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COMMITTEE OF THE WHOLE

RECORD OF THE EIGHTIETH MEETING

Held at the Neue Hofburg, Vienna,  
on Friday, 20 September 1991, at 12.15 p.m.

Chairman: Mr. WILSON (Australia)

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[\*] GC(XXXV)/982.

The composition of delegations attending the session is given in document  
GC(XXXV)/INF/301/Rev.2.

GENERAL DEBATE AND ANNUAL REPORT FOR 1990 (GC(XXXV)/983 and Mod.1-2)

Consideration of draft resolution contained in document GC(XXXV)/983  
(continued)

1. The CHAIRMAN said that the alternative draft suggested by Australia and the United States of America had been distributed to members of the Committee in document GC(XXXV)/983/Mod.1. Another version of operative paragraph 1, suggested by the Philippines, had been distributed in document GC(XXXV)/983/Mod.2. He hoped the Committee would try to reach a consensus.
2. Mr. VERBEEK (Netherlands) felt that in order to reach a consensus, the Committee should use as its basis for discussion the constructive draft suggested by Australia and the United States. The ideas behind that draft were that the technical assistance programme was of great importance, that it should expand within the budget and programme in future years, that it should be effective and economically viable, and that all those considerations should be reflected in the Medium-Term Plan. As the Plan was currently being prepared, it was useful to express those ideas.
3. With regard to the other proposals that had been made, his delegation had remained silent on the draft resolution presented by Chile on behalf of the Group of 77 because it had doubts concerning the concept of balance among the Agency's various activities. The Philippine proposal was certainly based on good intentions, but the internal logic of the text was nevertheless unclear. Indeed, his delegation did not see how it was necessary to achieve a better balance between safeguards activities and technical assistance and co-operation activities in order better to meet the Agency's objectives. It also wondered whether the new text of operative paragraph 1 proposed by the Philippines was to replace the entire operative part of the draft resolution submitted by Chile on behalf of the Group of 77, or only its paragraph 1. The latter case would be unacceptable for his delegation, which could not support operative paragraphs 2 and 3 of the draft in document GC(XXXV)/983, nor indeed its preambular paragraphs (f) and (g).
4. Mr. McRAE (Canada) said that his delegation had difficulties with resolutions which emphasized one or other of the Agency's functions, particularly if they were worded in such a way as to be interpretable as calls for additional resources. The allocation of resources to the Agency's various

functions should take place in accordance with the Statute. The Statute did not establish any scale of priority for those functions, nor did it refer to any kind of balance. His delegation therefore joined those which had expressed doubts as to the usefulness of bringing such an ambiguous term into the debate.

5. It was understandable that some delegations should fear that activities of special interest to themselves might be overshadowed by other activities. That was not the case, but it appeared that such fears, particularly with regard to the safeguards budget, were the reason behind the draft resolution submitted by the Group of 77. While understanding those concerns, his delegation believed that the adoption of draft resolutions on each of the Agency's programmes was not a suitable response. However, since the Committee had already agreed to draft resolutions on safety and on safeguards, a separate resolution on technical assistance would not be inappropriate. His delegation could therefore agree to the draft contained in document GC(XXXV)/983/Mod.1.

6. Still, a more comprehensive approach to the problem would have been preferable. It was true that Article III of the Statute was somewhat unstructured but that fact in itself gave some flexibility to allocate resources in accordance with special circumstances and the changing needs of Member States. Technical assistance should therefore be debated in the context of the Medium-Term Plan, taking into account all the other programmes, in order to determine the best possible allocation of resources. His delegation hoped that would be done in the consultations scheduled for later in the year. It was too important an issue to be rushed through the Committee after an unsatisfactory and inconclusive debate.

7. Mr. ENDO (Japan) said that his country was entirely favourable towards strengthening the Agency's technical assistance activities. It could therefore support the draft resolution suggested by Australia and the United States. However, it could not endorse the concept of balance, for two reasons. Firstly, such an ill-defined and extremely ambiguous concept could give rise to errors of interpretation. Secondly, the Agency's activities should not be considered on an individual basis, but should be treated as a whole when drawing up the Medium-Term Plan.

8. Ms. CRONER-PIERRE (Sweden) shared the views expressed by the representative of Canada and approved the draft resolution contained in document GC(XXXV)/983/Mod.1. In view of the importance of the issue, it should be treated differently.

9. Mr. von PREUSCHEN (Germany) said that his delegation supported the draft resolution in document GC(XXXV)/983/Mod.1. However, out of a concern to accommodate the interests expressed by the Group of 77, in particular through the wording suggested by the Philippines, he would propose that operative paragraph 1 should read: "Recognizes that, in order to fulfil the objectives of the Agency, an adequate balance should be achieved between the Agency's main activities".

10. Mr. AAMODT (Norway) felt that the Agency's various areas of activity should develop in accordance with changing needs from one year to the next, and should therefore be debated in the context of drawing up programmes, whether annual or longer-term. His delegation believed that the draft resolution submitted by Chile on behalf of the Group of 77 was excessively one-sided, and therefore associated itself with the statement by the representative of Canada.

11. Mr. MAKIPENTTI (Finland) shared the views expressed by the representative of Canada and the delegate of Norway. He found it very difficult to accept the draft resolution contained in document GC(XXXV)/983, but could agree to the version in document GC(XXXV)/983/Mod.1.

12. Mr. KANIEWSKI (Poland) too had difficulties in accepting the draft resolution submitted by Chile on behalf of the Group of 77. The intentions were good, but the proposed text was contradictory, as the use of the adjective "promotional" could lead to confusion. In accordance with the spirit of the Agency's Statute, promotional activities were technical assistance and co-operation, safeguards - in the sense of a means to promote peace and co-operation - and activities related to nuclear safety, radiation protection and waste management.

13. His delegation could not therefore accept a text which opposed promotional activities to regulatory or safeguards activities. Although his delegation was extremely interested in strengthening the Agency's technical

assistance and co-operation activities, caution was necessary when referring to a balance. It therefore supported the draft resolution contained in document GC(XXXV)/983/Mod.1 and agreed with the representative of Canada that the issue should be debated on another occasion.

14. Ms. BERTEL (France) associated herself with the statements made by the representatives of Canada and Poland. Her delegation naturally considered it extremely important that the Agency's activities should be guided by the needs of all Member States, and should achieve a balance among the various priorities. It was a crucial issue and, as the representative of Canada had said, it could not be resolved with undue haste.

15. Her delegation could not support either of the two proposals under consideration. That of the Group of 77 was unacceptable because, as several speakers had already pointed out, it was difficult to understand or interpret correctly what was meant by a promotional activity as opposed to one which was not promotional, and therefore not covered by the Statute. The proposal made by Australia and the United States, while perhaps more satisfactory to her country, had the considerable disadvantage of referring only to technical co-operation and forgetting the Agency's other activities such as radioisotope applications and the promotion of nuclear energy.

16. In conclusion, she shared the wish of the representative of Canada that the debate should take place within the context of drawing up the Medium-Term Plan, which would enable Member States to express their views on activities to be given priority.

17. Mr. RIOBO (Chile), speaking on behalf of the Group of 77, said that the idea of a balance between the Agency's main activities should be reflected in a draft resolution. Although it had been argued that the Statute did not refer to any balance, it also did not establish any scale of priority for the Agency's activities. Since it provided neither for a balance nor an imbalance, it naturally followed that all functions and activities were of equal importance and should therefore be balanced. Of course, that balance should not be understood in a mathematical sense, but in a general sense which would not preclude an appropriate response to current problems. A balance should be struck in the medium or long term among the various activities

precisely because the Statute did not make any distinction regarding their importance. Any other reasoning would be fallacious.

18. With reference to the statement made by the representative of Poland, it was true that the expression "promotional activities" was not used in the Statute, but everyone knew that the promotion of the peaceful uses of nuclear energy was one of the Agency's functions. It was the concept that was important, regardless of the name it was given. The document on the Medium-Term Plan submitted to the Board of Governors (GOV/INF/620) referred, in paragraphs 16 and 17, on the one hand to activities to promote the peaceful uses of nuclear energy, and on the other to activities relating to safeguards. He wished to stress that the Group of 77 was not attached to any particular designation and that, as long as both ideas could be reflected in the draft resolution, it was prepared to be flexible.

19. His delegation was grateful to the delegations of Australia and the United States for producing an alternative draft. As to the proposal made by the representative of Germany, it might be very useful in assisting the Committee to get out of its present difficult position.

20. Mr. LAMPARELLI (Italy) noted with interest that the representative of Chile had shown a certain inclination towards the proposal made by the representative of Germany. He too was prepared to support that proposal, on the condition that, in the English version, which had not been submitted in writing, the word "between" was replaced by the word "among", given that various Agency activities could be described as "promotional".

21. Mr. FARAHAT (Egypt) said he had listened attentively to the statements by representatives of developed countries, some of which had been discouraging. While recognizing the importance of technical co-operation, they did not wish to have a proper debate on the issue at present. If that was the case, the Committee had wasted a lot of time, even though the representative of Germany had made an interesting proposal.

22. Mr. McGUINNESS (United States of America), noting that the representative of Chile was attached not so much to the text of the Group of 77's draft resolution as to the ideas it contained, adding a new operative paragraph 1 which would read: "Affirms that the Agency shall maintain and enhance a comprehensive approach in its efforts to accelerate and enlarge the

peaceful use of atomic energy, taking full account of the need for an equitable and appropriate distribution of Agency resources among all its programmatic activities".

23. Mr. PENG (China) considered that the two main statutory functions of the Agency should be neither neglected nor dealt with in a one-sided manner. The contribution of atomic energy to the peace, health and prosperity of humanity was one of the main objectives set out in the Statute, and it was important to maintain an appropriate balance between promotional and regulatory activities. It was only when that stage had been reached that the Agency's role and activities could be strengthened. His delegation in substance approved of the draft resolution submitted by the Group of 77, although some aspects of the wording required discussion.

24. Mr. ELYSEU FILHO (Brazil) endorsed the text proposed by the representative of Germany. The adjective "adequate" could perhaps be deleted and the amendment proposed by the representative of Italy adopted.

25. Mr. SALAS BARAHONA (Peru) said that the balance prevailing in the Agency was quite apparent in the current debate. During the preceding days, texts of interest to only a few delegations had been examined with ease and in a constructive way by the entire Committee. When a text was of interest to a specific group, however, as in the case of the draft resolution under discussion, a number of obstacles rapidly came to the fore. The only solution, it seemed, was to draw up a text, based on the wording suggested by the representative of Germany, which would constitute a compromise between the two points of view being expressed. Operative paragraph 1 could thus become: "Affirms that, in order to better fulfil the objectives of the Agency, a balance should be achieved between the Agency's safeguards activities and its non-safeguards activities."

26. Mr. HADDAD (Syrian Arab Republic) said he could not see any real concession to the draft resolution proposed by the Group of 77 in the proposal made by the United States delegation. In fact, the first part of the text suggested by the United States simply restated the contents of the Statute without adding anything. The second part called for an equitable and appropriate distribution of Agency resources among all its programmatic

activities. However, Article III.A of the Statute defined seven functions of the Agency. Did that mean that the Agency's resources should be distributed among those seven functions in an equitable and appropriate way? He did not think that would be very useful. On the other hand, the discussion on the definition of promotional and regulatory activities might make progress if it followed the terms of Article III.A of the Statute, for the functions described in paragraphs 1, 2, 3, 4 and 7 of that Article were promotional while those described in paragraphs 5 and 6 could be considered regulatory.

27. Mr. HASHIMI (Pakistan) reminded the Committee of the compromise version of operative paragraph 1 of the draft resolution developed from the Philippine proposal by the representative of Germany and the delegate of Peru. That was a solution which might enable the Committee to extract itself from the current deadlock.

28. Mr. COUSINS (Australia) said that, if it would help the Committee to reach a consensus, he could support the suggestion made by the representative of Germany. On the other hand, the proposal made by the delegate of Peru showed the paradoxical results of insisting too much on the idea of balance. In fact, if that proposal were to be applied to the letter, then the resources allocated to safeguards would probably increase.

29. Mr. NORDIN (Malaysia) favoured the suggestion made by Pakistan, namely to include in the draft resolution the new operative paragraph 1 proposed by the Philippines, as modified by the representatives of Germany and other countries. He wondered, however, what title the Committee should give to the draft resolution. Rather than the title used in document GC(XXXV)/983/Mod.1, "Strengthening of the Agency's technical assistance and co-operative activities", he would prefer the title originally put forward by the Group of 77, "Strengthening of the Agency's promotional activities".

30. Ms. MARTINS-GREGORYS (Nigeria) suggested amending the Philippines proposal to read: "Affirms that, in order to better fulfil the objectives of the Agency, the Agency's safeguards activities should be co-ordinated with its technical assistance and co-operation activities."

31. The CHAIRMAN asked the Committee whether it was prepared to take document GC(XXXV)/983/Mod.1 as a basis for discussion, with the possible inclusion of elements suggested by the Philippines, Germany, Peru and Nigeria.



32. Mr. RIOBO (Chile) pointed out that the Committee appeared to have lost sight of one element of the Group of 77's draft resolution, namely preambular paragraph (d) referring to the transfer of nuclear technology. With that reservation, his delegation was prepared to accept the Chairman's proposal as a basis for discussion.

33. The CHAIRMAN, noting that the Committee agreed to take draft resolution GC(XXXV)/983/Mod.1 as a basis for discussion, and comparing it with the original draft resolution, pointed out that in preambular paragraph (c), the phrase "expansion of such promotional activities" had been replaced by the phrase "expansion of technical assistance and co-operation activities", which he trusted would raise no objection. In the first line of paragraph (e), he suggested retaining the word "great". As to the new preambular paragraph (f), he would assume, in the absence of any objections, that it was acceptable to the Committee.

34. Turning to the operative part of the draft resolution, he recalled that the Committee had before it two suggestions for amending paragraph 1: one was the proposal made by the United States of America, and the other was that put forward by the Philippines and modified by the German delegation and others.

35. Mr. von PREUSCHEN (Germany) recalled that his suggestion had been to insert, before the existing paragraph 1, a new paragraph reading: "Recognizes that, in order to fulfil the objectives of the Agency, an adequate balance should be achieved among the Agency's main activities". He pointed out that the words "main activities of the Agency" had been drawn from preambular paragraph (g) of the original draft resolution in document GC(XXXV)/983.

36. Mr. HASHIMI (Pakistan) said that while agreeing to the insertion of that new paragraph, his delegation, together with those of Peru and the Philippines, would prefer the following wording: "Affirms that, in order to better fulfil the objectives of the Agency, a better balance should be achieved between the Agency's safeguards and non-safeguards activities."

37. Mr. SALAS BARAHONA (Peru) gave his full support to the suggestion made by Pakistan.

38. Mr. KUTCHINOV (Union of Soviet Socialist Republics) had one reservation about the changes suggested by Pakistan. He could not agree to

setting a single essential programme of the Agency against the others. For that reason his delegation favoured the wording proposed by Germany.

39. Ms. BERTEL (France) associated herself with the proposal made by Germany.

40. Mr. McGUINNESS (United States of America) said that his delegation was prepared to support the proposal made by Germany since further amendments were liable to create major problems and prolong the discussion unduly.

41. Mr. ENDO (Japan) stated that, while preferring the original version put forward by the United States, he could go along with the proposal made by Germany.

42. Mr. HASHIMI (Pakistan) pointed out that his delegation had taken the wording used by the Director General in paragraph 16 of the Annex to document GOV/INF/620 to qualify safeguards, and other, activities. His delegation had made as many concessions as it could and would have great difficulty in accepting the German proposal.

43. Mr. DICKSON (United Kingdom) supported the proposal made by Germany and the remarks made by the representative of the United States. He was somewhat dismayed at the statement by the representative of Pakistan and urgently requested that he agree, in a spirit of consensus, to the version suggested by Germany.

44. Ms. GARZA SANDOVAL (Mexico) fully endorsed Pakistan's position. The Group of 77 had made great efforts to reach a compromise, and it was disappointing to find that the other groups were far from doing the same.

45. Mr. PAPADIMITROPOULOS (Greece) felt that the German proposal was the one most likely to lead to a speedy compromise.

46. Mr. LAVIÑA (Philippines) stressed that the Group of 77 had relinquished its original position by agreeing to the replacement of "strict balance" by "better balance". Incidentally, he saw no need to be dismayed about the tenor of the current discussions.

47. Mr. COUSINS (Australia) said that, in a spirit of consensus, his delegation would propose replacing "Recognizes" by "Declares" and inserting the word "better" before "fulfil".

48. The CHAIRMAN, in an effort to find a solution acceptable to all, suggested adding, after the wording proposed by Germany, the phrase: ", having particularly in mind safeguards and non-safeguards activities".

49. Mr. von PREUSCHEN (Germany), Mr. LAMPARELLI (Italy), Mr. RUIZ (Spain) and Mr. KANIEWSKI (Poland) said that suggestion was acceptable to their delegations.

50. Ms. LACANLALE (Philippines), referring to the proposal made by Pakistan, recalled that her delegation preferred the word "Affirms" to "Recognizes" and would accordingly find the following version acceptable: "Affirms that, in order to fulfil the objectives of the Agency, an adequate balance should be achieved among the Agency's main activities, having particularly in mind safeguards and non-safeguards activities".

51. Mr. RIOBO (Chile) said that proposal was acceptable to his delegation.

52. Mr. ENDO (Japan) and Mr. SALAS BARAHONA (Peru) said that, in order to reach a consensus, their delegations, too, would agree to that last version.

53. Mr. HASHIMI (Pakistan) said he could accept that version provided it was inserted as a separate paragraph before the other four operative paragraphs of the draft resolution in document GC(XXXV)/983/Mod.1.

54. Ms. CRONER-PIERRE (Sweden) stated that, in a spirit of consensus, her delegation was prepared to accept that wording even though it did not find it satisfactory. She would have preferred to see the discussion develop differently and in a body other than the Committee of the Whole.

55. Mr. NDJOKO (Zaire) recommended that the Committee agree on that wording in order to bring the discussion to a close.

56. Mr. McGUINNESS (United States of America) said that his delegation wished to underline the importance of a comprehensive approach to the Agency's programmes and an appropriate distribution of the resources needed to carry out the various activities. That point ought not to be forgotten when discussing the future activities of the Agency. If that was quite clear and firmly established for everybody, his delegation would, in a spirit of compromise, albeit rather unwillingly, accept the proposed version.

57. The CHAIRMAN, noting that the four remaining paragraphs of the draft resolution presented no problems, assumed that the Committee approved the text of the draft resolution. As for the title, he suggested taking the one from the draft resolution submitted by Australia and the United States, "Strengthening of the Agency's technical assistance and co-operation activities".

58. Ms. GARZA SANDOVAL (Mexico) was unable to accept that title since the lengthy discussions to which the draft resolution had given rise had been due to the fact that its scope could not be limited to the Agency's technical assistance and co-operation activities.

59. Mr. GUZMAN MARTINEZ (Cuba) said that his delegation also could not accept the title of the draft resolution given in document GC(XXXV)/983/Mod.1.

60. Mr. RIOBO (Chile) proposed entitling the draft resolution "Strengthening of the Agency's main activities".

61. The CHAIRMAN said that, since that last proposal seemed to enjoy general approval, the entire draft resolution was now acceptable to the Committee. If there were no objections, he would take it that the Committee wished to recommend to the General Conference that it adopt the draft resolution set forth in document GC(XXXV)/983/Mod.1 as amended during the current meeting.

62. It was so decided.

The meeting rose at 1.40 p.m.