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## FORTY-THIRD (1999) REGULAR SESSION

### RECORD OF THE NINTH PLENARY MEETING

Held at the Austria Center Vienna  
on Friday, 1 October 1999, at 11.15 a.m.

President: Mr. KADRI (Algeria)

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[\*] GC(43)/27.

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The composition of delegations attending the session is given in document GC(43)/INF/15/Rev.3.

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Abbreviations used in this record

Agreed Framework	Agreed Framework between the United States of America and the Democratic People's Republic of Korea
DPRK	Democratic People's Republic of Korea
GRULAC	Latin American and Caribbean Group
Joint Convention	Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
KEDO	Korean Peninsula Energy Development Organization
Kyoto Protocol	Kyoto Protocol to the United Nations Framework Convention on Climate Change
MESA	Middle East and South Asia
NPT	Treaty on the Non-Proliferation of Nuclear Weapons

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## RADIATION ACCIDENT AT THE FUEL CONVERSION PLANT IN TOKAIMURA, JAPAN

1. The DIRECTOR GENERAL drew attention to an IAEA press release on the radiation accident at the fuel conversion plant in Tokaimura and said that the chain reaction had now been stopped. Naturally, the Agency was ready to provide assistance to the Japanese Government in its efforts to respond to the accident. He had offered the Japanese Government the services of an expert team to be dispatched immediately, but the Government had indicated that that was not required at present.

2. The Agency's Emergency Response Centre had been working throughout the night assessing the available information. Reports had been sent to the Agency's contact points in Member States and to Permanent Missions in Vienna, and such reporting would continue as appropriate. The Centre had also kept the World Health Organization fully informed. If requested, and as with similar cases in the past, the Agency would carry out a full assessment of the accident as soon as practicable.

3. Mr. SUGANUMA (Japan) said that his Government was grateful for the concern shown by the Director General and all Member States concerning the radiation accident at Tokaimura. The Government was taking every possible measure to ensure the population's security. Fortunately, the situation had now stabilized and the population within a 10-kilometre radius were no longer required to stay indoors. However, as a precaution, those within a 300-metre radius had not yet been allowed to return to their homes. The radiation levels had now dropped to normal.

4. His Government was extremely grateful for the assistance provided by the Agency and for the assistance offered by Member States. Japan would work closely with the Agency and provide all the necessary information to ensure safety, prevent the recurrence of any such accident and restore confidence in the peaceful use of nuclear energy.

5. The PRESIDENT, speaking on behalf of the Conference, expressed sympathy to the Government and people of Japan. The Conference noted the contacts already established by the Agency with the authorities in Japan and welcomed the Agency's readiness to offer expert assistance and support as appropriate.

## 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(43)/23, GC(43)/L.2 and Add. 1-3)

6. The PRESIDENT noted that the item had been included in the agenda pursuant to resolution GC(42)/RES/2. Since the adoption of that resolution, the Director General had reported periodically to the Board on the implementation of safeguards in the DPRK. He had also submitted document GC(43)/23 to the Conference, summarizing the developments of the past year. In addition, a draft resolution submitted by a number of States was contained in document GC(43)/L.2, to which three addenda with additional sponsors had been issued.

7. Mr. MORGAN (Canada), introducing the draft resolution, said the fact that it had more than sixty sponsors was an indication of the breadth and depth of concern among Member States over the DPRK's refusal to co-operate with the Agency under its safeguards agreement. The draft resolution reflected the General Conference's determination that the Agency, acting through its Director General, should pursue the implementation of the safeguards agreement with the DPRK. The sponsors looked forward to evidence that recent developments in the general political environment might offer hope that the DPRK would adopt a more constructive attitude towards its safeguards obligations, but in the meantime they considered the draft resolution to be an appropriate response to the current situation.

8. Mr. SUGANUMA (Japan) commended the Agency on its continued impartial efforts to implement measures and to monitor the freeze in the DPRK as requested by the Security Council. Little progress had been made since the last General Conference, except in areas related to implementation of the KEDO project. However, further progress with the KEDO project required the DPRK's co-operation with the Agency, including the implementation of its safeguards agreement. He appealed to all delegations to support the draft resolution.

9. Mr. Ki-Moon BAN (Republic of Korea) said that despite the strenuous efforts made by the Agency over the past seven years, no new developments had been achieved on most of the fundamental issues, owing to the DPRK's lack of co-operation. Its persistent failure to comply with its safeguards agreement constituted a serious challenge not only to the Agency's overall safeguards system, but also to the basic framework of the NPT. The Secretariat should take advantage of the favourable atmosphere created by the DPRK's recent announcement that it would suspend the test-firing of new, long-range missiles to make a breakthrough with respect to implementation of the DPRK's safeguards agreement, and the international community, for its part, should demonstrate its firm opposition to any attempts by the DPRK to undermine the basic international nuclear non-proliferation regime.

10. The draft resolution before the Conference conveyed a simple and clear message: that the DPRK must comply with its safeguards agreement and he called on the Conference to adopt the draft resolution without a vote.

11. Mr. RITCH (United States of America) noted that, for five years, the Agreed Framework, which required the DPRK to maintain a freeze on its 5-megawatt reactor and related facilities and refrain from construction work on other graphite-moderated nuclear reactors and related facilities, had been a crucial mechanism for containing the DPRK's nuclear programme and the threat it posed to peace and stability on the Korean Peninsula. Agency inspectors had maintained a continuing presence in the DPRK to monitor the freeze and a joint United States/DPRK team had nearly completed the canning and safe storage, under Agency seals, of the DPRK's 8000 spent nuclear fuel rods. Conclusion of that operation would be a significant accomplishment for both sides. Preparatory work continued on the two light-water reactors to be built by KEDO in the DPRK. Under KEDO's cost-sharing agreement, the Republic of Korea and Japan had reaffirmed their commitment to play central and significant roles in funding the project.

12. During the past year, an extensive review of United States policy towards the DPRK had been conducted and there were hopes of an improvement in the relations between the two countries. The United States would remain committed to the Agreed Framework and expected no less of the DPRK. If the Agreed Framework was to be fully realized, it was essential that the DPRK address Agency concerns on all issues, particularly those regarding the preservation of information related to its past nuclear activities. The United States accordingly urged the DPRK to take all steps deemed necessary by the Agency to monitor the freeze and ultimately to verify its initial declarations to the Agency. The DPRK's co-operation with the Agency was central to the successful implementation of the Agreed Framework and a prerequisite for completion of the light-water-reactor project. The DPRK should show renewed flexibility and resolve access and monitoring issues in the forthcoming technical discussions with the Agency, and the Director General should continue to report to the Board of Governors on freeze-monitoring activities and the implementation of full-scope safeguards in the DPRK.

13. Mr. JOSEPH (Australia) said that the Agency's responsibilities in relation to the DPRK were twofold: those which derived from the safeguards agreement concluded with it, which was still in force, and those which derived from the role assigned to the Agency under the Agreed Framework between the DPRK and the United States. Australia had welcomed the Agreed Framework and had given practical and financial support to KEDO.

14. However, Australia deplored the DPRK's repeated threats to break out of the Agreed Framework and its continued failure to meet its safeguards responsibilities. The Agency was still being denied the access that would allow important measurements of plutonium in spent fuel rods in its installations to be taken. The apparently positive outcome of the DPRK's recent meeting with the United States might signal a wish for better relations with the outside world, and Australia would welcome such a development. As he saw it, the DPRK could either respond positively to the generous offers now being made by the international community, or reject them and run the risk of catastrophic consequences.

15. Ms. MOSLEY (New Zealand) regretted the DPRK's continued failure to comply with its safeguards agreement, which remained binding and in force. New Zealand supported the Agreed Framework and made substantial contributions to KEDO. Since the success of the KEDO project depended on the full application of Agency safeguards, the DPRK should fulfil its obligations under its safeguards agreement.

16. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(43)/L.2 without a vote.

17. It was so decided.

18. Mr. OTHMAN (Syrian Arab Republic) said that while he had not wished to block a consensus, he would like to remind the Conference of the positive steps already taken by the DPRK. The repeated adoption of resolutions condemning the DPRK would only further complicate the issue, and he hoped that a positive dialogue could soon be established between the DPRK and the Director General, since that was the only way a solution could be found.

19. Mr. ZHANG Yishan (China) said that the fact that China had not blocked the adoption of the resolution did not mean that it fully endorsed it. China continued to believe that consultation and dialogue on the basis of equality was the only way that the problem could be solved.

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

20. Mr. BENMOUSSA (Morocco), Chairman of the Committee of the Whole, presenting the Committee's report on agenda items 9-11, 13-21, 26 and 27, said that the Committee's discussions had been very fruitful and constructive and that all the draft resolutions that the Committee was submitting to the Plenary had been adopted in the Committee by consensus.

21. He thanked the Conference for the confidence it had placed in him and expressed his gratitude to the Vice-Chairmen of the Committee, Mr. Stratford of the United States and Mr. Tomaszewski of Poland, for so ably presiding over the Committee's proceedings in his absence. He thanked all participants for the spirit of co-operation they had shown.

22. Concluding on a personal note, he said that although Morocco's two-year mandate as a member of the Board of Governors was coming to an end, he looked forward to participating in the Board's work as an Observer. He had greatly enjoyed his term of office and his work as Chairman of the Committee of the Whole, which had culminated in the resolution of the long-standing problem of the amendment of Article VI.

23. The PRESIDENT, having thanked the Chairman and the Vice-Chairmen of the Committee for their able guidance of the Committee's discussions, invited the Conference to take up one by one the items which the Committee of the Whole had considered.

#### **The Agency's accounts for 1998** (agenda item 9)

24. As recommended by the Committee of the Whole, the draft resolution on page I of document GC(43)/5 was adopted.

#### **The Agency's budget for 2000** (agenda item 10)

25. As recommended by the Committee of the Whole, draft resolutions A, B and C in Annex I to document GC(43)/6 were adopted.

#### **Amendment to Article XIV of the Statute** (agenda item 11)

26. As recommended by the Committee of the Whole, the draft resolution contained in Annex 4 to document GC(43)/24 was adopted.

#### **Scale of assessment of Members' contributions towards the Regular Budget** (agenda item 13)

27. As recommended by the Committee of the Whole, the draft resolution on page 3 of document GC(43)/15 was adopted.

**Measures to strengthen international co-operation in nuclear, radiation and waste safety**  
(agenda item 14)

28. As recommended by the Committee of the Whole, the four resolutions contained in documents GC(43)/L.3, L.4, L.5 and L.7 were adopted.

**Measures to address the year 2000 (Y2K) issue** (agenda item 15)

29. The PRESIDENT said he took it that, as recommended by the Committee of the Whole, the Conference wished to take note of the information contained in documents GC(43)/7 and GC(43)/INF/4.

30. It was so decided.

**Strengthening of the Agency's technical co-operation activities** (agenda item 16)

31. The PRESIDENT asked whether, as recommended by the Committee of the Whole, the Conference wished to adopt the draft resolution contained in document GC(43)/L.15.

32. Ms. FREUDENSCHUSS-REICHL (Austria), explaining her country's position on the draft resolution contained in document GC(43)/L.15, said that Austria did not associate itself with the group of countries referred to in preambular paragraph (f) that considered nuclear power as a climatically benign source of energy and an eligible option under the Clean Development Mechanism. In Austria's view the risks associated with nuclear energy were unacceptably high and any assessment of climatic impact had to take into account the whole nuclear fuel cycle, including decommissioning and waste disposal - problems for which so far there was no solution. As for operative paragraph 6, Austria did not consider nuclear power as a viable option for achieving sustainable development in developing countries and in mitigating greenhouse gas emissions through the Clean Development Mechanism, although it had no objection to the Director General assisting interested Member States in obtaining access to information on such matters. With regard to preambular paragraph (f) and operative paragraph 6, she stressed that the question of eligibility of projects under the Clean Development Mechanism could only be addressed through the United Nations Framework Convention on Climate Change and Kyoto Protocol process.

33. Mr. WØHLK (Denmark), endorsing the views expressed by the representative of Austria, added that the reference to the Kyoto Protocol in connection with the Agency was inappropriate.

34. Mr. TWIST (Ireland) and Mr. SANTER (Luxembourg) associated themselves with the remarks by the representatives of Austria and Denmark.

35. Mr. HÖGBERG (Sweden), supported by Ms. HERNES (Norway), said he recognized the wish of some Member States to use nuclear power as part of their national energy supply provided that they fully complied with their obligations under the Convention on Nuclear Safety and the Joint Convention. However, while he would not jeopardize the consensus on the draft resolution, he shared the view that the reference to the Kyoto Protocol was irrelevant.

36. As recommended by the Committee of the Whole, the draft resolution contained in document GC(43)/L.15 was adopted.

**Plan for producing potable water economically** (agenda item 17)

37. As recommended by the Committee of the Whole, the draft resolution contained in document GC(43)/L.9/Rev.1 was adopted.

**Extensive use of isotope hydrology for water resources management** (agenda item 18)

38. As recommended by the Committee of the Whole, the draft resolution contained in document GC(43)/L.8 was adopted.

**Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol** (agenda item 19)

39. As recommended by the Committee of the Whole, the draft resolution contained in document GC(43)/L.13 was adopted.

**Measures against illicit trafficking in nuclear materials and other radioactive sources** (agenda item 20)

40. As recommended by the Committee of the Whole, the draft resolution contained in document GC(43)/L.14 was adopted.

**Amendment to Article VI of the Statute** (agenda item 21)

41. The PRESIDENT asked whether, as recommended by the Committee of the Whole, the Conference wished to adopt the draft resolution contained in document GC(43)/L.12, noting that following its adoption, he intended to make a Presidential Statement on the implementation of Article VI.A.2(c).

42. Mr. SALEHI (Islamic Republic of Iran) expressed his appreciation of the efforts made and spirit of compromise shown by all those who had helped to forge agreement on the expansion of the Board by eight members, notably the European Union, which had reconsidered its original position of an increase of only six. For its part, his delegation had been instrumental in promoting acceptance of the proposal through its efforts in the MESA Group and the Group of 77.

43. However, his country maintained its strong objection to the proposed new paragraph K and did not wish to join or associate itself with the consensus on that paragraph. Moreover, he would have liked two issues to be clarified before the draft resolution was adopted.

44. Firstly, while Article V.C of the Statute stipulated that a majority of members constituted a quorum, the proposed paragraph K made no mention of a quorum, but merely referred to “90% of those present and voting”. In order to prevent any difficulties of interpretation in the future, a clear reference to a quorum should have been included in the paragraph.

45. Secondly, his understanding of paragraph K was that, if the allocation of Member States to an area group was not approved in accordance with the provisions of paragraph K, the whole process of the Board’s expansion would be blocked. Paragraph K made it necessary for the requirements of Article XVIII.C to be met at the same time as the General Conference confirmed the allocation of Member States to areas. That problem could have been overcome by the insertion of the word “then” so that the provisions of Article VI.A would enter into force “when the requirements of Article XVIII.C are met and then the General Conference confirms a list ...”.

46. Mr. OTHMAN (Syrian Arab Republic) regretted that the Conference had been asked to agree to an amendment intended to further the democratic process in the Board of Governors without a democratic discussion having taken place, since negotiations had been conducted outside the Plenary without the participation of all countries. The resulting text had been submitted to the Committee of the Whole the previous day, but again there had been no opportunity to discuss it properly.

47. Syria had always maintained that the expansion of the Board had no connection with the question of area groups. It was clear that the provisions of Article VI.A could not enter into force until the requirements of Article XVIII.C of the Statute had been met, but their entry into force should not be dependent upon the composition of area groups. He therefore proposed a slight amendment to paragraph K whereby the first sentence would be divided up and end after the words “requirements of Article XVIII.C are met”, and the second sentence would begin with the words “The General Conference confirms a list ...”. Syria did not wish to join a consensus on the existing text of paragraph K.

48. Mr. AL-HADITHI (Iraq) said that while Iraq was in favour of expanding the Board, it rejected the idea of any linkage between expansion and the composition of area groups. Moreover, the composition of area groups should be subject to the agreement of all members of the group. If Israel were included in the MESA Group, there would be difficulties because of the strong objections to Israel’s arsenal of nuclear weapons and other weapons of mass destruction, its continuous refusal to submit its facilities to safeguards and its refusal to accede to the NPT, all of which constituted a serious threat to the members of the MESA Group and to other Arab countries. Iraq also noted that there was a legal contradiction between paragraph K, which indicated that the list of area groups could be adopted by 90% of those present and voting, and the provisions of Article V.C of the Statute. Iraq therefore wished to be added to the list of those countries which objected to the amendment.

49. Mr. ABDULAATI (Libyan Arab Jamahiriya), speaking on behalf of the African Group, welcomed the draft resolution, which it believed would have a very positive effect on the future work of the Board enabling area groups, particularly Africa, to play a more active part.

50. The PRESIDENT said that he took it that the Conference wished to adopt the draft resolution to amend Article VI of the Statute as recommended by the Committee of the Whole and contained in document GC(43)/L.12.

51. It was so decided.

52. The PRESIDENT said that in the course of exhaustive consultations, it had been agreed that he would read out the following Presidential Statement:

“This seat, as mentioned in paragraph VI.A.2(c) (in the draft resolution proposed by the President of the General Conference concerning the amendment to Article VI of the Statute), shall be filled in conformity with the requirements of the Statute on a rotational and alternate basis and equally shared by these two areas. This rotation shall begin first with Latin America.”

53. The Conference endorsed the Presidential Statement.

54. Mr. PALACIOS CEVALLOS (Ecuador), speaking on behalf of GRULAC, noted that considerable efforts had been made within the Group to accommodate the different points of view into a single regional approach and to ensure compatibility with other regional groups with a view to finding a solution that reflected the legitimate interests of the region. The Conference had nevertheless arrived at a consensus that did not meet all of GRULAC's expectations, particularly in respect of the regional distribution of the additional seats. The Group therefore hoped that the political decision just taken would be duly appreciated by all.

55. Mr. PUCCIO HUIDOBRO (Chile) said that, although Chile had joined the consensus to amend Article VI, it regretted and deplored the lack of transparency in the form and procedures followed in the submission of a proposal which, having been rejected by GRULAC in the Board, had nevertheless been taken up by the President of the Conference. Friction and conflict between friendly areas with a common interest had been caused as a result and, despite the flexibility demonstrated by GRULAC at all stages of the negotiations to reach a consensus reflecting a just solution and equitable regional representation, the Group had been forced to accept a solution to the detriment of a region that took pride in making an important contribution to nuclear disarmament and security. Unfortunately, the necessary willingness to reach a just solution had been lacking. Therefore, while Chile welcomed the fact that the Agency had succeeded in overcoming a long-standing impasse, it remained profoundly concerned at the way the matter had been dealt with and the role played by the Chairman of the Committee of the Whole. Had he been less eager to be in the limelight, it might have been difficult to find a solution, but there would have been a true consensus.

56. His conduct had been repeated the previous day when the resolution had been submitted to the Committee of the Whole. The traditional standards of debate which were characteristic

of the United Nations and of diplomacy had been flouted and a dangerous precedent had been set for democratic discussion and co-existence.

57. The fact that the Latin American region was the only one in the world to have unilaterally declared itself a nuclear-weapon-free zone introduced valuable equilibrium into the Agency's difficult work and conferred on the region sufficient moral authority to demand representation commensurate with that contribution. For its part, Chile had always participated in the day-to-day work of the Agency and in the various committees of experts and was ready to extend its participation to other areas.

58. Mr. TIWARI (India) expressed his appreciation for the spirit of accommodation and consensus that had been displayed throughout the previous three years in order to reach a solution to Article VI. A striking feature of the debate had been the Board's determination to deliberate on the matter and agree on a consensual basis. It was to be hoped that the Board and the General Conference would avoid fractious, politically divisive debate on issues that were inappropriate to the Agency. The Board was undoubtedly most effective when its deliberations and decisions were informed by consensus. It was also to be hoped that the Board and General Conference would return to the Agency's main objective of accelerating and enlarging the peaceful uses of atomic energy, in particular the use of nuclear power. India had noted the reluctance of some of the developed countries to include references to the Clean Development Mechanism in the resolution on the strengthening of the Agency's technical co-operation activities. Unless Member States were proactive in respect of promotional activities, safety and safeguards would lose their relevance, which was dependent upon the existence of nuclear facilities.

The meeting rose at 1.05 p.m.