

# General Conference

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## Forty-Eighth (2004) Regular Session

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# Plenary

## Record of the Tenth Meeting

*Held at the Austria Center Vienna on Friday, 17 September 2004, at 3.50 p.m.*

**President:** Mr. RÓNAKY (Hungary)

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The composition of delegations attending the session is given in document GC(48)/INF/16/Rev.1.

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[\*] GC(48)/25.

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### Abbreviations used in this record:

DPRK	Democratic People’s Republic of Korea
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

## **19. Application of IAEA safeguards in the Middle East** (GC(48)/18 and Add.1, GC(48)/L.1)

1. Mr. RAMZY (Egypt), introducing the draft resolution contained in document GC(48)/L.1, said that Egypt's repeated calls for the application of comprehensive safeguards in the Middle East reflected its commitment to the non-proliferation regime. The non-submission of nuclear facilities in the region to comprehensive Agency safeguards detracted from the credibility of the non-proliferation regime and made it difficult to promote mutual confidence between countries and peace and security. Moreover, any progress towards the establishment of a nuclear-weapon-free zone in the Middle East would require the application of comprehensive safeguards.
2. For the past 30 years, Egypt had sought to achieve a new security framework in the Middle East through the United Nations General Assembly, the Agency and the NPT Review Conference, as well as the 1991 Madrid Peace Conference. Unfortunately, no tangible progress had been made. The establishment of a nuclear-weapon-free zone was a prerequisite for a permanent security framework in the region.
3. Egypt welcomed the Director General's decision to hold a forum on experience relevant to the establishment of a nuclear-weapon-free zone in the Middle East. It hoped that all parties concerned would participate, in particular Israel.
4. The draft resolution contained the same language as resolution GC(47)/RES/13 adopted in 2003. He expressed the hope that its adoption by consensus would engender a commitment to implement it and called upon all countries to take the necessary steps to facilitate the establishment of a nuclear-weapon-free zone in the Middle East, urging Israel to adhere to the NPT and to place all of its nuclear facilities under comprehensive Agency safeguards. The international community, in particular those countries with a permanent seat in the Security Council, should honour their responsibilities and deal with all risks of nuclear-weapon proliferation in the same fashion, and the Director General and the Secretariat should make every effort to implement the letter and the spirit of the draft resolution.
5. Mr. BAHRAN (Yemen) said that his country attached great importance to nuclear non-proliferation and the application of international safeguards in the Middle East. Israel was the only State in the region that had not acceded to the NPT and had not concluded a safeguards agreement or signed an additional protocol. That was an abnormal state of affairs and his country failed to see why the solution to that problem should be linked to a non-existent peace process. At the very least, negotiations were needed, a move which Israel had constantly rejected. The Arab region would continue to call for the application of safeguards in the Middle East until that demand was met. Accordingly, the item should be retained on the agenda until the matter was resolved. He expressed the hope that he would live to see that day.
6. Mr. KODAH (Jordan) said that his country attached great importance to the application of safeguards to all nuclear facilities in the Middle East. Regrettably, despite his praiseworthy efforts and visits to countries in the region, the Director General had been unable to achieve any progress on that issue.

7. Israel should accede to the NPT, conclude a comprehensive safeguards agreement and an additional protocol, and refrain from taking any measures which would hinder the achievement of that goal.

8. Jordan had repeatedly stressed the need to make the Middle East a zone free of weapons of mass destruction. The establishment of such a zone would greatly strengthen the international non-proliferation system and help promote peace, security and well-being in the region and the world.

9. Mr. HOSSEINI (Islamic Republic of Iran), noting that the establishment of a nuclear-weapon-free zone in the Middle East had been on the agenda of the United Nations for 30 years, said that his country had always supported that goal, having launched the initiative in 1974. Unfortunately, Israel had hindered efforts to achieve that objective over the years. That country's unsafeguarded nuclear facilities constituted a real threat to international peace and security. The international community should urge Israel to become a party to the NPT and place its unsafeguarded facilities under comprehensive Agency safeguards without delay.

10. The PRESIDENT took it that the Conference was ready to adopt the draft resolution contained in document GC(48)/L.1 without a vote.

11. It was so decided.

12. Mr. OTHMAN (Syrian Arab Republic) said that, as in the past, his delegation had joined the consensus on the resolution on the application of IAEA safeguards in the Middle East although numerous questions remained about many of its paragraphs. It was not sufficient to refer, as did operative paragraph 4, to ongoing bilateral Middle East peace negotiations which, in fact, had been halted for a number of years since Israel had refused to resume negotiations. His country also had its reservations about the activities of the Multilateral Working Group on Arms Control and Regional Security which had been unable to improve security or build confidence in the Middle East. Equally, it could have blocked consensus by referring to Israel's position, cited in paragraph 10 of the Director General's report contained in document GC(48)/18, that it would not sign a comprehensive safeguards agreement or address regional security issues in isolation from the regional peace process. His country did not believe that the issue could only be considered as part of phase II of the 'road map'. The resolution just adopted did not even mention Israel explicitly.

13. He called upon Israel to accede to the NPT and place all its nuclear facilities under Agency safeguards without conditions or delay. The confidence-building measures aimed at establishing a nuclear-weapon-free zone called for in operative paragraph 7 could not begin until Israel acceded to the NPT and placed its nuclear facilities under Agency safeguards as a sign of its good intentions. Moreover, there could be no confidence-building as long as Israel continued to occupy the territories of some of the countries in the region. Israel committed daily acts of aggression against the Palestinian people, violating their human rights. Civilians were being killed and their land illegally taken from them on the pretext of fighting terrorism. The international community had to stop applying a double standard and address the legitimate concerns about the future of the Middle East and the threat posed by Israel's military nuclear capability, its refusal to join the Agency's safeguards system except under certain conditions and its utter contempt for all international decisions on the subject.

14. Mr. FRANK (Israel) said that his country had joined the consensus on the resolution because it recognized that a nuclear-weapon-free zone could eventually serve as an important complement to the overall efforts to achieve peace, security and arms control in the region. However, it had made no secret of its fundamental reservations about the language and current relevance of the resolution and had formally distanced itself from its modalities.

15. The basic premise of any regional security and arms control process was that the security margins of any participating State should not be diminished during the process and that the threat perception of all participating States should be adequately addressed. Two criteria had to be fulfilled: firstly, the participation of all States in the region in such a process was a prerequisite for meaningful progress because non-participants continued to pose an undiminished threat; secondly, steps involving security margins had to be mutually applied in a manner that did not hamper the security of any regional participant. Those two criteria were very difficult to fulfil in the Middle East given the open conflicts and stark realities still prevailing in the region. Like others, Israel had taken note that three States in the region were or had been in breach of their international commitments regarding their nuclear activities.

16. Thus, only a practical, step-by-step approach to the nuclear-weapon-free zone issue would be effective. The process should begin with confidence- and security-building measures, carefully selected so as not to reduce the security margins of any State. After building trust, and establishing peace and reconciliation and good-neighbourly relations among all parties, the time would be ripe to move towards regional security and arms control arrangements covering missiles and conventional, chemical, biological and, ultimately, nuclear weapons. Israel hoped that process would culminate in the establishment of a mutually verifiable zone free of weapons of mass destruction and ballistic missiles. Mutual verification arrangements and effective enforcement measures were indispensable to guarantee an acceptable level of confidence that the commitments States had undertaken were not breached.

17. The applicability of that gradual approach was borne out by the vast experience gained in similar processes in other regions. The way to build security was to aim high but start modestly and move ahead carefully.

18. The statements that had just been made by some of Israel's neighbours were not only at variance with the Agency's responsibilities and mission, they also undermined confidence-building and might make the road ahead even more tortuous.

19. Ms. SANDERS (United States of America) said that her country was pleased that the General Conference had once again been able to achieve consensus on the resolution on the application of IAEA safeguards in the Middle East, all parties involved having thereby demonstrated their understanding that only through patient negotiation and confidence-building could the difficult challenges of the Middle East be successfully addressed. The United States had joined that consensus on the understanding that, as in the preceding year, the only action taken under agenda item 20 would be an endorsement by the General Conference of a short statement by the President noting that the item had been discussed.

20. She welcomed the Director General's intention to convene a forum on experience gained in other regions regarding the establishment of nuclear-weapon-free zones. It was her country's understanding that that forum would be an information and discussion event only and not a forum for negotiation.

## **20. Israeli nuclear capabilities and threat** (GC(48)/1 and Corr.1 and Add.1)

21. The PRESIDENT said that it had been agreed in consultations that he should read out the following statement for endorsement by the Conference:

“The General Conference recalls the statement by the President of the 36th session in 1992 concerning the agenda item Israeli nuclear capabilities and threat. That statement considered it desirable not to consider that agenda item at the 37th session.

“The General Conference also recalls the statement by the President of the 43rd session in 1999 concerning the same agenda item. At the 44th, 45th, 46th, 47th and 48th sessions, this item was, at the request of certain Member States, re-inscribed on the agenda. The item was discussed.

“Several Member States requested that this item be included in the provisional agenda of the 49th regular session of the General Conference”.

22. The Conference endorsed the Presidential statement.

23. Mr. AL-RIYAMI (Oman)<sup>1</sup>, speaking on behalf of the Arab Member States of the Agency, said that an item on Israeli nuclear capabilities and threat had been included in the agenda of the General Conference for many years and the Conference had adopted resolutions calling on Israel to submit its nuclear facilities to Agency safeguards. In 1992, the Conference had not addressed the item because of the peace process then under way in the Middle East. The peace process having stalled as a result of Israeli policies, since 1998 the Conference had taken up the item in response to the request of Arab countries. In submitting the item, the Arab countries were seeking to address a situation which was unfair and unhealthy.

24. Israel was the only country in the region with undeclared nuclear operations not under international control. Flagrantly disregarding the wishes of the international community, it refused to accede to the NPT or to submit its nuclear facilities to comprehensive safeguards, whereas the Arab countries had always been ready to take practical steps to free the Middle East region of nuclear weapons.

25. Owing to Israel's intransigence, the statement by the President had been merely procedural in nature and did not go to the heart of the issue. The Arab States had refrained from submitting a draft resolution on the item in the expectation that a strong and balanced statement would be made by the President. They had submitted a draft for such a statement which referred to all the resolutions on nuclear non-proliferation adopted by the Agency and other international bodies, recalled the positive steps taken since the 2003 General Conference including Libya's voluntary renunciation of its nuclear capabilities, and stressed how important it was for Israel to accede to the NPT and submit all its nuclear facilities to Agency safeguards. The Arab countries were very disappointed at the intransigence of the other parties and the President's negative response to their positive initiatives. The President's statement, which was identical to the one read out in 2003, was not balanced or conducive to achieving a consensus. Its acceptance by the Arab States was an enormous concession. It was not acceptable that all positive developments in the area of non-proliferation should be ignored or that the

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<sup>1</sup> Speaking under Rule 30 of the Rules of Procedure

international community should give its blessing to Israel remaining outside the safeguards system. An attitude of indifference to nuclear proliferation undermined the Agency's credibility. Israel should submit its nuclear facilities to Agency safeguards.

26. Mr. RAMZY (Egypt) said that, in recent years, the international community had been preoccupied by a number of threats to international peace and security related to nuclear proliferation. It had unfortunately not adopted the same attitude in Israel's case as it had in other cases of nuclear proliferation. Israel's refusal to accede to the NPT and place its nuclear installations under safeguards created doubts about the credibility of the non-proliferation regime, posed a serious threat to security in the region and constituted a basic obstacle to achieving a comprehensive peace in the Middle East. The Israeli nuclear threat had to be confronted.

27. It was regrettable that the amendments that the Arab States had attempted to introduce in the Presidential statement, stressing the importance of Israel responding to international efforts to establish a nuclear-weapon-free zone, had not been accepted. The political developments in the region invalidated Israel's argument that its nuclear capability was necessary for it to defend itself against countries possessing weapons of mass destruction. The assertion that Iraq was a threat to Israel's security was unfounded, as events had shown that Iraq did not possess weapons of mass destruction. Libya had renounced its nuclear programme and, at the current point in time, it was not possible to infer that Iran possessed a nuclear military programme.

28. A political solution to the problem had to be found. However, with the exception of a few encouraging statements, the international community's response had been disappointing. There appeared to be strong support for non-proliferation in relation to other countries, such as Iraq, the DPRK, Libya and Iran, but not in the case of Israel. The time might well come when that attitude would be regretted.

29. Mr. BAHARAN (Yemen) expressed regret at the lack of progress that had been made with respect to the issue under discussion. Though his country had not blocked the consensus, the Presidential statement was not an appropriate response to the realities of the region. Israel posed a real threat, and not just to countries in the region but to international peace. It was the only State in the Middle East that did not abide by international law and double standards were being applied. He wondered how much longer such a situation would be allowed to persist.

30. Mr. OTHMAN (Syrian Arab Republic) said that he was concerned at the lack of attention being given to Israel's nuclear capabilities. That country was continuing to develop its nuclear military capability despite repeated international calls to accede to the NPT and place all its nuclear facilities under Agency safeguards. Furthermore, the international community had failed to subject Israel to the kind of pressure that other States had been subjected to.

31. Israel posed the real nuclear threat in what was one of the world's most tense regions and his country had hoped that the General Conference would adopt a resolution highlighting Israel's lack of respect for international law, and the imbalance of power in the region created by its possession of weapons of mass destruction, including nuclear weapons. Equally, his country was also concerned that an environmental catastrophe could be caused by Israel's nuclear reactors which were not subject to international control.

32. The action taken by General Conference did not address the concerns of the Arab States and he called on the international community, in particular the nuclear-weapon States, to take a balanced and non-selective approach to the problem which respected all peoples, preserved national sovereignty and avoided double standards.

33. Mr. EL-MISLATTI (Libyan Arab Jamahiriya), stressed the importance of ridding the Middle East of weapons of mass destruction. In December 2003, his country had announced its intention to renounce voluntarily all its programmes related to the production of prohibited armaments and it had adhered to most international conventions on weapons of mass destruction. As such, it hoped to serve as a model.

34. Israel was one of a number of countries that had a strategic belief in nuclear weapons. It continued to develop and produce such weapons and refused to adhere to the NPT. Furthermore, the threats it made were designed to keep the balance of power tilted in its favour. Its actions threatened peace and security not only in the Middle East but in the world in general. All countries in the region should abandon weapons of mass destruction and use the peaceful applications of nuclear technology to promote economic and social development.

**The meeting was suspended at 4.50 p.m and resumed at 7.15 p.m.**

## – **Oral report by the Chairman of the Committee of the Whole**

35. Mr. OTHMAN (Syrian Arab Republic), Chairman of the Committee of the Whole, presented the outcome of the Committee's deliberations on agenda items 13, 14, 15 and 17.

36. Under item 13, measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management, the Committee recommended that the Conference adopt draft resolution D contained in document GC(48)/L.5.

37. Under item 14, nuclear security — measures to protect against nuclear terrorism, the Committee recommended that the Conference adopt the draft resolution contained in document GC(48)/L.6.

38. Under item 15, strengthening of the Agency's technical cooperation activities, the Committee recommended that the Conference adopt the draft resolution contained in document GC(48)/L.7.

39. Under item 17, strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol, the Committee had reached agreement on the draft resolution contained in document GC(48)/L.8 with the exception of one operative paragraph.

40. The PRESIDENT invited the Conference to take up one by one the items regarding which the Chairman of the Committee of the Whole had just reported.

### **Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management (agenda item 13) (resumed)**

41. As recommended by the Committee of the Whole, the draft resolution contained in document GC(48)/L.5 was adopted.

### **Nuclear security - measures to protect against nuclear terrorism (agenda item 14)**

42. As recommended by the Committee of the Whole, the draft resolution contained in document GC(48)/L.6 was adopted.

### **Strengthening of the Agency's technical cooperation activities (agenda item 15)**

43. As recommended by the Committee of the Whole, the draft resolution contained in document GC(48)/L.7 was adopted.



**Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (agenda item 17)**

44. Mr. DE VISSER (Netherlands), speaking on behalf of the sponsors, invited the Conference to consider the draft resolution contained in document GC(48)/L.8

45. The PRESIDENT said that there had been a request for a separate vote on operative paragraph 3 of the draft resolution and he put that paragraph to a vote by show of hands.

46. There were 81 votes in favour of operative paragraph 3 and two against, with one abstention. The paragraph was adopted.

47. Mr. SHARMA (India) said that, as a founder member of the Agency, India had consistently attached great importance to the organization's safeguards activities and had participated constructively in meetings on strengthening the effectiveness and improving the efficiency of the safeguards system. The value and success of the Agency were attributable to the meticulous way in which it had carried out its tasks in accordance with its mandate, without getting bogged down in extraneous issues. The main purpose of additional protocols and strengthened safeguards was to enable the Agency to detect undeclared, clandestine nuclear activities and facilities in States that had concluded comprehensive safeguards agreements in compliance with their obligations under the NPT.

48. India was therefore disturbed by the persistent practice of introducing language into draft resolutions like the one currently before the Conference which threatened to upset the delicate compromise worked out in 2000. The chapeau to the operative part of resolution GC(44)/RES/19, which had been the result of difficult negotiations, had enabled India to join the consensus on that resolution. In 2001, a paragraph contradicting the spirit of the chapeau had been added to the corresponding resolution and that paragraph now appeared as operative paragraph 3 of the draft resolution contained in document GC(48)/L.8. Despite his delegation's efforts, it had not been possible to resolve the concerns which arose from that contradiction.

49. As his country had made clear at the preceding session of the Conference, the signing of a treaty was a Member State's sovereign decision and India's membership of the Agency did not impose upon it any obligations beyond those contained in the Statute. Any resolution which ran counter to the Statute in spirit was unacceptable to his country. Accordingly, his delegation had had no option but to vote against operative paragraph 3 of the draft resolution.

50. Mr. NAQVI (Pakistan) said that operative paragraph 3 did not take into account the different safeguards obligations of different Member States and thus failed to observe a key point of international law, as well as contradicting the chapeau of the operative part of the draft resolution. His country therefore found operative paragraph 3 unacceptable and had voted against it.

51. The PRESIDENT took it that the Conference wished to adopt the draft resolution contained in document GC(48)/L.8 as a whole.

52. It was so decided.

53. Mr. DE VISSER (Netherlands), speaking on behalf of the sponsors of the resolution, said that it had been possible to accommodate almost every request and remark made during the lengthy negotiations on the draft. However, no agreement had been possible on the issue of compatibility of decisions relating to safeguards with the relevant provisions of the Statute. The sponsors of the resolution wished to state explicitly that they recognized the importance of all the provisions of the Statute.

54. Mr. HANIFF (Malaysia), speaking on behalf of the Non-Aligned Movement (NAM) and supported by Mr. VIEIRA DE SOUZA (Brazil), said that the NAM attached great importance to the effectiveness and strengthening of the safeguards system, as well as to the maintenance of an appropriate balance between the Agency's verification and other statutory functions. It had worked in good faith to achieve a consensus on the resolution just adopted. In the meetings of the Board of Governors during the preceding week, it had expressed its serious concern over the complications which might arise if no clear distinction were made between Member States' legal obligations under their respective safeguards agreements and their voluntary commitments. Moreover, voluntary commitments should be entered into for a specified period and should cease to be binding once the relevant requirements had been met. Other members of the Board of Governors had shared those views. Member States should respect the fundamental principle that resolutions and decisions on safeguards issues should be compatible with the relevant provisions of the Statute and the rights and obligations of States under relevant treaties and their own safeguards agreements.

55. Ms. AMIN (Egypt) said that the safeguards system provided the international community with essential assurances regarding States' commitment not to use nuclear energy for non-peaceful purposes. Egypt therefore urged all States without exception to accede to the comprehensive safeguards system, which was the only way of strengthening the credibility of the non-proliferation regime both regionally and internationally.

56. Her country had signed and ratified the NPT and had concluded a safeguards agreement with the Agency, which it would implement in full. It had not signed an additional protocol, though it welcomed that instrument as an additional element which enhanced the credibility of the safeguards system. However, it was opposed to new initiatives which yielded no useful result. The safeguards system would have no value as long as a certain State in the Middle East failed to respect its obligations. Egypt was not prepared to take on further commitments if other States would not agree to take action in their turn. Questions related to weapons of mass destruction had to be settled in a balanced and integrated manner.

57. She welcomed the fact that the General Conference had adopted the resolution on safeguards by consensus but expressed regret that two States had voted against operative paragraph 3, a paragraph which clearly reflected the desire for a universal safeguards system.

58. Mr. ELOUMNI (Morocco) commended the Ambassador of Finland for the leadership he had provided in the informal working group that had worked on the draft resolution. Morocco had signed its additional protocol on 22 September 2004. The safeguards system should be universal in extent and fully implemented, with all facilities subject to inspection, in order to preserve its credibility.

59. Mr. GASHUT (Libyan Arab Jamahiriya) thanked the Ambassador of Finland for chairing the informal working group and commended the representative of Malaysia for his patience during the negotiations. His country had supported the resolution. It had implemented a number of measures in the safeguards area, which the Board of Governors had acknowledged.

## **23. Report on contributions pledged to the Technical Cooperation Fund for 2005**

(GC(48)/26/Rev.3)

60. The PRESIDENT said that, by 6 p.m. on 23 September 2004, the contributions pledged by Member States to the Technical Cooperation Fund had amounted to US \$6 490 395, or 8.37% of the target for 2005, which was 4.15% lower than the percentage of the target for 2004 pledged by the same point in the preceding year.

61. Since then, pledges made by Bangladesh (\$7750), Belarus (\$13 175), Brazil (\$400 000), Burkina Faso (\$1550), China (\$1 535 275), Denmark (\$537 075), Zambia (\$1500) and Zimbabwe (\$5425) had brought the total to \$8 992 145, or 11.6% of the target.

62. He urged those Member States which had not yet done so to make their 2005 pledges, and to pay their contributions in full at the earliest opportunity, so that the Secretariat could submit a proposed 2005 technical cooperation programme to the meeting of the Technical Assistance and Cooperation Committee in November based on reasonably assured resources, and subsequently implement the approved programme without hindrance or uncertainty.

### **– Closing of the session**

63. The PRESIDENT noted that 50 ministerial-level delegations had attended the General Conference, which was an indication of the great importance Member States attached to the Agency's work. There had been 105 speakers in the general debate.

64. Mr. TAKASU (Japan) commended the President on his leadership and efficient handling of the proceedings of the General Conference. A number of difficult issues had arisen during the session, but the President's balanced and fair approach had brought delegations together to achieve a consensus. As a result of recent events, the Agency was receiving increased international attention and higher expectations were being placed on it. Member States had every reason to be pleased with the achievements of the General Conference.

65. Mr. NÉMETHY (Slovakia), speaking on behalf of the Eastern Europe Group, said that, under the President's able leadership, the General Conference had helped strengthen the framework for technical cooperation, safety and security of nuclear installations and material, science and technology and safeguards. The safeguards system and additional protocols were the most essential elements of the Agency's work. He expressed the hope that the resolutions and decisions of the forty-eighth session would contribute to peace, health and prosperity throughout the world. In conclusion he thanked delegations for their cooperation and spirit of compromise, the Secretariat for their excellent work and the President for his personal commitment to the success of the Conference.

66. The PRESIDENT thanked the preceding speakers for their kind words. Serving as President of the General Conference had been an honour for him and his country. He thanked all delegates for the cooperation and assistance they had afforded him during the session, the Austrian authorities and the

City of Vienna for their customary hospitality, and the Director General and his staff for their valuable support, which had enabled the General Conference to finish its business successfully.

67. Finally, in accordance with Rule 48 of the Rules of Procedure, he invited the Conference to observe one minute of silence dedicated to prayer or meditation.

**All present rose and observed for one minute of silence.**

68. The PRESIDENT declared the forty-eighth regular session of the General Conference closed.

**The meeting rose at 8 p.m.**