of members of the Board of Governors", had been requested by the Philippines, and the explanatory memorandum was contained in document GC(XXXVIII)/16, together with a draft resolution. The additional item, entitled "Measures against illicit trafficking in nuclear material", had been requested on behalf of the European Union by Germany, which had also submitted the explanatory memorandum attached to document GC(XXXVIII)/1/Add.2.

5. He suggested that if the Committee recommended to the General Conference the inclusion of the additional item, it should also recommend that it waive the time limit prescribed by Rule 15 of its Rules of Procedure in order to enable it to discuss the item during its current session.

6. Mr. JAMAL (Qatar), speaking on behalf of the member countries of the League of Arab States, said that the resolution dated 15 September 1994 of the Council of the League of Arab States committed them to oppose the inclusion in the agenda of the supplementary item entitled "Restoration of technical assistance to Israel", for three reasons.

7. Firstly, despite the repeated requests made to it in the resolutions of both the Agency and the United Nations Security Council, Israel had consistently refused to accede to the NPT and to sign a safeguards agreement with the Agency whereby all its nuclear activities would be subject to Agency safeguards.

8. Secondly, the countries of the Middle East region had for some time been calling for the creation of a nuclear-weapon-free zone in that region, and Israel, the only country in the region in possession of both nuclear material and weapons of mass destruction, was also the only country that had failed to respond to those calls.

9. Thirdly, Israel was still occupying Arab lands and refused to comply with the resolutions of the Security Council calling for its withdrawal from all occupied Arab countries and for the establishment of a just and lasting peace.

10. Given that situation, any form of technical co-operation between Israel and the Agency would constitute a complete negation of the international resolutions mentioned.

11. In conclusion, he reiterated the full support of the member countries of the League of Arab States for the efforts currently under way to bring about peace in the Middle East.

12. Mr. AMMAR (Tunisia) expressed his delegation's support for the statement made by the delegate of Qatar.

13. Mr. LAWRENCE (United States of America) strongly supported including the item under consideration in the agenda. The Agency had a long-standing position, in keeping

with its Statute, of not regarding membership of other treaties as a prerequisite for membership in the Agency or for eligibility for technical co-operation.

14. Significant progress was being made in the peace process in the Middle East, and the current session of the General Conference was clearly the appropriate occasion for dealing with the present issue once and for all.

15. The CHAIRMAN pointed out that the Committee's task was not to engage in a substantive discussion but merely to ascertain whether the requests made for inclusion of items in the agenda were in conformity with the Conference's Rules of Procedure. The request by Israel for the inclusion of a supplementary item was indeed in conformity with Rule 13, since the deadlines stipulated therein had been kept.

16. Mr. WALKER (Chairman of the Board of Governors) supported the Chairman's view that, as the request had been made in due form, there was no evident reason why it should not be included in the agenda as an appropriate item for discussion.

17. The CHAIRMAN suggested that, accordingly, the Committee recommend to the General Conference that it include in its agenda the supplementary item entitled "Restoration of technical assistance to Israel".

18. It was so decided.

19. Mr. MARSCHIK (Austria), referring to the requested additional item on measures against illicit trafficking, said that, in view of the importance and urgency of the matter, to which repeated reference had been made during the previous week's meetings of the Board of Governors, the Committee should recommend to the General Conference that it include the additional item in its agenda and that it waive the seven-day time limit stipulated in Rule 15 so that the item might be discussed during the current session.

20. The CHAIRMAN took it that the Committee wished to make the recommendation proposed by the delegate of Austria.

21. It was so agreed.

22. The CHAIRMAN, turning to the two remaining items - supplementary item B concerning South Africa's position in the Agency and the Board and C concerning the

designation of members of the Board - suggested that the Committee recommend to the General Conference that those two items also be included in the agenda for the current session, both requests having been correctly submitted within the deadlines prescribed by Rule 13 of the Rules of Procedure.

23. With reference to item 2 of the provisional agenda contained in document GC(XXXVIII)/1, he noted that there had been no applications for membership of the Agency, and accordingly suggested deleting that item.

24. The Chairman's suggestions were accepted.

25. The CHAIRMAN, recapitulating the decisions made, took it that the Committee wished to recommend to the General Conference that the agenda for its thirty-eighth regular session should consist of all the items listed in document GC(XXXVIII)/1 except item 2, and of the three supplementary and one additional items that were the subjects of documents GC(XXXVIII)/1/Add.1 and 2, and that, in respect of the additional item, the General Conference should waive the time limit prescribed in Rule 15 of its Rules of Procedure and consider the item during the current session.

26. It was so agreed.

Allocation of items for initial discussion

27. The CHAIRMAN pointed out that document GC(XXXVIII)/1/Add.1 contained suggestions as to where each of the supplementary items might first be discussed (plenary meeting or Committee of the Whole). Items with a mainly political component were usually discussed first in plenary, while those that were primarily administrative or technical were normally discussed first in the Committee of the Whole. He assumed that the General Committee wished to recommend to the Conference that supplementary items A (Restoration of technical assistance to Israel) and B (South Africa's position in the IAEA and the Board of Governors) be referred to the Plenary for initial discussion.

28. It was so decided.

29. The CHAIRMAN, noting that supplementary item C, Designation of members of the Board of Governors, related to the implementation of Article VI.A.1 of the Statute and

that an item on Article VI had been on the agenda for many years and was initially discussed in the Committee of the Whole, suggested that the item should be referred for initial discussion to the Committee of the Whole.

30. Ms. NGUYEN THI HOI (Viet Nam) felt that in view of the importance of that matter, it should be discussed in plenary first.

31. The CHAIRMAN, replying to a question by Mr. WALKER (Chairman of the Board of Governors), suggested that since item 22 of the provisional agenda dealt with Article VI of the Statute, it would seem logical to incorporate the supplementary item, which related to how Article VI was to be implemented, as a new sub-item under item 22.

32. Ms. BATACLAN (Philippines), speaking under Rule 43 of the Rules of Procedure as a member requesting inclusion on the agenda of a supplementary item, thanked the Committee for approving her delegation's request regarding supplementary item C. The most effective way for that item to be handled would be to refer it directly to the Plenary for initial discussion. The issue was a straightforward one, requiring a decision by the General Conference itself. As to its inclusion with the other sub-items under item 22, she opposed that suggestion, because the supplementary item did not relate solely to Article VI of the Statute.

33. Mr. HELLER ROUASSANT (Mexico) endorsed the comments made by the representative of the Philippines. Item 22 on the revision of Article VI was a fundamentally political issue that had been under discussion for many years. The supplementary item proposed by the Philippines dealt not with the formal aspects of Article VI but rather with the transparency that was desirable in the application of that Article. It should therefore be discussed initially in plenary and not as a sub-item of item 22 but perhaps just after item 9, which dealt with the election of members to the Board of Governors.

34. Mr. LAWRENCE (United States of America) recalled that the Chairman had indicated that the Committee of the Whole dealt with essentially technical or administrative matters. Article VI of the Statute laid down the process for designation of members of the Board of Governors. The supplementary item proposed by the Philippines would require close consideration of that process and its implementation. Therefore, though he appreciated

the concerns expressed by some delegations, he remained convinced that the supplementary item was a technical issue which fell well within the purview of the Committee of the Whole and that it should be referred for initial discussion to that Committee. If, however, there was no additional support for his position, he would not insist on it.

35. Mr. RYZHOV (Russian Federation) agreed with the representative of the United States that the supplementary item should be referred to the Committee of the Whole for initial discussion.

36. The CHAIRMAN, noting that there was no consensus, suggested that members of the Committee take a vote on whether the supplementary item proposed by the Philippines should be referred for initial discussion to the Plenary or to the Committee of the Whole.

37. A vote was accordingly taken. By 7 votes to 6, the Committee decided to recommend the supplementary item for initial discussion in the Committee of the Whole.

38. The CHAIRMAN, replying to a question by Mr. GARCÍA DE LA CRUZ (Cuba), said the supplementary item would be included in the agenda as a separate item, not as a sub-item under provisional agenda item 22.

39. Turning to the additional item on illicit trafficking in nuclear material, proposed in document GC(XXXVIII)/1/Add.2, he suggested that that item be referred for initial discussion to the Plenary.

40. Mr. RYZHOV (Russian Federation) said the issue was technical in nature and, in his delegation's view, should therefore be taken up for initial discussion by the Committee of the Whole.

41. Mr. MARSCHIK (Austria) said it was clear that the item had both technical and political elements. However, it could be anticipated that the General Conference would wish first to consider the political implications, since the technical aspects would be those most likely to come within the domain of national governments. Accordingly, he would prefer the item to be dealt with by the Plenary.

42. Mr. GOESELE (Chairman of the Committee of the Whole) said that as he understood it, the view expressed by the delegate of Austria was entirely in line with the views of those who were proposing the additional item. He therefore supported it.

43. Mr. AYATOLLAHI (Islamic Republic of Iran) said he himself had learned more from the press on the subject of illicit trafficking than from official documents of the Agency or of other organs of the United Nations. Trafficking had now become something of a propaganda issue, and more technical information was needed if discussion of it at the General Conference was to be fruitful.

44. He agreed with the representative of the Russian Federation that the issue should first be dealt with in the Committee of the Whole and urged that some background documentation be provided before it was transmitted to the Plenary.

45. The CHAIRMAN said he was not sure whether there would be enough time for the preparation of background documents. However, the issue was clearly an important one, and the Committee would need to decide where it was to be discussed first.

46. Ms. NGUYEN THI HOI (Viet Nam) said she too would prefer the technical aspects to be dealt with before the matter was brought to the Plenary.

47. Mr. LAWRENCE (United States of America) said he could see the merits of looking first at the technical aspects: indeed, it had been pointed out in the Board of Governors that there was much misinformation on the subject, and that more facts were needed. However, the issue was a controversial one of great importance and immediacy, with strong political overtones, and the Agency must be seen to be addressing it. He would therefore support the view that it should be dealt with initially in the Plenary.

48. Mr. JAMAL (Qatar) said the issue of illicit trafficking in nuclear material was a new one which dated back only one or two years and on which there was a lack of adequate information. Since at the moment the issue was a strictly technical one, he believed it should first be considered by the Committee of the Whole.

49. The CHAIRMAN said that since opinion was divided he would suggest that a vote be taken on the proposal that the item on measures against illicit trafficking in nuclear material should go first to the Committee of the Whole.

50. A vote was accordingly taken. By 7 votes to 6, the proposal was adopted.

Order of items on the agenda

51. The CHAIRMAN proposed that the Committee recommend that supplementary item A (Restoration of technical assistance to Israel) should be inserted between items 28 and 29 of the provisional agenda, and that supplementary item B (South Africa's position in the IAEA and the Board of Governors) should be placed immediately after item 24.

52. It was so decided.

53. The CHAIRMAN proposed that supplementary item C (Designation of members of the Board of Governors), which was to be dealt with by the Committee of the Whole, should be placed between items 16 and 17.

54. Mr. GOESELE (Chairman of the Committee of the Whole), supported by Mr. WALKER (Chairman of the Board of Governors), suggested that the item should be placed nearer to item 22 on Article VI of the Statute.

55. The CHAIRMAN asked whether the Committee was prepared to recommend that the supplementary item on designation of members of the Board of Governors be placed between items 21 and 22, and that the additional item on illicit trafficking be placed immediately after item 22, with all items being renumbered accordingly.

56. It was so decided.

(b) CLOSING DATE OF THE SESSION AND OPENING DATE OF THE NEXT SESSION

57. The CHAIRMAN said that there were some 80 representatives wishing to speak in the general debate, and thus a full week of meetings would be needed. He proposed that the Committee recommend that the closing date of the session be Friday, 23 September 1994.

58. It was so decided.

59. The CHAIRMAN said that following consultations with the management of the Austria Center, it had been proposed that the opening date of the Conference's next regular session should be 18 September 1995. Facilities had already been reserved for the week beginning on that date. He took it that the Committee wished to make a recommendation to that effect to the Conference.

60. It was so decided.

RESTORATION OF VOTING RIGHTS (GC(XXXVIII)/INF/7)

61. The CHAIRMAN said that a request for the restoration of its voting rights had been received from Iraq, which had explained its case in document GC(XXXVIII)/INF/7. The Committee's task was to make a recommendation to the General Conference on whether or not it should accede to that request. Under Article XIX.A of the Statute, a Member of the Agency which was in arrears in the payment of its financial contributions had no vote in the Agency if the amount of its arrears equalled or exceeded the amount of the contributions due from it for the preceding two years. However, the Conference might nevertheless permit such a Member to vote if it was satisfied that the failure to pay was due to conditions beyond the Member's control.

62. Mr. JAMAL (Qatar) recalled that a similar request from Iraq had been on the Committee's agenda at the previous year's session of the General Conference. He would like to ask the Secretariat what decision had been taken on that occasion.

63. Mr. SANMUGANATHAN (Secretary of the Committee) said that the previous year the Committee had decided to recommend against restoration of Iraq's voting rights. That recommendation had subsequently been adopted by the Plenary.

64. Mr. LAWRENCE (United States of America) said he believed that until the United Nations decided to remove the sanctions against Iraq, the Agency, as an affiliated body, should not take any action that ran counter to the United Nations position. That had been the argument advanced the previous year, and it still held true.

65. The CHAIRMAN, noting that no contrary view was being advanced, said he took it that the Committee did not wish to recommend the restoration of voting rights to Iraq.

66. It was so decided.

QUESTION OF PARTICIPATION BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

67. The CHAIRMAN reminded the Committee that the DPRK had withdrawn from membership of the Agency on 13 June 1994, but had nevertheless been invited to attend the Conference as a Member of the United Nations under Rule 30 of the Rules of Procedure, which stated that the Conference might invite any Members of the United Nations or of any of the specialized agencies which were not Members of the Agency to participate without vote on matters of direct concern to them. He assumed it was the wish of the Committee to recommend to the Conference that, if the representative of the DPRK wished to express a view on the item relating to the implementation of his country's the safeguards agreement with the Agency, he should be given the opportunity to do so.

68. It was so decided.

The meeting rose at 6.35 p.m.

