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GENERAL COMMITTEE

RECORD OF THE FIRST MEETING

Held at the Austria Center Vienna
on Monday, 21 September 1998, at 5.30 p.m.

CONTENTS

<u>Item of the provisional agenda*</u>	<u>Paragraphs</u>
- Adoption of the Committee's agenda	1 - 3
5 Arrangements for the Conference	4 - 45
(a) Adoption of the agenda and allocation of items for initial discussion	4 - 41
(b) Closing date of the session and opening date of the next session	42 - 45

[*] GC(42)/2.

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ATTENDANCE AT THE MEETING

Chairman

Ms. LAJOUS VARGAS (Mexico), President of the General Conference

Members

Mr. CHOWDHURY, representing Mr. MIAH (Bangladesh), Vice-President of the General Conference

Mr. CODORNIÚ PUJALS (Cuba), Vice-President of the General Conference

Mr. FÖRSTER (Netherlands), Vice-President of the General Conference

Mr. ZAIDE (Philippines), Vice-President of the General Conference

Mr. PROKHORENKOV, representing Mr. ADAMOV (Russian Federation),
Vice-President of the General Conference

Mr. DAVIES, representing Mr. MADUNA (South Africa), Vice-President of the General Conference

Mr. STRATFORD, representing Mr. RICHARDSON (United States of America),
Vice-President of the General Conference

Mr. JOSEPH (Australia), Chairman of the Committee of the Whole

Mr. NOBILO, representing Mr. PORGES (Croatia), Additional Member

Mr. TWIST, representing Ms. DORAN (Ireland), Additional Member

Mr. AL-GHAIS (Kuwait), Additional Member

Mr. BENMOUSSA, representing Mr. TAHIRI (Morocco), Additional Member

Mr. GREGORIČ (Slovenia), Additional Member

Mr. FREEMAN, representing Mr. HEATHCOTE (United Kingdom of Great Britain
and Northern Ireland), Additional Member

Secretariat

Mr. SANMUGANATHAN, Secretary of the Committee

ADOPTION OF THE COMMITTEE'S AGENDA
(GC(42)/GEN/1)

1. The CHAIRMAN pointed out that, in addition to the traditional item "Arrangements for the Conference", the provisional agenda contained an item dealing with requests for the restoration of voting rights.
2. If there were no objections, she would take it that the Committee wished to adopt the agenda proposed in document GC(42)/GEN/1.
3. It was so decided.

ARRANGEMENTS FOR THE CONFERENCE

(a) ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION
(GC(42)/2, Corr.1 and Add.1-2)

4. The CHAIRMAN drew the Committee's attention to the provisional agenda for the Conference contained in document GC(42)/2 and to one corrigendum and two addenda thereto.
5. The first addendum (GC(42)/2/Add.1) related to a supplementary item entitled "Nuclear testing" which had been requested by Australia, Canada, Japan and New Zealand. The explanatory memorandum required under the Rules of Procedure of the General Conference was reproduced on page 2 of the document.
6. The second addendum (GC(42)/2/Add.2) related to an additional item entitled "Participation of Palestine in the work of the International Atomic Energy Agency" which had been requested by Kuwait on behalf of Arab States members of the Agency. The required explanatory memorandum was set out on page 3 of the Attachment to the document.
7. With regard to the item on participation of Palestine in the work of the IAEA, she pointed out that Rule 15 of the Rules of Procedure required such additional items to be of an important and urgent character and that if the Committee were to recommend that the item be included in the agenda, the Conference would only be able to consider the item during the current session if it waived the last sentence of Rule 15, which stipulated that no additional item might be considered until seven days after it was placed on the agenda unless the General Conference decided otherwise by a two-thirds majority.
8. Mr. BENMOUSSA (Morocco) was in favour of placing both the supplementary item and the additional item on the Conference's agenda, as well as the item on Israeli nuclear capabilities and threat which had been proposed in time for inclusion in the provisional agenda. However, the latter item (item 20) should be considered after the item on application of IAEA safeguards in the Middle East (item 21), to reflect the chronological order in which those two items had been included in the agenda.

9. The item on Palestine was important and, though not absolutely urgent, should be raised in the General Conference at the first opportunity following the decision of the United Nations General Assembly on the matter, which was the present session. Waiving Rule 15 for that purpose seemed reasonable given that the delay in submitting the item to the General Committee had been caused by the need to submit it to the Agency's Legal Division first.

10. In his opinion, both new items, like the Israeli item, should be considered in the Plenary without being referred to the Committee of the Whole first.

11. Mr. CHOWDHURY (Bangladesh) endorsed the comments made by the representative of Morocco.

12. Mr. FREEMAN (United Kingdom) wondered why the representative of Morocco thought the items should be considered directly in the Plenary, as such potentially controversial items might benefit from discussion in the Committee of the Whole before submission to the Plenary.

13. Mr. BENMOUSSA (Morocco) replied that he had no strong feelings on the allocation of the nuclear testing item; however, since the delegate of Australia was a co-sponsor of the draft resolution on nuclear testing and also the Chairman of the Committee of the Whole, it might perhaps be wise for that issue to be considered elsewhere.

14. As to the other items, safeguards issues had always been referred directly to the Plenary in the past, so the same procedure should apply to the item on Israeli nuclear capabilities and threat, and presumably to the Palestine item as well. He had no strong objection to referring them to the Committee of the Whole, but he thought it would be better not to burden the Committee with such political issues, particularly if they had not been duly considered by the Board of Governors.

15. Mr. AL-GHAIS (Kuwait) agreed that both new items should be included in the agenda; he also had no strong feelings on whether they should be aired in the Committee of the Whole before being discussed in the Plenary.

16. The item on Israeli nuclear capabilities should be taken up by the Plenary after the item on safeguards in the Middle East, not only for reasons of chronology but also because the latter item was before the Conference under Rule 12(a) of the Rules of Procedure, whereas the former was on the agenda pursuant to Rule 12(c).

17. Mr. FREEMAN (United Kingdom) said that, for pragmatic reasons, the nuclear testing item should perhaps be placed early, though not too early, in the agenda.

18. Mr. STRATFORD (United States of America) said that since the Committee of the Whole often had difficulty completing its work on schedule, items of an intensely political nature, such as the ones relating to Palestine and to Israel, and also, to a lesser extent, the one on nuclear testing, needed to be worked out on the margins of the Plenary rather than in the Committee.

19. The Palestine item should be placed towards the end of the agenda as it would require consultations with capitals and legal advisers and was likely to raise complex questions on the status of non-States and non-members. He was less concerned about the placement of the nuclear testing item but thought it could be moved forward in the agenda.

20. With regard to the politically sensitive items on the Israeli nuclear threat and on safeguards in the Middle East, he recalled the difficulties experienced in previous years in reaching a consensus resolution on safeguards in the Middle East, and anticipated that the Israeli item would be even more contentious. Given that the two were likely to be seen as a pair, it was clear that if the Middle East resolution were decided first, and if that resolution were much the same as the one adopted in previous years, then the Israeli threat item would be vulnerable to prolonged attempts at bargaining which might result in the Conference finishing late, as had happened in previous years. Therefore the Israeli item should retain its position before the Middle East item in the agenda.

21. The Committee of the Whole would have much work to do on the Article VI issue during the current session of the Conference and should not, therefore, be burdened with fundamentally political items.

22. Mr. FÖRSTER (Netherlands) said he had no strong feelings on whether the issues in question should be considered in the Committee of the Whole or the Plenary. He endorsed the United States representative's views on the order of items in the agenda, pointing out that the Rules of Procedure did allow for some flexibility in the matter. Perhaps the Secretariat had been guided by similar considerations in deciding the order of items on the provisional agenda.

23. Mr. AL-GHAIS (Kuwait) said that the Secretariat must follow the relevant Rules of Procedure and asked the Secretariat to explain its reasons for placing the Israeli and Middle East items on the agenda in their present order. Mr. SANMUGANATHAN (Secretary of the Committee) replied that there was no particular reason for the ordering of the two items and that it was purely a suggestion put forward for the Committee's approval.

24. The CHAIRMAN said that members of the Committee appeared to have no strong objection to taking up the three items on the Middle East, namely items 20 and 21 and the additional item, directly in the Plenary. She wondered whether the Committee could agree to the order as given in the provisional agenda with the inclusion of the additional item immediately after item 21.

25. Mr. AL-GHAIS (Kuwait), supported by Mr. CHOWDHURY (Bangladesh), said that he did not wish to stand in the way of a consensus. However, the question of order had been thoroughly discussed in the Arab Group. The inclusion of item 20 had been requested by Kuwait on behalf of Arab States members of the Agency and by Qatar on behalf of the States members of the Organization of the Islamic Conference which were members of the Agency, and they felt rather strongly that the order of the items should be determined by the normal procedure, which he took to mean that new items were not placed before items included

pursuant to a General Conference resolution, and that they were placed in chronological order of their request for inclusion.

26. Mr. JOSEPH (Chairman of the Committee of the Whole) observed that the Australian delegation was hoping for the supplementary item on nuclear testing to be allocated to a place in the agenda much higher up than was the norm.

27. While empathizing with the representative of Kuwait's point of view, he noted that, in practice, the items on the Middle East would be taken together in closed discussions where a solution would be found and that debate in the Plenary itself would be modest. Thus, nothing would be lost whatever the order of items.

28. Mr. STRATFORD (United States of America) pointed out that new items were normally inserted in the most appropriate place in the agenda. Thus, for example, the item on the study of the radiological situation at the atolls of Mururoa and Fangataufa had been included under item 12 together with other safety issues, and the item on the plan for producing potable water economically had been placed under the programme area to which it was related, namely strengthening of the Agency's technical co-operation activities.

29. It should be borne in mind that, no matter how closely the Middle East items were linked, and despite the fact that in negotiations they would be discussed together, once the debate on one item had been closed in the Plenary the floor was then open for further proposals on subsequent items. Accordingly, he supported the order suggested earlier by the Chairman.

30. Mr. JOSEPH (Chairman of the Committee of the Whole) enquired whether all three Middle East items could be taken together. Mr. SANMUGANATHAN (Secretary of the Committee) replied that there was nothing in the Rules of Procedure against the consolidation of items.

31. Mr. AL-GHAIS (Kuwait) said that when delegations requested the inclusion of items in the agenda they did not anticipate that they would be discussed together with other items. There was no category of items called "Middle East items" and he saw no reason for amalgamating the items. He was surprised that the normal, chronological, procedure was not being respected.

32. Mr. STRATFORD (United States of America) said that the proposed additional item had been received late for consideration at the current session, and that the grounds for treating it as urgent were debatable. Given the provisions of Rule 15 of the Rules of Procedure, there could be procedural hitches if all three Middle East items were taken as a package.

33. The CHAIRMAN, having pointed out that it was up to the Committee to make a recommendation to the Plenary regarding inclusion of the additional item, and for the Plenary if necessary to waive the relevant provisions of Rule 15, enquired whether there would be any

objection to reversing the order of items 20 and 21 and inserting the additional item immediately afterwards.

34. Mr. STRATFORD (United States of America) asked for the Chair's view on the possibility of taking item 21 first and passing a resolution on it but not closing the debate on the item until item 20 had been completed. The CHAIRMAN replied that she could not give a definite answer to such a hypothetical question.

35. Mr. STRATFORD (United States of America) said his delegation had serious difficulty with the item order just suggested by the Chairman. As to the additional item, while not wishing to block any consensus, his delegation was not in favour of a recommendation by the Committee to waive Rule 15 and might call for a vote on the matter by the General Conference.

36. The CHAIRMAN asked the Committee to make suggestions regarding the precise placement of the supplementary item on nuclear testing.

37. Mr. JOSEPH (Chairman of the Committee of the Whole) proposed that the item be taken immediately after item 17 on Article VI of the Statute.

38. Mr. CODORNIÚ PUJALS (Cuba) said that nuclear testing was another highly political issue needing prior consideration by the various groups before being taken up by the Plenary. Thus, his delegation was in favour of its inclusion as far down the agenda as possible, perhaps after the items relating to the Middle East.

39. Mr. FREEMAN (United Kingdom), supported by Mr. TWIST (Ireland), Mr. FÖRSTER (Netherlands), Mr. GREGORIČ (Slovenia), and, after a brief discussion, Mr. JOSEPH (Chairman of the Committee of the Whole) and Mr. CHOWDHURY (Bangladesh), suggested taking up the nuclear testing item immediately after item 19 on the implementation of United Nations Security Council resolutions relating to Iraq.

40. The CHAIRMAN said that there seemed to be general agreement in the Committee to inclusion of the supplementary item and the additional item in the agenda. With regard to the order of items, she suggested taking up the supplementary item on nuclear testing immediately after item 19; it would thus become item 20. Reversing the order of items 20 and 21 and renumbering would make them items 21 and 22, respectively. The additional item could then be taken up after the new item 22 as item 23 and all subsequent items of the provisional agenda would be renumbered accordingly. She took it that the Committee wished to recommend that the renumbered items 20 to 23 should all be taken up directly in the Plenary.

41. It was so decided.

(b) CLOSING DATE OF THE SESSION AND OPENING DATE OF THE NEXT SESSION

42. The CHAIRMAN proposed that the Committee recommend to the General Conference that the closing date of the session be Friday, 25 September 1998.

43. It was so decided.

44. The CHAIRMAN proposed that the Committee recommend to the General Conference that the opening date of the 1999 regular session of the General Conference be Monday, 27 September 1999.

45. It was so decided.

The meeting rose at 6.50 p.m.