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President: Mr. BAER (Switzerland)

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

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Abbreviations used in this record

DPRK	Democratic People's Republic of Korea
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
SADC	Southern African Development Community

ORAL REPORT BY THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE

1. Mr. GOESELE (Germany), Chairman of the Committee of the Whole, presented the Committee's report on items 9-23 of the agenda.
2. Under item 9, "Harmony and compatibility of programme and budget and accounts documents", the Committee recommended that the General Conference take note with appreciation of the information contained in document GC(XXXVIII)/INF/5.
3. Under item 10, "The Agency's accounts for 1993", the Committee recommended that the Conference adopt the draft resolution on page III of document GC(XXXVIII)/4.
4. Under item 11, "The Agency's programme and budget for 1995 and 1996", the Committee recommended that the Conference adopt draft resolutions A, B and C in Annex VI to document GC(XXXVIII)/5.
5. Under item 12, "Scale of assessment of Members' contributions towards the Regular Budget", the Committee recommended the adoption by the Conference of the draft resolution on page 3 of document GC(XXXVIII)/9 and the scale of assessment in the Annex to that document.
6. During the Committee's discussion, two delegations (those of Ukraine and Belarus) had expressed reservations concerning their countries' assessment rates, but they had not blocked consensus in the Committee.
7. Under item 13, "Nuclear safety, radiological protection and radioactive waste management", the Committee recommended that the Conference take note of the information contained in document GC(XXXVIII)/INF/4 and document GC(XXXVIII)/INF/6 and Corr. 1. It further recommended that the Conference take note with appreciation of the information contained in document GC(XXXVIII)/INF/9 and that it urge Member States to become parties to the Convention on Nuclear Safety as early as possible, so that the Convention could enter into force without delay. Lastly, the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVIII)/27 and entitled "Measures to resolve international radioactive waste management issues".

8. Under item 14, "Practical utilization of food irradiation in developing countries", the Committee recommended that the Conference take note of the report contained in document GC(XXXVIII)/6.
9. Under item 15, "Plan for producing potable water economically", the Committee recommended the adoption by the Conference of the draft resolution contained in document GC(XXXVIII)/26.
10. Under item 16, "Strengthening of the Agency's main activities", the Committee recommended that the Conference adopt the following two draft resolutions:
 - (a) the draft resolution in document GC(XXXVIII)/35 on "Strengthening of the Agency's technical co-operation activities"; and
 - (b) the draft resolution in document GC(XXXVIII)/40 on "Extensive use of isotope hydrology for water resources management".
11. Under item 17, "Strengthening the effectiveness and improving the efficiency of the safeguards system", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVIII)/42.
12. With regard to item 18, "The financing of safeguards", the Committee recommended that the Conference take note with appreciation of the report contained in the Annex to document GC(XXXVIII)/20 and that it request the Board of Governors to re-establish the Informal Working Group on the Financing of Safeguards.
13. Under item 19, "The financing of technical assistance", the Committee recommended to the Conference the adoption of the draft resolution contained in document GC(XXXVIII)/36.
14. Under item 20, "Personnel questions", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVIII)/38, relating to the staffing of the Agency's Secretariat, and the draft resolution contained in document GC(XXXVIII)/39, relating to women in the Secretariat.
15. Under item 21, "Designation of Members of the Board of Governors", he regretted to inform the Conference that, after extensive and exhaustive discussion of the issue, the

Committee had not been able to recommend adoption of the draft resolution contained in Attachment 2 to document GC(XXXVIII)/16.

16. With regard to item 22, "Article VI of the Statute", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVIII)/43 and relating to the amendment of Article VI of the Statute. One delegation had agreed to join the consensus on the draft resolution on the understanding, shared by a few other delegations, that the "effective mechanism" referred to in the draft resolution would be open to all Member States and would have a negotiating mandate.

17. Under item 23, "Measures against illicit trafficking in nuclear material", the Committee recommended that the Conference adopt the draft resolution contained in document GC(XXXVIII)/44.

18. In conclusion, he thanked the members of the Committee for the spirit of co-operation they had shown.

19. The PRESIDENT, inviting the Conference to take one by one the items considered by the Committee of the Whole, said that consultations were in progress on the subject of technical assistance in the Middle East. He accordingly suggested that consideration of item 19, "The financing of technical assistance", be postponed until a later stage.

Harmony and compatibility of programme and budget and accounts documents (agenda item 9)

20. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to take note with appreciation of the information contained in document GC(XXXVIII)/INF/5.

21. It was so decided.

The Agency's accounts for 1993 (agenda item 10)

22. The draft resolution on page III of document GC(XXXVIII)/4 was adopted.

The Agency's programme and budget for 1995 and 1996 (agenda item 11)

23. Draft resolutions A, B and C in Annex VI to document GC(XXXVIII)/5 were adopted.

Scale of assessment of Members' contributions towards the Regular Budget (agenda item 12)

24. The draft resolution on page 3 of document GC(XXXVIII)/9 and the scale of assessment in the Annex to that document were adopted.

Nuclear safety, radiological protection and radioactive waste management (agenda item 13)

25. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to take note of the information contained in document GC(XXXVIII)/INF/4 and document GC(XXXVIII)/INF/6 and Corr.1.

26. It was so decided.

27. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to take note with appreciation of the information contained in document GC(XXXVIII)/INF/9 and to urge Member States to become parties to the Convention on Nuclear Safety as early as possible, so that it could enter into force without delay.

28. It was so decided.

29. The draft resolution in document GC(XXXVIII)/27 was adopted.

Practical utilization of food irradiation in developing countries (agenda item 14)

30. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to take note of the report contained in document GC(XXXVIII)/6.

31. It was so decided.

Plan for producing potable water economically (agenda item 15)

32. The draft resolution in document GC(XXXVIII)/26 was adopted.

Strengthening of the Agency's main activities (agenda item 16)

33. The draft resolutions in documents GC(XXXVIII)/35 and GC(XXXVIII)/40 were adopted.

Strengthening the effectiveness and improving the efficiency of the safeguards system (agenda item 17)

34. The draft resolution in document GC(XXXVIII)/42 was adopted.

The financing of safeguards (agenda item 18)

35. The PRESIDENT took it that, as recommended by the Committee of the Whole, the General Conference wished to take note with appreciation of the report contained in the Annex to document GC(XXXVIII)/20 and to request the Board of Governors to re-establish the Informal Working Group on the Financing of Safeguards.

36. It was so decided.

Personnel questions (agenda item 20)

37. The draft resolutions in documents GC(XXXVIII)/38 and GC(XXXVIII)/39 were adopted.

Designation of members of the Board of Governors (agenda item 21)

38. Mr. ARCILLA (Philippines) said it was most unfortunate that the Committee of the Whole had been unable to reach a consensus. Under the circumstances, his delegation would like a vote to be taken by secret ballot on the draft resolution contained in Attachment 2 to document GC(XXXVIII)/16.

39. The PRESIDENT pointed out that Rule 72 of the Conference's Rules of Procedure provided that, except in elections to the Board of Governors, the normal method of voting was by show of hands, a vote by roll-call being possible at the request of any Member State. Thus, a vote by secret ballot was not automatically provided for, but if the Conference wished to vote by secret ballot in the present case it could of course do so.

40. Mr. ARCILLA (Philippines) said that, as he understood it, the provision that "the normal method of voting shall be by show of hands" did not preclude voting by secret ballot in the present case.

41. The PRESIDENT asked for views on whether that procedure should be adopted.

42. Mr. ARCILLA (Philippines) said that, as he saw it, the matter was not one for discussion. It was the right of any Member State to request a vote, and to specify the manner in which the vote should be taken.

43. Mr. STRATFORD (United States of America) said that there was no provision in the Rules of Procedure regarding use of the secret ballot procedure in cases like the one under discussion.

44. Consequently, pursuant to Rule 62(c) of the Rules of Procedure he moved the adjournment of the debate on the item under discussion, which could be taken up again the following year.

45. The PRESIDENT drew the Conference's attention to Rule 59 of the Rules of Procedure, under which two delegates might speak in favour, and two against, a motion for the adjournment of a debate, after which the motion should be immediately put to the vote.

46. Mr. ARCILLA (Philippines) said his delegation opposed the motion. However, since the Rules of Procedure required that such a motion be put to the vote, he requested that the vote be taken by roll-call.

47. Mr. ROUVILLOIS (France) and Mr. MENDEN (Germany) supported the United States motion.

48. The PRESIDENT said the Conference would now proceed with a roll-call vote on the United States motion that the debate on the item under discussion be adjourned.

49. The Czech Republic, having been drawn by lot by the President, was called upon to vote first.

50. The result of the vote was as follows:

In favour: Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mauritius, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russia Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom, United States of America, Uzbekistan.

Against: Cuba, Indonesia, Malaysia, Philippines, Thailand.

Abstaining: Algeria, Bangladesh, Belarus, Chile, China, Colombia, Ecuador, Egypt, Ethiopia, Guatemala, Holy See, Islamic Republic of Iran, Jordan, Republic of Korea, Lebanon, Mexico, Namibia, Nigeria, Pakistan, Paraguay, Peru, South Africa, Sri Lanka, Tunisia, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

51. There were 44 votes in favour and 5 against, with 31 abstentions. The motion was adopted.

52. Mr. ARCILLA (Philippines) commended those who had also voted against the motion for their courage and sense of fairness and thanked those who had abstained from voting, thereby indicating that they were in sympathy with the thinking behind the draft resolution submitted by the Philippines. The aim of the draft resolution had been to create greater transparency in the workings of the Board of Governors, something which many of those who had voted for the motion often claimed to favour.

53. Mr. LEE (Republic of Korea) said that, although his delegation believed in the need for transparency in the Board's designation process, which could only be described as obsolete, it had abstained from voting because - with a view to discussions which would no doubt take place in the next Board of Governors - it wished to help maintain the momentum towards greater transparency in that process which had already been generated.

54. Mr. RAMIREZ LANDAZURI (Ecuador) said that, although his delegation sympathized to a certain extent with the thinking behind the draft resolution, it had abstained

from voting because it believed that the issues at stake should be considered in depth within the framework of an examination of all the implications of revising Article VI of the Statute.

55. Mr. ADEKANYE (Nigeria) said that his delegation had abstained from voting not for the reason suggested by the delegate of the Philippines, but because it believed that further consideration of the important issues raised by him was desirable.

Article VI of the Statute (agenda item 22)

56. The draft resolution in document GC(XXXVIII)/43 was adopted.

57. Mr. ARCILLA (Philippines) said that his delegation was the delegation mentioned by the Chairman of the Committee of the Whole as having agreed to join the consensus on the draft resolution on the understanding that the "effective mechanism" referred to in the draft resolution would be open to all Member States and would have a negotiating mandate.

Measures against illicit trafficking in nuclear material (agenda item 23)

58. The draft resolution in document GC(XXXVIII)/44 was adopted.

IMPLEMENTATION OF THE AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (GC(XXXVIII)/19, GC(XXXVIII)/31 and Add.1 and 2)

59. The PRESIDENT said that the item had been included in the agenda pursuant to resolution GC(XXXVII)/RES/624 adopted by the General Conference in 1993. The Conference had before it document GC(XXXVIII)/19, containing a report by the Director General on developments during the past year, and document GC(XXXVIII)/31, containing a draft resolution submitted by a large number of Member States. He invited the delegate of France to introduce the draft resolution.

60. Mr. ROUVILLOIS (France) said that the draft resolution was based on the same spirit of objectivity as the resolution adopted by the General Conference - by a very large majority - in 1993 and reflected the developments of the past year.

61. The preamble referred to all the decisions taken by the Board of Governors and the United Nations Security Council and noted the recent report of the Director General. It reflected the continuing deep concern of the international community about the failure of the Democratic People's Republic of Korea (DPRK) to implement essential elements of its safeguards agreement with the Agency, which was still in force, and expressed both regret at the DPRK's withdrawal from membership of the Agency and the hope that it would resume its place within the Agency. Lastly, it expressed support for all efforts - including the bilateral discussions now under way - to achieve full implementation of the safeguards agreement.

62. The operative paragraphs were very similar to those of the 1993 resolution. They expressed unwavering support for the efforts being made by the Director General and the Secretariat with a view to the implementation not only of the inspection activities provided for in the agreement but also of those recently called for by the United Nations Security Council. Quite rightly, continuing concern was expressed over the non-compliance of the DPRK with its safeguards agreement. Lastly, the co-sponsors emphasized the importance of the DPRK's allowing the Agency to have access to all safeguards-relevant information and locations in the DPRK.

63. In preparing the draft resolution, the co-sponsors had borne in mind not only the special responsibilities of the General Conference but also the complexity of the problem. They had endeavoured to respect the positions and sensibilities of all Member States and hoped that the draft resolution would be adopted by consensus.

64. Mr. CHEN (China) said that the report by the Director General in document GC(XXXVIII)/19 clearly described the events which had taken place with regard to the DPRK nuclear issue over the past year. From the report it could be seen that there had been crises, but also encouraging developments. On the whole, and especially since the June session of the Board, the encouraging developments had predominated - and the situation was improving. In the message of the United Nations Secretary-General to the Conference there had been a reference to positive steps taken by the DPRK, and the Secretary-General was to be commended on his assessment of the situation.

65. Since August there had been progress in the ongoing bilateral negotiations, and the Agency had carried out inspection activities of broader scope. Although the DPRK nuclear issue was far from being resolved, it had entered a new - more positive - phase. There were accordingly grounds for optimism.

66. Thanking the governments and individuals involved - including the Director General and his colleagues - for their constructive efforts, he expressed the hope that those efforts would be intensified and that a spirit of goodwill, co-operation and understanding would prevail. Negotiations should be conducted patiently, pragmatically and open-mindedly with a view to resolving the issue at an early date, in a fair manner and through the proper channels. The experience of the past two years had shown that a solution could not be found any other way. Pressure - resulting in conflict - was simply counter-productive.

67. China's objective was the creation of a nuclear-weapon-free zone on the Korean Peninsula in the interests of peace and stability in the region and worldwide, and to that end he appealed for constructive efforts on the part of all concerned.

68. The Chinese delegation could not see the point of the draft resolution now before the Conference. It totally ignored the positive developments of the past year and contained no positive or encouraging language. It was even more demanding in tone than the resolution adopted in 1993 and could only have a negative impact. He hoped, therefore, that the co-sponsors would reconsider their position before it was too late.

69. Mr. ARCILLA (Philippines), encouraging the Director General to continue his efforts directed towards full implementation of the safeguards agreement between the Agency and the DPRK, said that his Government was very concerned about the fact that full implementation of that agreement had not yet been achieved. The DPRK should comply with the obligations which it had entered into by acceding to the NPT and concluding an NPT safeguards agreement with the Agency.

70. In that connection, his delegation, which welcomed the developments in the talks between the United States and the DPRK, had noted the stated position of the United States that future progress in its bilateral talks with the DPRK would depend on full compliance by

the DPRK with its safeguards obligations. Only full compliance would ensure the integrity of the non-proliferation regime.

71. Mr. LEE (Republic of Korea) said that the Director General's report reflected the tenacity and commitment with which the Secretariat had, over the past 12 months, endeavoured to implement the 1993 General Conference resolution on the implementation of the safeguards agreement between the Agency and the DPRK. It also reflected the cynicism and contempt with which the DPRK had defied repeated appeals by the General Conference, the Board of Governors and the Security Council for full compliance with its obligations under that agreement, which was still in force. The Director General and the Secretariat, including its safeguards inspectors, were to be commended for their patient and impartial efforts to discharge their responsibilities under exceptionally difficult circumstances.

72. Twelve months after adoption of the 1993 General Conference resolution, the completeness and correctness of the DPRK's initial report had still not been verified, the amount of undeclared plutonium in the DPRK was still not known and it was still unclear whether diversion of plutonium to the military sector had taken place. Despite exhortations and warnings from all sides, the scope of Agency inspections in the DPRK was now more restricted than when they had begun - in 1992.

73. The past year had been particularly frustrating for the Agency. The safeguards implementation situation in the DPRK had gone from bad to worse and, despite further Board resolutions, the Agency's endeavours to implement the safeguards agreement had been countered by widening non-compliance on the part of the DPRK. The presence of inspectors, now allowed - subject to various restrictions - at the DPRK's discretion, was barely enough to maintain the continuity of safeguards knowledge.

74. The situation had deteriorated swiftly, in the spring of 1994, when the DPRK had discharged spent fuel from its five-megawatt Experimental Nuclear Power Reactor without proper safeguards measures as required by the Agency, in defiance of the Security Council's call to it to proceed with the discharge operation in such a way as to preserve the technical possibility of measuring the discharged fuel rods at a later date.

75. After the Board of Governors had, on 10 June 1994, adopted a resolution finding the DPRK in further non-compliance with its safeguards agreement and suspending non-medical Agency assistance to the DPRK in accordance with the Statute, the DPRK had reacted by withdrawing from the Agency. Never before had the Agency been faced with such challenges to its authority as the guardian of the non-proliferation regime.

76. Within the Agency context, the present situation was therefore as bleak as ever, and the DPRK nuclear issue would not be resolved for a long time - if ever.

77. In the bilateral negotiations between the United States and the DPRK, there had been developments associated with steps taken by the DPRK to permit an extension of the scope of inspections to additional locations. They offered a glimmer of hope of some forward movement, following a lengthy period of backtracking, and were to be welcomed, although there was no reason to be excited given the ground lost over the past two years. Only when the point reached more than two years previously had again been reached would it be possible to start talking about progress.

78. The problems relating to the implementation of the safeguards agreement with the DPRK were threefold. First, the prolonged non-compliance by the DPRK with the agreement was a cause for serious concern, the time already taken to verify the completeness and correctness of the DPRK's initial declaration being unprecedented in the Agency's history. The inability of the international community to deal adequately with the DPRK's open and persistent violation of the agreement would most probably result in worldwide cynicism and complacency about the inviolability of safeguards obligations. It was not only the credibility and integrity of the Agency that were at stake, but the future of the NPT regime and the inter-Korean denuclearization agreement as well.

79. Second, the DPRK's selective approach to inspections was also a cause for serious concern. The "à la carte" approach, with the DPRK allowed to fend off inspections at locations of real interest to the Agency in return for access to information and locations of lesser safeguards relevance, would undermine the credibility of the entire safeguards system.

80. Third, it was necessary to guard against the DPRK's attempt to link the scope of the Agency's inspection activities with an extraneous element - namely, progress in political talks

with a third party. The bilateral process could be meaningful only if it complemented the Agency's efforts to achieve the ultimate goal - nuclear transparency in the DPRK. Moreover, it did not exempt the DPRK from its obligations under the NPT and its safeguards agreement; those obligations were unconditional and non-negotiable.

81. In view of the events of the past year, the General Conference must take a clear position and provide guidelines on how to proceed in the crucial matter of implementation of the safeguards agreement with the DPRK. That was why his delegation had joined so many others in sponsoring the draft resolution in document GC(XXXVIII)/31, which it hoped would be adopted without a vote.

82. The CHAIRMAN announced that a roll-call vote on the draft resolution had been requested by the Chinese delegation.

83. Mr. CHEN (China), speaking in an explanation of vote before the vote, said his delegation was not in favour of the draft resolution for three reasons. First, it was not balanced: it ignored the positive developments relating to the DPRK nuclear issue and did not reflect in a balanced way the information presented in the Director General's report. Secondly, it was not realistic: it ignored many aspects of the situation in the DPRK, made excessive demands and was much stronger than the corresponding resolution adopted the year before. Thirdly, it was not constructive: although there had been movement in the right direction, the draft resolution struck a discordant note. His delegation would therefore abstain in the vote.

84. Turning to a different topic, he said that his Government often sent high-level officials to Agency meetings, but their statements were not always correctly interpreted. China had repeatedly raised the issue within the Agency, and in the United Nations, but there had been no improvement in the standard of interpretation from Chinese. It was true that interpreters were sometimes seconded from other duty stations and might be unfamiliar with the subjects discussed in an organization like the Agency, but a reasonable standard of interpretation was essential. He hoped the problem would be thoroughly examined by the Secretariat and that appropriate steps would be taken to resolve it.

85. The PRESIDENT said he understood that the Secretariat would look into the matter very seriously.

86. He then invited the Conference to proceed to a roll-call vote on the draft resolution contained in document GC(XXXVIII)/31.

87. Australia, having been drawn by lot by the President, was called upon to vote first.

88. The result of the vote was as follows:

In favour: Albania, Algeria, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Republic of Korea, Kuwait, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya.

Abstaining: Bangladesh, China, Cuba, India, Islamic Republic of Iran, Lebanon, Pakistan, Sri Lanka*, Syrian Arab Republic, Zimbabwe.

89. The draft resolution was adopted by 76 votes to 1, with 10 abstentions.

90. Mr. BAKSHI (India), speaking in explanation of vote, said his Government had a consistent position regarding implementation of the safeguards agreement between the Agency and the DPRK. The way to proceed in trying to resolve such a complex problem was patient discussion and negotiation rather than the imposition of deadlines and confrontation. Discussion was essential, not only between the DPRK and the Agency, but also among all of the other parties. His delegation had reservations about the referral of such an important matter to other bodies without any visible results.

* The delegation of Sri Lanka subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.

91. India had consistently expressed its support for the Agency and the Director General in their efforts to pursue a dialogue and secure the co-operation of all parties and had also consistently urged the DPRK to co-operate, and progress had been achieved in the past. Recently, India had welcomed the 12 August 1994 agreement reached between the United States and the DPRK - an agreement following which the Agency's inspection activities had been broadened. In that connection it should be recalled that reference had been made in the message of the United Nations Secretary-General to the fact that some positive steps had recently been taken by the DPRK.

92. His delegation had hoped that the message emanating from the General Conference would be one of conciliation. Regrettably, the resolution just adopted was not conciliatory - and it seemed to lack balance. That was why his delegation had abstained.

93. Mr. TARMIDZI (Indonesia) said his delegation had voted in favour of the draft resolution because it believed that a peaceful solution to the nuclear issue on the Korean Peninsula should continue to be pursued, together with full implementation of the safeguards agreement between the Agency and the DPRK.

94. His delegation had been encouraged by the indication in the statement by the Director General that representatives of the DPRK were ready to enlarge the scope of the Agency's inspections in the DPRK following recent progress in bilateral talks with the United States. Earlier, his country had welcomed the joint press statement issued after the 10-14 September 1994 expert-level talks between the DPRK and the United States, which had spoken of full and frank discussions on a number of complex technical matters and of agreement between the DPRK and the United States to discuss them further.

95. Against that background, his delegation would have liked to see the positive aspects of the present situation better reflected in the draft resolution. At all events, it hoped that those positive aspects would lead to confidence-building measures in the area of non-proliferation safeguards.

96. Mr. OWN (Libyan Arab Jamahiriya) said that his delegation's vote against the draft resolution did not mean that his country was against Agency safeguards; indeed, it had concluded a safeguards agreement with the Agency. It would have preferred, however, to

see more emphasis on dialogue in the efforts to achieve full implementation of the safeguards agreement between the Agency and the DPRK.

97. Mr. HOBEICA (Lebanon), expressing support for dialogue with the DPRK, said that the ongoing negotiations between the United States and the DPRK had resulted in increased DPRK co-operation with the Agency - something that was not sufficiently well reflected in the Director General's report. There should be no double standards in the application of safeguards; all countries, without exception, should co-operate with the Agency and its Director General. It was in the light of those views that his delegation had abstained in the vote.

98. Mr. GARCÍA DE LA CRUZ (Cuba) said his delegation's position, already stated both in the Board of Governors and in the General Conference, was that the problem under consideration should be resolved through dialogue; the adoption of resolutions was not a wise move, nor was it likely to achieve the desired results. At the same time, his delegation believed that countries which voluntarily entered into international agreements should comply with them. It was against that background that his delegation had abstained in the vote.

AN AFRICAN NUCLEAR-WEAPON-FREE ZONE (GC(XXXVIII)/13, GC(XXXVIII)/30)

99. The PRESIDENT noted that the item had been included in the agenda pursuant to resolution GC(XXXVII)/RES/625 adopted by the General Conference at its previous session. As requested in operative paragraph 4 of that resolution, the Director General had submitted - in document GC(XXXVIII)/13 - a report on the progress made in implementing the resolution. That report had been considered by the Board of Governors the week before, and a draft resolution had since been submitted on behalf of the African Group in document GC(XXXVIII)/30. He invited the representative of South Africa to introduce the draft resolution.

100. Mr. ROUX (South Africa) said it was an honour and a privilege to introduce the draft resolution on behalf of the African Group.

101. Africa was the only continent to have rolled back an existing nuclear weapons programme, and the vision of an African nuclear-weapon-free zone - something being

pursued since the early 1960s - was now close to reality. The Agency, the Organization of African Unity and the United Nations had provided invaluable assistance in the negotiations directed towards the creation of such a zone, and the draft text in question was now close to finalization. Accordingly, the African Group looked forward to the draft resolution's receiving unanimous support in the General Conference.

102. Referring to the general debate statement of the South African Foreign Minister, he said that the countries of Africa were helping to bring about a new dawn where children - not just in Africa but throughout the world - could look forward to a future without the threat of nuclear devastation.

103. Mr. BAKSHI (India), having expressed support for the wish of the people of Africa to achieve comprehensive and lasting peace on that continent, said his delegation had a certain position of principle with regard to the concept of nuclear-weapon-free zones. It believed that any proposal for the establishment of such a zone should emanate from the region concerned, that it should evolve from consultations and negotiations among the States of the region concerned and that it should be based on the consent of all the States of the region concerned.

104. The States of the African region were all working towards the establishment of an African nuclear-weapon-free zone and, at their request, the Director General had been assisting them in their efforts. His delegation was therefore able to support the draft resolution.

105. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(XXXVIII)/30 without a vote.

106. The draft resolution in document GC(XXXVIII)/30 was adopted.

SOUTH AFRICA'S POSITION IN THE IAEA AND THE BOARD OF GOVERNORS (GC(XXXVIII)/15, GC(XXXVIII)/29)

107. The PRESIDENT recalled that the inclusion of the item had been requested by South Africa, which had submitted an explanatory memorandum in document GC(XXXVIII)/15. In addition, a draft resolution had been submitted - in document

GC(XXXVIII)/29 - by South Africa on behalf of the African Group. He invited the delegate of Tunisia to introduce the draft resolution.

108. Mr. AMMAR (Tunisia), speaking as a representative of the country currently exercising the presidency of the Organization of African Unity, said it was a special pleasure to introduce the draft resolution on behalf of the African Group.

109. At the June 1994 summit of the Organization of African Unity in Tunisia, the participating Heads of State and Government had solemnly decided that democratic South Africa should be reinstated in the international community. The democratic transformation of South Africa had been a cause for rejoicing, and the statement by the South African Foreign Minister had been a historic and inspiring one. With the end of apartheid and South Africa's reinstatement in the international community, the African Group was submitting the draft resolution now before the Conference in order to normalize the situation within the Agency and to ensure that all political consequences of apartheid were eradicated. South Africa was now qualified to participate in all the activities and organs of the Agency and to resume its responsibilities in full.

110. In welcoming South Africa's reinstatement, the African Group saluted Egypt for the way in which it had discharged its responsibility on behalf of the African continent during the transition from apartheid to democracy in South Africa and commended it for the constructive role it had played.

111. The African Group welcomed the positive relations that had developed between democratic South Africa and other African States and looked forward to continued consultation within the Group. With the end of apartheid, a new spirit of co-operation in Africa was already promoting the best interests of the African continent. The developments in Africa provided a real opportunity for the Agency to accord to Africa its legitimate and appropriate level of representation in the Board of Governors and in all structures within the Agency.

112. The moment was a historic one for Africa and the Agency, and the African Group looked forward to the draft resolution's receiving unanimous support.

113. Mr. ADEKANYE (Nigeria), associating himself with the statement made by the delegate of Tunisia, said that Nigeria had been in the forefront of the international campaign to abolish the apartheid system and during that time had supported the exclusion of the then Government of South Africa from all Agency activities. He was therefore now particularly pleased and proud to welcome South Africa back in the Agency and to invite it to participate fully in the Agency's activities.

114. In their resolutions welcoming democratic South Africa into the international community, the General Assembly and the Security Council had requested the specialized agencies and related organizations to take all necessary measures to re-establish that country's full membership, and South Africa had been welcomed as a member of the Organization of African Unity at its summit in Tunisia in June 1994. Against that background he hoped that the draft resolution would be adopted by consensus.

115. Mr. ONSY (Egypt), endorsing the statement made by the delegate of Tunisia on behalf of the African Group, said his delegation was very grateful to the other members of the African Group for their appreciation of Egypt's role as representative of Africa within the Agency.

116. The historic developments in South Africa marked the culmination of the struggle, tirelessly supported by Egypt, against apartheid and its political implications. He was therefore pleased to welcome South Africa again as a member of the African Group. He looked forward to dialogue and co-operation with South Africa within the Group and trusted that the vital interests of Africa would benefit from the Group's effective participation in the Agency's activities. This would be facilitated by greater representation of Africa in the Board of Governors, in keeping with the rising number of African States in the Agency.

117. Ms. SCHIMMING-CHASE (Namibia), speaking on behalf of the SADC countries, associated herself with the sentiments expressed by the delegate of Tunisia. She congratulated South Africa on having resumed its place within the Agency and said she was confident that it would fulfil its proper role in all Agency organs, particularly the Board of Governors, to which she hoped it would be designated without undue delay.

118. The SADC countries greatly appreciated the role played by Egypt over the previous 17 years as Africa's designated representative on the Board and hoped that the experience gained by it would be useful, especially with regard to the issue of equitable representation on the Board.

119. Mr. BAKSHI (India), expressing his joy and pride at the imminent re-entry of South Africa as a full participant in all of the Agency's activities, echoed the sentiments of the Indian Minister of State for External Affairs, who, speaking in the General Assembly when - on 23 June - it had welcomed South Africa back into the community of nations, had described the occasion as epitomizing the fruition of the long and arduous struggle of the people of South Africa to end the ignominious system of apartheid and to join the community of nations, which had consistently supported the objective of establishing a non-racial, democratic and united South Africa.

120. Whereas in resolution GC(XX)/RES/336 the General Conference had, in 1976, requested the Board to review the status and designation of South Africa because of the unacceptability of the apartheid régime, the draft resolution now before the General Conference symbolized joy at the success of the people of South Africa in ending that régime. India, which had been at the forefront of the anti-apartheid struggle, shared a sense of pride and fulfilment with the people of South Africa.

121. Although everyone welcomed the new South Africa and looked forward to its effective participation in the Agency's activities, the difficult question of African representation on the Board had to be addressed. However, the African Group had displayed exemplary wisdom and maturity in the consultations which had taken place so far, and he was sure that the eventual decision would be marked by similar wisdom and maturity.

122. Mr. RAMIREZ LANDAZURI (Ecuador), expressing support for the draft resolution, commended South Africa on the way in which it had completed the process of democratization. He welcomed the fact that South Africa had abandoned the manufacture of nuclear weapons and was willing to share its nuclear expertise with others for peaceful purposes and congratulated it on resuming its place within the Agency.

123. Mr. TARMIDZI (Indonesia) associated himself with the sentiments expressed by previous speakers in welcoming South Africa, a member of the Non-Aligned Movement, to resumed participation in all activities of the Agency. In addition, he expressed his appreciation to Egypt for the positive and constructive role it had played during the past 17 years.

124. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(XXXVIII)/29 without a vote.

125. The draft resolution in document GC(XXXVIII)/29 was adopted.

126. Mr. ROUX (South Africa), expressing his country's gratitude for the unanimous adoption of the draft resolution, said that the end of apartheid had also signalled the end of South Africa's international isolation.

127. It would now be possible for South Africa to resume its full role within the Agency. His country was committed to nuclear non-proliferation and to transparency in the nuclear field and would do all it could to further those causes, at the same time bearing in mind the specific needs and goals of the countries of Africa.

128. It welcomed the positive relations which it had with its African brothers and looked forward to continued consultations with all countries in the African Group, including Egypt.

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS 687, 707 AND 715 RELATING TO IRAQ (GC(XXXVIII)/10, GC(XXXVIII)/37)

129. The PRESIDENT noted that the item had been included in the agenda pursuant to resolution GC(XXXVII)/RES/626, adopted by the General Conference in 1993. Pursuant to operative paragraph 4 of that resolution the Director General had submitted - in document GC(XXXVIII)/10 - a report which had been considered by the Board during its meetings the previous week. A draft resolution was before the Conference in document GC(XXXVIII)/37, and he invited the representative of the United Kingdom to introduce it.

130. Mr. HULSE (United Kingdom) said that much had been achieved since the Conference's previous session in fulfilling those elements of the three Security Council resolutions for which the Agency had primary responsibility. The Agency had completed the

destruction or removal of all known materials and facilities which might be used to manufacture nuclear weapons. In addition, it was in a position to begin implementing its plans for long-term monitoring and verification. It now had a permanent presence in Iraq, which would enable it to extend its investigations should any new information about Iraq's past or current activities come to light. Those developments were reflected in preambular paragraph (f) and operative paragraphs 1 and 2 of the draft resolution.

131. However, there were essential elements of the three Security Council resolutions which still had to be implemented, and that was a matter of grave concern to the Security Council, which had just decided not to lift the present sanctions against Iraq. The situation was reflected in preambular paragraph (d) and operative paragraphs 3 and 5.

132. His delegation believed that the text represented a reasonable balance between those different elements, and he therefore hoped that it would be adopted by consensus.

133. Mr. AL-GHAIS (Kuwait) said that the draft resolution was too weak and in need of improvement as it failed to reflect the true situation with regard to the fulfilment by Iraq of its obligations towards the Agency.

134. His delegation's original intention had been to support the draft resolution but not to co-sponsor it. However, it had ultimately been prevailed upon to co-sponsor it by some of the other co-sponsors, who had felt that Kuwait - as the main party concerned - should clearly demonstrate its support. He therefore wished to make it clear that, although Kuwait supported the draft resolution, the inclusion of its name in the list of co-sponsors did not imply full satisfaction with all of the draft resolution's contents.

135. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(XXXVIII)/37 without a vote.

136. The draft resolution in document GC(XXXVIII)/37 was adopted.

137. Mr. YTURRIAGA (Spain) said his delegation had joined the consensus on the draft resolution despite the fact that it contained no reference to the 14 September statement

by the President of the Security Council on the implementation of the Security Council resolutions in question. Because of that omission, his country had not been able to co-sponsor the draft resolution, although it was in full agreement with the operative part.

The meeting rose at 1 p.m.

