



International Atomic Energy Agency

# GENERAL CONFERENCE

GC

GC(XXVIII)/COM.5/OR.39

January 1985\*

GENERAL Distr.

ENGLISH

TWENTY-EIGHTH REGULAR SESSION: 24-28 SEPTEMBER 1984

COMMITTEE OF THE WHOLE

RECORD OF THE THIRTY-NINTH MEETING

Held at the Neue Hofburg, Vienna,  
on Thursday, 27 September 1984, at 4.15 p.m.

Chairman: Mr. UMAR (Nigeria)

## CONTENTS

<u>Item of the agenda**</u>	<u>Paragraphs</u>
21      Reveiw of the Agency's activities	1 - 32

---

\*/ A provisional version of this document was issued on 16 October 1984.

\*\*/ GC(XXVIII)/730.

---

The composition of delegations attending the session is given in document GC(XXVIII)/INF/223/Rev.4.

REVIEW OF THE AGENCY'S ACTIVITIES (GC(XXVIII)/718, GC(XXVIII)/COM.5/37 and Add.1)

1. The CHAIRMAN said that, pursuant to resolution GC(XXVII)/RES/421 adopted by the General Conference in the previous year, the Board had submitted, in document GC(XXVIII)/718, its report on a review of the activities of the Agency during the first 25 years of its existence. He asked the delegate of Egypt to introduce the draft resolution presented in document GC(XXVIII)/COM.5/37.
2. Mr. HAWAS (Egypt), before introducing the draft resolution in document GC(XXVIII)/COM.5/37, congratulated the Secretariat on document GC(XXVIII)/718 and paid a special tribute to Mr. C. O'Neal, who had made a considerable contribution to it.
3. Operative paragraph 4 of the draft resolution under consideration recalled the resolutions adopted in 1981 on the staffing of the Secretariat, the financing of technical assistance and amendment of Article VI.A.2 of the Statute. Operative paragraph 5 referred to the conclusions in paragraph 374 of document GC(XXVIII)/718 concerning the financing of nuclear power installations in developing countries; also, it was inspired by Article XI.B of the Statute.
4. It had been the concern of the countries sponsoring the draft resolution to submit a text which would find a consensus among all Members. Before concluding, he suggested that, in operative paragraph 4(a), "and 391" be inserted after "389", the conjunction "and" in front of "389" being replaced by a comma; resolution GC(XXV)/RES/391, also adopted in 1981, related to the appointment of the Director General.
5. Mr. LOZADA (Philippines) gave his unreserved support to the draft resolution submitted by the delegations of Egypt, Jordan and Nigeria and also to the inclusion in operative paragraph 4(a) of a reference to resolution GC(XXV)/RES/391.
6. Mr. NANIOV (Bulgaria) took note with appreciation of the review of the Agency's activities (GC(XXVIII)/718).

7. He had, however, a number of comments to make on the draft resolution in document GC(XXVIII)/COM.5/37. First, he did not consider the text to be sufficiently balanced. Secondly, operative paragraph 4(a) mentioned resolutions which had already been discussed under other agenda items, and that might give rise to some confusion in the future since the measures requested in those resolutions were not the same as those requested in the resolutions relating to other items discussed. Thirdly, paragraph 5 was superfluous since the question of assistance with the financing of projects was covered – in carefully chosen words – by Article XI.B of the Statute. Fourthly, paragraph 6 was not clear since it did not specify how the Director General would keep the Board and the General Conference informed regarding the implementation of the resolution. He suggested that, if paragraph 6 were to be retained, the words "through the Agency's Annual Reports" should be inserted after the word "informed". Finally, he would like the expression "the implementation of" in the same paragraph to be replaced by "actions taken on".

8. Ms. AJAKAIYE (Nigeria) thanked the Board and the Director General for the review of the Agency's activities, which showed the importance of those activities for developing countries. Despite the financial constraints being faced by the Secretariat, the Nigerian delegation considered the future to be very promising. The political will and sincerity demonstrated by Member States would make the Agency a symbol of hope for future generations. Nigeria, which had complete confidence in the Agency, had decided to co-sponsor the draft resolution before the Committee. The Nigerian delegation was convinced that there would be no difficulty in obtaining the support of all and hoped that most of the conclusions in the review would be reflected in future activities of the Agency.

9. Mr. MARTINS FELÍCIO (Brazil), noting that document GC(XXVIII)/718 showed the Agency's activities to have been reviewed by the Board, stated that his delegation would have preferred it to have been the Board which was submitting a draft resolution on the matter under consideration. That did not mean that his delegation was against the draft resolution submitted by Egypt,

Jordan and Nigeria, but that it would have liked to have had more time to evaluate all its implications. It might be preferable to retain only operative paragraphs 1 and 4(b) of the draft resolution, on the lines suggested by the representative of Bulgaria; that would make it easier for the Brazilian delegation to approve the text.

10. The review issued as document GC(XXVIII)/718 raised a number of controversial points. He mentioned, as examples, the following passages of the review:

- Paragraph 5, in which it was stated that the Board of Governors had discussed the question of amending Article VI.A.2 of the Statute. Everyone knew that, but the matter was a very controversial one;
- Paragraph 10, in which it was stated that the discussion of safeguards in the review had been confined to the minimum necessary for an overall picture of the 25-year period under study;
- Paragraph 71, which referred to a very controversial concept - the efficiency and effectiveness of safeguards - which gave rise to much discussion within the Board; and, finally,
- Paragraph 222, which related to a matter of international law and the concept of national sovereignty and which expressed views of the Agency that had not been duly examined by the Board.

11. Mr. HOSSAIN (Bangladesh) proposed adding, at the end of operative paragraph 5, the words "in particular the least developed countries, and".

12. Mr. HENDERSON (United Kingdom) had reservations about the wording of the draft resolution under discussion, which he believed should remain very general in nature. From that point of view, operative paragraphs 1 and 4(b) were of importance. The inclusion of a reference to resolution GC(XXV)/RES/391, as proposed by the representative of Egypt, was not acceptable since it was

tantamount to asking the Director General to pay particular attention to the appointment of his successor. Also, operative paragraph 6 seemed superfluous. If, however, it were to be retained it should preferably incorporate the modifications proposed by the representative of Bulgaria.

13. Mr. USTYUGOV (Union of Soviet Socialist Republics) associated himself with the comments made by the representatives of Bulgaria and the United Kingdom.

14. Mr. HAWAS (Egypt) said that, subject to the approval of the Nigerian delegation, he was fully prepared to accept the amendments proposed for operative paragraph 6. With regard to paragraph 5, the Bulgarian delegation's concern could be met by using language similar to that of Article XI.B of the Statute, replacing the words "in arranging financing of ..." by "in securing financing from outside sources for ..."; in addition, at the end of the paragraph, the words "in accordance with the Statute" could be added. He had no fundamental objection to the proposal by Bangladesh that specific mention be made of the least developed countries at the end of paragraph 5, but he would prefer to keep the wording as it was, since the expression "developing countries" obviously included the least developed countries. Noting that he had already explained to the Committee the purpose of operative paragraphs 2, 3 and 4(a), he expressed the hope that they would meet with its approval.

15. Mr. HOSSAIN (Bangladesh) thanked the delegate of Egypt for the clarification he had provided. Although it was true that the expression "developing countries" did include the least developed countries (LDCs), the fact was that all organizations in the United Nations system, which had explicitly recognized those countries as a distinct group, always mentioned them in their resolutions or decisions as calling for special treatment. Document GC(XXVIII)/718 itself devoted a paragraph to the particular case of those countries. The LDCs, which were at the lowest level of development, were accorded priority by United Nations bodies, and it was with that in mind that he had proposed his amendment. He wished to stand by his proposal unless the sponsors were totally opposed to it.

16. Mr. BAŞSOY (Turkey) endorsed the draft resolution under discussion; he wished, however, to suggest some modifications of form. First, in operative paragraph 3, it would be preferable to say "to finance as many footnote a/ projects as possible to make them operational"; secondly, at the beginning of paragraph 4(a) it would be more appropriate to say "to take steps with a view to the full implementation ..."

17. The CHAIRMAN, noting that a relatively large number of amendments had been proposed, suggested to the sponsors that they consult unofficially during the meeting with a view to submitting to the Committee a text likely to be acceptable to all. The Committee could make use of the time that would take by returning to item 20 of the agenda and discussing the draft resolution in document GC(XXVIII)/COM.5/36.

18. Mr. DARTOIS (Belgium) said that that draft resolution would also require consultations and suggested that the meeting be suspended in order to give delegations time to consult on the two drafts.

19. It was so decided.

The meeting was suspended at 5.p.m. and resumed at 5.20 p.m.

20. Mr. HAWAS (Egypt) said he was gratified to announce that, in the small group which had just met for brief consultations on the draft resolution relating to the review of the Agency's activities, it had been possible to reach agreement on a wording whereby certain paragraphs had been retained while others had been amended.

21. The group had agreed on the following amendments:

- In operative paragraph 2, addition of the word "and" after the expression "the Agency's activities, ...";
- In paragraph 3, replacement of the words "to make as many footnote a/ projects operational as possible" by "to finance as many footnote a/ projects as possible to make them operational";

- Deletion of paragraph 4(a);
- In paragraph 5, in line with the wording of the Statute and of the review document, replacement of the existing wording by the following:  
"Requests the Director General, in accordance with Article XI of the Statute, to provide, upon request, assistance in securing financing from outside sources for nuclear power projects in developing countries, and in particular the least developed countries"; and
- In paragraph 6, addition of the words "... through the Agency's Annual Reports," after the word "informed" and replacement of "regarding the implementation of" by "regarding actions taken on".

22. The CHAIRMAN thanked Mr. Hawas for his statement and commended the group of delegations which had participated in negotiations on behalf of the Committee and which, through their understanding and spirit of compromise, had been able to agree on the new wording of the draft resolution.

23. Mr. MORALES PEDRAZA (Cuba) wished to propose a slight modification in order to clarify the sense of operative paragraph 3. The Cuban delegation entirely agreed with the ideas expressed in that paragraph, according to which all countries which were in a position to do so were called upon to finance as many footnote a/ projects as possible to make them operational. However, the Cuban delegation wished to see the words "..., without discrimination, ..." inserted after "to finance". The reason for that suggestion was that his delegation had always been of the opinion - as it had maintained on many occasions - that the implementation of footnote a/ projects should take into account the characteristics of those projects and should not depend on whether or not a country was a party to a certain treaty or on any other criterion.

24. Mr. HENDERSON (United Kingdom) was not able to accept the amendment proposed by the Cuban delegation because the very nature of footnote a/ projects was that they were at the discretion of donor countries.

25. Mr. HAWAS (Egypt) said that he understood what the representative of Cuba had in mind. His delegation had always stressed that funding should be obtained for footnote a/ projects in the interests of all Agency Member States and of the Agency itself. Also, he recognized the right of donor countries to decide which projects they wished to contribute to. He believed that the point raised by the Cuban delegation - which had been mentioned on other occasions and in other bodies - had some merit. Nevertheless, he hoped the representative of Cuba would not insist that the amendment he had proposed be included in the wording of a draft resolution which had been formulated with great care, which took into account the many views expressed and on which it might be possible to find a consensus. As it had been proposed following consultations, the wording of paragraph 3 did not exclude the idea put forward by the Cuban delegation. For that reason, he urged the Cuban delegation to accept the wording as it stood.

26. The CHAIRMAN associated himself with the appeal made to the representative of Cuba by the Egyptian representative in the light of the explanations provided by the latter.

27. Mr. MORALES PEDRAZA (Cuba), explaining the idea behind his proposal, said that he was not questioning the right of donor countries to make their own selection in the light of the criteria that their Governments applied in deciding which projects or countries were to benefit from their assistance. What he had meant was that, on the basis of what had been said in the Board or the General Conference, the Cuban delegation could not accept that a text emanating from the Agency implicitly permitted discrimination. His delegation did not wish to impose on any country the choice of projects which were to benefit from its assistance, since it was the sovereign right of the donor country to take its own decisions. The addition of the words "without discrimination" would in no way modify the decisions which countries could continue to take with regard to the projects or countries which were to benefit from their assistance. Since the question had been raised officially in the Board



and the General Conference, the Cuban delegation believed that it needed to be pointed out in one way or another that the choices made by Governments were independent of the choices made by the Agency. Countries had the sovereign right to take such decisions, and the suggestion by the Cuban delegation had no effect on the criteria which might be applied when countries selected projects for funding. In fact, the concept was sufficiently broad to cover all criteria that countries might decide to apply at the moment of selection.

28. The CHAIRMAN assured the delegate of Cuba that his observations had been taken note of and asked him once again to take into consideration the appeal made to him in order to enable the Committee to adopt the draft resolution.

29. Mr. MORALES PEDRAZA (Cuba) said that he did not wish to prevent the Committee from adopting the draft resolution. He merely wished it to be known that his statement and the interpretation he had placed on paragraph 3 related to all Members of the Agency, which were entitled to receive technical assistance, and that the selection should in no way be based on criteria extraneous to the Agency's Statute. He asked that his statement and the interpretation that his delegation wished to place on paragraph 3 of the draft resolution appear in the official record. That having been said, the Cuban delegation would not prevent the Committee from recommending adoption of the draft resolution under consideration.

30. The CHAIRMAN thanked the representative of Cuba and assured him that his statements would be recorded as he had requested. He also thanked other representatives for their co-operation and, in particular, the small group of representatives who had been involved in consultations.

31. He took it that the Committee wished to recommend that the General Conference adopt the draft resolution in document GC(XXVIII)/COM.5/37 as amended.

32. It was so decided.

The meeting rose at 5.50 p.m.

