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President: Mr. KADRI (Algeria)

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The composition of delegations attending the session is given in document GC(43)/INF/Rev.3.

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Abbreviations used in this record

ABACC	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials
GRULAC	Latin American and Caribbean Group
Kyoto Protocol	Kyoto Protocol to the United Nations Framework Convention on Climate Change
MESA	Middle East and South Asia
NGO	non-governmental organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear-weapon-free zone
OECD	Organisation for Economic Co-operation and Development
OMV	Ongoing Monitoring and Verification
SEAP	South East Asia and the Pacific
Tlatelolco Treaty	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
UN	United Nations
UNSCOM	United Nations Special Commission

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ORAL REPORT BY THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

Article VI of the Statute (agenda item 21) (continued)

1. The PRESIDENT noted that, in addition to Article VI of the Statute, there were two items, Nos 26 and 27, left from the Committee of the Whole to be dealt with.
2. Mr. GRÖNBERG (Finland), speaking on behalf of the European Union, welcomed the historic decision that had been taken and thanked all who had contributed to resolving the issue, in particular the two previous Board Chairmen, Ambassador Walker and Ambassador Ikeda, and the present Chairman Mr. Gregorič, for their tireless efforts.
3. Mr. ZHANG Yishan (China), welcoming the adoption of the resolution on the amendment of Article VI of the Statute, said that the expansion of the Board would enhance the representation of developing countries and increase the democracy and transparency of the Board's decision-making processes. He thanked all concerned for their relentless efforts to solve the problem, in particular the countries and area groups that had made difficult concessions in a spirit of compromise, and hoped that such a spirit would prevail in the Agency's work in the future. He hoped that all countries would demonstrate flexibility and co-operation in accepting the amendment in accordance with their national constitutional processes, and looked forward to the Director General's report on the progress made towards the amendment's entry into force.
4. Ms. MXAKATO-DISEKO (South Africa), having congratulated all concerned on finally bringing the matter of the amendment of Article VI to a successful conclusion, said that, although the formula developed undoubtedly involved intricate trade-offs and sacrifices, the Agency had made a substantial gain and now led the way towards the democratization of decision-making processes in international institutions. In her delegation's view, the President had followed the only course possible for resolving the issue. At all events, the Conference could not have chosen a more fitting manner to crown the achievements of the Agency on the threshold of the next millennium.
5. Mr. OTHMAN (Syrian Arab Republic) said that there had been a lack of transparency in the procedures followed concerning the amendment of Article VI, and he wished to record his country's reservations. Syria would have legal difficulties in accepting the amendment, and would reserve the right to return to the matter in the future.
6. Mr. SALEHI (Islamic Republic of Iran) said that his delegation sympathized with GRULAC's dissatisfaction over what had happened at the last meeting of the Board of Governors, and trusted that such events would not recur in the future. He wished to make it clear that Iran had felt unable to join the consensus because of its reservations concerning paragraph K of the amended Article VI. Further, he wished to stress that, as considered by the Board, due rotation of the extra designated seats on the Board should take place.

7. Mr. NIITENBERG (Estonia), expressing satisfaction that consensus had finally been reached on the amendment of Article VI, said that it was his delegation's understanding that the scope of the resolution adopted was strictly limited to the Agency and had no impact on the composition of areas or regional groups of other specialized agencies or organizations of the United Nations system, or of those of other international organizations. With regard to paragraph K of the amended Article VI, Estonia maintained that the composition of areas should be finalized with due regard to the positions of the Member States concerned as to the area in which they considered it appropriate to be included.

8. Mr. JOSEPH (Australia), speaking on behalf of SEAP, said that while the Group would have been content with an expansion of six or seven seats only, it was glad that an agreement on eight had been reached, thus ending 25 years of rather undignified wrangling. The problems encountered regarding representation of the area groups had been resolved as a result of accommodation or sacrifice on the part of some groups, or as in the case of SEAP, by the exercise of absolute restraint. Finally, he expressed the Group's appreciation to the President of the Conference, the two previous Chairmen of the Board and its present Chairman, and to Ambassadors Benmoussa of Morocco and Umer of Pakistan for their efforts to bring the issue to a conclusion.

9. Mr. REGUIEG (Algeria) said that the Conference had achieved a historic result with the amendment of Article VI and he thanked the two previous Chairmen of the Board and the present Chairman for their efforts, and also the regional groups of Member States for the spirit of co-operation they had demonstrated. While the result achieved was a compromise, and therefore less acceptable to some than others, he hoped that all Member States would consider that a major objective had been achieved. The balance struck was an entirely acceptable one for his country.

10. Mr. UMER (Pakistan) expressed his delegation's great satisfaction that the long and tumultuous process of the amendment of Article VI had eventually culminated in the consensual adoption of an agreed text. The amendment was the result of a monumental effort, particularly over the previous three years, and could not have been achieved without good faith and the genuine spirit of co-operation demonstrated by Member States and area groups.

11. He was distressed that Iran and Syria had felt unable to join the consensus on the amendment; Pakistan sympathized with their valid concerns and wished to assure them that paragraph K would be implemented in complete conformity with the understandings on the basis of which it had been agreed. No short-circuiting of the principles enshrined in the concept would be countenanced, and the legitimate interests of MESA members would not be compromised.

12. It was now time to look to the future and address the following issues: firstly, Member States should ensure the early ratification of the amendment so that the efforts made over the previous years were not sacrificed; secondly, paragraph K was dependent on events in the Middle East, and those responsible for introducing a political dimension into a purely representational issue carried a special responsibility to promote a just and lasting peace in

that region; thirdly, no effort should be spared to ensure that the spirit of conciliation and accommodation which had led to the agreement on amendment of Article VI would prevail in future deliberations of the Board and the General Conference.

13. Finally, much time had been spent in the discussion of the apportioning of seats among areas, and he trusted that the allocation of seats to eligible countries would henceforth be achieved without controversy. There was a clear-cut list of seven agreed criteria for designated seats on the Board and, when the Board expanded, the countries in each region that were the most advanced in the peaceful applications of nuclear technology should be accorded their rightful status.

14. Mr. SARWAT (Egypt) thanked all concerned for their efforts to resolve the issue, in particular the President of the General Conference, the Chairman of the Committee of the Whole and the present and two previous Chairmen of the Board of Governors, and endorsed the comments made by the representative of the Libyan Arab Jamahiriya on behalf of the African Group at the previous meeting. Recalling that a proposal by the African Group to expand the Board had been the starting point of the amendment of Article VI, he said he hoped that the amendment would work well once ratified.

15. Mr. IKEDA (Japan) congratulated the President of the Conference and the Chairman of the Committee of the Whole for their adroit handling of the Article VI issue, and welcomed the spirit of consensus and co-operation demonstrated by all delegations. He also paid tribute to Ambassador Walker of Canada, who had developed the package solution, and to the Director General and Ambassador Umer of Pakistan who had been closely involved in developing paragraph K and the linkage of the three elements of the package. In addition, the Ambassadors of Kuwait, Morocco, Algeria, India, Egypt and the United States along with Ambassadors from the European Union had made vital contributions in the discussions among the area groups. Finally, major credit was due to the Chairman of the Board of Governors, Mr. Gregorič for his tireless effort of consultation throughout his period of office to bring all the parties involved to consensus.

16. Mr. BENMOUSSA (Morocco) said that the amendment of Article VI could not have been resolved without taking a resolute pragmatic approach and overcoming the emotions that had obscured the issue. The amendment was a significant historical decision which was a credit to the Conference and to the Agency. He joined the representative of Pakistan in calling for all Member States to ratify the amendment as soon as possible, and expressed confidence that the conditions that had prompted three countries to have reservations would cease with the positive development of the peace process in the Middle East, which would enable all countries of the region to enjoy their legitimate right to peace and security in the future.

17. Mr. RITCH (United States of America) commended all concerned, and in particular the past and present Board Chairmen, Messrs Walker, Ikeda and Gregorič, on their efforts to resolve the problem. The United States believed that the existing Board functioned effectively as a governing mechanism for the Agency, but had also recognized the desire of many countries to increase the scale of participation in the Board's activities. He welcomed

the decision on Article VI because it fulfilled both the desire for Board expansion and the United States' wish for fairer procedures in composing the Board, and not least because that time-consuming issue would no longer figure on the agenda.

18. The PRESIDENT commended the spirit of compromise that had enabled the issue of Article VI to be successfully resolved and expressed appreciation to all those involved.

19. Mr. GREGORIČ (Slovenia) thanked the President and Mr. Benmoussa, as Chairman of the Committee of the Whole, for their contributions to the final stage of the negotiations. He emphasized that the successful resolution of the Article VI issue had been the result of a collective effort.

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

Personnel (agenda item 26)

(a) Staffing of the Agency's Secretariat

(b) Women in the Secretariat

21. As recommended by the Committee of the Whole, the draft resolutions in documents GC(43)/L.11 and 10 were adopted.

Elections to the Agency's Staff Pension Committee (agenda item 27)

22. The PRESIDENT said he took it that, as recommended by the Committee of the Whole, the Conference wished to elect Ms. Cliff of the United Kingdom as an alternate member of the Agency's Staff Pension Committee in place of Mr. Raja Adnan who had become a member following the departure of Mr. Pecsteen.

23. It was so decided.

24. The PRESIDENT said that the composition of the Agency's Staff Pension Committee would thus be:

Members: Mr. Herrera Andrade
Mr. Raja Adnan

Alternate members: Mr. Bourita
Ms. Cliff

25. The PRESIDENT expressed appreciation for Mr. Benmoussa's skilful guidance of the Committee of the Whole's deliberations on some extremely sensitive issues.

IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
RELATING TO IRAQ

(GC(43)/16 and GC(43)/L.6 and Adds 1-3)

26. The PRESIDENT recalled that that item had been included in the agenda pursuant to resolution GC(42)/RES/3 adopted by the previous General Conference. Pursuant to operative paragraph 7 of that resolution, the Director General had submitted a report contained in document GC(43)/16 on his efforts to implement Security Council resolutions 687, 707, 715, 1051, 1060, 1115, 1154 and 1194 relating to Iraq. The matter had also been considered by the Board in September on the basis of the Director General's report. The Conference now had before it, in document GC(43)/L.6, a draft resolution submitted by a number of Member States, and he invited the representative of Finland to introduce it.

27. Mr. GRÖNBERG (Finland), speaking on behalf of the European Union and other sponsors of the draft resolution, said that the resolution recalled developments concerning Iraq since the previous General Conference, commended the Director General and his Action Team on their efforts to fulfil their mandate under the relevant Security Council resolutions and noted with concern that, since mid-December 1998, the Agency had been unable to implement its mandate in Iraq and was thus unable to provide any assurance regarding Iraq's compliance with those resolutions. The draft resolution stressed the need for Iraq to implement all relevant Security Council resolutions and the need to re-establish the Action Team's monitoring and verification activities without delay.

28. Mr. RITCH (United States of America), commending the Agency for its continued efforts regarding Iraq, noted with concern from the Director General's report that the Agency was unable to provide any assurance regarding Iraq's compliance with United Nations Security Council resolutions. Iraq was challenging the will of the Security Council and should understand that relief from sanctions depended on compliance with those resolutions. It should therefore resume full co-operation with Security Council-mandated inspections, under which Agency inspections had been subsumed. While supporting the draft resolution, the United States delegation would have preferred a text that emphasized that the responsibility for the current situation was Iraq's alone.

29. Although the Director General's report stated that there were only a few remaining questions about Iraq's nuclear programme, it also referred to the possibility of new questions arising. The United States looked forward to the resumption of the full range of monitoring and verification activities, to enable the Action Team to answer all such questions.

30. The representative of Iraq had declared to the General Conference that Iraq had implemented its obligations under Security Council resolution 687 and had called on the Agency to implement safeguards. However, it was the Security Council's unanimous view that Iraq had not complied with resolution 687; furthermore, the Agency's ongoing monitoring and verification (OMV) plan, adopted under Security Council resolution 715, stated that "Iraq's obligations under paragraph 12 of resolution 687 and paragraph 3 of

resolution 707 are broader in scope than the obligations which are undertaken under the Non-Proliferation Treaty and which are verified by the IAEA”¹. While the approaches and techniques to be used under the OMV plan drew upon the Agency’s safeguards experience, the scope and intensity of verification and monitoring under that plan were much greater, in order to satisfy the requirements of the aforesaid resolutions and to create confidence that the restrictions imposed upon Iraq in the nuclear field were actually complied with.

31. The United States would continue to give strong support to the Agency’s Action Team in fulfilling its mission and in improving its OMV plan and techniques.

32. Mr. AL-JANABI (Iraq), noting the requirement in operative paragraph 2 of the draft resolution that Iraq implement fully all relevant Security Council resolutions, said that Iraq had applied resolution 687 to the letter. He pointed out that the Director General’s fourth progress report to the Security Council² had stated that the IAEA’s verification activities in Iraq had produced a technically coherent picture of Iraq’s clandestine nuclear programme and that there were no indications that Iraq had produced more than a few grams of weapon-usable nuclear material or otherwise acquired such material. It also said that there were no indications that there remained in Iraq any physical capability for the production of amounts of weapon-usable nuclear material of any practical significance. The report further stated that, by February 1994, the Agency had completed the removal from Iraq of all weapon-usable nuclear material and that there were no significant discrepancies between the technically coherent picture of Iraq’s past programme and the information contained in Iraq’s full, final and complete declaration - final version.

33. The “questions and concerns” mentioned in the Director General’s present report to the Conference did not change the coherent picture of Iraq’s clandestine nuclear programme. The Agency had reported that it had destroyed and dismantled all the components of the Iraqi nuclear programme in accordance with Security Council resolution 687 and subsequently stated that it had reached the “point of diminishing returns”.

34. In the Director General’s seventh report to the Security Council, contained in document GOV/INF/1999/6, it was stated that Iraq had provided the necessary technical support, particularly in connection with the IAEA’s installation and operation of air-sampling equipment; also that analyses of the environmental samples taken at presidential sites had shown no indication of the presence of proscribed materials or the conduct of proscribed activities at any of the sites visited. The report further stated that the inspections carried out during the period 17 November to 15 December 1998 had revealed no indication of prohibited equipment, materials or activities. During that period, as stated in document GC(43)/16, the Iraqi counterpart had provided the necessary level of co-operation to enable those inspection activities to be completed efficiently and effectively.

35. Since the documents cited all showed that Iraq had implemented fully the resolutions of the Security Council and co-operated fully with the Agency, he did not understand the

¹ See document GOV/INF/631, para. 16.

² See GOV/INF/827.

motivation behind the draft resolution. Preambular paragraph (e) stated that the Agency had been unable to implement its mandate in Iraq since mid-December 1998; however, the Agency's mission had left Iraq not by order of the Iraqi authorities but under the instructions of Richard Butler, then head of UNSCOM, acting in collusion with the political and military authorities of the United States in preparation for the aggression perpetrated against Iraq by the United States and the United Kingdom the same month, in which buildings subject to verification, including equipment contained in them, had been destroyed. It was well known that the departure of the Agency's mission from Iraq had not been subject to the consent of the United Nations Secretary-General, the Security Council or the Director General of the Agency. Again, preambular paragraph (f) was in clear contradiction with paragraph 12 of the Director General's present report.

36. Iraq had co-operated fully with the Agency to enable it to accomplish its mission and it was high time for the Agency to establish normal relations with Iraq such as existed with any other country. In conclusion, he declared that Iraq had always fulfilled, and would continue to fulfil, its commitments under the NPT and the safeguards regime.

37. Mr. AL-GHAIS (Kuwait) said that the authors of the draft resolution had purposely watered down its language in the hope that it could be adopted by consensus. His delegation, which was a sponsor but not an author of the draft resolution, would not have taken the floor if it had not been for Iraq's repeated claim that it had fully implemented the requirements of paragraphs 12 and 13 of Security Council resolution 687. Despite the Agency's efforts, which he commended, the Director General's recent reports to the General Conference showed that measures that should have been implemented by Iraq within a year of the 1990 invasion of Kuwait still remained to be addressed.

38. Recapitulating the history of events, he noted from paragraph 4 of document GOV/INF/1999/6 that the impeding of the Agency's monitoring activities from 5 August to 16 November 1998 had severely limited the level of assurance the Agency was able to provide as to Iraq's compliance with its obligations under the relevant Security Council resolutions.

39. The Agency's personnel had been withdrawn completely on 16 December 1998 following unacceptable interference by Iraq with the inspection operations, and Iraq had not thereafter allowed Agency inspectors back into the country.

40. Paragraph 7 of document GC(43)/16 indicated that Iraq's actions had made it impossible to implement the OMV plan properly and to clarify the few remaining questions and concerns regarding Iraq's clandestine nuclear programme. Paragraph 20 indicated that, owing to Iraq's suspension of co-operation, the Agency had been prevented from performing innumerable important inspection and sampling operations, while paragraph 21 noted that Iraq had failed to provide either of the semi-annual reports due in 1999 under the OMV plan.

41. The Director General's sixth report to the Security Council (GOV/INF/1998/22) detailed Iraq's denial of access to the Al Iraqi factory (footnote 2) and its obstruction of routine interviews provided for under the OMV plan (paragraph 8), while paragraph 13

indicated that Iraq had also failed to implement quality-assurance measures to deal with generic problems regarding accuracy, completeness and internal consistency. Paragraph 16 showed that Iraq had so far failed to enact national penal laws, as required under the OMV plan, paragraph 18 spoke of Iraq's lack of full transparency in the provision of information and the absence of certain documentation, and paragraph 19 listed outstanding questions and concerns relevant to Iraq's clandestine nuclear programme, the importance of which should not be underestimated.

42. In conclusion, Iraq's continued refusal to re-admit inspectors was most regrettable, given that the Agency was constantly prepared to return and that, as the Director General had said, the effectiveness of implementation of the OMV plan was dependent on full rights of access.

43. Mr. SARWAT (Egypt) said that his country supported the draft resolution, in particular as it related to the implementation of Security Council resolution 687, which called for the removal of Iraqi weapons as a step towards the establishment of a zone free of weapons of mass destruction in the Middle East. The achievement of that objective was the responsibility of all the different parties in the region but it was high time that the international community took some action to facilitate matters. Egypt had constantly supported efforts within the United Nations to find ways of dealing with the situation in Iraq, including measures providing for the lifting of the embargo, which imposed a very great burden on the Iraqi people.

44. Mr. RYZHOV (Russian Federation) said that the spirit in which the present discussion was being conducted seemed hardly likely to lead to a constructive outcome. He pointed out that the current situation was by no means critical. All relevant nuclear and non-nuclear facilities in Iraq had been destroyed or were under Agency supervision in accordance with the various Security Council resolutions. Moreover the Agency had declared that it had a full picture of Iraq's past programme, and did not consider that much new information was likely to emerge.

45. The Russian Federation considered that the objective now should be to restore normal relations between the Agency and Iraq and re-establish the Agency's monitoring activities. In view of the number of inaccuracies it contained, the draft resolution before the General Conference was unlikely to facilitate that objective. However, his delegation would not object to its adoption.

46. The PRESIDENT took it that the General Conference wished to adopt the draft resolution contained in document GC(43)/L.6 without a vote

47. It was so decided.

48. Mr. BENMOUSSA (Morocco) said that, rather than dwell on the Director General's report contained in document GC(43)/16, which his delegation regarded as lacking in certain elements, he would simply express his country's position as expounded by the Minister of Foreign Affairs and Co-operation of Morocco at the fifty-fourth session of the United Nations General Assembly on 21 September:

“The brotherly Iraqi people have been suffering for years from the impact of an economic embargo that has had pernicious effects on them, especially children, women and the elderly. As it voices full solidarity with the fraternal Iraqi people, Morocco calls for the pooling of international efforts in order to lift the embargo and to find a peaceful settlement to this problem within the framework of international law and in compliance with Security Council resolutions. In this respect, we stress the need to preserve the sovereignty of Iraq, its security and its territorial integrity.”

49. He added that Kuwait’s legitimate rights should also be duly respected and a swift end put to that disastrous conflict, which had torn apart the Arab family and brought so much suffering to the people of the region.

50. Mr. AL-JANABI (Iraq) said his delegation was opposed to the adoption of the draft resolution, and would have liked the General Conference to take greater account of Iraq’s recent efforts to fulfil its obligations under the relevant Security Council resolutions. Without Iraqi co-operation, the Agency would never have been able to complete all the tasks recorded in the Director General’s reports on Iraq during the period in question. The resolution clearly did not reflect reality and the General Conference should realize that, by adopting it, it had struck a blow at 24 million Iraqis suffering from the effects of the embargo.

51. Finally, he expressed gratitude to all the delegations which had expressed sympathy for the plight of the Iraqi people.

52. Mr. TWAL (Jordan), while associating his delegation with the consensus on adopting the draft resolution and noting that it was in Iraq’s interest to implement the relevant Security Council resolutions, stressed the need to end the suffering of the Iraqi people and to preserve the territorial integrity of Iraq.

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST (GC(43)/17/Add.1, Add.1/Corr.1 and Add.2) (GC/(43)/L.1/Rev.1 and Adds 1-2)

53. The PRESIDENT said that the item had been included in the agenda pursuant to resolution GC(42)/RES/21 adopted by the previous General Conference. Pursuant to operative paragraph 9 of that resolution, the Director General had submitted the report contained in document GC(43)/17 and Addendum 1 on the implementation of the resolution. The matter had been considered by the Board in September on the basis of the aforesaid report. Also before the Conference, in document GC(43)/L.1/Rev.1, was a draft resolution submitted by the Member States listed therein. Two addenda with additional sponsors had also been issued.

54. Mr. ISSA (Egypt), introducing the draft resolution contained in document GC(43)/L.1/Rev.1, said that since the consensus approval of the original resolution by the 1991 General Conference, Egypt had worked constantly to further the cause of safeguards application in the Middle East, conscious of its importance for all States and for peace in that region. Despite the many positive elements the resolution contained, it was regrettable that no concrete steps had been taken to implement them, nor to begin the process of establishing a NWFZ in the Middle East.

55. In the light of the current climate in the region and the recent progress made in the Middle East peace process, Egypt had recently held consultations with the appropriate parties aimed at producing amendments to the resolution designed to bring the application of safeguards throughout the region nearer to realization. Unfortunately, those attempts had failed. The current draft resolution was virtually identical to that adopted by the previous General Conference. The wording had been left unchanged in order not to lose the positive elements achieved to date. Egypt remained disappointed with the inertia shown by a certain party, which it hoped would change its stance soon and permit some positive developments before the next General Conference.

56. Mr. AL-JANABI (Iraq) said that, having often called for the creation of a zone free of weapons of mass destruction in the Middle East, his country once again had to record its concern at the continuing existence of an Israeli nuclear programme not subject to international control and which was a source of immense disquiet to Israel's Arab neighbours. Iraq continued to ask itself why double standards were being applied to Israel, allowing it to continue flouting the relevant international instruments and refusing to accept safeguards on its facilities.

57. Mr. SALEHI (Islamic Republic of Iran) said that the efforts of the Agency and of countries such as his own to achieve the objective of establishing a NWFZ in the Middle East had not succeeded because of the arrogance and stubbornness of Israel. Having amassed a considerable nuclear arsenal and refused to sign the NPT, Israel continued to exploit nuclear technology for non-peaceful purposes and represented the only unchecked threat to peace in the Middle East.

58. In the light of the resolutions adopted by various Conferences of Islamic Foreign Ministers, including Resolution 22/8P adopted by the Eighth Summit of the Organization of the Islamic Conference (OIC) in Tehran and Resolution 23/25-P adopted by the twenty-fifth Session of the Islamic Conference of Foreign Ministers, and others calling for the establishment of a NWFZ in the Middle East, it was incumbent upon the Agency and all other related international organizations to make Israel toe the line and accept safeguards.

59. Mr. UMER (Pakistan) said he would like to receive an explanation from the Syrian delegation as to what exactly was meant by the reference to Pakistan in the letter addressed by the Syrian Arab Republic to the Director General contained in document GC(43)/17/Add.1/Corr.1.

60. Mr. ARAR (Turkey), referring to the same letter from the Syrian Arab Republic to the Director General mentioned by the representative of Pakistan, said he wished to make it absolutely clear that there were no nuclear weapons in Turkish military bases, since that would be in contravention of Turkey's national policy of non-proliferation and its commitment to the NPT.

61. Mr. BAHRAN (Yemen) said that his country's support for the draft resolution was based on its belief in the principle of equality of rights and responsibilities, and the current text was the very minimum his delegation could accept.

62. Mr. ABDULAATI (Libyan Arab Jamahiriya) said that the main obstacle to the denuclearization of the Middle East was Israel's continuing refusal to become a party to the NPT, to implement Security Council resolution 487 requiring it to submit its nuclear facilities to Agency safeguards, and to heed the repeated calls to that effect addressed to it by the United Nations General Assembly and the Security Council. Measures aimed at achieving Israeli compliance with those requirements should take precedence over all else, if a genuine peace in the Middle East region was to be achieved.

63. Mr. BOURITA (Morocco) said that his country's position, reflected most recently in a letter from the Minister of Foreign Affairs and Co-operation of Morocco to the Director General which was contained in document GC(43)/17/Add.1, was that the full application of safeguards in the Middle East should be treated as a separate element to be pursued independently of developments in the Middle East peace process and also of efforts to establish a NWFZ in the region.

64. The PRESIDENT said he took it that the Conference was ready to adopt the draft resolution in document GC(43)/L.1/Rev.1 without a vote.

65. It was so decided.

66. Mr. OTHMAN (Syrian Arab Republic) said that the only obstacle to the application of safeguards throughout the region and the establishment of a NWFZ was Israel which stubbornly refused to comply with successive resolutions. It was high time the international community put pressure on Israel to sign the NPT and accept safeguards. The application of safeguards and the establishment of a NWFZ in the Middle East should not be dependent on the peace process and piecemeal arrangements but should be the subject of a comprehensive international legal agreement.

67. Mr. AMIR (Israel) said that Israel had joined the consensus on resolution GC(43)/L.1/Rev.1 in spite of the resolution's inherent deficiencies, because it recognized that a NWFZ could eventually serve as an important complement to the overall peace, security and arms control in the region.

68. The resolution contained elements that contradicted Israel's policy and his delegation's decision not to block the consensus should not be interpreted as an indication of agreement with all the provisions of the resolution.

69. Israel's policy had always been that the nuclear issue, as well as all regional security issues, both conventional and non-conventional, should be dealt with in the full context of the peace process. Moreover, negotiations on those, like all issues concerned with the security of the region, could only realistically be expected to take place freely and directly within the framework of the peace process.

70. The basic premise of any regional security and arms control process required that the security margins of any participating State should not be diminished throughout the process. Consequently, any progress had to be based on mutual steps. All States had to participate because reciprocal relationships were essential for all regional parties.

71. The sombre experience of UNSCOM and the Action Team should remind the Conference of the stark realities of the region. A practical step-by-step approach was the only way forward. The process should begin with confidence- and security-building measures that did not detract from the security margins of any regional State. The process should then continue by establishing peaceful relations and achieving reconciliation. Then, in due course, conventional and non-conventional arms control should be dealt with.

72. Such an approach was substantiated by the vast experience of similar processes elsewhere. The history of the Tlatelolco Treaty, ABACC and the “Asian way” of dealing with security showed that a step-by-step, careful and, just as importantly, informal confidence-building process was the proven recipe for transforming conflict-ridden regional relationships into more stable, enduring and mutually beneficial ones.

73. The way to build security was to aim high but start modestly and move ahead carefully, because confidence-building was a long process. Time was needed to encourage others to co-operate, to win over the hesitating bystanders, it being important not to intimidate, harass or ostracize those that needed time to assure themselves that their basic security interests would not be compromised.

74. The debate on that item should be viewed in the context of recent developments in the peace process that could usher in a more benign era in the Middle East. The Government of Israel had made clear its commitment to the peace process in the region, and a vigorous effort was now under way to revitalize it. Israel believed that there was no way back from the peace process. Indeed, only a few weeks previously, all parties concerned had gathered in Egypt to sign the Sharm El Sheikh Agreement. However, there was still a long and arduous road ahead, and a number of regrettable statements made by some of Israel’s neighbours did not help matters.

75. In conclusion he hoped the future would bring reconciliation, security and peace in the Middle East.

ISRAELI NUCLEAR CAPABILITIES AND THREAT (GC(43)/8)

76. The PRESIDENT said that item had been included in the agenda pursuant to a request by Kuwait on behalf of the Arab States members of the Agency. An explanatory memorandum was contained in document GC(43)/8.

77. He understood that consultations had been held on that matter, as a result of which it had been agreed that, as President, he should read out a statement for the endorsement of the Conference. The statement was the result of a delicate compromise and was as follows:

“On 1 October 1999 during the tenth plenary meeting the General Conference endorsed the following statement made by the President:

“The General Conference recalls the statement by the President of the 36th session in 1992 concerning the agenda item “Israeli nuclear capabilities and threat”. That

statement considered it desirable not to consider that agenda item at the 37th session. The General Conference also recalls the statement by the President of the 42nd session in 1998 concerning the same agenda item. At the 43rd session, this item was, at the request of certain Member States, re-inscribed on the agenda. The item was discussed. The President notes that certain Member States intend to include this item on the provisional agenda of the 44th regular session of the General Conference.”

78. He took it that the Conference was ready to adopt that statement.

79. It was so decided.

80. Mr. OTHMAN (Syrian Arab Republic) expressed concern at Israel’s nuclear capabilities, which undermined the NPT. That threat affected not only countries in the region but also the safety and security of those situated thousands of kilometres away. The statement read by the Chairman did not refer to the danger posed by those arms. It was the Agency’s responsibility to reinforce peace and security in the region, and the Conference should insist that Security Council resolutions be applied.

81. Syria was disappointed by the decision just adopted. The international community should understand his country’s concern in the face of the danger posed by Israel. Israel had to accede to the NPT and there should be no more double standards.

82. Mr. AL-JANABI (Iraq) said that all Arab countries had signed the NPT but that fact alone did not provide them with security in the face of the threat posed by Israel’s nuclear capabilities.

83. Israel continued to flout Security Council resolution 487 of 1981, which required that it submit its nuclear facilities to Agency safeguards, as well as General Assembly resolutions over the previous two decades. Those resolutions showed that everybody wished to see a NWFZ in the Middle East.

84. Successive General Conference resolutions calling for the application of Agency safeguards throughout the Middle East as well as the General Assembly resolution A/RES/52/41 “The risk of nuclear proliferation in the Middle East” all centred around the fact that Israel had nuclear weapons and was a threat to the Middle East and beyond. Indeed that situation was a threat to non- proliferation throughout the world.

85. He called on the international community to insist that Israel accede to the NPT and submit all its nuclear facilities to Agency safeguards. Israel had to decommission its nuclear arsenal and show that it had rejected nuclear weapons.

86. Mr. SARWAT (Egypt) said that Egypt was doing all it could to see the principles of non-proliferation applied throughout the world. Achieving that goal in the Middle East was a pressing issue because Israel’s nuclear capabilities posed a threat to the whole region. Egypt had constantly called on all countries to make the Middle East a zone free of nuclear weapons and weapons of mass destruction, and all Arab countries had acceded to the NPT and submitted their nuclear facilities to Agency safeguards, thereby demonstrating their

confidence in the non-proliferation system and their political will to establish a NWFZ. However, Israel had not signed the NPT and never shown any willingness to accede to the NPT or submit its facilities to Agency control.

87. The international community should take good note of the flagrant contradictions of the situation and the fact that sincere efforts were being blocked by Israel's wall of refusal. As a result, efforts to achieve universal disarmament were being paralysed and local and international safety and security jeopardized. The fact that the subject had been on the agenda of the General Conference for more than ten years was a reflection both of its importance and of the legitimate fears of some Member States.

88. In conclusion, he declared that the elimination of nuclear weapons in the Middle East was in the interests of the region and the world and should be made a major topic at the 2000 NPT Review Conference.

REPORT OF THE SCIENTIFIC FORUM

89. The PRESIDENT invited the Rapporteur, Mr. Nicholls to present the report of the Scientific Forum.

90. Mr. Nicholls presented the report which is reproduced in the Annex.

91. The PRESIDENT thanked Mr. Nicholls for his most useful report on the results of the Scientific Forum, which he was sure had achieved its aims of stimulating discussion of scientific and technical issues relating to the Agency's activities. On behalf of the Conference, he commended the initiative of the Director General in holding the Forum which was becoming a regular feature of the General Conference. He also expressed appreciation to the Deputy Director General for Nuclear Energy, Mr. Victor Mourogov, and his staff for their excellent preparation and organization of the Forum.

92. Mr. CHIDAMBARAM (India) congratulated the Director General for convening the Scientific Forum on such a vital topic. The consistently high attendance and the very lively and high technical level of the discussions were a clear indication of the success of the Forum, which had helped restore to the Agency some measure of its original scientific character.

93. He urged that the question of nuclear power be addressed as a regular feature in future General Conferences with the emphasis on innovative reactor and fuel cycle systems geared to enhance safety and economy and facilitate waste management. Training was another crucial issue.

94. Mr. RYZHOV (Russian Federation), commending the Director General on the excellent organization of the Forum, said that the discussion had shown clearly the need for new approaches to reactor technology, the nuclear fuel cycle and waste management. It was accordingly up to the Agency to spearhead a process of renewal that would make nuclear technology safer, ecologically and socially acceptable, and proliferation-proof.

95. Ideas emanating from the Forum should be channelled into an international project or projects to develop inherently safe reactors and fuel cycle technology which maximized fuel efficiency and minimized waste production.

96. The experience accumulated by the Agency from scientific forums involving leaders of the nuclear community could be used for making an annual review of progress, steering international co-operation, and focusing the attention of industry, governments and research centres on the most important issues.

97. Mr. RITCH (United States of America), also welcoming the Forum, said he believed there was a strong connection between the requirements of the Kyoto Protocol and the Agency's work, and his delegation would actively participate in any constructive forums that explored that relationship further.

98. Mr. UMER (Pakistan), acclaiming the success of the Forum, said that, whereas the latter had been fully attended, the general debate had been increasingly sparsely attended, with only 11 people present by the evening of the third day. The general debate was a very important component of the Agency but he questioned whether it was being conducted in the most effective way. Following reform of the Board of Governors, consideration should now be given to the management of the General Conference particularly the general debate, which should be comprehensively reviewed to make it respond better to the requirements of the Statute and the interests of Member States.

99. He therefore proposed that the Director General should present, through the Board of Governors, options for making the political component of the General Conference more efficient, more effective, more substantive and more interactive.

100. Mr. RITCH (United States of America), endorsing that proposal, said that the ritualistic aspects of the Conference should be minimized and the potential for creative and constructive interaction maximized. Since many highly intelligent and well-placed people came to the Conference, maximum advantage should be drawn from their presence. He asked the Director General to explore ideas on the subject informally with Resident Representatives.

101. Mr. IKEDA (Japan), having congratulated the Director General on the success of the Forum, stressed the importance of interchange between policy-makers and people from industry, which should be maintained in the future by keeping the forum as flexible as possible.

102. Ms. QUINCY (France) also commended the Forum, which constituted an occasion to review topical and sensitive issues that had arisen during the year, with the participation of people from different backgrounds. She hoped that the results of the Forum would be widely disseminated.

103. Mr. BENMOUSSA (Morocco) said his delegation had participated with interest in the Scientific Forum, which had provided an opportunity for very useful interaction between scientists and diplomats. Also, he endorsed the suggestion made by the representative of Pakistan to look at further ways of streamlining the work of the General

Conference. There could be no question, however, of doing away with the plenary meetings, which were the appropriate forum for deliberating international policies regarding non-proliferation and the peaceful uses of nuclear energy.

104. Mr. JOSEPH (Australia) said that there was nothing unusual about the poor attendance for the general debate of the plenary meetings; the same could be said of other UN bodies, and also national parliaments. Thus, while he was in favour of greater efficiency, he urged caution before rushing to change the system.

105. Mr. RITCH (United States of America) said that, as the Agency's General Conference lasted only one week, optimum use should be made of that time to achieve positive results, and that might call for some changes.

106. Mr. REGUIEG (Algeria) said that the Scientific Forum should become an established feature of the General Conference. He also supported the Pakistani proposal for reviewing General Conference procedures.

107. Mr. NÉMETHY (Slovakia), expressing his delegation's appreciation of the Scientific Forum, urged that in future special attention be paid to nuclear safety and waste management.

EXAMINATION OF DELEGATES' CREDENTIALS

(GC(43)/33)

108. The PRESIDENT said that the General Committee had met the day before to examine the credentials of all delegates, as provided for in Rule 28 of the Rules of Procedure. The report of the Committee was contained in document GC(43)/33. After extensive discussion, the Committee had recommended the adoption by the Conference of the draft resolution contained in paragraph 10 of its report, with the reservations and position expressed in the report. Since the Committee had met, he had been informed that credentials in proper form had been received from Afghanistan.

109. Mr. SARWAT (Egypt) said that his country's approval of the credentials for the Israeli delegation did not in any way denote acceptance of Israeli sovereignty over the territories occupied since 1967, especially Jerusalem and the Golan Heights. Israel as a State meant Israel within its borders as at 5 June 1967 and the borders defined in accordance with peace treaties between Israel and Egypt and Israel and Jordan.

110. Mr. TWAL (Jordan) said that his country's acceptance of the Israeli credentials did not in any way imply recognition of Israel's occupation of territories since 1967, especially East Jerusalem and the Golan Heights, to which Security Council resolutions 242(1967) and 338(1973) applied.

111. Mr. SALEHI (Islamic Republic of Iran) said his country had reservations concerning the Israeli delegation's credentials in view of Israel's usurpation of Arab lands, its invasion of the holy city of Jerusalem and its expansionist policies.

112. Mr. REGUIEG (Algeria) endorsed the reservations expressed by the previous speakers.

113. The PRESIDENT took it that the General Conference was prepared to adopt the draft resolution contained in document GC(43)/33.

114. It was so decided.

REPORT ON CONTRIBUTIONS PLEDGED TO THE TECHNICAL CO-OPERATION
FUND FOR 2000
(GC(43)/25/Rev.4)

115. The PRESIDENT, drawing attention to document GC(43)/25/Rev.4, said that, by 5.30 p.m. on 30 September 1999, the contributions pledged by Member States to the Technical Co-operation Fund had amounted to only US \$7 283 619. Since then \$678 170 had been pledged by Austria, \$129 940 by Malaysia, \$1 176 030 by the Netherlands, \$25 000 by the Syrian Arab Republic, and \$7300 by Yemen, bringing the total amount pledged to \$9 300 059, which represented only 12.7% of the target.

116. He urged those delegations which had not yet done so to make their 2000 pledges and also to pay their contributions in full at the earliest opportunity, in order that the Secretariat might submit to the Technical Assistance and Co-operation Committee meeting a proposed 2000 programme based upon reasonably assured resources and subsequently implement the approved programme without hindrance or uncertainty.

CLOSING OF THE SESSION

117. Ms. PELLICER (Mexico), speaking on behalf of Ms. Lajous Vargas, President of the Conference at its 1998 session, expressed appreciation of the excellent manner in which the President had directed the proceedings of the Conference. Particularly noteworthy was the fact that he had steered the Conference to a consensus agreement on amendment of Article VI of the Statute.

118. Mr. BENMOUSSA (Morocco), speaking as the delegate of a developing country and as the Chairman of the Committee of the Whole, expressed concern about the low percentage of the target of the Technical Co-operation Fund pledged. He appealed to Member States to do their utmost to pledge and pay in full and on time.

119. The forty-third General Conference had been one of the best he had ever attended and, with the skilful guidance of the President promoting a spirit of mutual co-operation, it had produced un hoped-for results.

120. Mr. ABDULAATI (Libyan Arab Jamahiriya), speaking on behalf of the African Group, paid tribute to the President for his sterling performance, as well as to all those whose hard work had made the General Conference such a success.

121. Mr. RITCH (United States of America) joined the previous speaker in praising the leadership displayed by the President.

122. Mr. VILOVIĆ (Croatia), speaking on behalf of the Eastern European Group, and Ms. QUINCY (France), speaking on behalf of the Western European Group, congratulated the President and the Chairman of the Committee of the Whole on the remarkable results achieved by the General Conference.

123. Mr. Ki-Moon BAN (Republic of Korea), highlighting the harmoniousness of the Conference, which had concluded its business without any voting being necessary, said he hoped the spirit of consensus would continue to prevail.

124. Mr. SALEHI (Islamic Republic of Iran) thanked the President for his astute conduct of the proceedings, and also the staff of the Secretariat for all their hard work behind the scenes.

125. The PRESIDENT, thanking all participants for their co-operation, said he was particularly pleased about the adoption of the two amendments to the Statute. He also wished to thank the Director General and his staff - including the interpreters, translators, précis writers, Conference Service officers, printers and documents control officers - for their valuable support.

126. Finally, in accordance with Rule 48 of the Rules of Procedure, he invited the Conference to observe one minute of silence dedicated to prayer or meditation.

All present rose and observed one minute of silence.

127. The PRESIDENT declared the forty-third regular session of the General Conference closed.

The meeting rose at 7 p.m.

Report to the forty-third General Conference of the IAEA from the second Scientific Forum Sustainable Development: A Role for Nuclear Power?

1. The Scientific Forum was extremely well attended and the presentations and debates were held in a very constructive and positive manner. The participants came from a wide variety of national and international scientific and research centres, international organizations and NGOs, and the nuclear industry. The freedom to express individual views as opposed to rigid adherence to national positions was seen to be fundamental to the success of this initiative of the Director General.

2. The Scientific Forum was concerned with the role of nuclear power in sustainable development. There were many views on what is meant by “sustainability”, and clearly this differs depending on the perspective of the person and the time-frame being considered. Also at issue was whether one is debating the sustainability of the nuclear power industry, or the broader subject of sustainable development of the world (or country or city or village). In terms of the sustainable development of the world, there were several presentations on the framework for the debate with different perspectives on economic, energy and environmental considerations. However, no conclusion was reached about the bases on which to judge nuclear power in this context, except a strong feeling that there must be a common set of criteria (e.g. emission levels, economics) for all energy generation systems. The question of the inevitable trade-offs between the criteria was raised but was not resolved. The issue of global climate change was extensively discussed and there were significant disagreements as to whether this would become the justification for nuclear expansion or whether it would have any material impact on the predominantly economic criteria currently used. What emerged from the various presentations was a common view that electricity use would expand greatly. However, there were vastly divergent views on the role nuclear power would (or should) play in meeting this growth.

3. The discussions covered the role of nuclear power in three general time periods. Fundamental to each of these, as pointed out by a number of speakers, and fully endorsed by all present, was the continued maintenance of the highest level of nuclear safety globally.

4. The first period could be seen as the “nuclear power of today”. In the case of the OECD countries the dominant issue is the operational costs in an increasingly free market system for electricity. For the countries of Central and Eastern Europe, the Russian Federation and the Newly Independent States, the issue is one of safely managing nuclear power plant operations in “economies in transition”, and in the case of developing countries the dominant concern is that of the effective management of technology.

5. The next period which could be called “nuclear prospects for tomorrow”, extending from the present until about 2020, can be seen as the bridge that maintains the technology for future generations. It was generally agreed that, for there to be any prospects for nuclear power, two issues must be resolved. The first is public confidence - or at least public tolerance - particularly with regard to means of high-level waste disposal. The second, and no less important, is competitiveness, in particular in terms of capital cost and construction

periods. There are also two related topics. The first is what the appropriate linkages (through the market-place or regulations, for example) would be between nuclear power and environmental issues, such as global climate change, local air quality and regional acidification. The second is the desire to create a globalized approach to nuclear power issues. Examples of this globalized approach were proposals for an international nuclear waste authority, and an IAEA-led initiative on innovative proliferation-resistant reactors and fuel cycle, and international standards for new-generation nuclear reactor designs.

6. The last period could be called “nuclear power for the future”, running from about 2020 onwards. The principal issue here was the central role many felt nuclear power has to play if greenhouse gases are to be limited, given that half the available hydro-potential appears to have already been exploited, and doubts over the potential for renewables. Some projections showed, however, that if nuclear power were indeed to assume this central role, uranium supplies would be inadequate unless a closed cycle was employed. There was extensive discussion on the proliferation potential this would generate.

7. There were many recommendations that were proposed at the Forum. Included were the following:

- The Agency should take an active role in sustaining nuclear skills and expertise for the long-term needs of the nuclear community;
- The Agency should continue to drive international co-operation and the free dissemination of information in the nuclear field;
- Given the importance of nuclear safety, the IAEA should continue to establish, promulgate and promote the implementation of safety standards;
- The IAEA should play an important role with regard to the design certification of new generation reactors;
- The scientific and technical debate on the future of nuclear power should be continued, preferably in conjunction with the General Conference, and bring in participants with a broad energy background, also from NGOs, trade unions and industry.

This report can be appropriately concluded by quoting the final words of one of the speakers from the general debate this week, which capture the mood of the Scientific Forum: “When future generations look back 50 or 100 years from now, let them say that we seized the opportunities rather than let them slip away.”