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**FORTIETH (1996) REGULAR SESSION**

RECORD OF THE TENTH PLENARY MEETING

Held at the Austria Center Vienna  
on Friday, 20 September 1996, at 4.35 p.m.

President: Mr. PADOLINA (Philippines)

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[\*] GC(40)/22.

The composition of delegations attending the session is given in document GC(40)/INF/13/Rev.2.

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Abbreviations used in this record

DPRK	Democratic People's Republic of Korea
MESA	Middle East and South Asia
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear-weapon-free zone

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(40)/16, GC(40)/16/Corr.1 and GC(40)/33 and Add.1) (resumed)

1. The PRESIDENT invited the General Conference to proceed to a roll-call vote on the draft resolution contained in document GC(40)/33, as requested by the Chinese delegation.

2. The Former Yugoslav Republic of Macedonia, having been drawn by lot by the President, was called upon to vote first.

3. The result of the vote was as follows:

In favour: Albania, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kenya, Republic of Korea, Kuwait, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Yemen, Zimbabwe.

Abstaining: China, Cuba, India, Islamic Republic of Iran, Lebanon, Libyan Arab Jamahiriya, Pakistan, Syrian Arab Republic.

4. The draft resolution was adopted by 79 votes to zero, with 8 abstentions.<sup>1</sup>

5. Mr. HOBEICA (Lebanon) said in explanation of the vote that, although Lebanon fully supported the subjection of the DPRK's nuclear facilities to Agency safeguards, it had abstained in the roll-call vote because it felt that double standards were being applied in the treatment of countries. Israel, for example, did not have any

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<sup>1</sup> The delegation of Algeria subsequently informed the Secretariat that it would have abstained if it had been present at the time of the vote.

of its nuclear installations under safeguards. As long as such discriminatory policies were pursued, there could be no justice in the international community.

6. Mr. HASHIM (Malaysia), explaining his country's vote, said that, although Malaysia had voted in favour of the draft resolution, it regretted the inclusion of preambular paragraph (f) thereof which, it felt, was hardly calculated to improve the negotiating climate between the Agency and the DPRK.

#### ORAL REPORT BY THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

7. Mr. AYATOLLAHI (Islamic Republic of Iran), Chairman of the Committee of the Whole, presenting the Committee's report on agenda items 9-19, said that the Committee had had very fruitful and constructive discussions and that all the recommendations being made had been adopted by consensus.

8. Under item 9, "The Agency's accounts for 1995", the Committee recommended that the Conference adopt the draft resolution in document GC(40)/26.

9. Under item 10, "The Agency's programme and budget for 1997 and 1998", the Committee recommended that the Conference adopt draft resolutions A, B and C in Annex I to document GC(40)/10.

10. Under item 11, "Scale of assessment of Members' contributions towards the Regular Budget", the Committee recommended the adoption by the Conference of the draft resolution on page 3 of document GC(40)/12 and the scale of assessment contained in the Annex to that document.

11. Under item 12, "Measures to strengthen international co-operation in nuclear, radiation and waste safety", the Committee recommended that the Conference take note of the information contained in documents GC(40)/INF/4, GC(40)/INF/5, GC(40)/INF/9 and GC(40)/INF/9/Add.1 and adopt the draft resolutions on the Convention on Nuclear Safety, a convention on the safety of radioactive waste management, and establishing predisposal waste demonstration centres contained in documents GC(40)/27, GC(40)/28 and GC(40)/36 respectively.

12. Under item 13, "Strengthening of the Agency's technical co-operation activities", the Committee recommended that the Conference adopt the draft resolution contained in document GC(40)/29.

13. Under item 14, "Plan for producing potable water economically", the Committee recommended the adoption by the Conference of the draft resolution contained in document GC(40)/37.

14. Under item 15, "Extensive use of isotope hydrology for water resources management", the Committee recommended that the Conference adopt the draft resolution contained in document GC(40)/30.

15. Under item 16, "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(40)/31.

16. Under item 17, "Measures against illicit trafficking in nuclear materials and other radioactive sources", the Committee recommended that the Conference adopt the draft resolution contained in document GC(40)/32.

17. Under item 18, "Personnel questions", the Committee recommended that the Conference adopt the draft resolution contained in document GC(40)/38/Rev.1 relating to "Staffing of the Agency's Secretariat" and the draft resolution contained in document GC(40)/39 relating to "Women in the Secretariat".

18. With regard to item 19, "Article VI of the Statute", the Committee, under item 19(a) "Amendment of Article VI", recommended that the Conference adopt the draft resolution contained in document GC(40)/42. Under item 19(b), "Composition of regional groups", the Committee had not been able to agree on either of the two draft resolutions before it and therefore decided not to make any recommendation to the General Conference on that item.

19. On behalf of the Vice-Chairmen of the Committee of the Whole and himself, he thanked the Conference for the confidence it had placed in them and also thanked all those who had taken part in the deliberations of the Committee for their co-operation.

20. The PRESIDENT invited the Conference to take one by one the items which the Committee of the Whole had considered.

**The Agency's accounts for 1995** (agenda item 9)

21. The draft resolution in document GC(40)/26 was adopted.

**The Agency's programme and budget for 1997 and 1998** (agenda item 10)

22. Draft resolutions A, B and C in Annex I to document GC(40)/10 were adopted.

**Scale of assessment of Members' contributions towards the Regular Budget** (agenda item 11)

23. The draft resolution on page 3 of document GC(40)/12 and the scale of assessment contained in the Annex to that document were adopted.

**Measures to strengthen international co-operation in nuclear, radiation and waste safety** (agenda item 12)

24. The PRESIDENT assumed that the Conference wished to take note of the information contained in documents GC(40)/INF/4, GC(40)/INF/5, GC(40)/INF/9 and GC(40)/INF/9/Add.1 and adopt the draft resolutions contained in documents GC(40)/27, GC(40)/28 and GC(40)/36.

25. It was so decided.

**Strengthening of the Agency's technical co-operation activities** (agenda item 13)

26. The draft resolution in document GC(40)/29 was adopted.

**Plan for producing potable water economically** (agenda item 14)

27. The draft resolution in document GC(40)/37 was adopted.

**Extensive use of isotope hydrology for water resources management** (agenda item 15)

28. The draft resolution in document GC(40)/30 was adopted.

**Strengthening the effectiveness and improving the efficiency of the safeguards system** (agenda item 16)

29. The draft resolution in document GC(40)/31 was adopted.

**Measures against illicit trafficking in nuclear materials and other radioactive sources** (agenda item 17)

30. The draft resolution in document GC(40)/32 was adopted.

**Personnel questions** (agenda item 18)

(a) **Staffing of the Agency's Secretariat**

(b) **Women in the Secretariat**

31. The draft resolutions in documents GC(40)/38/Rev.1 and GC(40)/39 were adopted.

**Article VI of the Statute** (agenda item 19)

(a) **Amendment of Article VI**

32. The draft resolution in document GC(40)/42 was adopted.

33. The PRESIDENT said it was his understanding that consultations on item 19(b), "Composition of regional groups", were still continuing and proposed that consideration of that item be taken up at a later stage.

34. It was so agreed.

35. Mr. BENMOUSSA (Morocco) commended Mr. Ayatollahi on his chairing of the Committee of the Whole, whose deliberations he had conducted with great skill, diplomacy and patience, enabling it to conclude its work successfully. It was thanks to his guidance, allied to the collective spirit prevailing, that the Committee had been able to reach the sought for consensus on the draft resolution in document GC(40)/42 concerning amendment of Article VI.

**THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS RELATING TO IRAQ** (GC(40)/13, GC(40)/34 and GC(40)/41)

36. The PRESIDENT, noting that the item had been included in the agenda pursuant to resolution GC(39)/RES/5 adopted by the General Conference in 1995, said that, pursuant to operative paragraph 8 of that resolution, the Director General had

submitted the report contained in document GC(40)/13 covering the Agency's inspection activities in Iraq over the period September 1995-August 1996. The matter had been considered by the Board of Governors in March on the basis of an earlier report by the Director General. The General Conference also had before it in document GC(40)/34 a draft resolution on the subject along with an amendment to that draft resolution tabled that day by Iraq which was contained in document GC(40)/41. Despite its late distribution, he would permit consideration of the proposed amendment in accordance with Rule 63 of the Rules of Procedure.

37. Ms. DORAN (Ireland), presenting the draft resolution in document GC(40)/34 on behalf of the European Union and the other co-sponsors, said that it reiterated many of the points made in previous resolutions on the subject and also took account of both positive and negative developments over the previous 12 months. While welcoming the establishment of an export/import monitoring mechanism and recognizing that Iraq had adopted a more constructive approach towards the Agency's Action Team, the resolution also noted with concern that Iraq had recently imposed restrictions on the Action Team's rights of access and demanded that those restrictions be lifted in accordance with Security Council resolution 707.

38. The draft resolution was a thoroughly balanced one and she hoped that the Conference would see its way to adopt it without a vote.

39. Mr. AL-HIJAJ (Iraq) said that the draft resolution did not take note of the positive developments in the situation, or instances of co-operation between the Iraqi authorities and the Action Team.

40. Preambular paragraph (e) of the draft resolution said that Iraq had concealed information. However, Iraq had supplied vast quantities of information to the Agency. No mention was made of that fact. Also, with regard to the phrasing of paragraph (e), the words "noting with concern" were negative in tone. Iraq was therefore proposing that preambular paragraph (e) be deleted.

41. Operative paragraph 4 implied that Iraq had not co-operated with the Action Team, whereas paragraph 27 of the Director General's report, contained in the

Attachment to document GC(40)/13, stated that the Iraqi counterpart had continued to co-operate with the IAEA in a productive way. He therefore proposed that the beginning of the paragraph be amended to read: "Encourages Iraq to continue to co-operate constructively with the Action Team...".

42. The wording of operative paragraph 5 also failed to take into account recent events. The Iraqi authorities had reviewed the last version of the Full, Final and Complete Declaration with the Action Team and had submitted a revised version on 9 September 1996. In his oral address, the Director General had noted the receipt of that declaration. How could the General Conference call on Iraq to resolve remaining ambiguities, inconsistencies and contradictions before that declaration had been checked for accuracy? He therefore proposed that operative paragraph 5 be deleted.

43. Mr. BENMOUSSA (Morocco) said that it was desirable for the draft resolution to be adopted by consensus. After hearing the points which had been raised by the representative of Iraq, the General Conference would need to ensure that its action reflected the reality of the situation. There were indeed several positive elements in paragraphs 27 and 28 of the Director General's report. The concerns expressed by Iraq were quite reasonable and should be taken into account.

44. Ms. DORAN (Ireland) said that the amendments which had been proposed by the representative of Iraq were not acceptable to the sponsors of the draft resolution and, if Iraq insisted upon those amendments, she would have to insist that the draft resolution be put to a vote.

45. Mr. HALIM (Sudan) noted that Iraq had not requested that the draft resolution not be adopted, but only that it should reflect the real situation and the contents of the Director General's report. There were clear indications of constructive co-operation between Iraq and the Action Team. Therefore, the draft resolution did not give a true reflection of the relationship between Iraq and the Agency. Moreover, Iraq had submitted a new version of its declaration which had still to be studied.

46. The representative of Ireland had stated that the sponsors could not agree with the amendments which were being proposed by Iraq and were ready to insist on a

vote. However, unlike the representative of Iraq, she had not explained why she was taking such a position and it would be useful if she could provide some clarification.

47. Mr. SNYDER (United States of America) agreed with the representative of Sudan that it was important that the draft resolution reflect the reality of the situation.

48. With regard to the Iraqi proposal that preambular paragraph (e) be removed, he noted that the General Conference, in the resolution it had passed the preceding year, had condemned Iraq for withholding information since 1991. That was a major cause of concern, it was still valid and it should be expressed. Since the preceding General Conference and the revelations surrounding the defection of General Hussein Kamel, Iraq had continued to withhold information. Indeed information had emerged only as a result of inquiries by the Action Team following analysis of one of Iraq's several so-called Full, Final and Complete Declarations.

49. As to the proposed amendment to operative paragraph 4, while preambular paragraph (f) made it clear that Iraq had adopted a more constructive approach in recent times, it was still not co-operating fully and it was therefore important for the Conference to urge it to do so.

50. With regard to the proposed deletion of operative paragraph 5, Iraq had submitted a series of Full, Final and Complete Declarations since 1992, none of which had actually been full, final or complete. The Action Team had identified ambiguities in the last report which had been submitted. Another draft had been submitted recently, but it was still important that the General Conference urge Iraq to resolve remaining ambiguities, inconsistencies and contradictions in the light of that history.

51. Mr. AL-GHAIS (Kuwait) maintained that the draft resolution, of which Kuwait was a co-sponsor, did take account of recent progress that had been made. The tone and language of the draft resolution were much less vigorous than the resolution passed in 1995 when the General Conference had "condemned" Iraq, and preambular paragraph (f) noted the more constructive approach which Iraq had adopted over the past 12 months.

52. With regard to the proposal by Iraq that preambular paragraph (e) should be deleted, his delegation had felt from the outset that the language of the draft resolution was in fact too weak but in a spirit of co-operation had agreed to the present wording. There were still many indications that Iraq was withholding information and the paragraph should stay.

53. With regard to operative paragraph 4, the fact that the General Conference was urging Iraq to co-operate fully with the Action Team did not imply that the Action Team was not receiving any co-operation. Reference had been made to paragraphs 27 and 28 of the Director General's report in the Attachment to document GC(40)/13 and the positive comments contained therein. However, the latter half of paragraph 27 contained much less reassuring comment which also needed to be taken into account, nor was the last sentence of paragraph 28 entirely positive.

54. His delegation could not agree to the proposed deletion of operative paragraph 5. There had certainly been inconsistencies in the previous versions of Iraq's declaration, so that paragraph of the resolution was essential.

55. In conclusion, he associated himself with the statement by the delegate of Ireland, stressing that any changes in the draft resolution contained in document GC(40)/34 would make it meaningless.

56. Mr. AL-HIJAJ (Iraq) said that the documentation in hand was vast and, in submitting the Full, Final and Complete Declaration, the Iraqi authorities had tried to include only the most important elements to make it more readable. The Action Team had been aware of that.

57. His delegation would also insist on a vote on the draft resolution if there were no consensus.

58. The PRESIDENT, observing that there seemed to be no prospect of consensus, said that the Conference would have to take a vote on the draft resolution and on the proposed amendments thereto. It would first of all have to vote on each of the three amendments proposed by Iraq, contained in document GC(40)/41, before it could vote on the draft resolution contained in document GC(40)/34. He accordingly

asked those present to vote by show of hands on Iraq's first proposed amendment, namely that preambular paragraph (e) be deleted.

59. There were 3 votes in favour and 58 votes against, with 15 abstentions. The proposal was rejected.

60. The PRESIDENT then asked those present to vote on the second proposed amendment concerning the wording of operative paragraph 4.

61. There were 5 votes in favour and 60 against, with 13 abstentions. The proposal was rejected.

62. Lastly, the PRESIDENT invited those present to vote on the third proposed amendment, namely that operative paragraph 5 be deleted.

63. There was 1 vote in favour and 61 against, with 15 abstentions. The proposal was rejected.

64. The PRESIDENT then asked whether the Conference was prepared to adopt the draft resolution contained in document GC(40)/34 without a vote.

65. Mr. PAVLINOV (Russian Federation) said that a vote should be taken because of the difference of views.

66. A procedural discussion involving Mr. BENMOUSSA (Morocco), Mr. MAYRHOFER-GRÜNBÜHEL (Austria), Mr. UMAR (Nigeria) and Mr. PAVLINOV (Russian Federation) took place regarding a proposal by Mr. Al-Ghais (Kuwait) that no action be taken on the proposal by the Russian Federation that a vote be taken on the draft resolution contained in document GC(40)/34. There was discussion about the Rule on which Mr. Al-Ghais' proposal was based as well as on whether voting could be interrupted once it had already commenced. The General Conference agreed to proceed to a vote on the issue, as requested by the Russian Federation. The PRESIDENT suggested that a vote be taken by a show of hands.

67. There were 69 votes in favour of the draft resolution and none against, with 11 abstentions. The resolution was adopted.

ARTICLE VI OF THE STATUTE

- (b) COMPOSITION OF REGIONAL GROUPS (GC(40)/11 and Add.1, GC(40)/INF/7, GC(40)/COM.5/13 and 18/Rev.1)

68. The PRESIDENT said he understood that informal consultations had been under way for some time and asked for news as to what stage they had reached.

69. Mr. SNYDER (United States of America) said that they were continuing.  
The meeting was suspended at 6.30 p.m. and resumed at 8.20 p.m.

70. Mr. SNYDER (United States of America), replying to the PRESIDENT, said that the informal consultations were still continuing.

The meeting was suspended at 8.25 p.m. and resumed at 8.45 p.m.

71. Mr. SNYDER (United States of America), supported by Mr. EL FADHEL KHALIL (Tunisia), Mr. BENMOUSSA (Morocco), Mr. WALKER (Australia), Mr. HALIM (Sudan) and Mr. UMAR (Nigeria), asked for a little more time to pursue informal consultations with a view to reaching a consensus and avoiding the need for a vote.

72. The PRESIDENT, agreeing to defer that item further, invited the Conference to proceed to consideration of item 23.

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST (GC(40)/6 and Add.1, GC(40)/23 and Add.1)

73. Mr. KAREM (Egypt) said that the same situation prevailed with that item as with the previous one, in that consultations were going on with a view to achieving a consensus on the draft resolution submitted. He therefore wished to request a little more time.

74. Mr. BENMOUSSA (Morocco) said that the two items in question concerned the same region and the same countries and it was hoped to achieve a package deal covering both issues. The one could not be resolved independently of the other and he too therefore wished to request a further suspension.

The meeting was suspended at 8.55 p.m. and resumed at 11.15 p.m.

ARTICLE VI OF THE STATUTE

- (b) COMPOSITION OF REGIONAL GROUPS (GC(40)/11 and Add.1, GC(40)/INF/7, GC(40)/COM.5/13 and 18/Rev.1) (resumed)

75. The PRESIDENT, recalling that no recommendation had been made by the Committee of the Whole on the composition of regional groups, said that, following the extensive consultations that had been held, he understood that there was agreement that he should read out the following statement:

“The General Conference takes note of the Report by the Director General on Composition of Regional Groups under the agenda item ‘Amendment of Article VI of the Statute’ as contained in the Attachment to document GC(40)/11. It reiterates the principle of the sovereign equality of all Member States of the Agency, as provided for in Article IV.C of the Statute. It affirms that this principle requires that each Member State of the Agency be within one of the areas listed in Article VI.A.1 of the Statute. Recalling the draft resolution contained in document GC(39)/COM.5/10 dated 19 September 1995 and resolution GC(39)/RES/22 dated 22 September 1995, the Conference requests that the Chairman of the Board of Governors consult with Member States not yet listed in a regional area as well as with other Member States, including representatives of the regional areas, and that he report for consideration of the forty-first General Conference specific proposals to include each Member State within the appropriate area at the time of the Conference in September 1997.”

76. He took it that the General Conference endorsed that statement.

77. The President's statement was accepted.

78. Mr. OTHMAN (Syrian Arab Republic) said that, although he agreed by and large with the contents of the statement that the President had just read, he wished to stress that the inclusion of any country in a regional group had to be accepted by the other countries in that group. While any country had the right to belong to any regional group, geographical proximity was not the only criterion governing membership of such a group, since harmonious relations among the group's members were essential for fruitful co-operation. Such issues should be settled by consultations and he did not consider it possible to set a deadline, such as September 1997, for the completion of the process in view of all the factors involved. Finally, he expressed

surprise at the inclusion in the President's statement of a reference to a draft resolution that had not been adopted the previous year.

79. Mr. AYATOLLAHI (Islamic Republic of Iran) considered that the President's statement and the draft resolution submitted by Israel in document GC(40)/COM.5/13 were essentially the same thing, differing only in format and the fact that the statement did not refer explicitly to Israel. He regretted that, despite the lengthy consultations, no effective result had been achieved and that the negotiations had not involved proper consultations with all parties concerned.

80. Furthermore, there appeared to be a number of inaccuracies in the President's statement. Like the previous speaker, he felt it was inappropriate to refer to the 1995 draft resolution. It was one-sided and had no official status. Furthermore, the references to document GC(40)/11, Article IV.C and Article VI.A.1 were not explicit.

81. Operative paragraph 1 of resolution GC(39)/RES/22 highlighted the views that the primary responsibility for deciding upon the composition of regional groups lay with the respective groups themselves and that every State had the right to participate in a regional group. Both those views were important, yet the President's statement referred to only one of them.

82. Finally, the President's statement indicated that specific proposals for the inclusion of each Member State within the appropriate regional area were to be made by the forty-first session of the General Conference, more or less reflecting the third operative paragraph of the current Israeli draft resolution. If that draft resolution had been debated, other delegations would have had the chance to present appropriate amendments. As it was, those delegations had been deprived of the chance to amend what had essentially become the resolution on the subject.

83. Ms. HASAN (Pakistan) said that, although her delegation had gone along with the President's statement for the sake of consensus, it considered it inaccurate to affirm that the right of a Member State to belong to a certain area group was embodied in the Statute. As had been rightly asserted by the previous year's General Conference, the primary responsibility for deciding upon the composition of regional

groups lay with the respective groups. Cultural and demographic aspects had to be taken into account, as had been done in the past, and of course the participation of a Member State in a particular group was only likely to be fruitful if it took place in an amicable environment.

84. Mr. BENMOUSSA (Morocco) said that his delegation, whilst not objecting to the President's statement, also wished to stress that, as the 1995 Israeli draft resolution had not been adopted and had no legal status, it could not properly figure in a Conference decision.

85. From the tone of the discussions it might appear that one country was the victim of a regional or international conspiracy. That was not the case. Other countries such as Kazakstan, Uzbekistan, Estonia and Lithuania were facing the same problem as Israel and, if a solution were to be found for Israel, it would have to be a general solution.

86. Moreover, Israel was not the only country that had not been represented on the Board. Since the Agency's establishment, 36 countries had never been represented on the Board and of the countries that were Member States in 1957 - the year of Israel's joining the Agency -9 had never been Board members.

87. When a country sought to belong to a geographical region, it did so for three main reasons: to benefit from regional co-operation projects, to have a political forum, and to become a member of the Board of Governors - a right accorded to all Member States pursuant to Article IV.C of the Statute. However, that Article did not necessarily mean that a country should be imposed upon a particular regional group, since such groups remained masters of their own destiny.

88. In the case of the Africa Group, to which his country belonged, South Africa had not been permitted to join the Group as long as it maintained its apartheid policy, even though it belonged geographically to Africa. Once South Africa had abandoned apartheid, it had been allowed to join the Africa Group as well as all international and regional groups, and indeed, it was currently chairing the Africa Group at the Agency. That was a fine example for Israel to follow in its relations with its neighbours. Once

the peace process had culminated in tangible results, Israel would be warmly welcomed into the MESA Group.

89. Mr. HALIM (Sudan), associating himself with previous speakers, said he could go along with the President's statement but felt that the reference to the 1995 draft resolution - designed by and for one Member State - was inappropriate. While resolution GC(39)/RES/22 stressed the view that the primary responsibility for deciding upon the composition of regional groups lay with the respective groups themselves and that every State had the right to participate in a regional group, it needed to be remembered that natural geographical boundaries were not the only criteria governing membership of regional groups, and other considerations such as cultural and political harmony also had to be taken into account. Failing that, a country's membership of such a group would be purely formal.

90. Finally, he endorsed the point made by the delegate of Morocco that any solution reached had to cater for all Member States that were not yet part of a regional group and should not simply be tailored for a single State.

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST (GC(40)/6 and Add.1, GC(40)/23 and Add.1) (resumed)

91. The PRESIDENT said he understood that, in the light of extensive consultations, the sponsors of the draft resolution contained in document GC(40)/RES/23 had decided to replace it with the text of GC(39)/RES/24, suitably updated, which was thus now the only proposal before the General Conference. He took it that the Conference was now ready to adopt that resolution even though it had not been distributed to delegations on the previous day as envisaged in Rule 63.

92. It was so decided.

93. The PRESIDENT said that he also understood that, in the light of the consultations, the Conference was ready to accept the following statement:

“The General Conference requests the Director General to invite experts from the Middle East and other areas to a technical workshop on safeguards, verification technologies, and related experience. It calls on the Director General to commence with preparations, in consultation with the parties concerned, with

a view to developing an agenda and modalities that would help ensure a successful workshop.”

94. The statement was adopted.

95. Mr. OTHMAN (Syrian Arab Republic) said that, while his delegation had approved the text of the resolution in order to save the consensus, it regretted that the Conference had not felt able to be fully explicit. The only country in the Middle East possessing nuclear weapons and menacing its neighbours was Israel. Only the previous day it had bombed civilians in South Lebanon. Despite that, the resolution failed to affirm the need for Israel to sign the NPT and accept safeguards. The peace process was stalemated because of Israel's obstinacy in not adhering to the principle enunciated at the Madrid Middle East Peace Conference in October 1991. The present text did not even mention Israel. His delegation therefore hoped that the matter would be treated more equitably at the forty-first General Conference and a more realistic resolution adopted on a NWFZ in the Middle East.

96. Mr. HOBEICA (Lebanon), referring to operative paragraph 4 of the resolution, said Lebanon believed multilateral negotiations should follow and not precede bilateral negotiations. Indeed, how could the former proceed with Israel baulking at the latter? Israel not only failed to recognize the principle of land for peace, adopted at the Madrid Conference, but had also backed down from commitments previously entered into with the Palestinians.

97. The previous day Israel had bombed civilians in Lebanon, obliging it to call a meeting of the Committee for the Protection of Civilians. It was also reported that Israel was sending reinforcements to the front line of the border area occupied by Israel in Lebanon, so the future looked grim.

98. With its nuclear weapons, Israel posed a threat to the peace of the entire region, which was why the Conference in its resolution should have urged Israel by name to sign the NPT and submit its facilities to Agency safeguards.

99. Mr. ASHOK (India) said that, while India had gone along with the consensus on the issue, it wished to make two points of principle. Firstly, the

resolution contained a reference to the NPT. India maintained that accession to any treaty should be voluntary, since it was a sovereign act and could not be forced on any State.

100. Secondly, as regards the establishment of a NWFZ, such a zone could only be established in any region with the voluntary agreement of all the States concerned.

101. Ms. DORAN (Ireland), speaking for the European Union, said that, although it had joined the consensus on the resolution, the European Union regretted that the Conference had not found it possible to take due account of the previous year's decision to extend the NPT indefinitely.

102. The European Union wished to reiterate its appeal to all States in all regions to accede to the NPT for the benefit of all mankind.

103. Mr. KAREM (Egypt) said his delegation considered it would have been more appropriate to have adopted the agreed statement before adopting the previous year's resolution.

104. Egypt endorsed the statement by the European Union. It was a matter for regret that it had not been possible to reflect the terms of the resolution on the Middle East, adopted at the NPT Review and Extension Conference the previous year, in a Middle East resolution at the Agency's General Conference. Indeed, what was really needed was an update of the New York resolution reflecting present realities.

105. Egypt had been behind the proposal for a safeguards workshop, which was mentioned in the consensus statement. It considered that such an exercise would provide all parties concerned with an opportunity for direct contact and direct negotiations. The idea was not, of course, a new one - the Agency had already held a workshop in Vienna in 1993, which had been a most successful event, and that had been followed by a "conceptual basket" workshop<sup>2</sup> in Cairo in 1994, attended by Agency experts. It was to be noted that Israeli experts had participated unofficially in the Vienna workshop.

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<sup>2</sup> See GC(XXXVIII)/18, paragraph 11.

106. A safeguards culture was beginning to be developed in the Middle East. That could not flourish without transparency, without a broad exchange of views and without acculturation to the safeguards regime, for which another workshop would provide the ideal forum and stimulus.

107. Finally, he expressed the hope that the Agency would take concrete steps as soon as possible to organize such a workshop, and that all Member States would cooperate with the Director General in that exercise which should help pave the way for a NWFZ in the Middle East. He trusted that the decision just adopted would be included in the Agency's index of resolutions and decisions.

108. Mr. AYATOLLAHI (Islamic Republic of Iran) expressed a reservation concerning operative paragraph 4 of the resolution, referring to the ongoing Middle East peace negotiations, which in his view was not only irrelevant to the subject of the resolution but also outside the Agency's terms of reference. He wished to reaffirm his country's position that the peace process, as events had shown, was not conducive to restoring the inalienable rights of the Palestinian people. The inclusion of that paragraph in the resolution was especially regrettable, considering that the explicit reference to Israel in the second operative paragraph had been deleted. He hardly needed to remind the Conference that Israel was the sole country in the region which had nuclear capability, whilst at the same time refusing to accede to the NPT and to place its facilities under safeguards. On the contrary, it had pursued a nuclear weapons programme that was a major source of concern, endangering the peace and security of the Middle East and the whole world.

109. The international community had repeatedly voiced its concern at the Israeli attitude through various resolutions in the General Assembly as well as the Agency - yet nothing had been done to remedy the situation.

110. At all events, his delegation hoped that the resolution just adopted, despite its shortcomings, would represent a further step towards the establishment of a zone free from nuclear weapons and other weapons of mass destruction.

111. Mr. EL FADHEL KHALIL (Tunisia) said that his country, as a signatory of the Pelindaba Treaty, declaring Africa to be a NWFZ, fervently wished that the Middle East become likewise, as that would enhance African security, and indeed the Pelindaba Treaty mentioned that.

112. He wished to stress the spirit of co-operation shown by the Arab countries in withdrawing the 1996 draft resolution, with its modest additions reflecting resolutions or declarations made by developed countries, and substituting the 1995 resolution.

113. Mr. WALKER (Australia) said that, like the European Union, Australia found it regrettable that two years running the Conference could adopt a resolution on the Middle East without reflecting the views of the international community as expressed by 178 parties to the NPT at the Review and Extension Conference in New York in 1995. The resolution adopted there should apply to the present case as everywhere else.

114. Mr. FRANK (Israel), commending all concerned on reaching a compromise, said that Israel had joined the consensus, because making the Middle East a NWFZ in due course was part of his Government's policy. However, Israel did not agree with all the provisions of the resolution just adopted, and for clarification purposes he wished to restate his Government's position on the nuclear issue, which was based on four principles.

115. The first principle related to comprehensiveness: the nuclear issue should be dealt with in the context of the peace process and of all the regional security problems, both conventional and non-conventional.

116. The second principle related to the regional framework: nuclear non-proliferation in the Middle East would be achieved and be seen to be achieved only by establishing the Middle East as a mutually verifiable NWFZ in due course.

117. The third principle related to the need for a step-by-step approach: for reasons of practicality, it was necessary to begin the process with confidence- and security-building measures, with the establishment of peace relations and with reconciliation, dealing in due course with conventional and non-conventional arms control, priority being given to systems which experience had shown to be destructive and destabilizing.

118. The fourth principle related to the primacy of the peace process: negotiations on all the issues concerned with the security of the region had to be free and direct - as they in fact were in the bilateral and multilateral talks taking place within the framework of the peace process. Israel invited all Member States to respect the inviolability of the peace process, in which all issues pertaining to peace in all its aspects had been or would ultimately be taken up.

119. Israel did not wish the General Conference to become an arena for political protests or a venue for political discrimination. That was inconsistent with the functions and responsibilities of the Agency, as laid down in the Statute.

120. In conclusion, he said his delegation hoped sincerely for a better future with peace and reconciliation in the Middle East.

CLOSING OF THE SESSION

121. Mr. KASEMSARN (Thailand), speaking as President of the Conference at its previous session, said he wished on behalf of all present to congratulate Mr. Padolina on his skilful leadership. The Conference had benefited greatly from his ability and experience as an academician, scientist and diplomat, and the Philippines should be proud of his achievements and his contributions to the noble work of the IAEA.

122. Mr. WALKER (Australia), associating himself with the previous speaker, said he wished to express heartfelt appreciation to the President for the wisdom, patience and forbearance he had displayed in bringing the 1996 General Conference to a successful conclusion.

123. The PRESIDENT, expressing gratitude for those kind words, said that it had been a great honour for him and the Philippines to serve as President at the fortieth regular session of the General Conference and he wished to thank all concerned for the co-operation and assistance extended to him in the conduct of business and the solving of difficulties, as a result of which the Conference had been able to adopt decisions on all items requiring action to be taken.

124. He issued a reminder and a plea to all Member States and the Secretariat to see that all the decisions were implemented and work carried out on schedule, so that the General Conference could take appropriate actions in 1997.

125. He particularly wished to thank his colleagues in the General Committee, whose support had made his task much easier, and also, on behalf of all, to thank Mr. Ayatollahi, the Chairman, and his Vice-Chairmen for managing so competently the work of the Committee of the Whole.

126. Thanks were also due to the Director General and all concerned in the Secretariat, in particular Mr. Sanmuganathan, for their tireless efforts to ensure the success of the Conference.

127. Finally, on behalf of the Conference, he wished to thank the Austrian authorities for their kind hospitality and support for the Agency.

128. In accordance with Rule 48 of the Rules of Procedure, he invited all delegations to observe a minute's silence dedicated to prayer or meditation.

All present rose and observed silence for one minute.

129. The PRESIDENT declared the fortieth session of the General Conference closed.

The meeting rose at 12.20 a.m.