



International Atomic Energy Agency
GENERAL CONFERENCE

MS
GC

GC(39)/COM.5/OR.6
11 October 1995

GENERAL Distr.

Original: ENGLISH

THIRTY-NINTH (1995) REGULAR SESSION

COMMITTEE OF THE WHOLE

RECORD OF THE SIXTH MEETING

Held at the Austria Center Vienna
on Thursday, 21 September 1995, at 3.35 p.m.

Chairman: Ms. LAJOUS VARGAS (Mexico)

CONTENTS

<u>Item of the agenda*</u>		<u>Paragraphs</u>
22	Amendment of Article VI of the Statute (continued)	1 - 62
19	Strengthening the effectiveness and improving the efficiency of the safeguards system (resumed)	63 - 67
22	Amendment of Article VI of the Statute (resumed)	68 - 98
19	Strengthening the effectiveness and improving the efficiency of the safeguards system (resumed)	99 - 101

[*] GC(39)/27.

The composition of delegations attending the session is given in document GC(39)/INF/21/Rev.2.

95-04424 (XV)

This record is subject to correction. Corrections should be submitted in one of the working languages, in a memorandum and/or incorporated in a copy of the record. They should be sent to the Division of Languages, International Atomic Energy Agency, Wagramerstrasse 5, P.O. Box 100, A-1400 Vienna, Austria. Corrections should be submitted within three weeks of the receipt of the record.

Abbreviations used in this record

EU	European Union
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear-weapon-free zone

AMENDMENT OF ARTICLE VI OF THE STATUTE (GC(39)/21, GC(39)/21/Add.1, GC(39)/COM.5/9, GC(39)/COM.5/10) (continued)

1. The CHAIRMAN recalled the suggestions for amending the text in document GC(39)/COM.5/9 which had been made during the previous meeting:

- a suggestion made by the representative of Sudan for an additional preambular paragraph reading "Realizing the growing needs of developing countries, particularly the Least Developed Countries, for technical co-operation in the peaceful uses of nuclear energy",
- a suggestion made by the representative of Sudan to end operative paragraph 2 after the word "consensus" or to redraft the paragraph so that it ended "... consultations among Member States and regional groups on all the proposals contained in document GOV/2814/Rev.1",
- a suggestion made by the representative of Ireland to replace the word "expansion" in operative paragraph 1 by "composition".

2. With regard to the second suggestion made by the representative of Sudan, the representative of Morocco had suggested - as an alternative - "... a consensus on the formal Moroccan proposal (GOV/2814/Rev.1) in its current or an amended form or on any other option contained in document GOV/2814/Rev.1".

3. In that connection, she pointed out that the report attached to document GOV/2814/Rev.1 was now contained in the Attachment to document GC(39)/21.

4. Mr. BENMOUSSA (Morocco) said he could go along with the suggestion made by the representative of Ireland if the words "size and" were inserted before the word "composition".

5. Mr. CHRIPUNOV (Ukraine) said that there had been a significant increase in the number of Member States located in Eastern Europe and that Ukraine was therefore in favour of an expansion of the Board which took account of the interests of all areas.

6. Mr. HAMADA (Tunisia), having expressed appreciation of the manner in which Ambassador Ok of Turkey had presided over the Open-ended Consultative Group on

Article VI of the Statute, associated himself with what was stated in paragraphs 22 and 23 of her report.

7. With regard to the draft resolution contained in document GC(39)/COM.5/9, he suggested that operative paragraph 3 be amended to read: "Requests the Open-ended Consultative Group to submit its final report and recommendations for approval by the General Conference at its fortieth session".

8. The CHAIRMAN invited the Director of the Legal Division to comment on the question whether the General Conference could make a request of the Open-ended Consultative Group direct - i.e. not through the Board of Governors.

9. Mr. STURMS (Director, Legal Division), noting that the Open-ended Consultative Group had been established by the Board in response to operative paragraph 1 of resolution GC(XXXVIII)/RES/14, in which reference was made only to "an effective mechanism", said that the General Conference had not played a direct role in the Group's establishment. Accordingly, he did not think it appropriate that the Conference make a request of the Group direct. In his opinion, both operative paragraph 3 and operative paragraph 1 of the draft resolution contained in document GC(39)/COM.5/9 should be amended in order to take into account the relationship between the Group, the Board and the Conference.

10. Mr. HA (Republic of Korea) said it was high time that Article VI was amended in order to take into account the fundamental changes which had taken place in the international nuclear community during the past 20 years.

11. His delegation believed that consultations should continue through the mechanism established by the Board and that they should not be limited to consideration of one specific proposal.

12. Mr. de YTURRIAGA (Spain), speaking on behalf of the European Union (EU), said that the EU was of the opinion that the draft resolution submitted by Morocco was unsound from a procedural point of view, particularly for the reason outlined by the Director of the Legal Division.

13. The Chairperson of the Open-ended Consultative Group had submitted a report, which was before the Conference in the Attachment to document GC(39)/21, and the Group had accordingly completed its work. The General Conference should now decide whether consultations should continue. If it decided that they should, it could refer the matter to the Board, which might decide either to re-establish the Open-ended Consultative Group or to create another mechanism. At all events, the resolution ultimately adopted by the Conference at its present session should not limit the number of proposals to be considered in the consultations.

14. With regard to the preambular part of the draft resolution, he suggested the insertion of the word "concerned" before "Member States" in paragraph (b), said that he could go along with the addition of the suggested paragraph about least developed countries and proposed the addition of a paragraph reading as follows:

"Taking note with appreciation of the amendment to Article VI of the Statute submitted by Morocco".

15. The three paragraphs of the operative part should, in his view, be replaced by a single paragraph similar to the operative paragraph of resolution GC(XXXVIII)/RES/14. He suggested a paragraph reading as follows:

"Requests the Board of Governors to continue consultations with Member States through an effective mechanism and to submit its recommendations on proposed amendments to Article VI for approval by the General Conference at its fortieth regular session."

16. Mr. TITKOV (Russian Federation) and Mr. PETROV (Bulgaria) supported the suggestion made by the representative of Spain for a single operative paragraph.

17. Mr. ROUX (South Africa), having emphasized the importance attached by his delegation to the "African position on the amendment of Article VI of the Statute" spelled out in Annex 5 to Ambassador Ok's report, said that his delegation would like the Open-ended Consultative Group to continue its deliberations.

18. With regard to operative paragraph 3 of the draft resolution submitted by Morocco, he proposed the deletion of the word "final" and of the words "with a view to its taking a lasting decision on the size and composition of the Board of Governors".

19. Mr. BENMOUSSA (Morocco), responding to the proposal made by the representative of South Africa, said that there had been great changes in the international nuclear community during the previous two decades and that - in addition - the Agency's membership was still increasing, so that Article VI really should be amended without delay. The purpose of including the word "final" in operative paragraph 3 had been to stress the urgency of the matter.

20. There had been considerable progress regarding the Article VI issue since the thirty-eighth regular session of the General Conference, and one purpose of including the words "with a view to its taking a lasting decision on the size and composition of the Board of Governors" in operative paragraph 3 had been to open the way to the taking of such a decision at the Conference's fortieth session.

21. He would prefer operative paragraph 3 to remain as it stood, with the insertion of the words "the Board of Governors through" after the word "requests". That would bring it into line with the views expressed by the Director of the Legal Division.

22. With regard to the comments made by the representative of Spain, in his view the fact that the Chairperson of the Open-ended Consultative Group had submitted a report which was before the Conference did not mean that the Group had completed its work.

23. Mr. OKONKWO (Nigeria) suggested that operative paragraph 3 be amended to read as follows: "Requests the Open-ended Consultative Group to submit its report and recommendations through the Board of Governors to the General Conference for consideration and approval at its fortieth session".

24. Ms. ROCKWOOD (Legal Division), responding to the suggestion at the request of the Chairman, pointed out that, under Article V.F.2 of the Statute, the General Conference had the authority to "propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency". That being so, she considered that the request for a report and recommendations should be addressed to the Board.

25. Mr. OKONKWO (Nigeria) said that, in the light of the legal opinion just given, he wished to withdraw his suggestion. However, he felt that in the single operative

paragraph suggested by the representative of Spain the words "report and" should be inserted before "recommendations".

26. Mr. WILKE (Netherlands) proposed that in the single operative paragraph suggested by the representative of Spain the words "an effective mechanism" be replaced by "a continuation of the mechanism of an Open-ended Consultative Group".

27. Mr. STRATFORD (United States of America), having expressed support for the additional preambular paragraph suggested by the representative of Sudan during the previous meeting, said that his delegation could accept the single operative paragraph suggested by the representative of Spain with the amendments suggested by the representatives of Nigeria and the Netherlands.

28. Mr. POSTA (Hungary), Mr. WÓJCIK (Poland), Ms. DRDÁKOVÁ (Czech Republic), Ms. ROA-SUAZO (Nicaragua), Mr. HARBITZ (Norway) and Ms. VIȘAN (Romania) expressed support for the single operative paragraph suggested by the representative of Spain with the amendment suggested by the representative of the Netherlands.

29. Mr. ISASHIKI (Japan) and Mr. WEBB (Canada) expressed support for the paragraph with the amendments suggested by the representatives of Nigeria and the Netherlands.

30. Mr. BENMOUSSA (Morocco) said he could go along with the amended single operative paragraph for which a number of representatives had just expressed support.

31. The CHAIRMAN, noting that a consensus seemed to be emerging on the draft resolution submitted by Morocco, requested the Secretariat to circulate to the Committee members a copy of the draft resolution with the suggested amendments which had received support for consideration by the Committee later.

32. She then invited the representative of Israel to introduce the draft resolution contained in document GC(39)/COM.5/10.

33. Mr. LEDERMAN (Israel) said that Article VI of the Statute referred to eight areas but did not address the issue of the composition of those areas. For effective

consideration of the question how many seats on the Board should be allocated to the different areas, however, it was necessary to know which Member States belonged to which area.

34. The list attached to the draft resolution submitted by Israel could be useful in that connection.

35. That having been said, his delegation would not press the draft resolution if its operative paragraph 2 could be incorporated into the amended version of the draft resolution submitted by Morocco.

36. Mr. POSTA (Hungary), noting that - as already pointed out by the representative of Ukraine - there had been a significant increase in the number of Member States located in Eastern Europe, said that his delegation was in favour of the adoption by the Conference of a list specifying which Member States belonged to which of the eight areas referred to in Article VI.

37. Given the scientific and technical character of the Agency, any expansion of the Board's membership should be such as to ensure - besides fair representation of the different areas - the adequate representation of Member States which had nuclear power programmes or were otherwise engaged in significant peaceful nuclear activities.

38. Mr. OTHMAN (Syrian Arab Republic), supported by Mr. AL-TAIFI (Saudi Arabia) and Mr. HAMADA (Tunisia), said that the geographical distribution of States was not identical with their political distribution and that the issue raised by the delegation of Israel should be dealt with in the United Nations General Assembly - not in the Agency's General Conference.

39. Mr. STRATFORD (United States of America), supported by Mr. MOLLINGER (Netherlands), said that any consensus eventually reached on an expansion of the Board's membership would have to be fair to all Member States. There would accordingly have to be a way of determining which Member States were in which areas and then allotting seats to the different areas. It would be most unfair if there were Member States regarded as not belonging to any of the eight areas referred to in Article VI.

40. Adoption of a list which assigned the Agency's Member States to the different areas would facilitate future consultations on the Article VI issue.

41. Mr. EID (Lebanon), expressing support for the comments made by the representative of the Syrian Arab Republic, said that consultations should continue with a view to amending Article VI and that, when they were completed, consideration could be given to the situation of certain States in order to determine to which area group(s) they belonged.

42. Mr. JAMEEL (Pakistan) said that the present forum was not a proper place to discuss the issue of which States belonged to which area groups. The issue was a difficult one, and it should be resolved primarily within the area groups themselves. Also, it was extraneous to the question of amending Article VI of the Statute.

43. Mr. BENMOUSSA (Morocco) said that the draft resolution submitted by his country could be considered without reference to the issue of the composition of area groups, which ought really to be dealt with under a separate agenda item.

44. Mr. BENATTALLAH (Algeria), supported by Mr. NAJADA (Jordan), associating himself with the views expressed by the representative of the Syrian Arab Republic, said he had the impression that Israel wished to be regarded as belonging to the Middle East and South Asia area group. In other contexts, however, Israel belonged to other area groups (to European area groups, for example), and he saw no reason why, in the Agency context, Israel should not be regarded as belonging to - say - Western Europe. A country should not be able to impose itself on an area group.

45. Mr. MACKINNON (Canada) said that it would be very difficult to explain to anyone not familiar with the workings of the Agency - the Canadian tax payer, for example - why the General Conference was not prepared to acknowledge that Israel belonged to the Middle East and South Asia area group.

46. Mr. AYATOLLAHI (Islamic Republic of Iran) said that, in his delegation's view, the issue of the list attached to the draft resolution contained in document GC(39)/COM.5/10 should be discussed elsewhere. The Agency's Statute was silent

regarding the composition of area groups, and it would be wrong to recommend that the General Conference adopt that particular list.

47. The question really at stake was that of regional security, which was inseparable from the question of regional co-operation. For regional co-operation to work, the States of a given region had to decide among themselves what was politically acceptable and what constituted a normalization of relations.

48. It was regrettable that so little progress towards regional security had been made in the Middle East - for example, through the creation of an NWFZ. The lack of progress was reflected in the agendas of the General Conference, which for several years had contained an item on the nuclear capability of a particular Member State and the threat posed by that State. The item had now disappeared from the agenda, but the threat remained.

49. Mr. LEDERMAN (Israel) said that his country was not seeking to impose itself on any area group. Unfortunately, however, for political reasons some countries in the area of the Middle East and South Asia would not accept the logical consequences of Israel's geographical situation.

50. Mr. MOHAMEDAIN (Sudan) said that the Committee was not a suitable forum for discussing the composition of area groups; that was a matter for the countries in the individual groups.

51. Ms. OGNJANOVAC (Croatia), noting that part IV (Eastern Europe) of the list attached to the draft resolution submitted by Israel included "Yugoslavia", drew attention to document GC(39)/INF/22 containing a letter to the Director General about references to "Yugoslavia" as a Member of the Agency.

52. The Security Council had in resolution 777 (1992) noted that "... the State formally known as the Socialist Federal Republic of Yugoslavia has ceased to exist" and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations".

53. That resolution had been endorsed by the General Assembly in its resolution A/47/L.1 of 22 September 1992, a decision which had subsequently been reaffirmed by the Agency's General Conference the same year.

54. Therefore, in the list attached to the draft resolution submitted by Israel, Yugoslavia should be included with those States whose group membership was yet to be determined.

55. Mr. OTHMAN (Syrian Arab Republic) said that a country's geographical existence and its political identity were two different things and expressed surprise that a country which otherwise saw itself as a part of Europe should seek to become a member of the Middle East and South Asia group. Even if it was not a member of any area group, that country still received Agency technical assistance.

56. Mr. de YTURRIAGA (Spain), speaking on behalf of the EU, suggested that the draft resolution submitted by Israel be replaced by the following:

"The General Conference,

"(a) Noting paragraph 1 of the draft resolution submitted by Israel GC(39)/COM.5/10, and

"(b) Taking into account the legal and political implications of the drafting of a list allocating the IAEA's Member States among the eight regional groups,

"1. Requests the Legal Adviser of the Agency to study the legal implication of the proposal submitted by Israel and submit a report to the Board of Governors; and

"2. Requests the Board of Governors to examine the report of the Legal Adviser and to make relevant recommendations on the subject to the General Conference at its fortieth session."

57. Mr. AL-TAIFI (Saudi Arabia) said that his delegation could go along with the text suggested by the representative of Spain provided that "Legal Adviser" in operative paragraphs 1 and 2 was replaced by "Director General" and the Board was requested to submit to the General Conference merely a report on the legal and political aspects of the subject.

58. Mr. STRATFORD (United States of America), expressing support for the text suggested by the representative of Spain, said that he too would like to see "Legal Adviser" replaced by "Director General" in operative paragraphs 1 and 2. Also, he would like to see ", in consultation with interested Member States," added in operative paragraph 1.

59. Mr. de YTURRIAGA (Spain) said that he considered the amendments put forward by the representatives of Saudi Arabia and the United States of America to be acceptable.

60. Mr. LEDERMAN (Israel) said that his delegation was ready to accept the suggested text with the amendments put forward by the representative of the United States of America.

61. The CHAIRMAN proposed that further discussion under the present agenda item be postponed until the suggested new texts had been circulated in writing.

62. It was so agreed.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM (GC(39)/17 and Corr.1, GC(39)/COM.5/6) (resumed)

63. Mr. MEADWAY (United Kingdom) said that a group of Member State representatives presided over by him (as one of the Committee's Vice-Chairmen) at the request of the Chairman had agreed on a revised version of the draft resolution contained in document GC(39)/COM.5/6. Since the revised version had been circulated, he had received a request that the word "noting" in preambular paragraph (c) and the words "calls upon" in operative paragraph 5 not be underlined.

64. Mr. de YTURRIAGA (Spain), having thanked the representative of the United Kingdom for his efforts, said he regretted that the text recently circulated was not acceptable to all the co-sponsors of the draft resolution contained in document GC(39)/COM.5/6. In particular, it was difficult to understand why operative paragraph 1 of that draft resolution - which was in essence identical with operative paragraph 1 of resolution

GC(XXXVIII)/RES/10 - had been split into two paragraphs.¹ Further discussion would be needed before agreement could be reached on a draft resolution to be recommended to the General Conference.

65. Ms. LETTS (Australia) associated herself with the comments made by the representative of Spain.

66. Mr. RAGHURAMAN (India) said that the text just circulated was the result of lengthy discussions in the group presided over by the representative of the United Kingdom and that his delegation had been under the impression that there was general agreement on it. His delegation, which had participated in those discussions, did not think it would be fair for the Committee to make substantial changes to the new text.

67. Mr. de YTURRIAGA (Spain) suggested that the meeting be suspended so that the co-sponsors of the draft resolution contained in document GC(39)/COM.5/6 could discuss the matter.

The meeting was suspended at 6.40 p.m. and resumed at 7.20 p.m.

AMENDMENT OF ARTICLE VI OF THE STATUTE (GC(39)/21, GC(39)/21/Add.1, GC(39)/COM.5/9, GC(39)/COM.5/10) (resumed)

68. The CHAIRMAN requested Committee members to comment on the text which the Secretariat had just circulated and which showed a number of suggested amendments to the draft resolution submitted by Morocco in document GC(39)/COM.5/9. The suggested amendments were:

- (a) the addition of the word "concerned" before "Member States" in preambular paragraph (b);
- (b) the insertion of a preambular paragraph (d) which read "Realizing the growing needs of developing countries, particularly the Least Developed Countries, for

¹ The two paragraphs read as follows:

"1. Stresses the need, in conformity with the Agency's Statute, for effective safeguards in order to prevent the use of nuclear energy for proscribed purposes in contravention of safeguards agreements entered into by States;

"2. Affirms the great value of effective safeguards in facilitating co-operation in the peaceful uses of nuclear energy in accordance with the relevant provisions of the Statute of the Agency."

technical co-operation in the peaceful uses of nuclear energy" (with old preambular paragraph (d) becoming preambular paragraph (e), etc.);

- (c) the addition of a preambular paragraph (i) which read "Taking note with appreciation of the amendment to Article VI of the Statute submitted by Morocco"; and
- (d) replacement of the three operative paragraphs by a single operative paragraph which read "Requests the Board of Governors to continue consultations with Member States through a continuation of the mechanism of an Open-ended Consultative Group and to submit its report and recommendations on proposed amendments to Article VI for approval by the General Conference at its fortieth regular session."

69. Since the text had been distributed, the representative of Morocco had suggested to her that the words "a continuation of the mechanism of an Open-ended Consultative Group" in the operative paragraph be replaced by "the existing Open-ended Consultative Group".

70. Mr. MOHAMEDAIN (Sudan) proposed the insertion of "and other States" at the end of preambular paragraph (i).

71. Mr. KONACHKOV (Russian Federation) said that preambular paragraph (f) - formerly preambular paragraph (e) - did not properly reflect the discussions which had taken place, in which a number of countries had indicated that they were perfectly satisfied with the Board's present size and composition. He therefore felt that preambular paragraph (f) should be deleted together with ", however," in preambular paragraph (g).

72. His delegation also had difficulty with the words "with appreciation" in preambular paragraph (i), which seemed to indicate some measure of agreement on the part of the General Conference with the amendment submitted by Morocco. It would be better if the paragraph was redrafted to read "Taking due note of the amendment to Article VI of the Statute submitted by Morocco".

73. Mr. BENMOUSSA (Morocco) said that in preambular paragraph (e) of resolution GC(XXXVIII)/RES/14, which had been adopted the previous year by consensus

without the expression of any reservations, the General Conference regretted "the continuing lack of progress in resolving the urgent need for the implementation of resolution GC(XXV)/RES/389". Since then, the Open-ended Consultative Group had met and some progress had been achieved. The General Conference could therefore no longer regret "the continuing lack of progress", but it could regret that "a satisfactory solution has so far not been attained".

74. With regard to preambular paragraph (i), in his opinion the words "with appreciation" did not indicate any measure of agreement on the part of the General Conference with the amendment submitted by his country.

75. Mr. de YTURRIAGA (Spain) said that he did not think that the words "with appreciation" suggested agreement.

76. With regard to the proposal made by the representative of Sudan, the amendment contained in document GC(39)/COM.5/9 had been submitted by Morocco alone - not by Morocco and other States.

77. Mr. GOESELE (Germany) said he sympathized with the comment made by the representative of the Russian Federation regarding preambular paragraph (f) but felt that, in the interests of arriving at a consensus soon, it would be wise not to consider making radical changes to the text now before the Committee.

78. He suggested an editorial change to preambular paragraph (h) - replacement of the reference to document GOV/2814 by a reference to documents GC(39)/21 and 21/Add.1.

79. The CHAIRMAN suggested that: preambular paragraph (f) be amended to read "Regretting the lack of sufficient progress in resolving the urgent need for the implementation of resolution GC(XXV)/RES/389"; that ", however," be deleted in preambular paragraph (g); that the reference to document GOV/2814 be changed to a reference to documents GC(39)/21 and 21/Add.1 in paragraph (h); and that the words "a continuation of the mechanism of an Open-ended Consultative Group" be replaced by "the existing Open-ended Consultative Group" in the operative paragraph.

80. It was so agreed.

81. The CHAIRMAN took it that the Committee wished to recommend to the Conference that it adopt the version of the draft resolution submitted by Morocco which the Secretariat had circulated, with the amendments just agreed upon.

82. It was so decided.²

83. The CHAIRMAN drew the Committee's attention to the fact that the Secretariat had just circulated three texts: (i) one with the suggestion made by the representative of Spain for replacing the draft resolution submitted by Israel in document GC(39)/COM.5/10; (ii) one with the amendments called for by the representative of Saudi Arabia ("Legal Adviser" replaced by "Director General" in both operative paragraphs and "to make relevant recommendations on the subject to the General Conference at its fortieth session" replaced by "to report to the General Conference at its fortieth session on the legal and political aspects of the subject" in operative paragraph 2); and (iii) one with ", in consultation with interested Member States," inserted in operative paragraph 1 at the suggestion of the United States representative.

84. Mr. STURMS (Director, Legal Division), commenting on the texts circulated by the Secretariat, said that it might be a good idea to substitute the words "all the implications" for "the legal and political implications" in preambular paragraph (b) and for "the legal implications" in operative paragraph 1.

85. In addition, he suggested that, with a view to facilitating the consultation process, ", in consultation with interested Member States," be replaced by ", taking into account the comments of interested Member States," in operative paragraph 1.

86. Mr. STRATFORD (United States of America) said he could go along with the suggested replacement of the words "in consultation with" by "taking into account the comments of" provided it was understood that comments by Member States would be welcomed and be reflected in the requested report.

² The recommended draft resolution was subsequently issued in document GC(39)/44.

87. Mr. BENMOUSSA (Morocco) said that his delegation and a number of other delegations would like the draft resolution contained in document GC(39)/COM.5/10 to be replaced by the following draft resolution:

"The General Conference,

"(a) Noting paragraph 2 of draft resolution GC(39)/COM.5/10, and

"(b) Taking into account the legal and political implications of the drafting of a list allocating the IAEA's Member States among the eight regional groups,

"1. Recognizes that the primary responsibility for deciding upon the composition of regional groups lies with the respective groups themselves;

"2. Requests the Director General, in consultation with interested Member States, to study the legal and political implications of the draft resolution mentioned above and submit a report to the Board of Governors; and

"3. Requests the Board of Governors to consider the matter and report to the General Conference at its fortieth session."

88. Mr. OTHMAN (Syrian Arab Republic), Mr. BENATTALLAH (Algeria), Mr. JAMEEL (Pakistan) and Mr. AYATOLLAHI (Islamic Republic of Iran) expressed support for the draft resolution read out by the representative of Morocco.

89. Mr. STRATFORD (United States of America) said that, in his view, operative paragraph 1 of the draft resolution read out by the representative of Morocco prejudged the contents of the report requested of the Director General by virtually telling him the main conclusion which he should draw.

90. Mr. LEDERMAN (Israel) said he agreed with the comment made by the representative of the United States regarding operative paragraph 1 of the draft resolution just read out.

91. Mr. BENMOUSSA (Morocco), referring to operative paragraph 1 of the draft resolution which he had just read out, said that each Member State had a right to belong to an area group. However, the composition of the area groups was not determined purely by geography. That was the case also elsewhere in the United Nations system; for example, Israel belonged to the United Nations Economic Commission for Europe.

92. In that connection, he wished to emphasize that, in his view, the issue was not just an Arab-Israeli issue; there were several new Member States regarding which there was uncertainty as to the area group(s) to which they belonged.

93. Mr. GOESELE (Germany), Mr. WALKER (Canada) and Ms. LETTS (Australia) said that, in their view, operative paragraph 1 of the draft resolution read out by the representative of Morocco would tie the hands of the Director General in carrying out the envisaged study.

94. Mr. MAFFEI (Argentina) said his delegation was in favour of the Committee's recommending adoption of the draft resolution suggested by the representative of Spain with the amendments suggested by the representatives of Saudi Arabia and the United States of America.

95. The CHAIRMAN asked the representative of Canada whether he would be prepared to conduct informal consultations outside the Committee with a view to arriving at a compromise text.

96. Mr. WALKER (Canada) said that he would be.

97. The CHAIRMAN suggested that the Committee postpone further discussion under the present agenda item until the representative of Canada had concluded his consultations.

98. It was so agreed.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM (GC(39)/17 and Corr.1, GC(39)/COM.5/6) (resumed)

99. The CHAIRMAN, recalling that discussion of a revised version of the draft resolution contained in document GC(39)/COM.5/6 had been suspended in order to permit informal consultations, requested the representative of Spain to report on the outcome of the consultations.

100. Mr. de YTURRIAGA (Spain), noting that he was speaking on behalf of the co-sponsors of the draft resolution contained in document GC(39)/COM.5/6, said that they considered the revised version of that draft resolution to be acceptable apart from operative

paragraphs 1 and 2. Unless operative paragraph 1 of the draft resolution contained in document GC(39)/COM.5/6 was reinstated, the co-sponsors would press for the adoption of that draft resolution without any amendments at all.

101. Mr. RAGHURAMAN (India) said that - as he had already stated - the revised version of the draft resolution contained in document GC(39)/COM.5/6 was the result of lengthy discussions and that his delegation would not like any substantial changes made to it.

The meeting rose at 8.30 p.m.

