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RECORD OF THE TENTH PLENARY MEETING

Held at the Austria Center Vienna
on Friday, 23 September 1994, at 4.40 p.m.

President: Mr. BAER (Switzerland)

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[*] GC(XXXVIII)/25.

The composition of delegations attending the session is given in document GC(XXXVIII)/INF/11/Rev.2.

THE FINANCING OF TECHNICAL ASSISTANCE (GC(XXXVIII)/21, GC(XXXVIII)/36)
(resumed)

1. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to adopt the draft resolution in document GC(XXXVIII)/36.

2. The draft resolution in document GC(XXXVIII)/36 was adopted.

3. The PRESIDENT said that under the agenda item "The financing of technical assistance" he wished to raise a matter - technical assistance to areas under the jurisdiction of the Palestinian Authority - which had been the subject of wide and intensive consultations. After the satisfactory outcome of those consultations, he now wished to propose the following conclusion for endorsement by the Conference:

"Based on my consultations, I believe that in view of the ongoing peace process in the Middle East and the establishment of the Palestinian Authority pursuant to the Cairo Agreement of 4 May 1994 between the PLO and Israel, it is the wish of the General Conference, as a contribution to the peace process and in line with actions of other organizations in the UN system and consistent with the aforementioned agreement, that the Board of Governors, through its Technical Assistance and Co-operation Committee, identify technical assistance projects that could be implemented in the territories under the jurisdiction of the Palestinian Authority through appropriate international organizations."

4. The Conference endorsed the conclusion proposed by the President.

EXAMINATION OF DELEGATES' CREDENTIALS (GC(XXXVIII)/32, GC(XXXVIII)/41)

5. The PRESIDENT, drawing attention to the report - in document GC(XXXVIII)/41 - of the General Committee on its meeting to examine delegates' credentials, said that since the report had been issued credentials satisfying the requirements of Rule 27 of the Rules of Procedure had also been received from the United Arab Emirates.

6. Mr. AYATOLLAHI (Islamic Republic of Iran) said that, while his delegation endorsed the reservations expressed by Arab delegations in document GC(XXXVIII)/32 concerning the credentials of the Israeli delegate, its objections were based principally on its non-recognition of the régime occupying Palestine.

7. Mr. LAWRENCE (United States of America) regretted that the issue of the Israeli delegate's credentials had been raised once again in a plenary meeting of the General Conference. As reflected in paragraph 6 of the General Committee's report, his delegation believed that the grounds for the reservations expressed by Arab delegations in document GC(XXXVIII)/32 were not pertinent to the work of the General Conference. The Israeli delegate's credentials were in full compliance with the requirements of the Rules of Procedure and should be accepted. His delegation therefore considered that there was no further need for the Conference to consider the issue.

8. The PRESIDENT assumed that the General Conference was prepared to adopt the draft resolution contained in paragraph 10 of document GC(XXXVIII)/41.

9. The draft resolution was adopted.

**RESTORATION OF TECHNICAL ASSISTANCE TO ISRAEL (GC(XXXVIII)/14,
GC(XXXVIII)/34)**

10. The PRESIDENT noted that the item had been included in the agenda at the request of Israel, which had submitted the explanatory memorandum contained in document GC(XXXVIII)/14. Also before the Conference was a draft resolution submitted by Israel in document GC(XXXVIII)/34.

11. However, extensive consultations held by him had revealed a clear preference on the part of many delegations for the matter to be resolved by means of a Presidential Statement. He therefore wished to read the following statement for endorsement by the Conference:

"Over the past few days, I have held extensive consultations with many delegations. They have revealed a clear preference for a conclusion of this item through an agreed Presidential Statement.

"I have, however, also been made aware of much impatience that arrangements have not yet been achieved to ensure that the Middle East is free of nuclear weapons, and I have found unanimous support for a nuclear-weapon-free zone in that region.

"It is recognized that, in principle, technical assistance should be available for the benefit of all Member States, in accordance with the Agency's Statute. A number of delegations feel strongly that it would be wrong to try and settle the issue of technical co-operation with Israel at this time. Others feel equally strongly that restoring it is warranted at this time. My dominant impression is that the delegates to this

Conference wish to do what they can to accelerate the peace process in the Middle East and to contribute to the goal of nuclear non-proliferation in the region.

"It is therefore my understanding that the Conference is now ready to restore technical assistance to Israel and looks forward to closer co-operation between the Agency and Israel in Agency activities in accordance with the Agency's Statute and objectives."

12. The Conference endorsed the Presidential Statement.

13. Mr. AYATOLLAHI (Islamic Republic of Iran), thanking the President for inviting him to speak, said that he had requested the floor before the Conference's endorsement of the Presidential Statement but clearly the President had not noticed his signal immediately owing to an obstruction in the hall.

14. As was well known, his country did not recognize the occupation of Palestinian land by Israel, which had seized it by force and was holding on to it with external support. Neither the act of occupation nor the existence of continuous Superpower support over a number of decades established the legitimacy of the occupying régime as a new State. His country's position was essentially a humanitarian one, which had been misinterpreted in the information media and in certain other quarters.

15. The reasons for depriving Israel of the right to receive technical assistance from the Agency were still valid, and the call for the restoration of that right was therefore unacceptable.

16. For at least two decades Israel had received technical assistance in the form of nuclear technology, but that assistance had not been for peaceful purposes. The world had therefore been worrying about the threat to peace posed by the nuclear weaponry of a hostile régime in a peace-seeking region - the Middle East.

17. It was a matter for regret that at least some nuclear-weapon States had been involved in the transfer to Israel of nuclear material, equipment and technology for non-peaceful applications in violation of the NPT, to the great disappointment of non-nuclear-weapon States parties to the NPT, and particularly the countries of the Non-Aligned Movement.

18. Turning to the draft resolution in document GC(XXXVIII)/34, he said that, even if Israel had been making a "continuous contribution to the technical assistance programme of the Agency", that by no means offset Israel's lack of commitment to peace and its disrespect for the NPT and for safeguards in the Middle East.

19. As to the ongoing Middle East peace negotiations, the recent political developments were controversial and there was still no concrete evidence of a peaceful settlement of the Palestinian issue within the Palestinian community in the occupied territories; and there was certainly no hope that Palestine's refugees would be able to return to their homeland as desired by over a billion Muslims throughout the world.

20. Accordingly, and given the fact that the Agency's technical co-operation programme was short of funds even at its present level, his delegation could not accept the draft resolution.

21. The PRESIDENT said that, as no objections had been raised after his reading out the Presidential Statement, the Conference had endorsed it. Therefore, the draft resolution contained in document GC(XXXVIII)/34 had been superseded and was not open for discussion.

22. Mr. JAMAL (Qatar) said that the substantial progress made towards the achievement of peace in the Middle East should be complemented by efforts, on the part of the entire region, directed towards the application of safeguards to all nuclear installations in that region.

23. However, there could be no real peace as long as Israel maintained its superiority as regards weapons of mass destruction, which represented a constant threat to all the peoples of the Middle East.

24. Agreement on a nuclear-weapon-free zone (NWFZ) in the Middle East was a prerequisite for building confidence and eventually achieving a comprehensive, just and lasting peace.

25. Mr. OTHMAN (Syrian Arab Republic) said his delegation greatly regretted the fact that the Conference had decided on the restoration of technical assistance to Israel.

Following its attack on Iraq's nuclear research reactor, Israel had disregarded successive General Conference resolutions calling for the establishment of an NWFZ in the Middle East. The Conference's action was tantamount to encouraging Israel to become even more stubborn in its refusal to accept the international community's wishes.

26. Moreover, the notion that the restoration of technical assistance to Israel would somehow facilitate the ongoing Middle East peace negotiations was illusory. They would be facilitated only by the return of the occupied lands to their rightful owners. Israel had in effect been handed something for nothing by the Conference.

27. Mr. HOBEICA (Lebanon) said it was too early to consider restoring technical assistance to Israel. The Conference had acted as if a comprehensive peace had already been achieved in the Middle East, whereas in reality the peace process had barely begun. Lebanon - like the Syrian Arab Republic - still faced a long and difficult journey along the road to peace.

28. The restoration of technical assistance to Israel might have been acceptable to Lebanon had Israel implemented United Nations resolutions calling on it to end its occupation of part of Lebanon and release Lebanese hostages from its prisons. As long as Israel continued to flout United Nations resolutions and behaved as a despotic occupying power, the restoration of technical assistance was completely unacceptable to his country.

29. Furthermore, Israel, although an Agency Member State, was hampering the establishment of an NWFZ in the Middle East - further proof that the restoration of technical assistance was not justified. Israel's unwillingness to accede to the NPT, in contrast to the action taken by most other countries of the region, meant that his delegation could not but express its reservations concerning the Presidential Statement just read out.

30. Mr. OWN (Libyan Arab Jamahiriya) said his delegation also had reservations concerning the Presidential Statement and could not accept the restoration of technical assistance to Israel.

31. For over 20 years, by ignoring calls that it accede to the NPT and submit all its nuclear facilities to safeguards, Israel had hampered the establishment of an NWFZ in the Middle East.

32. As the suspension of the provision of Agency technical assistance to Israel had come about as a direct result of Israel's attack on Iraq, the restoration of such assistance when nothing had changed in the intervening period could only be regarded as encouragement to an aggressor. It was hardly conducive to the establishment of a just peace in the Middle East.

33. The international community, and particularly the major Powers, should make every effort to ensure that right prevailed. Israel had done nothing to justify a restoration of Agency technical assistance, and to his delegation it seemed as if the accepted standards for dealing with such a situation no longer applied.

34. Mr. AL ZUBI (Jordan) said that, listening to the Presidential Statement, one might almost have believed that Israel had heeded all the resolutions adopted in connection with its past actions. His delegation, however, would like to ask a few questions.

35. First, had Israel really committed itself to the solely peaceful utilization of nuclear technology? Second, had Israel declared its entire nuclear programme? Third, had Israel committed itself to accepting Agency safeguards on its entire nuclear programme? Fourth, had Israel at any time announced that it was acceding to the NPT? Fifth, had Israel ever undertaken - as a pre-condition for the restoration of technical assistance - not to destroy other countries' nuclear facilities?

36. Those and many other questions remained unanswered, and his delegation failed to understand how Member States of the Agency could accept the restoration of technical assistance to Israel.

37. Mr. FRANK (Israel) said his delegation greatly appreciated the fact that the Conference had endorsed the Presidential Statement, thereby reassuring Israel that it could expect fair and just treatment from the Agency's policy-making organs.

38. Mr. AYATOLLAHI (Islamic Republic of Iran) said that, given the statements just made by certain Islamic delegations, the draft resolution contained in document GC(XXXVIII)/34 could not be regarded as adopted. He therefore proposed that the Conference take a roll-call vote on the matter.

39. Mr. AL-NOWAISER (Saudi Arabia) said that in his opinion there was no need for a roll-call vote.

40. The PRESIDENT said that, as he had indicated earlier, his consultations had revealed a clear preference for the conclusion of the deliberations under the present agenda item through a Presidential Statement. Since no objections had been raised after he had read out the Presidential Statement, the Conference had endorsed the Statement and there was no reason to discuss the draft resolution.

41. Mr. AYATOLLAHI (Islamic Republic of Iran) said, as he had indicated earlier, he had requested the floor before the Conference's endorsement of the Presidential Statement. The President had perhaps been rather hasty in assuming the Conference's endorsement.

42. Were the results of behind-the-scenes consultations being imposed on the Conference? At all events, his delegation objected to the Presidential Statement and would like a roll-call vote on it.

43. The PRESIDENT ruled that the Conference had already taken its decision under agenda item 31 and that the matter was now closed. Delegates were, however, free to appeal against his ruling.

APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST (GC(XXXVIII)/18; GC(XXXVIII)/33, GC(XXXVIII)/33/Mod.1, GC(XXXVIII)/33/Corr.1-GC(XXXVIII)/33/Mod.1/Corr.1, GC(XXXVIII)/33/Rev.1)

44. The PRESIDENT, noting that the item had been included in the agenda pursuant to resolution GC(XXXVII)/RES/627 adopted by the General Conference in 1993, said that the Director General had submitted the report contained in document GC(XXXVIII)/18 pursuant to operative paragraph 9 of that resolution.

45. The draft resolution submitted in document GC(XXXVIII)/33 had been amended as indicated in document GC(XXXVIII)/33/Mod.1. The sponsors were the Member States listed in the Corrigendum to those two documents.

46. He invited a representative of one of the sponsors to explain further modifications which the sponsors wished to make.

47. Mr. KAREM (Egypt), explaining the further modifications¹, said they were the result of intensive consultations which had taken place during the past few hours.

48. Mr. AYATOLLAHI (Islamic Republic of Iran), expressing his country's support for the draft resolution contained in document GC(XXXVIII)/33 and for the amendments thereto, said that the Islamic Republic of Iran continued to hope for the establishment of an NWFZ in the Middle East.

49. The Agency's efforts directed towards that objective and the positive response from some States in the region were to be commended. However, he was afraid that Israel's nuclear weapons capability and the stubbornness which Israel had displayed with regard to the application of Agency safeguards would - unless an end were put to them - destroy all chances of a long-lasting peace in the region.

50. Mr. OWN (Libyan Arab Jamahiriya) asked for the name of his country to be removed from the list of sponsors of the draft resolution. Despite the weaknesses of the draft resolution contained in document GC(XXXVIII)/33, his delegation had agreed to be a sponsor in the interest of consensus. It could not agree, however, to the insertion of an operative paragraph containing a reference to the ongoing peace negotiations.

51. Mr. EINHORN (United States of America) said that many of the amendments introduced by the sponsors of the draft resolution reflected language adopted by consensus in 1993, which should facilitate a decision on the draft resolution. As delegations might need time to reflect upon the latest amendments, he moved that the meeting be suspended.

52. The PRESIDENT said that a consolidated version of the draft resolution - with all amendments - would be prepared and distributed as soon as possible.

The meeting was suspended at 5.35 p.m. and resumed at 6.30 p.m.

53. Mr. EINHORN (United States of America) - referring to the consolidated text contained in document GC(XXXVIII)/33/Rev.1, which had just been distributed - proposed that in operative paragraph 3 "particularly" be replaced by "including".

¹ See the consolidated draft resolution contained in document GC(XXXVIII)/33/Rev.1.

54. Mr. OMAR (Sudan) said that his country had agreed to be a sponsor of the draft resolution contained in document GC(XXXVIII)/33 in order to promote a consensus. However, consultations among the countries concerned had subsequently resulted in amendments which included the insertion of a paragraph highlighting the ongoing Middle East peace negotiations. Although those negotiations were running up against constant obstacles on account of Israel's position, particularly with regard to Jerusalem and the occupied territories in Syria and South Lebanon, his delegation had been prepared to support the modified draft resolution. Now another country wanted to introduce a further amendment, which had not been discussed in consultations with all the countries concerned, and he would therefore like Sudan to be deleted from the list of sponsors.

55. Mr. KAREM (Egypt) said that, as a sponsor of the draft resolution, his country would have preferred to keep the word "particularly" in operative paragraph 3. In the interest of consensus, however, his delegation - on behalf of all the delegations sponsoring the draft resolution - accepted the proposed amendment and hoped that the draft resolution would be adopted without a vote.

56. The PRESIDENT took it that the Conference wished to adopt - without a vote - the draft resolution contained in document GC(XXXVIII)/33/Rev.1 with the word "particularly" in operative paragraph 3 replaced by "including".

57. The Conference adopted the draft resolution as amended.

58. Mr. FRANK (Israel), noting that his country had once again joined the consensus on a resolution regarding "Application of IAEA safeguards in the Middle East", said that the resolution contained some language which was not compatible with Israel's policy. It had joined the consensus, however, because it supported the goal of establishing an NWFZ in the Middle East.

59. In order to avoid any misunderstandings, he would like to reiterate his Government's policy on the nuclear issue, which was based on four principles. The first principle was comprehensiveness: the nuclear issue should be dealt with in the full context of the peace process and of all the regional security problems - conventional and non-conventional. The second principle concerned the regional framework: nuclear non-proliferation would be

achieved and sustained only through the establishment of a mutually verifiable NWFZ in the Middle East. The third principle was a step-by-step approach: practicality dictated beginning the process with confidence- and security-building measures, establishing peace relations and - in due course - complementing the process by dealing with conventional and non-conventional arms control, priority being given to systems that experience had proven to be destructive and destabilizing. The fourth principle was the primacy of the peace process: the negotiations on all issues concerning the security of the region must be conducted in a free and direct manner, as they were in fact being conducted in the bilateral and multilateral talks within the framework of the peace process.

60. He called on all Member States to respect the inviolability of the peace negotiations, in which all issues pertaining to peace - in all its aspects - would eventually be taken up. Those negotiations were beginning to yield manifest results. In return for being allowed to live in peace, it was Israel that was being expected to make contributions of substance within those negotiations.

61. In conclusion, he expressed the hope that the future of the Middle East would be one of peace and reconciliation.

62. Mr. BAKSHI (India) said that India was a long-standing supporter of all efforts aimed at achieving a comprehensive and lasting peace in the Middle East and that his delegation welcomed the progress made towards that goal, especially the historic agreement between Israel and the PLO.

63. Referring to the resolution just adopted, he noted that it talked - inter alia - about the establishment of an NWFZ in the Middle East. His delegation believed that, under the Statute, the Agency could apply safeguards pursuant to an NWFZ agreement only at the request of States party to that agreement. Proposals for the establishment of an NWFZ should emanate from the region concerned, should have the support of all the States in the region and should be the result of negotiations among them.

64. Similar resolutions adopted in the past by consensus had not called on the States in the region to accede to the NPT, regarding which India's position was well known: the NPT was discriminatory and not universal and could not lead to the goal of global nuclear

disarmament. Furthermore, it was for each sovereign State to decide whether to accede to the NPT.

65. Although his delegation had reservations about some elements of the resolution, as no States of the region had expressed any reservations it had decided to join the consensus in favour of adoption.

REPORT ON VOLUNTARY CONTRIBUTIONS PLEDGED TO THE TECHNICAL ASSISTANCE AND CO-OPERATION FUND FOR 1995 (GC(XXXVIII)/24/Rev.4)

66. The PRESIDENT, drawing attention to document GC(XXXVIII)/24/Rev.4, said that by 5.30 p.m. on 22 September 1994 the contributions pledged by 41 Member States to the Technical Assistance and Co-operation Fund for 1995 had reached a total of US \$11 956 870. Since then, Albania had pledged \$6150, bringing the total amount pledged for 1995 to \$11 963 020.

67. He noted with regret that, at a time when there were calls to strengthen the Agency's technical co-operation activities, the level of pledges at the end of a General Conference session was the lowest for five years. He hoped that delegations which had not yet made pledges for 1995 would do so at the earliest opportunity, so that the 1995-96 programme to be proposed to the Technical Assistance and Co-operation Committee might be based on reasonably assured resources.

CLOSING OF THE SESSION

68. Mr. AL-NOWAISER (Saudi Arabia) congratulated the President on the wisdom and patience with which he had guided the Conference's work. Also, he thanked delegates, the Director General and the Secretariat for helping to make the General Conference's thirty-eighth regular session a success.

69. Mr. REGEUR (Netherlands), speaking on behalf of the Western Europe Group, thanked the President for the excellent way in which he had guided the Conference through its business.

70. Mr. ROUX (South Africa), speaking on behalf of the African Group, congratulated the President on the highly professional manner in which he had presided over

the General Conference. Also, he thanked the Director General and the Secretariat for their efforts.

71. Mr. ARCILLA (Philippines), associating himself with the comments of the previous speakers, said that the dexterity with which the President had handled moves intended to blur certain issues before the Conference had earned him the respect and admiration of the Philippine delegation.

72. Ms. SCHICK (Australia), speaking on behalf of the South East Asia and the Pacific Group, thanked the President for his extremely capable handling of the session.

73. The PRESIDENT, having expressed his thanks for the kind words addressed to him, said it had been an honour and a privilege to serve as President of the General Conference at its thirty-eighth regular session. He was grateful to all delegates for their co-operation and to the Director General and the staff of the Secretariat for their efforts during and before the Conference session. He was especially grateful to Mr. Sanmuganathan, the Secretary of the Conference, without whose expertise and efficiency his task would have been an impossible one.

74. On behalf of the Conference, he thanked the Austrian authorities and the City of Vienna for the traditional hospitality which had been enjoyed by all during the week.

75. He had been struck by the spirit of good will that had prevailed during the session. When it had appeared that positions could not be reconciled, everyone had endeavoured to find compromise solutions in order to advance the decision-making process. Solutions had been found to most problems, and there was no reason to be ashamed of the Conference's 1994 track record.

76. He would make no apologies for saying that the world was in a state of constant flux. The general debate had been opened by the South African Minister for Foreign Affairs, Mr. Nzo, and during a luncheon in the course of the week a Russian and an American Minister had engaged in a relaxed discussion regarding the construction of a nuclear fuel reprocessing plant. Such things would have been unthinkable a few years before.

77. For decades, people had been living in a two-dimensional world, where everything was labelled "East" or "West", "black" or "white" - "safeguards" or "technical assistance". The General Conference, however, had proved - if proof was needed - that the world had more than two dimensions to offer. Admittedly, that meant a more complicated world, with difficult compromises which not long before would have been inconceivable. The Conference had reached such compromises, and he believed that the effort had been worthwhile.

78. Before closing the session, in accordance with Rule 48 of the Rules of Procedure he invited the delegations to observe a minute of silence dedicated to prayer or meditation.

All present rose and stood in silence for one minute.

79. The PRESIDENT declared the thirty-eighth regular session of the General Conference closed.

The meeting rose at 7.10 p.m.