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## FORTY-SIXTH (2002) REGULAR SESSION

### RECORD OF THE TENTH PLENARY MEETING

Held at the Austria Center Vienna  
on Friday, 20 September 2002, at 3.30 p.m.

President: Mr. RAJASA (Indonesia)

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[\*] GC(46)/19.

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The composition of delegations attending the session is given in document GC(46)/INF/8/Rev.1.

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Abbreviations used in this record

EU	European Union
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
TCF	Technical Co-operation Fund

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IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
RELATING TO IRAQ

(GC(46)/13 and Corr.1; GC (46)/L.3 and Add.1)

1. Mr. CHRISTENSEN (Denmark), introducing the draft resolution contained in document GC(46)/L.3 on behalf of the European Union and the co-sponsors, said that it directly addressed the Agency's work in Iraq in connection with the implementation of relevant Security Council resolutions. Although there had been recent new developments, the Agency should not pre-empt that debate and move ahead of the Security Council. It had been almost four years since the Agency had been in a position to carry out its mandate in Iraq. The draft resolution supported and recognized the Agency's efforts to maintain and improve its capabilities to carry out its mandate, and called on Iraq to provide immediate, unconditional and unrestricted access to Agency inspectors.

2. Mr. AL-JANABI (Iraq) said that his country had fulfilled its obligations as set forth in paragraphs 12 and 13 of Security Council resolution 687 (1991), as was confirmed by the Director General's report contained in document GC(46)/13. On 19 September 2002, the Iraqi Minister of Foreign Affairs had read out to the current session of the General Assembly of the United Nations a message from President Hussein to that effect, which should have allayed the fears of all those who had heard the groundless claims by the United States of America with regard to Iraq's alleged weapons of mass destruction. The country's authorities would welcome a visit to any of its sites by experts and scientists, accompanied by politicians representing any country.

3. Regrettably, the United States of America had spread unfounded allegations, which had led to the submission of the draft resolution in question. The latter was a purely political and biased document that formed part of a campaign by the United States to provoke war rather than seek wisdom and peace. It applied double standards, served only the aggressive military and economic aims of the United States, and blatantly ignored the 11-year embargo that had led to the suffering of millions of Iraqis, including children and the elderly. Many of the statements it contained on Iraq's nuclear capabilities were groundless suppositions. Moreover, no mention was made of Israel's nuclear capabilities and its refusal to adhere to the NPT.

4. Operative paragraph 2 called for Iraq's full co-operation with the Agency, implying that the drafters had not listened to Iraq's commitment to allow the return of the inspectors. Some paragraphs spoke of the Agency mandate in Iraq where it would have been better to have reflected the international community's welcome for Iraq's wise decision. Operative paragraph 5 implied that Iraq's nuclear capabilities had changed since the teams had left the country, which was inconsistent with the Director General's report and the situation documented by the Security Council. Operative paragraph 6 repeated part of the language of the Director General's report to the General Conference, while omitting other parts in order to skew the facts.

5. There being no justification for the submission of the draft resolution, he requested that each of its paragraphs be put to a roll-call vote.

The meeting was suspended from 3.50 p.m. and resumed at 4.00 p.m.

6. Mr. CHRISTENSEN (Denmark), invoking Rule 75 of the Rules of Procedure, objected to Iraq's motion for division.

The meeting was suspended at 4.05 p.m. and resumed at 4.10 p.m.

7. Mr. AL-JANABI (Iraq) said that his country could accept a roll-call vote on the draft resolution as a whole.

8. Lithuania, having been drawn by lot by the President, was called upon to vote first.

9. The result of the vote was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Israel, Italy, Japan, Republic of Korea, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Yugoslavia.

Abstaining: Algeria, Angola, Bangladesh, China, Cuba, Egypt, Ghana, India, Indonesia, Islamic Republic of Iran, Jordan, Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Mongolia, Morocco, Namibia, Nigeria, Pakistan, Sri Lanka, Tunisia, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia.

10. The draft resolution was adopted by sixty-two votes to zero, with twenty-five abstentions.

11. Mr. RAMZY (Egypt) said that Egypt had consistently called for the scrupulous implementation of Security Council resolutions as an essential condition for the maintenance of international peace and security. Thus, it had repeatedly urged Iraq to comply with relevant Security Council resolutions. Iraq's recent acceptance of the unconditional return of inspectors should be welcomed as a positive development. Given the stated position of the EU on that issue, his country had expected that the resolution would, at the very least, have included similar language to the EU statement which "noted with interest" the new Iraqi position. Regrettably, the resolution did not adequately reflect that positive development but rather emphasized the negative side of the situation. Egypt had also hoped, in view of the recent developments, that the concerned parties would have redoubled their efforts to arrive at an agreed text. That, unfortunately, had not been the case.

12. While his country continued to urge Iraq to implement its obligations under the relevant Security Council resolutions, it noted with regret that other countries in the region continued to flout Security Council resolutions with impunity. For instance, over twenty years ago Security Council resolution 487 (1981) had requested Israel to place its nuclear facilities under Agency safeguards. That was a clear case of double standards.

13. For those reasons, Egypt had abstained from voting.

14. Mr. AL-JANABI (Iraq) thanked those countries that had abstained or left the meeting room during the vote and requested the General Conference to make a declaration expressing its satisfaction with Iraq's decision to accept unconditionally the return of the inspectors.

15. Mr. CHENG Jingye (China) said that his country had noted the report submitted by the Director General and it welcomed Iraq's decision to accept unconditionally the return of the inspectors. It hoped that the inspectors would return to Iraq as soon as possible and submit an objective, impartial and independent verification report. China's position regarding the issue under consideration had been consistent and clear: Iraq should fully and effectively implement the relevant Security Council resolutions, but its sovereignty and territorial integrity should be properly respected. The issue should be solved by political and diplomatic means within the framework of the United Nations. It was with those considerations in mind that his country had abstained from voting.

16. Mr. BERDENNIKOV (Russian Federation) said that, since there was broad international consensus in favour of restarting inspections in Iraq, the adoption of resolution GC(46)/L.3 should play a positive role in the peaceful settlement of that complex situation. The resolution focused on the most important task, namely resuming inspections as soon as possible. The Russian Federation welcomed the Iraqi Government's decision to readmit inspectors unconditionally, and fully supported the efforts being made in the Agency and the United Nations to facilitate the recommencement of inspections. It was in favour of solving the problem by political means based on the relevant Security Council resolutions, which was also the aim of the resolution. He expressed the hope that the immediate return of the inspectors to Iraq would be an important first step towards a solution which respected the sovereignty and territorial integrity of Iraq, paving the way to the lifting of sanctions.

17. Mr. BRILL (United States of America) said that his country welcomed the positive outcome of the vote and shared the hope that that clear message would be heeded in Iraq. However, there was reason to be sceptical since Iraq had consistently flouted the international community and broken its commitments.

18. In its letter of 16 September to the United Nations Secretary-General, Iraq had agreed to the return of inspectors without condition. The aim of the United States was the verifiable disarmament of Iraq and the compliance of that country with all Security Council resolutions. The Iraqi letter provided no assurance that the Government in Baghdad intended to comply with its Security Council obligations and might only be a tactical step aimed at avoiding strong Security Council action. Indeed, Saddam Hussein's letter of 19 September to the

United Nations General Assembly already placed conditions on that so-called unconditional offer.

19. He noted with concern that, since December 1998, the Agency had not been able to provide any measure of assurance that Iraq was in compliance with its United Nations-mandated disarmament obligations owing to the cessation of inspections. The longer Iraq delayed the Agency's return, the longer it would take to re-establish the inspectors' baseline knowledge. He commended the Agency for maintaining its readiness to resume inspection activities. The absence of the inspectors for almost four years had heightened concern. Iraq continued to withhold important information about its nuclear programme. It employed a battery of capable nuclear scientists and technicians and retained the physical infrastructure needed to build a nuclear weapon. Its State-controlled media had reported meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued interest in developing a nuclear weapon.

20. Iraq knew what needed to be done. It had to prove its full co-operation with the United Nations and comply with all Security Council resolutions, including the obligation to disarm. The international community had to demand that any resumption of inspections in Iraq be immediate, unfettered and unrestricted, and ensure absolutely that Iraq complied in fact with what it sought to imply in words.

21. Mr. BELAOURA (Algeria) expressed regret that it had not proved possible to have the resolution adopted by consensus. Algeria welcomed Iraq's decision to accept unconditionally the return of the inspectors, a decision which facilitated the implementation of relevant Security Council resolutions while respecting the sovereignty and integrity of Iraq and the well-being of its people. It hoped that the new developments would contribute to a peaceful and lasting solution to the problem.

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

22. Mr. MOLTENI (Argentina), Chairman of the Committee of the Whole, presented the outcome of the Committee's deliberations on items 5(c), 13-17 and 22. 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(46)/COM.5/L.7/Rev.1 on item 16, Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol, the Committee had been unable to agree. Under item 15, Strengthening the Agency's activities related to nuclear science, technology and its applications, four countries had expressed reservations with regard to a specific paragraph of draft resolution C contained in document GC(46)/L.6. Under item 5 (c), Restoration of voting rights, the Committee had recommended that the Conference request the Board to consider the criteria, guidelines and measures being applied in connection with requests for the restoration of voting rights, in particular the requirements for payment plans, and to deal with the matter at its June 2003 meetings following the meetings of the Programme and Budget Committee in May 2003. Finally, under item 22, Elections to the Agency's Staff Pension Committee, the Committee had recommended to the General Conference that Mr. Aidan Kirwan of Ireland and

Mr. Raul Pelaez of Argentina be elected as Alternate Members to represent the General Conference on the Agency's Staff Pension Committee.

23. The PRESIDENT, having congratulated the Chairman, the two Vice-Chairmen and others who had assisted him on the manner in which they had conducted and facilitated the work of the Committee, invited the Conference to take up one by one the items considered by the Committee of the Whole.

**Restoration of Voting Rights** (agenda item 5(c))

24. As recommended by the Committee of the Whole, the Conference requested the Board to consider the criteria, guidelines and measures being applied in connection with requests for the restoration of voting rights, in particular the requirements for payment plans, and to deal with the matter at its June 2003 meetings following the meetings of the Programme and Budget Committee in May 2003.

**Measures to strengthen international co-operation in nuclear, radiation, transport and waste safety** (agenda item 13)

25. As recommended by the Committee of the Whole, draft resolutions A, B, C and D contained in document GC(46)/L.7 were adopted.

26. Mr. ENDO (Japan), referring to the development of radiological criteria for long-lived radionuclides in commodities, as mentioned in operative paragraph 18 of draft resolution A, said that that matter deserved careful discussion since the national legal mechanisms of each country and international trade would be influenced significantly by the introduction of radiological criteria for commodities. Furthermore, with respect to the safety of radioactive waste management, as mentioned in operative paragraph 22 of the same draft resolution, he urged the Secretariat and Member States to implement the actions described in Attachment 5 to document GC(46)/11, in particular Action 3 on safety standards for geological disposal, taking into account the many different factors that needed to be considered when selecting disposal sites in each country.

27. Ms. BRIDGE (New Zealand) said that her country was very pleased that a consensus had been reached on the resolution on transport safety. She paid tribute to the Ambassador of Australia whose skill in chairing the negotiations had played a major role in their success. The large number of countries which had sponsored the resolution was pleasing. New Zealand was keen to see as strong an international regulatory regime as possible for the safe transport of radioactive material and hoped that the resolution would help achieve that objective.

**Strengthening of the Agency's technical co-operation activities** (agenda item 14)

28. As recommended by the Committee of the Whole, the draft resolution contained in document GC(46)L.5 was adopted.

29. Mr. ENDO (Japan) said that it was extremely important to ensure a payment level to the TCF beyond the rate of attainment. Japan had consistently paid 100% of its share of

the TCF target, which meant that the proportion of the funds in the TCF it had been supplying had been increasing substantially. If that situation continued, it might be forced to reconsider its policy in that regard.

30. It was also important that Member States paid their assessed programme costs. His country had stated clearly during the meetings of the Board of Governors in September 2002 that it would not stand in the way of a consensus on the higher target for the TCF in 2003, on the understanding that countries undertook to reduce and eliminate their arrears in the payment of assessed programme costs.

31. Ms. AL-MULLA (Kuwait) said that her country had joined the consensus on the draft resolution just adopted even though it felt that it overemphasized the role of nuclear power. While it understood that several countries needed to resort to all sources of power in order to promote their development, Kuwait did not believe that nuclear power was the only option open to others. Moreover, the resolution was too selective in describing the role of nuclear power in mitigating greenhouse gas emissions, since other sources of energy could also contribute to that goal.

**Strengthening the Agency's activities related to nuclear science, technology and applications** (agenda item 15).

32. As recommended by the Committee of the Whole, draft resolutions A, B, C and D contained in document GC(46)/L.6 were adopted.

33. Mr. STELZER (Austria), speaking on behalf of Austria, Denmark, Ireland, Luxembourg and New Zealand, said that those countries had strong reservations with regard to preambular paragraph (c) of draft resolution C contained in document GC(46)/L.6. Having rejected nuclear energy themselves, they believed it incompatible with the objectives of sustainable development since risks related to safety, waste management and transport remained unresolved. However, they had decided not to block the adoption of the resolution.

**Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol** (agenda item 16)

34. The PRESIDENT suggested that, since the Committee of the Whole had failed to agree on the draft resolution contained in document GC(46)/COM.3/L.7/Rev.1, discussion of the item in question should be postponed till later.

35. It was so agreed.

**Nuclear Security - progress on measures to protect against nuclear terrorism** (agenda item 17).

36. As recommended by the Committee of the Whole, the draft resolution contained in document GC(46)L.4 was adopted.

**Elections to the Agency's Staff Pension Committee (agenda item 22)**

37. As recommended by the Committee of the Whole, Mr. Aidan Kirwan of Ireland and Mr. Raul Pelaez of Argentina were elected as Alternate Members to represent the General Conference on the Agency's Staff Pension Committee.

**STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL ADDITIONAL PROTOCOL**

(GC(46)/COM.5/L.7/Rev.1)

38. Mr. CHRISTENSEN (Denmark), introducing the draft resolution contained in document GC(46)/COM.5/L.7/Rev.1 on behalf of the European Union and the co-sponsors, said that the text, which had been produced by an informal working group, was merely a refinement of document GC(46)/COM.5/L.7 but did not contain any substantive changes. The discussions in the informal working group had reflected the desire of the participants to co-operate, and take into account and respect the sensibilities of different countries. The importance of reaching a consensus had been recognized by all.

39. Mr. FRANK (Israel) requested that operative paragraph 3 of the draft resolution be voted upon separately.

40. Mr. SHOUKRY (Egypt) requested that the vote be taken by roll-call.

41. Botswana, having been drawn by lot by the President, was called upon to vote first.

42. The result of the vote was as follows:

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Republic of Korea, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: India, Israel, Pakistan.

Abstaining:<sup>1</sup> Angola, Botswana, Ethiopia, Kazakhstan.

43. Operative paragraph 3 of the draft resolution was adopted by eighty-four votes to three, with four abstentions.

44. The PRESIDENT asked whether the Conference wished to adopt the draft resolution contained in document GC(46)/COM.5/L.7/Rev.1 as a whole.

45. It was so decided.

46. Mr. SREENIVASAN (India) said that his Government attached great importance to the Agency's safeguards activities. However, the purpose of the strengthened safeguards system and the Model Additional Protocol was to detect undeclared nuclear activities and facilities in States which had concluded comprehensive safeguards pursuant to the NPT. The Agency owed its success to the meticulous manner in which it had carried out its tasks in accordance with its mandate without getting entangled in extraneous issues. It was not the watchdog of nuclear non-proliferation or disarmament, nor was it the secretariat of the NPT.

47. Up until 2000, a delicate compromise had been maintained in the language used in safeguards resolutions. However, in 2001 a new operative paragraph had been added which contradicted the spirit of that compromise. During the current session, his country had made a sincere effort to achieve a compromise, but to no avail.

48. The signing of treaties was a Member State's sovereign decision and India's membership of the Agency did not impose upon it any obligation beyond those contained in the Statute. It could not accept any resolution which ran counter to the spirit of that Statute and had therefore had no option but to vote against operative paragraph 3.

49. Mr. FRANK (Israel) said that his country supported the strengthening of the Agency's safeguards system. However, it had voted against operative paragraph 3 and, in that connection, he endorsed the remarks made by the representative of India.

50. Mr. NAQVI (Pakistan) expressed disappointment at the failure to achieve a consensus on operative paragraph 3 of the resolution, despite the working group's efforts. His country had been prepared to work towards a mutually acceptable solution but, since a vote had been necessary, he wished to place on record his country's position on the universal application of Agency safeguards.

51. Articles II and XII of the Agency's Statute made it clear that safeguards agreements applied only to Agency projects or other instances where the Agency was requested by the parties concerned to apply safeguards. The resolution was therefore in contradiction of the Agency's own Statute. It was a fundamental principle of international law that a State was bound only by those obligations which it had accepted when it acceded to a treaty or agreement.

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<sup>1</sup> Kazakhstan later informed the Secretariat that it had meant to vote in favour.

52. Pakistan had shown itself to be constructive, consistent and responsible in nuclear matters. It had developed its own nuclear capability for the purposes of deterrence and national defence, but it had exercised the utmost restraint and had made specific proposals aimed at preventing a nuclear arms race in the region. It would continue to co-operate with the international community in the fields of non-proliferation of nuclear weapons and nuclear disarmament.

#### EXAMINATION OF DELEGATES' CREDENTIALS

53. Mr. SALEHI (Islamic Republic of Iran) said that his country was unable to recognize Israel's credentials which had been issued from the occupied territory of Al-Quds (Jerusalem).

#### REPORT ON CONTRIBUTIONS PLEDGED TO THE TECHNICAL CO-OPERATION FUND FOR 2003 (GC(46)/22/Rev.3)

54. The PRESIDENT said that, by 6.30 p.m. on 19 September 2002, the contributions pledged by Member States to the Technical Co-operation Fund had amounted to US \$7 609 147, or 10.18% of the target for 2003, which was 1.24% lower than the percentage of the target for 2002 pledged by the same point in the preceding year. Since then, further Member States had communicated pledges to the Director General, bringing the total amount pledged to \$8 888 954, or 11.89% of the target.

55. He urged those delegations which had not yet done so to make their 2003 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 2003 programme based on reasonably assured resources and subsequently implement the approved programme without hindrance or uncertainty.

#### CLOSING OF THE SESSION

56. Mr. MANNINEN (Finland) thanked the President for bringing the work of the General Conference to a successful and punctual conclusion. In particular, he commended the President's handling of the agenda items which had been dealt with at that day's meetings. The President had also taken part in many informal consultations outside the meeting room in an attempt to reconcile diverging views.

57. Mr. HUGHES (Australia), speaking on behalf of the countries of the South East Asia and the Pacific Group, thanked the President for facilitating the smooth running of the session. The successful conclusion of the Conference's work owed a great deal to his personal efforts.

58. The PRESIDENT thanked all participants for the co-operation and assistance they had given him throughout the session. He also thanked the Director General and his able and dedicated staff for their valuable support, and the Austrian authorities and the city of Vienna for their hospitality.

59. 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.

60. The PRESIDENT declared the forty-sixth regular session of the General Conference closed.

The meeting rose at 6.10 p.m.