



Non-Aligned Movement (NAM) Database

13 September 2004 Board of Governors Meeting

13 September 2004 Meeting: GOV/OR.1106; GOV/OR.1108; GOV/OR.1109;	
	Safeguards
Safeguards Agreements and Additional Protocols	<ul style="list-style-type: none"> (GOV/OR.1106 – Para 37) ...took note of the decision by the Governments of Algeria, Mauritius and Serbia and Montenegro to conclude additional protocols to their NPT safeguards agreements.
Republic of Korea	<ul style="list-style-type: none"> (GOV/OR.1108 – Para 35) ...the NAM took note of the Director General's introductory statement on the implementation of the Republic of Korea's NPT safeguards agreement and welcomed the fact that the Republic of Korea was cooperating fully to enable the Agency to resolve the issue.
Israel	<ul style="list-style-type: none"> (GOV/OR.1108 – Para 23) Israel, as the only country in the Middle East region that had not joined the NPT or declared its intention to do so, should promptly place all of its nuclear facilities under Agency comprehensive safeguards in accordance with Security Council resolution 487 (1981) and should conduct its nuclear-related activities in conformity with the non-proliferation regime. The acquisition of nuclear capability by Israel posed a serious and continuing threat to the security of neighbouring and other States. Israel's continued development and stockpiling of nuclear weapons had also been condemned.
	NWFZ
General Views on NWFZ	<ul style="list-style-type: none"> (GOV/OR.1108 – Para 22) The establishment of nuclear-weapon-free zones through such instruments as the Tlatelolco, Rarotonga, Bangkok and Pelindaba Treaties remained a positive step towards attaining the objective of global nuclear disarmament. The efforts aimed at establishing new nuclear-weapon-free zones in all regions of the world had been welcomed. Cooperation and broad consultation would be needed. In that context, support had been expressed for Mongolia's nuclear-weapon-free status. The institutionalization of that status would be an important step towards strengthening the nonproliferation regime in that region. Consultations should continue between ASEAN and the nuclear-weapon States on the Protocol of the Bangkok Treaty with a view to the latter becoming parties to the Protocol as soon as possible. The decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible had been welcomed. Support had also been expressed for the convening, at an appropriate time, of an international conference of the State Parties, ratifiers and signatories of the Tlatelolco, Rarotonga, Bangkok and Pelindaba Treaties to discuss and implement further modalities for cooperation among themselves, their treaty agencies and other interested States.
NWFZ in the Middle	<ul style="list-style-type: none"> (GOV/OR.1106 – Para 84) ...welcomed the good cooperation the

East	<p>Libyan Arab Jamahiriya had shown since the beginning of the verification activities in that country following its declaration of December 2003. That cooperation, including the provision of prompt access to locations requested and to senior personnel and the taking of corrective actions, had enabled the Agency to gain an understanding of Libya's previously undeclared nuclear programme, and had brought it into compliance with its safeguards agreement. Libya's decision was a step towards the realization of the goal of an Africa and Middle East free of WMDs and at peace. In that context, NAM had welcomed the statement by the President of the United Nations Security Council (S/PRST/2004/10) and was confident that the steps taken by Libya would facilitate and improve international cooperation and enhance that country's security. The NAM Chapter reiterated its full support for the speedy establishment of a zone free of WMDs in the Middle East, in accordance with the relevant Security Council and General Assembly resolutions. NAM once again called on all the parties concerned to take urgent and practical steps to that end, and urged Israel promptly to place all its nuclear facilities under Agency full-scope safeguards. NAM shared the Director General's assessment and fully supported him in continuing to report developments as part of the periodic reporting of the Agency's verification activities unless circumstances warranted otherwise. Also, NAM strongly believed that the item should henceforth be removed from the Board's agenda and that in future the matter should be dealt with in the normal manner pursuant to Libya's safeguards agreement.</p> <ul style="list-style-type: none"> • (GOV/OR.1108 – Para 23) All parties concerned had been urged to take urgent and practical steps to fulfill the proposal initiated by Iran in 1974 for the establishment of a nuclear-weapon-free zone. Israel, as the only country in the Middle East region that had not joined the NPT or declared its intention to do so, should promptly place all of its nuclear facilities under Agency comprehensive safeguards in accordance with Security Council resolution 487 (1981) and should conduct its nuclear-related activities in conformity with the non-proliferation regime. The acquisition of nuclear capability by Israel posed a serious and continuing threat to the security of neighbouring and other States. Israel's continued development and stockpiling of nuclear weapons had also been condemned.
United Nations Fora	
Unilateralism and Multilateralism	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 19) ...said that the Foreign Ministers of the NAM had met on 19 August 2004 in Durban, South Africa, to review progress made since the XIII Conference of the Heads of States or Governments of the NAM. • (GOV/OR.1108 – Para 20) At that meeting, the Ministers had once again stressed the importance of promoting and strengthening the multilateral process and addressing international challenges by abiding strictly by the Charter of the United Nations and the principles of international law. They had stressed their commitment to multilateralism and their rejection of unilateralism, which was increasingly leading to the erosion and violation of international law, to the use and threat of use of force, and to pressure and coercion by

certain countries as a means of achieving their policy objectives. Strong condemnation had been expressed for the labeling of countries as good or evil and repressive based on unilateral and unjustified criteria, for unilateral military action taken without proper authorization from the United Nations Security Council, and for threats of military action against the sovereignty, territorial integrity and independence of NAM Member States which constituted acts of aggression and blatant violations of the principle of non-intervention and non-interference. Firm condemnation had also been expressed for unfounded, biased accusations by certain countries against NAM members, and the implications of such allegations for peace, security and stability had been underscored.

- (GOV/OR.1108 – Para 27) The issue of proliferation should be resolved through political and diplomatic means, and the measures and initiatives taken should be within the framework of international law, relevant conventions and the Charter of the United Nations, and should contribute to the promotion of international peace, security and stability.
- (GOV/OR.1108 – Para 28) The Ministers had emphasized the importance of the positive role played by the NAM in the Agency, and the need for all members of the Agency to observe its Statute strictly. They had expressed support for all efforts to strengthen the role of the Agency in conformity with its Statute and had stressed that such efforts should be the product of careful and transparent deliberations among members.
- (GOV/OR.1109 – Para 16) Despite also having had serious problems with other paragraphs in the draft resolution, in a spirit of consensus NAM had decided to propose amendments to only operative paragraphs 7 and 8. Those proposals were contained in document GOV/2004/78.
- (GOV/OR.1109 – Para 21) ...spoke against the motion. NAM felt that the Board had exceeded its mandate in dealing with the issue. Although permitted under the Rules of Procedure, the move to adjourn the debate ran contrary to the principles of democracy. It could be perceived as preventing others from speaking their minds on a matter of principle with legal connotations. In tabling its proposed amendments, NAM was exercising the legitimate right of any member of the Board to ensure that its concerns were addressed. Unfortunately, the motion could also be misinterpreted as a tactic of the powerful to silence the weak. Clearly the matter had been highly politicized, which it should not be; that was certainly not the message the Board should be sending out. Whatever the outcome of the motion, he sincerely hoped that confidence would be re-established among Member States in good faith.
- (GOV/OR.1109 – Para 36) With regard to the resolution just adopted without a vote, NAM had worked in good faith, and on the basis of principle, to enhance the text of the draft resolution with a view to achieving a consensus that reflected reality. In negotiations with the co-sponsors, NAM had at various times been faced with a 'take it or leave it' situation. That was an unfortunate development, particularly

	<p>considering that NAM seemed to have been the last group to receive the draft text. The Board needed to review the way it conducted its work to ensure that all groups and members were treated with the respect and courtesy embodied in the ‘Vienna spirit’.</p> <ul style="list-style-type: none"> • (GOV/OR.1109 – Para 37) He underlined that, although NAM had had serious problems with many paragraphs, it had still compromised and sought consensus. • (GOV/OR.1109 – Para 39) Finally, expressing full confidence in the professionalism and impartiality of the Secretariat in carrying out its duties, he stressed that the issue should be resolved within the Agency’s mandate.
	Disarmament
<p>Nonproliferation and Disarmament</p>	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 21) The Ministers had reiterated their principled positions on nuclear disarmament and the related issue of nuclear non-proliferation and had stressed that non-proliferation efforts should run parallel to nuclear disarmament efforts. They had also reiterated their deep concern over the slow pace of progress towards nuclear disarmament, which remained their highest priority. • (GOV/OR.1108 – Para 22) The establishment of nuclear-weapon-free zones through such instruments as the Tlatelolco, Rarotonga, Bangkok and Pelindaba Treaties remained a positive step towards attaining the objective of global nuclear disarmament. The efforts aimed at establishing new nuclear-weapon-free zones in all regions of the world had been welcomed. Cooperation and broad consultation would be needed. In that context, support had been expressed for Mongolia’s nuclear-weapon-free status. The institutionalization of that status would be an important step towards strengthening the nonproliferation regime in that region. Consultations should continue between ASEAN and the nuclear-weapon States on the Protocol of the Bangkok Treaty with a view to the latter becoming parties to the Protocol as soon as possible. The decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free Zone Treaty as soon as possible had been welcomed. Support had also been expressed for the convening, at an appropriate time, of an international conference of the State Parties, ratifiers and signatories of the Tlatelolco, Rarotonga, Bangkok and Pelindaba Treaties to discuss and implement further modalities for cooperation among themselves, their treaty agencies and other interested States.
	Peaceful Uses
<p>Peaceful Uses of Nuclear Energy</p>	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 24) The inalienable right of developing countries to engage in research into and the production and use of nuclear energy for peaceful purposes without discrimination had been reaffirmed. The undue restrictions that persisted on exports to developing countries of material, equipment and technology for peaceful purposes had been noted with concern. Proliferation concerns were best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements. Nonproliferation control arrangements should be transparent and open to participation by all States. They should not impose restrictions on access to material, equipment and technology for peaceful purposes

	<p>required by developing countries for their continued development. In that regard, attempts by any Member State to use the Agency's technical cooperation programme as a tool for political purposes in violation of the Statute had been strongly rejected.</p> <ul style="list-style-type: none"> • (GOV/OR.1108 – Para 25) The Ministers had confirmed that each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies. • (GOV/OR.1108 – Para 26) Developed countries had a responsibility to promote the legitimate nuclear energy needs of developing countries by allowing them to participate as fully as possible in the transfer of nuclear equipment and material and of scientific and technological information for peaceful purposes.
Iran	<ul style="list-style-type: none"> • (GOV/OR.1109 – Para 34) The Agency had been able to verify Iran's suspension of enrichment related activities at specific facilities and sites, and had been able to confirm that it had not observed any activities inconsistent with Iran's voluntary decision. In that context, he reiterated the basic and inalienable right of all Member States to develop atomic energy for peaceful purposes. Iran's voluntary gesture was a temporary confidence-building measure, intended only to facilitate prompt closure of the matter.
Nuclear Safety and Security	
Safety Radiological Safety and Waste Management	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 29) There was a need to strengthen radiological safety and protection systems at facilities using radioactive material and at radioactive waste management facilities, including the safe transport of radioactive material. An appropriate international regime should be designed for physical protection of radioactive material during its transport. Efforts should continue at the multilateral level to strengthen existing international regulations relating to the safety and security of transport of such material, and provisions for liability in the event of accidents or damage resulting in contamination of the sea and seabed. It was important to provide affected States with information on shipment routes, mandatory requirements for contingency plans in the event of leakages, accidents or incidents, the commitment to recover the waste material in such an event, and a comprehensive regulatory framework for obtaining compensation in the event of nuclear damage. The Ministers had taken note of the International Conference on the Safety of Transport of Radioactive Material held in July 2003 and had welcomed the adoption by the Agency of an action plan on the safety of transport of radioactive material. • (GOV/OR.1108 – Para 30) The Ministers had welcomed United Nations General Assembly resolution 58/40 on the prohibition of the dumping of radioactive waste and had called upon States to take appropriate measures to prevent any dumping of nuclear or radioactive waste that would infringe upon the sovereignty of States. They had also welcomed the resolution adopted by the Council of Ministers of the Organization of African Unity in 1991 on the Bamako Convention. They had called for effective implementation of

	<p>the Agency's Code of Practice on the International Transboundary Movement of Radioactive Waste as a means of enhancing the protection of all States from the dumping of radioactive waste on their territory.</p>
	<p>Security Assurances</p>
<p>Attack or Threat of Attack against Peaceful Nuclear Facilities</p>	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 31) The inviolability of peaceful nuclear activities had been reaffirmed. Any threat of attack against peaceful nuclear facilities, either operational or under construction, posed a great danger to human beings and the environment and constituted a grave violation of international law, the principles and purposes of the Charter of the United Nations and the regulations of the Agency. There was a need for a comprehensive multilaterally negotiated instrument that prohibited attacks, or the threat of attacks, on nuclear facilities devoted to the peaceful uses of nuclear energy.
	<p>Other Topics</p>
<p>Armed Attacks; Terrorism</p>	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 32) Satisfaction had been expressed with the consensus among States on measures to prevent terrorists from acquiring weapons of mass destruction, the adoption by consensus of General Assembly resolution 58/48 on measures to prevent terrorists from acquiring weapons of mass destruction had been welcomed, and the need for the threat of nuclear terrorism to be addressed within the United Nations framework and through international cooperation had been underlined. While the most effective way of preventing terrorists from acquiring weapons of mass destruction was through the total elimination of such weapons, progress was urgently needed in the area of disarmament and non-proliferation in order to help maintain international peace and security and contribute to global efforts against terrorism. It was important to support international efforts and, as appropriate, to take and strengthen national measures to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and the materials and technologies related to their manufacture. Noting the adoption of Security Council resolution 1540 on weapons of mass destruction and non-State actors on 28 April 2004, the Ministers had underlined the need to ensure that any action by the Security Council did not undermine existing multilateral treaties on weapons of mass destruction, the relevant international organizations or the role of the United Nations General Assembly. They had further cautioned against the Security Council using its authority to define the legislative requirements for Member States in implementing Security Council decisions. • (GOV/OR.1108 – Para 33) The Ministers had unequivocally condemned international terrorism in all its forms as a criminal act. Terrorism endangered territorial integrity and national and international security, violated human rights, in particular the right to life, destroyed physical and economic infrastructure, and attempted to destabilize legitimately constituted governments. They had expressed their resolve to take speedy and effective measures to eliminate international terrorism, including addressing the underlying causes of terrorism. All States should fulfill their obligations under international law, which included prosecuting or, where appropriate, extraditing the

	<p>perpetrators of terrorist acts and preventing the organization, instigation and financing of terrorism against other States from within or outside their territory or by organizations based in their territory. The Ministers had reaffirmed their support for General Assembly Resolution 46/51 which unequivocally condemned as criminal and unjustifiable all acts, methods and practices of terrorism wherever and by whomever committed. All States should fulfill their obligations under international law and international humanitarian law to refrain from all practices that allowed terrorists to acquire arms that could be used for terrorist acts in other States, or from acquiescing in or encouraging activities in their territory related to the commissioning of such acts.</p>
	Country Specific
Israel	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 23) Israel, as the only country in the Middle East region that had not joined the NPT or declared its intention to do so, should promptly place all of its nuclear facilities under Agency comprehensive safeguards in accordance with Security Council resolution 487 (1981) and should conduct its nuclear-related activities in conformity with the non-proliferation regime. The acquisition of nuclear capability by Israel posed a serious and continuing threat to the security of neighbouring and other States. Israel’s continued development and stockpiling of nuclear weapons had also been condemned.
DPRK	<ul style="list-style-type: none"> • (GOV/OR.1108 – Para 34) Serious concern had been voiced over the recent developments on the Korean Peninsula and the hope had been expressed that the problem would be resolved peacefully through dialogue and negotiations. All parties concerned should do everything possible to resolve the nuclear issue peacefully. The contribution made by the ASEAN Standing Committee and the ASEAN Regional Forum to the peaceful settlement of the issue had been recognized.
Iran	<ul style="list-style-type: none"> • (GOV/OR.1109 – Para 17) As a matter of principle, NAM viewed the legal safeguards obligations of Member States as being separate from voluntary decisions. Whilst safeguards obligations were legally binding, confidence-building measures were voluntary. In his introductory statement, the Director General had underlined that two interrelated but distinct sets of issues were involved in the implementation of Agency safeguards in Iran. However, the text of the draft resolution contained no clear distinction between them. Thus, there was an implication that Member States could be penalized for not adhering to their voluntary gestures. In NAM’s view, that went beyond the Agency’s mandate and ran the risk of setting a precedent. • (GOV/OR.1109 – Para 30) ...the Iranian nuclear programme for military purposes. He noted that the latest report contained in document GOV/2004/60 welcomed the additional information provided by Iran in response to the Agency’s requests, including prompt clarifications of its initial declaration pursuant to the additional protocol and the granting of six complementary accesses since the Board’s meetings in June 2004. The Agency was continuing to make steady progress towards understanding the Iranian nuclear

	<p>programme.</p> <ul style="list-style-type: none"> • (GOV/OR.1109 – Para 31) With respect to laser enrichment activities and Iran’s declared uranium conversion experiments, he welcomed the fact that further follow-ups would be carried out as a routine safeguards implementation matter. That clearly demonstrated the significant progress made towards a final conclusion on the peaceful nature of Iran’s nuclear activities. • (GOV/OR.1109 – Para 32) Also, some progress had been made towards ascertaining the origin of contamination, including the HEU contamination. From the Agency’s analyses to date, it appeared plausible that the HEU contamination may not have resulted from uranium enrichment by Iran. NAM continued to support the Agency’s efforts in that regard and encouraged other States to continue cooperating. • (GOV/OR.1109 – Para 33) On the issue of the import, manufacture and use of P-1 and P-2 centrifuges, he noted that the Agency had gained a better understanding of Iran’s activities. • (GOV/OR.1109 – Para 34) The Agency had been able to verify Iran’s suspension of enrichment related activities at specific facilities and sites, and had been able to confirm that it had not observed any activities inconsistent with Iran’s voluntary decision. In that context, he reiterated the basic and inalienable right of all Member States to develop atomic energy for peaceful purposes. Iran’s voluntary gesture was a temporary confidence-building measure, intended only to facilitate prompt closure of the matter. • (GOV/OR.1109 – Para 35) NAM looked forward to the Director General’s next report. All issues should be resolved on technical grounds and it was important for the Board to reach consensus decisions so that the Iran item could be removed from its agenda and normality achieved. • (GOV/OR.1109 – Para 38) With regard to operative paragraphs 7 and 8, NAM had sought to separate the issues so that matters relating to confidence-building measures were not transformed into legal safeguards obligations. As he had said in his introduction to NAM’s proposed amendments, the Director General had made the same point in his introductory statement. Iran’s voluntary actions should have a definite time-frame and cease when appropriate requirements had been met. • (GOV/OR.1109 – Para 39) Finally, expressing full confidence in the professionalism and impartiality of the Secretariat in carrying out its duties, he stressed that the issue should be resolved within the Agency’s mandate.
Libya	<ul style="list-style-type: none"> • (GOV/OR.1106 – Para 84) ...welcomed the good cooperation the Libyan Arab Jamahiriya had shown since the beginning of the verification activities in that country following its declaration of December 2003. That cooperation, including the provision of prompt access to locations requested and to senior personnel and the taking of corrective actions, had enabled the Agency to gain an understanding of Libya’s previously undeclared nuclear programme, and had brought it into compliance with its safeguards agreement. Libya’s

	<p>decision was a step towards the realization of the goal of an Africa and Middle East free of WMDs and at peace. In that context, NAM had welcomed the statement by the President of the United Nations Security Council (S/PRST/2004/10) and was confident that the steps taken by Libya would facilitate and improve international cooperation and enhance that country's security. The NAM Chapter reiterated its full support for the speedy establishment of a zone free of WMDs in the Middle East, in accordance with the relevant Security Council and General Assembly resolutions. NAM once again called on all the parties concerned to take urgent and practical steps to that end, and urged Israel promptly to place all its nuclear facilities under Agency full-scope safeguards. NAM shared the Director General's assessment and fully supported him in continuing to report developments as part of the periodic reporting of the Agency's verification activities unless circumstances warranted otherwise. Also, NAM strongly believed that the item should henceforth be removed from the Board's agenda and that in future the matter should be dealt with in the normal manner pursuant to Libya's safeguards agreement.</p>
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