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RECORD OF THE TWO HUNDRED AND SEVENTY-NINTH PLENARY MEETING

Held at the Neue Hofburg, Vienna,
on Friday, 27 September 1985, at 12.15 p.m.

President: Mr. MANOUAN (Côte d'Ivoire)

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*/ A provisional version of this document was issued on 9 October 1985.

**/ GC(XXIX)/763.

The composition of delegations attending the session is given in document
GC(XXIX)/INF/227/Rev.3.

THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL (GC(XXIX)/762 and Add.1-4, GC(XXIX)/INF/229)

1. The PRESIDENT pointed out that document GC(XXIX)/INF/229 contained a report prepared by the Director General pursuant to resolution GC(XKVIII)/RES/424 adopted during the previous year's regular session of the General Conference. The Annex to that report provided information regarding the status of signatures to and ratifications of the Convention on the Physical Protection of Nuclear Material^{1/}. In addition, a draft resolution on the subject was now before the Conference in document GC(XXIX)/762; the list of co-sponsors could be found in document GC(XXIX)/762/Add.4.

2. Mr. BOGGS (United States of America), introducing the draft resolution contained in document GC(XXIX)/762, welcomed the progress reported by the Director General with regard to the signing and ratification of the Convention. It was important for all countries to accede to the Convention because it was the first multilateral agreement in its field and because its entry into force would be a significant step towards intensifying international co-operation in the peaceful uses of nuclear energy. Over the past few years the need for the protection of nuclear material had become increasingly clear and the Convention was an appropriate legal mechanism for that purpose. In content, the draft resolution was similar to the previous year's, and he hoped it would again be adopted by consensus.

3. Mr. HIREMATH (India) recalled that his delegation had already expressed its reservations with regard to the draft resolutions on the Convention which had been submitted and adopted at the twenty-seventh and twentieth-eighth regular sessions of the General Conference. His country had not signed the Convention on the Physical Protection of Nuclear Material as it contained discriminatory elements: for example, the final paragraph of the preamble would result in nuclear-weapon States lying outside the scope of the Convention while non-nuclear-weapon States would be bound by it. His delegation also had difficulties with regard to Article 2, Article 1(c) and Article 4.

^{1/} INFCIRC/274/Rev.1.

4. Prior to the establishment of the Convention, his country and others had stressed that the Convention should cover all transported material, whether for military or for civil use. Nuclear materials intended for civil purposes were very insignificant compared with those for military use, and the danger of unauthorized diversion of the latter was much greater.

5. The United States delegate had spoken of progress, but the number of signatories to the Convention had hardly increased and many of those countries which had signed it continued to have serious reservations about it. He therefore failed to understand the point of the new draft resolution.

6. Mr. SOLTANIEH (Islamic Republic of Iran) said that his Government was unable to support the draft resolution owing to the discriminatory elements contained in the Convention - namely, those elements which excluded the nuclear-weapon States.

7. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(XXIX)/762.

8. It was so decided.

SOUTH AFRICA'S NUCLEAR CAPABILITIES (GC(XXIX)/767/Rev.1 and Add.1 and 2)

9. The PRESIDENT drew the attention of delegates to the draft resolution contained in document GC(XXIX)/767/Rev.1, which had been submitted by Nigeria on behalf of the African Group and was co-sponsored by Jordan and the Islamic Republic of Iran.

10. Mr. UMAR (Nigeria) recalled that in resolution GC(XXVIII)/RES/423, adopted the previous year, the General Conference had demanded that South Africa submit all its nuclear installations and facilities to Agency safeguards. It had further requested the Board of Governors and the Director General to contribute to the implementation of United Nations General Assembly resolutions 38/181 A/B, 38/39 A,F and G and 38/36 A in what related to the Agency and especially the request to the Agency to refrain from extending, directly or indirectly, to South Africa any facilities which might assist it in its nuclear plans.

11. In July 1985, the United Nations Security Council had adopted Resolution 569, in which it urged Member States to adopt measures against South Africa including the prohibition of all new contracts in the nuclear field.

12. South Africa continued to ignore all resolutions adopted by the General Conference and the United Nations General Assembly. Two letters addressed by the Director General to the Minister of Foreign Affairs of South Africa relating to safeguards had remained unanswered. In accordance with operative paragraph 7 of resolution GC(XXVIII)/RES/423, the General Conference must at its present session take appropriate action if South Africa had not yet complied with that resolution, and Member States should therefore support the draft resolution now before the Conference in document GC(XXIX)/767/Rev.1.

13. With regard to operative paragraph 10 of the draft resolution, he had been informed by the Director General that since Namibia had become a Member of the Agency in February 1983 the Agency had stopped using information provided by South Africa in preparing the entry in the Red Book on Uranium Resources, Production and Demand and had consulted and would continue to consult with the United Nations Council for Namibia on that matter.

14. Mr. BOGGS (United States of America) proposed that operative paragraph 3 of the draft resolution contained in document GC(XXIX)/767/Rev.1 be voted on separately in accordance with Rule 75 of the Rules of Procedure of the General Conference.

15. His Government opposed sanctions directed at undermining the economy of South Africa, such as the ban on the purchase of South African uranium which was suggested in operative paragraph 3. That paragraph also called for the cessation of all nuclear co-operation with South Africa, regardless of who in that country might be harmed by such a sanction or of what effects it might have on the international non-proliferation regime. Moreover, a complete cessation of co-operation would undermine essential non-proliferation

initiatives with South Africa designed to enhance acceptance of safeguards, to reduce the use of highly enriched uranium and to remove incentives to reprocess spent fuel.

16. His delegation therefore opposed operative paragraph 3 and requested that it be taken out of the draft resolution and voted on separately.

17. Mr. HIREMATH (India) expressed his delegation's full support for the people of South Africa, for those suffering long years of detention and for the victims of police brutality and organized State terrorism. The international community should do everything possible to convince the South African régime that its policies were not only reprehensible but also counter-productive.

18. Adoption of the draft resolution submitted by the Nigerian delegation on behalf of the African Group would constitute the most appropriate action to be taken by the Conference. The resolution should be voted upon in its entirety, since operative paragraph 3 was consistent with the rest of the resolution.

19. Mr. ZHOU (China) commended the Director General and the Secretariat on their efforts in connection with resolution GC(XXVIII)/423.

20. The South African authorities were insisting on their policy of apartheid and continued to defy resolutions adopted by the United Nations General Assembly, the Security Council and the Agency's General Conference. His delegation therefore urged all Member States to stop providing the South African authorities with any equipment which might be of direct or indirect assistance in the production of nuclear materials and to support the draft resolution now before the Conference so that the Director General could continue to take the necessary steps.

21. The PRESIDENT invited the Conference to vote on whether operative paragraph 3 should be retained in the draft resolution set forth in document GC(XXIX)/767/Rev.1.

22. There were 63 votes in favour and 7 against, with 12 abstentions.
Paragraph 3 was accordingly retained.

23. The PRESIDENT then asked the Conference to vote on the draft resolution as a whole.

24. There were 88 votes in favour and 0 against, with 19 abstentions. The draft resolution contained in document GC(XXIX)/767/Rev.1 was adopted.

25. Mr. HEDEMANN (Norway), speaking on behalf of the Nordic countries Denmark, Finland, Iceland, Sweden and Norway, said that he wished to explain his vote.

26. The Nordic Governments considered apartheid a serious threat to peace and stability in southern Africa and believed that effective international pressure must be brought to bear on the South African Government in order to end apartheid by peaceful means. They had repeatedly advocated that the United Nations Security Council adopt mandatory and comprehensive economic sanctions against South Africa, and they considered that that country's nuclear installations and facilities should be submitted to Agency safeguards and that Member States should halt all nuclear collaboration with South Africa. Also, the Nordic countries themselves had also taken a number of unilateral measures to increase pressure on South Africa, and it was their policy neither to co-operate nor to maintain contacts with South Africa in the nuclear field.

27. That being his country's basic attitude towards apartheid, his delegation had been able to vote for the draft resolution contained in document GC(XXIX)/767/Rev.1 despite its reservations on certain points of the resolution.

28. Mr. HAUSTRATE (Belgium) said that his delegation had been unable to support the resolution even though Belgium had, in the United Nations and other forums, constantly expressed its condemnation and rejection of the apartheid régime. As far as sanctions were concerned, his country stood by the measures recently decided by the European Communities.

29. However, his country had always insisted on strict respect for the principle of universality within the United Nations system, and it considered that several paragraphs of the draft resolution, in particular operative paragraphs 5 and 9, could be interpreted as an attack on the rights and privileges of an Agency Member State.

30. His delegation was against the requirement in operative paragraph 2 that South Africa should submit immediately all its nuclear installations and facilities to Agency safeguards, since the application of safeguards could not be considered as a sanction.

31. His delegation was also opposed to operative paragraphs 3, 5 and 9, and would have voted against all of them had they been voted on separately.

32. Mr. BOGGS (United States of America) said that his delegation had abstained from voting on the resolution because his Government, while continuing unequivocally to support the principle of universality, considered that the resolution, as presented, did not infringe South Africa's fundamental rights of membership.

33. His Government specifically understood that operative paragraph 5 of the resolution, which called upon the Agency and Member States to refrain from participating in any seminars or technical and scientific meetings in South Africa, did not preclude the Agency from sponsoring seminars or meetings in South Africa. Rather, it prevented the Agency from participating in meetings in South Africa sponsored by other entities, including South Africa. His Government further understood that paragraph 5 would not stand in the way of the Agency's efforts to encourage broader South African acceptance of safeguards. In particular, it would not prevent activities such as the recent visit by Agency technical and safeguards personnel to South African nuclear facilities. Any interpretation of the resolution that would tend to prohibit such visits or the negotiation of safeguards agreements with South Africa would run counter to the essential non-proliferation activities of the Agency.

34. His country also understood that the resolution's sponsors had clarified the intent of operative paragraph 9 so that it should not infringe South Africa's fundamental rights of membership. The exclusion in paragraph 9 would apply only to meetings of a type not available to all Members and was intended solely to prevent South Africa from speaking for Namibia in meetings specifically relating to Namibian uranium. On that understanding, his

delegation could regard operative paragraph 9 as not barring South Africa from its fundamental rights of membership and therefore as not violating the principle of universality.

35. His Government opposed sanctions directed at undermining the economy of South Africa, such as the ban suggested in operative paragraph 3 on the purchase of South African uranium. That paragraph also called for the cessation of all nuclear co-operation with South Africa, regardless of who in that country might be harmed by such a sanction or of its effects on the international non-proliferation regime. As such a sanction would also jeopardize essential non-proliferation initiatives with South Africa, his delegation had opposed operative paragraph 3 while abstaining on the resolution as a whole.

36. Mr. MORDEN (Canada) said that there were elements in the resolution which his delegation favoured, such as the call on South Africa to place all its facilities under Agency safeguards. However, there were other clauses which cast doubt on the principle of universality in the United Nations system. Canada had therefore abstained from voting on the resolution.

37. Mr. ALVES (Brazil) said that his country strongly condemned the apartheid régime and was therefore in favour of the resolution; a different wording of preambular paragraph (f) and of operative paragraph 2 of the resolution would nevertheless have been preferable.

38. Mr. van GORKOM (Netherlands) said that the resolution contained important elements to which, in view of his country's opposition to the apartheid system in South Africa, his delegation could fully subscribe, in particular operative paragraph 2 concerning the application of Agency safeguards to all nuclear installations in South Africa.

39. The Netherlands could not support some of the paragraphs, as their wording came too close to affecting the rights and privileges of South Africa as a Member of the Agency, and thus to affecting the principle of universality.

40. Referring to the recent decision by Ministers of Foreign Affairs of the member States of the European Communities, he stressed that pressure had to be exerted on the South African Government to change the existing system.

41. Mr. WILMSHURST (United Kingdom) emphasized that his delegation's abstention from voting on the resolution should not be interpreted as implying any change in his Government's abhorrence of the apartheid system or as reflecting any change in its policy of prohibiting the export to South Africa of any equipment which could contribute in any way to South Africa's nuclear programme.

42. His delegation had abstained, firstly, because his Government did not agree with the statement in operative paragraph 6 and the implication in operative paragraph 10 that the mining and exploitation of Namibian uranium by South Africa was illegal, even though his Government continued to consider South Africa's administration of Namibia as unlawful. Secondly, his Government could not accept the contents of operative paragraph 7 and did not consider that British trade with Namibia conflicted with any international obligation.

43. Mr. NOE (Italy) said that his Government condemned apartheid and the recent events in South Africa and had decided to take appropriate measures. However, the Italian delegation had abstained from voting on the resolution under discussion because the wording used in certain paragraphs ran counter to the principle of universality.

44. Mr. BRADY ROCHE (Chile) said that, although his country utterly rejected and condemned apartheid in South Africa and disapproved of that country's illegal occupation of Namibia, his delegation had nevertheless abstained from voting on the resolution because it contained paragraphs demanding that co-operation between the Agency and South Africa should cease and that South Africa should be excluded from Agency activities. That went against the principle of universality in international organizations, which Chile fully supported. In any case, political matters should be discussed in other international forums.

45. Mr. PECCI (Paraguay) felt that the Agency was basically a scientific and technical body and should therefore not become involved in the internal affairs of Member States. Its work should be directed at improving the professional and technical capacity of its Members and at maintaining safety standards and applying safeguards in all Member States without exception.

46. His country fully supported the principle of universality and the right of all peoples to participate in the activities of international organizations which were directed towards increasing the well-being of those peoples, in the present case by the development of nuclear energy for peaceful purposes.

47. On the other hand, his country had stated sufficiently often in the United Nations - the correct forum for political matters - that it was firmly against apartheid. Therefore his country had chosen to abstain from voting on the resolution.

48. Mr. ZANGGER (Switzerland) said that his country was concerned at developments in South Africa and condemned the apartheid régime. His Government was working diplomatically for change, but felt that sanctions in the form of economic boycotting were inappropriate.

49. Certain parts of the draft resolution contained in document GC(XXIX)/767/Rev.1 proposed restrictions which would infringe the rights and privileges of South Africa as a Member of the Agency, thereby endangering the principle of universality, which was essential to the Agency and which, together with the equal treatment of States, formed the fundamental basis for Swiss foreign relations. His delegation had therefore intended to vote against operative paragraph 3 of the resolution and had abstained when the whole of the resolution had been put to the vote.

50. Mr. TSUKADA (Japan) said that some of the paragraphs contained in the draft resolution were difficult for his Government to support. However, in view of recent developments in South Africa and various other elements, Japan had abstained from voting on the resolution. His Government's opposition to the racist policies of South Africa remained unchanged.

The meeting rose at 1.25 p.m.