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President: Mr. GRÖNBERG (Finland)

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[\*] GC(45)/28.

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The composition of delegations attending the session is given in document GC(45)/INF/17/Rev.2.

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Abbreviations used in this record

NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
UNIDO	United Nations Industrial Development Organization
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission



## RESTORATION OF IRAQ'S VOTING RIGHTS (resumed)

1. The PRESIDENT reminded the Conference of the General Committee's recommendation that Iraq's voting rights not be restored on the grounds that its failure to pay the amount necessary to prevent the application of Article XIX of the Statute was not due to conditions beyond its control. He noted that some delegations had expressed reservations regarding that recommendation.

2. Mr. AL-JANABI (Iraq) said that his Government sincerely wished to pay its contributions to all international organizations and, since 1994, it had repeatedly petitioned the United Nations to be allowed to pay its contributions in local currency. On 6 June 1999, the Ministry for Foreign Affairs of Iraq had sent a letter to the United Nations Secretary General requesting that Iraq be allowed to pay its financial contributions from the revenue accruing from oil exports under the "oil for food" arrangement, but that request had been turned down by the Security Council owing to United States opposition. Thus, his country was clearly being prevented from paying its contributions by conditions beyond its control, and he therefore requested that the General Committee's unfair and biased recommendation be put to the vote.

3. Mr. DELHAYE (Belgium), speaking on behalf of the European Union and associated States, expressed support for the General Committee's recommendation that Iraq's voting rights not be restored. Iraq had failed to meet key criteria for the restoration of voting rights set out in document GC(42)/10; notably, it had failed to provide an indication of specific measures taken to wipe out its arrears, e.g. by a schedule of proposed payments.

4. Ms. AL-MULLA (Kuwait) said that her country supported the General Committee's recommendation since there was no evidence that Iraq was not in a position to pay its contributions. Moreover, the criteria and guidelines set out in document GC(42)/10 were not applicable to Iraq.

5. The PRESIDENT invited the Conference to vote, by a show of hands, on the General Committee's recommendation that Iraq's right to vote at the current session of the General Conference not be restored.

6. There were 49 votes in favour of the General Committee's recommendation and 6 against, with 28 abstentions. The Committee's recommendation was accepted.

## IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS RELATING TO IRAQ (GC(45)/18, GC(45)/L.1 and Add.1)

7. Mr. DELHAYE (Belgium), introducing the draft resolution contained in document GC(45)/L.1 on behalf of the European Union and associated States, said that the Agency had not been in a position to carry out its mandate in Iraq under the relevant Security Council resolutions for 32 months and was therefore unable to provide any assurance regarding Iraq's compliance with its obligations. The draft resolution called on Iraq to implement the relevant

Security Council resolutions in full, and to co-operate fully with the Agency and provide it with the access it needed to carry out its mandate.

8. Mr. KVOK (Russian Federation) said that his delegation would abstain in any vote on the draft resolution because some of its provisions remained unbalanced, despite efforts to improve its wording compared with the corresponding resolution adopted at the preceding session. In particular, operative paragraph 2 called upon Iraq to co-operate fully with the Agency and to provide access to sites. To his knowledge, Iraq had never refused to collaborate with the Agency, as was borne out by the Director General's report. Moreover, inspectors had not been denied access to sites in connection with the carrying out of the Agency's mandate. He also failed to see the need to refer, in operative paragraph 4, to the investigation of remaining questions and concerns, since recent reports by the Director General had stated clearly that those questions could easily be addressed in the context of the long-term monitoring regime. His country also had difficulties with operative paragraph 3 concerning the revision of the list of items and technology to which the export/import mechanism applied.

9. The Russian Federation remained convinced that co-operation with Iraq in the areas of disarmament and monitoring under the relevant United Nations Security Council resolutions could only be restored through a political settlement. It was actively promoting such a settlement, first and foremost through consultations in the Security Council; and it had proposed a package approach, which it viewed as the optimal solution, whereby the restoration of international monitoring would go hand in hand with the lifting of sanctions. The Agency would then be in a position to carry out its mandate in Iraq in full.

10. Mr. AL-JANABI (Iraq) thanked those delegations which had voted against the recommendation not to restore Iraq's voting rights, or which had abstained.

11. His delegation saw no point in placing the agenda item under consideration on the agenda of each session, since it led to a specious and unproductive debate. Iraq had fulfilled its obligations set forth in paragraphs 12 and 13 of Security Council resolution 687 (1991), as had been confirmed by the Director General in paragraph 31 of his report to the Security Council appended to document GOV/INF/1999/4, which stated that the Agency's verification activities had revealed no indication that Iraq possessed nuclear weapons or retained any practical capability for the production of nuclear material. The question of Iraq's implementation of Security Council resolutions was thus a political rather than a technical issue and was being used as blackmail by two permanent members of the Security Council.

12. Iraq was honouring its obligations under its safeguards agreement with the Agency and had repeatedly urged the Agency to restore normal relations. A team of Agency inspectors had visited Iraq in 2000 and 2001 to verify the physical inventory of nuclear material, and the Agency had expressed its satisfaction with the results of those inspections in letters to the Security Council. Moreover, in the report before the Conference (GC(45)/18), the Director General stated that Iraq had provided the co-operation necessary for the inspection team to perform its activities effectively and efficiently. The issue of the implementation of Security Council resolutions, under which the Agency had fulfilled its limited mandate, should not be

confused with the issue of Iraq's co-operation with the Agency under its safeguards agreement. He urged the Agency to report frankly to the Security Council that it had fulfilled the technical mandate assigned to it by the Council and its Statute, a mandate in which political stratagems had no place.

13. The draft resolution was a politically motivated document that formed part of the campaign by the United States and the United Kingdom to maintain the embargo and their daily military attacks on the people of Iraq. Security Council resolution 1284 (1999) was unacceptable because its purpose was to harm the Iraqi people and prevent the lifting of the embargo, which was contrary to international law, the Charter of the United Nations and the Universal Declaration of Human Rights. Moreover, the majority of the permanent members of the Security Council had expressed reservations regarding its provisions.

14. Preambular paragraph (d) made no mention of developments during the period 1991 to 1998, when the Agency had failed to find any evidence that Iraq was not honouring its obligations. As indicated by its reports to the Security Council, the Agency knew full well that Iraq currently possessed no nuclear material or facilities.

15. Preambular paragraph (e) acknowledged Iraq's co-operation with the Agency in connection with the physical inventory verification the latter had carried out, noting however that that activity could not serve as a substitute for Agency activities designed to provide the assurances sought by the Security Council; yet the objective of both bodies was to ensure that Iraq did not possess nuclear material and facilities, in accordance with the safeguards agreement.

16. Operative paragraph 3 called for the adoption of a revised list of dual-use items and technology. However, that list was opposed by a large number of countries because it fell into the category of so-called "smart sanctions" designed to maintain the embargo and prolong the suffering of the Iraqi people.

17. From operative paragraph 6 it would appear that the United States and the United Kingdom intended to resume their previous base endeavours to use the former United Nations Special Commission as a tool for espionage against Iraq by seeking to exploit the Agency for the same purpose. He warned the sponsors of the draft resolution that the paragraph in question would entail an additional financial burden that would no doubt ultimately be borne by the Iraqi people.

18. For the above reasons, he rejected the draft resolution and requested that it be put to a vote.

19. Ms. AL-MULLA (Kuwait) said that no Member State of the United Nations was entitled to pick and choose among Security Council resolutions, describing some as unacceptable. Article 25 of the Charter of the United Nations required Member States to comply with all decisions of the Security Council. It was not enough for Iraq to claim that it had complied with its safeguards agreement. The safeguards regime did not provide comprehensive coverage and was no substitute for Security Council resolutions. Kuwait was

seriously concerned over the suspension of Agency activities in Iraq and insisted on the need for Agency inspection teams to return there as soon as possible. It also supported the Agency's continuing co-operation with UNMOVIC in the implementation of Security Council resolution 1284.

20. Mr. WULF (United States of America) noted with concern that, since 1998 when Iraq had prohibited the Agency from conducting inspections, the Director General had consistently stated that the Agency could not provide any assurance that Iraq was in compliance with its United Nations-mandated disarmament obligations. Nevertheless, the organization had rightly maintained its readiness to resume those activities at short notice. Upon its return to Iraq, it would have to focus on what had been done there since 1998; and the longer Iraq delayed that return, the greater would be the time needed to re-establish a baseline of knowledge.

21. Security Council resolution 1284 had provided Iraq with a way forward towards lifting of the sanctions. Unfortunately, it had not chosen to accept that opportunity. The Security Council had made serious efforts to improve the welfare of the Iraqi people, despite Iraq's rejection of its obligations. The United Kingdom had submitted a draft resolution to the Council which, were it adopted, would introduce a new trade system for Iraq ending sanctions on purely civilian goods. That might help persuade the Government of Iraq that suspension and lifting of sanctions was only possible if Iraq complied. Furthermore, putting in place a goods review list, as the draft resolution proposed, was the most effective means of addressing concerns about the rearmament of Iraq as long as the latter continued to reject the return of United Nations weapons inspectors.

22. The United States was in favour of full implementation of Security Council resolution 1284 and it would continue to support the IAEA Action Team. He urged other Member States to do likewise. Overwhelming support for the draft resolution under discussion seemed more important than ever under the current circumstances.

23. Mr. AL-JANABI (Iraq) said that the resolution would have destructive implications for the Iraqi people who had been subject to an unjust embargo for 11 years. Iraq had implemented resolution 687. Moreover, the inspection team had left voluntarily in 1998, not because Iraq had requested it to but in preparation for the aggression. During the aggression, all the inspection equipment had been destroyed. Thus, Iraq had respected its commitments. However, had the United States fulfilled its commitments to alleviate the suffering of the Iraqi people? He also noted the lack of interest in implementing Security Council resolutions relating to Israel's nuclear programme.

24. The PRESIDENT invited the Conference to vote, by a show of hands, on the draft resolution.

25. There were 57 votes in favour and none against, with 31 abstentions. The resolution was adopted.

26. Mr. SHOUKRY (Egypt) said that Iraq should fulfil all its obligations under Security Council resolutions and co-operate fully with the Agency. However, more effort should have been put into producing a draft resolution which could have been adopted by consensus. The issue was one to which Egypt attached particular importance in the light of the fact that operative paragraph 14 of resolution 687 made it clear that Iraq's compliance constituted a first step towards the setting up of a nuclear-weapon-free zone in the Middle East. Finally, the need to alleviate the sufferings of the Iraqi people should be taken into consideration.

27. Mr. ZHANG Yishan (China), said that the failure to resolve the Iraq issue had exacerbated the humanitarian crisis in the country and had undermined peace and stability in the region. China sympathized with the sufferings of the Iraqi people caused by the sanctions and the bombardment by the United States and the United Kingdom. He called for an end to the indiscriminate use of force and the violation of Iraq's sovereignty, an objective review of Iraq's progress towards the compliance with Security Council resolutions, and the mitigation and lifting of the sanctions against Iraq at the earliest possible opportunity. Though the authority of the Security Council had to be upheld, so did the basic norms of international relations, including Iraq's sovereignty, territorial integrity and political independence.

28. Mr. AL-BESBAS (Libyan Arab Jamahiriya), drawing attention to the sixth preambular paragraph and operative paragraphs 17, 19 and 29 of Security Council resolution 1284, appealed to the international community to lift the embargo against Iraq and grant the Iraqi people access to food, health care and education, which all United Nations specialized agencies recognized as the rights of all peoples.

#### APPOINTMENT OF THE EXTERNAL AUDITOR (GC(45)/27)

29. The PRESIDENT said that in September 1995, the General Conference, on the recommendation of the Board of Governors, had appointed the Comptroller and Auditor General of the United Kingdom as the Agency's External Auditor to audit the Agency's accounts for the financial years 1996 and 1997. In September 1997 the appointment had been extended for the financial years 1998 and 1999, and in September 1999 it had been extended again for the financial years 2000 and 2001.

30. The tenure of the Agency's External Auditor would end with the completion of the audit of the Agency's accounts for the financial year 2001. It would therefore be necessary to appoint an External Auditor to audit the Agency's accounts for 2002 and 2003. Although the matter had been considered by the Board of Governors at its June and September sessions, the Board had not been able to make a recommendation on the matter to the Conference as it had done in the past. Under those circumstances there was no other option but to appoint the External Auditor by a vote.

31. Mr. SREENIVASAN (India) said that his country had nominated the Comptroller and Auditor General of India as a candidate for the position of External Auditor of the IAEA, in response to the invitation issued and after the Comptroller and Auditor General of the

United Kingdom had served three consecutive terms, on the understanding that its detailed offer, including estimated costs, would be considered on its own merits and would prevail without politicization of the issue or forcing of an unprecedented vote.

32. India's Comptroller and Auditor General had vast experience of auditing in the United Nations system, and the offer submitted covered the entire spectrum of auditing outlined in the related documents and would bring savings of US \$73 000 per year to an organization which was constantly under budgetary constraints. Unfortunately, although efficiency and cost should have been of primary importance for a technical agency, the discussion so far had focused on extraneous issues rather than on the merit of the offer itself.

33. His country had not intended to press the issue to a vote and had therefore co-operated fully with the Chairman of the Board of Governors in his effort to link the post of External Auditor of the Agency with that of UNIDO, thus accomplishing a compromise. Those efforts had not been successful, and a divisive vote could well undermine the effectiveness of the Agency's External Auditor. Therefore, despite having the endorsement of the Group of 77 and China, which would guarantee success in any election, India had decided to heed the sentiment in the Agency that a divisive vote should be avoided and extend its support to the Comptroller and Auditor General of the United Kingdom.

34. In conclusion, he thanked the Group of 77 and China for their readiness to vote for India in the event of an election, and the Chairman of the Board and the President of the General Conference for their efforts.

35. Mr. JENKINS (United Kingdom) thanked the representative of India for his statesmanship and his support for the United Kingdom candidate. He also thanked those countries which would have supported the United Kingdom candidate in a vote. A vote would not have been in the best interests of the organization nor of the important audit function. The United Kingdom Auditor, Sir John Bourn, had sought an extension of his term because he believed that continuity would benefit the Agency at a crucial time which would see the introduction of biennial budgeting and accounting, and results-based budgeting. He and his team would be glad to learn that the Conference had extended their mandate for a further two years, and would do everything in their power to give satisfactory service..

36. The PRESIDENT took it that the General Conference wished to appoint the Comptroller and Auditor General of the United Kingdom as the External Auditor to audit the Agency's accounts for the years 2002 and 2003.

37. It was so decided.

#### APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST (GC(45)/19 and Corr.1; GC(45)/L.2 and Add.1)

38. Mr. SHOUKRY (Egypt), introducing the draft resolution contained in document GC(45)/L.2, said that it aimed at promoting confidence-building among States in the region by ensuring that all nuclear facilities and activities were subject to comprehensive safeguards,

and that all States in the region complied with international treaties relating to the non-proliferation of nuclear weapons, including the NPT. Its wording reflected the numerous initiatives Egypt had undertaken to set up a zone free of all weapons of mass destruction in the Middle East, and the principles espoused by the international community on numerous occasions, in particular the need to ensure universal adherence to the NPT and the Agency's safeguards system. He called on the Director General and all Member States, and especially Israel - the only country in the region refusing to accede to the NPT and place its facilities under comprehensive Agency safeguards - to implement the resolution, which he hoped would be adopted by consensus.

39. Mr. BAHRAN (Yemen) said that his country had sponsored the draft resolution because it related to nuclear disarmament and implementation of the safeguards system. Yemen had signed a safeguards agreement with the Agency in the preceding year and was eager to co-operate with the Agency with a view to ensuring peace and security throughout the world, especially in the Middle East.

40. The PRESIDENT took it that the Conference was ready to adopt the draft resolution contained in document GC(45)/L.2 without a vote.

41. It was so decided.

42. Mr. SALEHI (Islamic Republic of Iran) said that his country had first called for the establishment of a nuclear-weapon-free zone in the Middle East in 1974. Regrettably, Israel had failed to heed that call and the wishes of the international community, even refusing to allow the Agency to inspect its nuclear installations. In supporting the draft resolution, his country wished to make it clear that such initiatives could not be made subject to prior conditions.

43. Mr. OTHMAN (Syrian Arab Republic) said that, although his country had supported the draft resolution for the sake of consensus, the text failed to reflect the real situation in the Middle East in a number of respects. Firstly, Israel was the only State in the region which had not acceded to the NPT and had failed to make its nuclear installations subject to the provisions of that Treaty. Secondly, the multilateral working group on arms control and regional security had not met since 1994. Thirdly, the ongoing peace negotiations in the Middle East had been disrupted because of Israel's aggressive acts towards the Palestinian people. Finally, it would have been preferable if the draft resolution had contained a paragraph calling on Israel to accede to the NPT as a first step towards commencing negotiations genuinely aimed at establishing a nuclear-weapon-free zone in the Middle East.

44. Mr. TOUQ (Jordan) said that his country attached enormous importance to the establishment of a regional nuclear-weapon-free zone. Accordingly, it had acceded to the NPT, subjected its facilities to Agency safeguards and concluded an additional protocol. Israel was the only State in the region which had not subjected its nuclear facilities to Agency safeguards or to any other international monitoring system. That being so, the resolution the Conference had just adopted was not capable of bringing about the desired objectives of regional peace and disarmament.

45. As Israel's closest neighbour, Jordan was particularly vulnerable to the consequences of a radiation accident at one of its facilities. He therefore appealed to the Agency and all its Member States to step up their efforts to persuade Israel to place its nuclear facilities under Agency control.

46. The fact that Jordan had not signed the Arab Group statement expressing reservations regarding the Israeli delegation's credentials for the current General Conference reflected its profound attachment to the cause of peace for all peoples in the region.

47. However, like other Arab States, Jordan continued to refuse on principle to accept the legitimacy of Israel's annexation of Jerusalem, and to press for the implementation of United Nations General Assembly resolution 35/169 of 1980. Finally, he reaffirmed the right of the Palestinian people to self-determination and to the establishment of an independent State with its capital in East Jerusalem.

48. Mr. FRANK (Israel) said that his country had joined the consensus on the resolution, despite its inherent deficiencies, because it recognized that a nuclear-weapon-free zone could contribute to peace, security and arms control in the region. Some elements of the resolution ran counter to Israel's policy, and his country's decision not to block consensus on it should not be interpreted as an acceptance of all its provisions. Israel had always maintained that the nuclear issue, together with all other regional security issues, could only be addressed within the framework of the peace process.

49. A regional nuclear-weapon-free zone had to be supported by all countries in the region and could not be imposed on a State. In any regional security and arms control process, the security margins of a participating State had to correspond to its perception of the threats to which it was exposed, and any decrease in those margins had to be based on mutual steps to maintain security. A practical step-by-step approach was the only way forward, beginning with confidence- and security-building measures that did not detract from the security margins of any regional State, followed by the establishment of peaceful relations and reconciliation. Then, in due course, conventional and non-conventional arms control could be addressed. Confidence building was a long process, and experience had shown that the way to build security was to aim high but to start modestly and move ahead carefully. He hoped that the future would bring reconciliation, security and peace in the Middle East.

#### ISRAELI NUCLEAR CAPABILITIES AND THREAT (GC(45)/10)

50. The PRESIDENT said that, pursuant to consultations, it had been agreed that he would read out the following statement, which was the result of a delicate compromise:

“The General Conference recalls the statement made by the President of the thirty-sixth 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 thirty-seventh session. The General Conference also recalls the statement by the President of the forty-third session in 1999 concerning the same agenda item. At the

forty-fourth and forty-fifth sessions, 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 forty-sixth regular session of the General Conference.”

51. The Conference endorsed the Presidential statement.

52. Mr. SHOUKRY (Egypt) said that nuclear disarmament and non-proliferation were important global objectives worldwide, but were of especially pressing importance in the Middle East. Egypt had been advocating a nuclear-weapon-free zone in the Middle East since 1974 and President Mubarak, in 1990, had called explicitly for the establishment of such a zone. That initiative had been endorsed by the United Nations General Assembly on numerous occasions since 1980. Moreover, his country had repeatedly called for the application of comprehensive Agency safeguards to all nuclear facilities in the Middle East, which constituted an extremely important step towards regional and global non-proliferation, and a preliminary step towards the establishment of a nuclear-weapon-free zone. The fact that all Arab countries had placed their nuclear facilities under safeguards demonstrated their full confidence in the nuclear non-proliferation system and their positive intentions.

53. By contrast, not only had Israel not acceded to the NPT, it had never expressed any intention of doing so and refused to subject its facilities to international safeguards. The final document of the 2000 NPT Review Conference had confirmed the extreme importance of Israel acceding to the NPT and submitting its nuclear facilities to safeguards. The level of agreement in the international community on the issue of disarmament and non-proliferation in the Middle East had been an influential element in the decision to extend the NPT indefinitely. That being so, it was all the more disappointing to reflect that, owing to the political paralysis which had set in, so little tangible progress had been made towards the desired objectives.

54. Despite its strenuous efforts, Egypt still had to contend with the existence of an active nuclear programme on its eastern borders which was not subject to any safeguards and which posed a threat to the entire region. Failure to summon up the political will to deal with that situation could only continue to cast doubt on the capability of the non-proliferation system to achieve regional and international peace and contain the existing nuclear arms race, let alone rid the region of any new threat that might emerge. It was high time for the international community to shoulder its responsibilities in that regard.

55. Mr. BAHRAN (Yemen) said that, as a long-standing signatory of the NPT and recent adherent to the Agency’s safeguards system, his country had demonstrated its desire to see an end to the arms race at both regional and international level. He called upon the international community to strengthen its efforts to persuade Israel to take both the above steps, for the sake of peace and security in the Middle East.

56. Mr. FRANK (Israel) said that, still mindful of the recent manifestations of man’s capacity for evil which had occurred in the United States, his delegation would exercise self-restraint and not respond to the hostile statements that had just been made.

57. Mr. OTHMAN (Syrian Arab Republic) said that his country had wished for a draft resolution calling on Israel to forego further procurement or possession of nuclear weapons and to submit its nuclear installations to international safeguards, which might have been a first step towards establishing the climate for the creation of a nuclear-weapon-free-zone in the Middle East. The Presidential statement which had just been adopted made no mention of such concerns. The Syrian Arab Republic was disappointed with that result and he called on the international community to do away with double standards under the NPT.

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

58. Ms. HERNES (Norway), Chairperson of the Committee of the Whole, presented the outcome of the Committee's deliberations on agenda items 15-20 and 25. All of the draft resolutions the Committee was submitting to the Plenary had been adopted in the Committee by consensus. In the case of the draft resolution contained in document GC(45)/COM.5/L.10 on item 18, Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol, the Committee had, however, been unable to agree. Moreover, the delegations of Austria, Denmark, Germany, Ireland, New Zealand, Norway and Sweden had expressed reservations regarding certain parts of the draft resolution contained in document GC(45)L.5 on item 16, Strengthening of the Agency's technical co-operation activities; and the delegations of Austria, Denmark, Ireland, New Zealand, Norway and Sweden had expressed reservations regarding one paragraph of draft resolution F contained in document GC(45)/L.6 on item 17, Strengthening of the Agency's activities related to nuclear science, technology and applications. Finally, under item 20, Amendment to Article VI of the Statute, the Committee had recommended that the Conference take note of the information contained in document GC(45)/INF/7.

59. The PRESIDENT, having congratulated the Chairperson on the manner in which she had conducted the Committee's proceedings, invited the Conference to take up one by one the items considered by the Committee of the Whole.

#### **Measures to strengthen international co-operation in nuclear, radiation, transport and waste safety (agenda item 15)**

60. As recommended by the Committee of the Whole, draft resolutions A, B and C contained in document GC(45)/L.4 were adopted.

61. Mr. BAHRAN (Yemen) said that he wished to place on record his country's belief, expressed during the meetings of the Committee of the Whole, that insufficient attention had been paid to the issue of safety of radiation sources, in particular their physical security.

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

62. As recommended by the Committee of the Whole, the draft resolution contained in document GC(45)/L.5 was adopted.

63. Mr. STELZER (Austria), speaking also on behalf of Denmark, Ireland, Luxembourg and New Zealand, expressed the utmost concern with regard to preambular paragraph (f) of the draft resolution contained in GC(45)/L.5. Those countries did not share the view put forward in the resolution that nuclear power had great potential for meeting energy requirements and did not consider nuclear energy to be an acceptable energy source. Rather, they held the view that nuclear energy was incompatible with the objectives of sustainable development and that the risks relating to safety, waste management and transport remained unresolved.

64. Those countries also wished to disassociate themselves from the notion that nuclear energy contributed to the reduction of greenhouse gases. They welcomed the agreement reached at the recent Sixth Conference of the Parties to the United Nations Framework Convention on Climate Change that developed states should refrain from using emission reduction units generated from nuclear facilities to meet their commitments under the Kyoto Protocol. That decision was in line with their conviction that nuclear power was incompatible with the concept of sustainable development.

65. However, despite their strong reservations, those countries did not wish to block the adoption of the resolution in question.

66. Mr. HÖGBERG (Sweden) said that his country recognized that some others might wish to use nuclear power as a part of their national energy supply, provided they had acceded to the NPT and fulfilled their obligations under the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. Nevertheless, Sweden did not consider energy production from nuclear fission to be an acceptable option in the context of a long-term, sustainable energy supply programme, nor a technology that should be used for greenhouse gas reduction. It could not therefore endorse the text of preambular paragraph (f), but had decided not to block the adoption of the resolution.

67. Mr. NORENDAL (Norway) said that he wished to record his country's reservations regarding preambular paragraph (f). Norway was not convinced that nuclear energy was compatible with sustainable development, nor would it recommend using nuclear energy as a means of reducing greenhouse gases. However, it did not wish to block the adoption of the resolution by consensus.

68. Mr. BORCHARD (Germany) said that his country could support the draft resolution in principle. However, his Government held the view that nuclear energy should not be recognized as making a contribution to sustainable development, and it had reservations over preambular paragraph (f) which departed from the wording of the equivalent paragraph in the preceding year's resolution.

69. Mr. BAHRAN (Yemen) said that, despite certain reservations, his delegation had joined the consensus on the draft resolution.

**Strengthening of the Agency's activities related to nuclear science, technology and applications** (agenda item 17)

70. As recommended by the Committee of the Whole, draft resolutions A, B, C, D, E and F contained in document GC(45)/L.6 were adopted.

71. Mr. STELZER (Austria), also speaking on behalf of Denmark, Ireland, Luxembourg and New Zealand, expressed strong reservations regarding preambular paragraph (c) of draft resolution F. Although those countries did not wish to stand in the way of the resolution's adoption, they did not consider nuclear energy to be an acceptable source of energy, and they held the view that nuclear energy was incompatible with the objectives of sustainable development and that the risks relating to safety, waste management and transport remained unresolved.

72. Mr. NORENDAL (Norway) said that his country too had reservations regarding preambular paragraph (c) of draft resolution F because it did not believe that nuclear energy could contribute to sustainable development. However, it did not wish to block consensus on the resolution.

73. Mr. RIMDAP (Nigeria) said that draft resolution D in document GC(45)/L.6, on support to the Organization of African Unity's Pan African Tsetse and Trypanosomiasis Eradication Campaign, had initially been discussed under item 16 and had only later been clustered under item 17. He requested assurance that the adoption of the resolution under item 17 would in no way weaken the implementation of the tsetse control programme by the Agency or diminish the resolution's importance.

74. Mr. NEGERI (Ethiopia) said that his country too felt that the resolution in question was more appropriate to item 16 than item 17, since the activity it related to was not at the research and development stage but rather at the stage of implementation at continental level.

75. Mr. ALLOTEY (Ghana), Mr. BAKAYOKO (Côte d'Ivoire), Mr. SANON (Burkina Faso) and Mr. DIYEZWA (Angola) associated themselves with the statements made by the representatives of Nigeria and Ethiopia.

76. The DIRECTOR GENERAL said that the clustering of the resolutions had been meant merely to reflect the three pillars of the Agency's activities. It had absolutely no impact on the implementation of the activity in question, or on the importance attached to it or to technical co-operation.

**Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Protocol** (agenda item 18)

77. The PRESIDENT suggested that, since the Committee of the Whole had failed to agree on the draft resolution contained in document GC(45)/COM.5/L.10, discussion of the item in question should be postponed till later.

78. It was so agreed.

**Measures to improve the security of nuclear materials and other radioactive materials**  
(agenda item 19)

79. As recommended by the Committee of the Whole, draft resolutions A and B contained in document GC(45)/L.8 were adopted.

**Amendment to Article VI of the Statute** (agenda item 20)

80. As recommended by the Committee of the Whole, the Conference took note of the information contained in document GC(45)/INF/7.

81. Mr. Sang-duk CHOI (Republic of Korea) pointed out that, in the two years since its adoption by the General Conference, only 21 States, or less than half of the number required for its entry into force, had officially accepted the amendment. Progress was thus disappointingly slow. He urged all States which had not done so to accept the amendment as soon as possible, and requested the Director General to make further efforts to facilitate its entry into force and to keep the Conference informed of the progress made.

**Personnel** (agenda item 25)

82. As recommended by the Committee of the Whole, draft resolutions A and B contained in document GC(45)L.9 were adopted.

**STATEMENT BY THE PRESIDENT ON THE TERRORIST ATTACKS ON THE UNITED STATES OF AMERICA**

83. The PRESIDENT said that, during the Conference, widespread condolences had been expressed to the victims and their families, as well as to the Government of the United States of America, for the terrorist acts that had taken place on 11 September 2001 in New York, Washington DC, and Pennsylvania. Delegates had been unequivocal in their condemnation of those terrorist acts. As had been called for in United Nations General Assembly resolution 56/1 (2001) and Security Council resolution 1368 (2001), Member States had recognized the urgent need to work together to bring to justice the perpetrators, organizers and sponsors of those terrorist attacks, and to hold accountable those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of those acts. With particular regard to the Agency's mandate, the Conference had expressed its concern about the possible impact of terrorism on the security of nuclear material and other radioactive material. In that regard, the Conference had requested the Director General to make a thorough review of the activities and programmes of the Agency with a view to strengthening its work relevant to preventing acts of terrorism involving nuclear material and other radioactive material. It had also urged all Member States to co-operate fully with the Director General and to support the Agency's efforts in that regard

EXAMINATION OF DELEGATES' CREDENTIALS (resumed)

84. Mr. SHOUKRY (Egypt) said that his country's acceptance of Israel's credentials did not extend to the territories occupied since 1967, in particular Jerusalem and the Golan Heights.

85. Mr. SALEHI (Islamic Republic of Iran) said that, as in previous years, his delegation was unable to recognize credentials issued from the holy land of Jerusalem.

REPORT ON CONTRIBUTIONS PLEDGED TO THE TECHNICAL CO-OPERATION FUND FOR 2002  
(GC(45)/25/Rev.4)

86. The PRESIDENT said that, by 5.30 p.m. on 20 September 2001, the contributions pledged by Member States to the Technical Co-operation Fund had amounted to \$8 333 131. Since then further members had communicated pledges to the Director General, bringing the total amount pledged to \$10 060 505, which exceeded the amount pledged by that point in the preceding year.

87. He urged those delegations which had not yet done so to make their 2002 pledges and to pay their contributions in full at the earliest opportunity, so that the Secretariat could submit to the Technical Assistance and Co-operation Committee a proposed 2002 programme based on reasonably assured resources and subsequently implement the approved programme without hindrance or uncertainty.

The meeting was suspended at 6.50 p.m. and resumed at 7.20 p.m.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL PROTOCOL  
(GC(45)/L.7 and GC(45)/L.11)

88. The PRESIDENT drew the Conference's attention to the modified version of the draft resolution contained in document GC(45)/COM.5/L.10 which had been submitted by Belgium on behalf of the European Union, and which was contained in document GC(45)/L.7. He also drew attention to the proposed amendment to that modified version which had been submitted by Israel and was contained in document GC(45)/L.11.

89. Furthermore, he reminded those present that, under Rule 76 of the Rules of Procedure, amendments had to be voted on first.

90. Mr. WULF (United States of America) said that the General Conference had a long and distinguished history of adopting resolutions by consensus and he therefore requested that the meeting be suspended to allow for one last effort to reach agreement.

The meeting was suspended at 7.25 p.m. and resumed at 8.15 p.m.

91. Mr. DELHAYE (Belgium), invoking Rule 59 of the Rules of Procedure, moved the adjournment of the debate on the amendment contained in document GC(45)/L.11. The amendment in question did not take into account all the compromises reached so far and consideration of it would necessitate reopening the debate on the issue.

92. Mr. ABE (Japan), in the interests of maintaining the tradition of the General Conference of reaching decisions by consensus, urged the Israeli delegation to withdraw its proposed amendment. Failing that, Japan wished to second the motion put forward by the representative of Belgium.

93. Mr. FRANK (Israel) said that, in a spirit of co-operation, he was willing to withdraw the proposed amendment, but requested that operative paragraph 3 of the resolution be voted on separately.

94. Mr. DELHAYE (Belgium) thanked the Israeli delegation for withdrawing its proposed amendment. However, he objected to Israel's request to divide the proposal and requested a vote on that motion, in accordance with Rule 75 of the Rules of Procedure.

95. The PRESIDENT invited the Conference to vote, by show of hands, on the motion put forward by the delegate of Israel.

96. There were 3 votes in favour and 83 votes against, with 2 abstentions. The motion was rejected.

97. The PRESIDENT took it that the conference was prepared to adopt the draft resolution contained in document GC(45)/L.7 by consensus.

98. Mr. ÁLVAREZ GOYOAGA (Uruguay) pointed out that the draft resolution had not been issued in all the Agency's official languages which ran counter to Rule 88 of the Rules of Procedure.

99. Mr. FRANK (Israel) requested a vote on the draft resolution.

100. The PRESIDENT invited the Conference to vote, by show of hands, on the draft resolution.

101. There were 84 votes in favour and none against, with 3 abstentions. The resolution was adopted.

102. Mr. WULF (United States of America) said that the subject of the resolution was such that it should have commanded a consensus and his delegation would have preferred it to have been adopted on that basis. For that reason it had abstained, but its abstention should not be interpreted as relating to the substance of the resolution. The United States continued to support the Agency and the safeguards system.

103. Mr. SREENIVASAN (India) expressed regret that the request for a separate vote on operative paragraph 3 of the resolution had been rejected. His country had therefore been

forced to abstain, rather than vote for the resolution as it had originally intended. At its preceding session, the Conference had been able to arrive at a consensus on the issue based on compromise. India would have been more than ready to accept a similar consensus solution which it felt would have been in the interests of the Agency. His country had strong reservations regarding operative paragraph 3. The signing of international treaties and conventions lay in the realm of the sovereign rights of a State, and India's membership in the Agency did not impose on it any obligations other than those which derived from the Statute. As a technical agency, the IAEA should steer clear of exhortations to countries which had no legal commitment to comprehensive safeguards.

104. Mr. NAQVI (Pakistan) said that his country too would have wished to see a consensus on the issue in question, as had been the case in the past. Pakistan had been unable to vote for the resolution owing to its reservations regarding operative paragraphs 3 and 5. His understanding of those paragraphs was that they were consistent with the terms of the chapeau of the resolution.

105. Mr. FRANK (Israel) associated himself with the statements made by the representatives of India and Pakistan.

#### CLOSING OF THE SESSION

106. Mr. OTHMAN (Syrian Arab Republic) commended the President for the wisdom he had shown in conducting the work of the General Conference and bringing it to a successful conclusion. Despite the recent tragic events which had occurred, a spirit of co-operation had prevailed throughout. He also thanked the Chairperson of the Committee of the Whole and the Vice-Chairmen, as well as the Secretariat.

107. Mr. WULF (United States of America) said that he, his colleagues and the people of the United States valued highly the expressions of sympathy they had received regarding the tragic events of 11 September. They had been a great source of comfort to his country. He extended his own country's condolences to the over eighty countries whose citizens had been killed by those acts of terrorism. The terrorist acts in New York, Washington and Pennsylvania had transformed his country and forced it to make a choice: either not to act and thereby live in fear, or to act and thereby live in freedom. His country had chosen to act, and it urged other States to choose a similar course.

108. The PRESIDENT thanked all participants for the co-operation they had shown and the assistance they had given him during the Conference. At its opening, many had expressed the hope that a spirit of co-operation would prevail despite the recent heinous acts of terrorism. It appeared that those appeals had borne fruit. Especial thanks were due to the Chairperson of the Committee of the Whole who had done a remarkable job. He also thanked the Director General and his staff, especially the interpreters, and the Austrian authorities and the city of Vienna for their hospitality.

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

All present rose and observed one minute of silence.

110. The PRESIDENT declared the forty-fifth regular session of the General Conference closed.

The meeting rose at 9.00 p.m.