

December 5, 1979

**Two Hundred and Eleventh Plenary Meeting of the
Twenty-Third International Atomic Energy Agency
General Conference in New Delhi, Regarding the
Credentials of the South African Delegate**

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Summary:

Record of the 211th Plenary Meeting of the 23rd International Atomic Energy Agency General Conference in New Delhi. The Conference discusses the credentials of the delegate from South Africa, with a number of countries proposing that the delegate should be rejected due to South Africa's continued policy of Apartheid.

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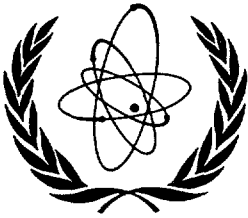
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TWENTY-THIRD REGULAR SESSION: 4-10 DECEMBER 1979

RECORD OF THE TWO HUNDRED AND ELEVENTH
PLENARY MEETINGHeld at Vigyan Bhavan, New Delhi,
on Wednesday, 5 December 1979, at 11.25 a.m.President: Mr. SETHNA (India)

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*/ A provisional version of this document was issued on 10 January 1980.

**/ GC(XXIII)/609.

The composition of delegations attending the session is given in document GC(XXIII)/INF/188/Rev.5.

ARRANGEMENTS FOR THE CONFERENCE

(a) ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS FOR INITIAL DISCUSSION
(GC(XXIII)/609, 617)

1. The PRESIDENT informed the Conference that the General Committee, at its meeting earlier that day, had authorized him to report on the results of its consideration of the agenda and the allocation of items for initial discussion. The General Committee recommended, first, that the agenda should consist of all the items contained in the provisional agenda, as set out in document GC(XXIII)/609, and an additional item proposed by the Board of Governors in document GC(XXIII)/617 which concerned the Agency's budget for 1979; secondly, that the items should be allocated for initial discussion as indicated in document GC(XXIII)/609, the additional item being allocated to the Committee of the Whole; and, thirdly, that the time limit referred to in Rule 15 of the Rules of Procedure should be waived for the purpose of discussion of the additional item.
2. The General Committee's recommendations were accepted.
3. The PRESIDENT further informed the Conference that the General Committee had that day also served as a Credentials Committee to discuss a point raised by the delegate of Nigeria concerning the credentials presented by the South African delegation. After an extensive debate, in which all members of the Committee had expressed their views, it had become clear that members differed as to the interpretation of Rules 51, 82 and 40 of the Rules of Procedure. Seven members (Nigeria, Qatar, the Union of Soviet Socialist Republics, India, Tunisia, Malaysia and Czechoslovakia) had supported the Nigerian proposal. Six members (the United States of America, the United Kingdom, France, the Federal Republic of Germany, Canada and Japan) had opposed the proposal. One member (Ecuador) had abstained on behalf of the Latin American countries. The Conference was therefore invited to discuss the point raised by the Nigerian delegate.
4. The DIRECTOR GENERAL said that he must, with reluctance, ask permission to say a few words of introduction, as he considered that his responsibilities, under the Statute of an Agency, the objectives of which were to promote the peaceful uses of atomic energy and to prevent the diversion of nuclear materials to military ends, compelled him to draw attention to certain facts.
5. The first was that the IAEA was applying safeguards to the only operating reactor in South Africa and had been doing so since June 1965. The second was that under the trilateral agreement approved by the Board of Governors in September 1976 the IAEA would be applying safeguards to two nuclear power plants due to come into operation in 1981 and 1982. South Africa had further committed itself to report to the IAEA exports of nuclear materials to non-nuclear-weapon States. There had also been preliminary discussions with the South

African authorities about the conclusion of a safeguards agreement for the commercial enrichment plant which South Africa intended to construct. The discussions had not covered the pilot enrichment plant operating in South Africa, but the possibility should not be ruled out that South Africa might accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and thereby place all nuclear materials and nuclear plant in that country under safeguards. Such a step would be of great importance for the creation of a denuclearized zone in Africa and would benefit all African countries; he had in fact twice visited South Africa with that objective in view. He hoped the General Conference would bear those things in mind when taking decisions which might affect the position of South Africa in the Agency.

6. Mr. OMOLODUN (Nigeria) proposed that the General Conference should, on the recommendation of the General Committee, decide not to accept the credentials presented by the delegation of South Africa.
7. Mr. SOTOLONGO CODINA (Cuba) supported the proposal made by the delegate of Nigeria and pointed out that the position adopted by Ecuador during the General Committee's deliberations was not shared by all the countries of Latin America.
8. Mr. OSMAN (Egypt) appealed to the Conference to understand the attitude of the African States and peoples towards the discriminatory policy of apartheid practised in South Africa. The Government of that country was not only not representative of the population, it also had the ambition to acquire nuclear weapons and was thus in conflict with the principles of the Agency's Statute.
9. Mr. VELLODI (India) said that his country had always condemned the policy of apartheid and had been the first to raise the matter in the United Nations General Assembly. He agreed with the previous speaker that the South African Government was not representative of the people of South Africa, and therefore supported the proposal put forward by the delegate of Nigeria, adding that the proposal was not to expel South Africa from the Agency, but to reject the credentials presented by the delegation of that country.
10. Mr. ONYANGO (Kenya) said that only peoples who had experienced racial discrimination could be fully aware of how obnoxious a practice it was. In view of the policy of apartheid applied in South Africa he strongly supported the proposal under discussion.
11. Mr. SATTAR (Pakistan) said that the repugnance of the world community at the policy of apartheid had been voiced in many international meetings, including those of the Board of Governors of the Agency. There was thus no reason why the same position should not be taken by the General Conference. Adopting a different policy in the case of the Agency so that South Africa would continue to be bound by its obligations as a Member State would be tantamount to acquiescence in blackmail. Since opposition to the apartheid policy of the South African

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Government was a matter of principle; it should be voiced consistently in all international fora. He, therefore, fully supported the proposal made by the delegate of Nigeria.

12. Mr. KOUTOUBI (Niger) shared the views of previous speakers, adding that his country might review its position with regard to South Africa if conditions changed in that country.

13. Mr. ALLOTEY (Ghana), Mr. CHALIKULIMA (Zambia), Mr. PRIBICEVIC (Yugoslavia), Mr. BENNINI (Algeria), Mr. NEMETS (Ukrainian Soviet Socialist Republic), Mr. NIMPUNO (Indonesia), Mr. KAYUMBO (United Republic of Tanzania), Mr. KOSTADINOV (Bulgaria), Mr. LE BA CAP (Viet Nam), Mr. THOMAS (German Democratic Republic), Mr. NGONGO KAMANDA (Zaire), Mr. OSZTROVSZKI (Hungary), Mr. HADDAD (Syrian Arab Republic), Mr. NICULESCU (Romania), Mr. MARAFI (Kuwait), Mr. MAHMOOD (Iraq), and Mr. CHOI HAK GUN (Democratic People's Republic of Korea) associated themselves with the views expressed by the previous speakers and supported the proposal put forward by the delegate of Nigeria.

14. Mr. DE VILLIERS (South Africa) considered the General Committee's decision wholly illegal and without precedent in the annals of the Agency. The credentials of the South African delegation were strictly in conformity with the Agency's Statute and the Rules of Procedure of the General Conference, as all past sessions of the General Conference had recognized. They had been issued by the same authorities which had issued the credentials of the South African delegations to the past 22 annual sessions of the General Conference. It could by no stretch of the imagination be argued that those credentials, at the 23rd session, were not in order. The proposal before the General Conference was a blatantly unconstitutional action, politically conceived, to prevent a Member of the Agency - a technical organization - from exercising its constitutional right to participate in the deliberations of the Conference.

15. A precedent was being created which the IAEA would come to regret, and which contained the seeds of the Agency's own destruction. When South Africa had been expelled from the Board of Governors in 1977, his country's delegation had warned against that trend. It regretted that its fears should have been vindicated by the action now being taken by the General Conference.

16. South Africa was a net contributor to the activities of the IAEA. The international community continually urged South Africa to co-operate with it in matters of nuclear technology and development, and of safeguards; but at the same time, South Africa might effectively be prevented from exercising such co-operation. That was a travesty, not only of justice, but of logic and common sense. He could only hope that the forces of reason would re-assert themselves in the Agency, that it might return to those important tasks which its Statute and the international community demanded of it, and that matters of political difference would be relegated to those fora in which they were appropriate.

17. Mr. HABASHI (Sudan) replied that it might be true that the South African delegation's credentials had been issued by the same authorities as usual, but almost all previous sessions of the General Conference had condemned the policy of apartheid. South Africa had been removed from the Board of Governors in 1977 because it had taken sides against all of Africa and the opinion of the whole world and was therefore not fit to represent Africa permanently on the Board. He therefore supported the proposal made by the delegate of Nigeria.

18. Mr. O'SULLIVAN (Ireland), speaking on behalf of the Member States of the European Community, took the view that the function of the General Committee and of the General Conference regarding the acceptance or otherwise of the credentials submitted by the Governments of the Agency's Member States was simply to determine whether those credentials complied with the provisions of Rule 27 of the Rules of Procedure. As there was no doubt that the credentials submitted by South Africa were valid according to those provisions there was no basis for the Conference declining to accept them. He did not wish to go into the matters touched upon in the wise words of the Director General, which all delegations should carefully ponder before reaching a decision on the matter.

19. At the same time he wished to stress that the Governments of the Member States of the European Community were firmly opposed to the policy of apartheid; nevertheless, in their view such political considerations were not relevant to the question of the credentials of Member States of the Agency, which should be judged in the manner he had just indicated. Consequently, the Member States of the Community were firmly opposed to the proposal to disallow the credentials of the delegation of the Republic of South Africa.

20. Mr. SMITH (United States of America) said that his country's total opposition to the racial policies of South Africa had been placed on record on countless occasions. However, that attitude was not relevant to the question whether the South African delegation had presented valid credentials in accordance with Rule 27 of the Rules of Procedure. The strength and integrity of the United Nations system depended on strict compliance with constitutional and and procedural requirements. His Government was opposed to rejecting the credentials of any Member State on political grounds. The introduction of divisive political issues into the deliberations of technical organizations like the IAEA could only hinder them in meeting their international responsibilities. The rejection of the South African delegation's credentials would undermine the objective of non-proliferation and the effort to gain acceptance of safeguards by all countries, including South Africa.

21. The PRESIDENT, observing that there were no more speakers, said that the statements made by delegates would be duly reflected in the record of the meeting and asked whether he could take it that the Conference was ready to

adopt the proposal made by the delegate of Nigeria that the credentials of the delegate of South Africa be rejected and that the delegation of South Africa should not be allowed to participate in the Conference.

22. Mr. DE VILLIERS (South Africa) requested that a roll-call vote be taken on the proposal in accordance with Rule 72 of the Rules of Procedure.

23. The PRESIDENT accordingly invited the Conference to proceed to a roll-call vote.

24. Guatemala, having been drawn by lot by the President, was called upon to vote first.

25. The result of the vote was as follows:

In favour: Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Saudi Arabia, Senegal, Singapore, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yugoslavia, Zaire, Zambia, Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Ecuador, Egypt, Gabon, German Democratic Republic, Ghana.

Against: Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Monaco, Netherlands, New Zealand, Norway, Portugal, South Africa, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Federal Republic of Germany.

Abstaining: Holy See, Spain, Uruguay, Venezuela, Argentina, Brazil, Chile, Colombia, Greece.

26. There were 49 votes in favour and 24 against, with 9 abstentions. The proposal was adopted.

27. Mr. COPITHORNE (Canada), explaining why Canada had voted against the proposal, said that while Canada was unequivocally against South Africa's racist policies, it felt that there were more appropriate channels and occasions for dealing with that affront to the international community than during an examination of credentials.

28. Mr. ZANGGER (Switzerland) said his delegation had voted as it had done because it was opposed to the provisions concerning acceptance of the credentials of a Member State being used for purposes which had nothing to do with the Agency's declared aims and objectives. He wished to stress that the Swiss Government condemned South Africa's apartheid policy, which was contrary to the traditions and ideals of the Swiss people.

29. Mr. KORHONEN (Finland) said that the Finnish Government likewise strongly condemned apartheid. However, rejecting the credentials of the South African delegation was tantamount to suspending the rights of membership of South Africa, and such a question could not be decided on the basis of Rule 27 of the Rules of Procedure but only on the basis of Article XIX of the Statute. Therefore, Finland had voted against the proposal.

30. Mr. KANAZAWA (Japan) said Japan had voted against the proposal because it considered that the task of the Credentials Committee was simply to examine whether the credentials of Member States complied with the provisions of the Statute. Japan was strongly opposed to apartheid but did not consider that an international organization like the IAEA with scientific objectives should become involved in political manoeuvres.

31. Mr. BORNER (Liechtenstein) said his delegation had voted against the proposal for the same reasons as those already set forth by the delegate of Switzerland.

32. Mr. HOESS (Austria) said that, while Austria was on record both within and outside the United Nations as being opposed to apartheid, it had not voted for the proposal, because the question of acceptance of credentials was a legal and not a political one. Austria had also been influenced by the considerations put forward by the Director General.

33. Mr. GEORGE (Australia), observing that Australia's policy of condemning apartheid was well known, said that Australia did not consider it appropriate to reject the credentials of South Africa but rather to maintain the restraints of participation and membership on South Africa.

34. Mr. ONYANGO (Kenya) said it was strange to see delegates justifying their positions in that fashion and urged them to back up their words with action if they were really opposed to apartheid.

The meeting rose at 1 p.m.