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COMMITTEE OF THE WHOLE

RECORD OF THE SIXTH MEETING

Held at the Austria Center Vienna
on Thursday, 21 September 2000, at 3.30 p.m.

Chairman: Mr. GREGORIC (Slovenia)

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[*] GC(44)/21.

The composition of delegations attending the session is given in document GC(44)/INF/18/Rev.2.

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STRENGTHENING THE AGENCY'S ACTIVITIES RELATED TO NUCLEAR SCIENCE, TECHNOLOGY AND APPLICATIONS (continued)

- DRAFT RESOLUTION ON STRENGTHENING THE AGENCY'S ACTIVITIES RELATED TO NUCLEAR SCIENCE, TECHNOLOGY AND APPLICATIONS (continued)

(GC(44)/COM.5/L.15)

1. The representative of the RUSSIAN FEDERATION expressed appreciation for the comments made on the draft resolution during the previous meeting and proposed the following changes to the text:

- in preambular paragraph (a), the replacement of "are" by "include";
- in preambular paragraph (b), the replacement of "are to encourage" by "include encouraging" and of "foster" by "fostering";
- in preambular paragraph (c), the insertion of "a number of countries consider that" between "and that" and "applications";
- the conversion of preambular paragraph (d) into an operative paragraph reading "4. Suggests that the Secretariat continue to implement efforts which contribute to a greater understanding and a well-balanced picture as to the role of Nuclear Science and Technology in a global, sustainable development perspective including the Kyoto commitments";
- the amendment of preambular paragraph (f) to read "Aware that the development and management of safe nuclear power, science and applications in those Member States which have chosen or will choose the nuclear option require the preservation ...";
- the deletion of "with appreciation" in preambular paragraph (i);
- the replacement of "formulating and implementing" by "facilitating" in operative paragraph 2;
- the conversion of operative paragraph 3 into a preambular paragraph reading "(c) Noting the Medium Term Strategy as guidance and input in this respect";
- the deletion of "and environmental protection" in operative paragraph 6; and
- the addition of an operative paragraph reading "Requests that the actions of the Secretariat called for above be undertaken with available resources".

2. The CHAIRMAN proposed - after comments by the representatives of INDIA, BELARUS, GREECE, CHINA, CANADA, the UNITED KINGDOM, JAPAN, FRANCE, BRAZIL, DENMARK, AUSTRIA, PAKISTAN and the UNITED STATES OF AMERICA - the following additional changes to the text:

- the deletion of “in a sustainable manner” in preambular paragraph (e);
- the deletion of “including the production of nuclear power” and “global” in operative paragraph 4;
- the insertion of “to continue” after “Director General” and the deletion of “efforts to strengthen” in operative paragraph 6;
- the replacement of “resolving” by “considering”, the deletion of “non-proliferation and” and the replacement of “developing” by “examining” in operative paragraph 7;
- the deletion of operative paragraph 8 (“Further invites all Member States ...”);
- the replacement of “... those Member States which do not have nuclear power facilities in the areas of ...” by “... Member States, including those which do not have nuclear power facilities, in the areas of ...” in operative paragraph 9;
- the deletion of operative paragraph 10 (“Requests the Director General, taking into consideration ...”); and
- the replacement of “annually” by “biennially” in operative paragraph 11.

3. He took it that the Committee wished to recommend the draft resolution, with the changes proposed by the representative of the Russian Federation and by himself, to the General Conference for adoption.

4. It was so agreed.

STRENGTHENING OF THE AGENCY'S TECHNICAL CO-OPERATION ACTIVITIES (resumed)
(GC(44)/INF/3, GC(44)/COM.5/L.13 and L.18)

5. The CHAIRMAN, recalling that the representative of Germany had, at the Committee's second meeting, proposed the addition of a preambular paragraph to the draft resolution contained in document GC(44)/COM.5/L.13 and an amendment to operative paragraph 9, said that a modified version of the proposed additional preambular paragraph had later been submitted by Germany in document GC(44)/COM.5/L.18 together with the proposed amendment of operative paragraph 9. Subsequently, under the guidance of Vice-Chairman

Paulinich of Peru, the German delegation and several other delegations had agreed on the inclusion of a new preambular paragraph and on the amendment of operative paragraph 9.

6. The new preambular paragraph - to be inserted after the preambular paragraph starting "Conscious of the great potential of nuclear power ..." - would read: "Conscious of the need for the internationally recognized standards of safety to be applied in all uses of nuclear technology in order to protect mankind and the environment". In operative paragraph 9, the words "and achieving" would be replaced by ", guided by the objective of".

7. The representative of GREECE recalled that during the Committee's second meeting he, supported by the representative of Austria, had called for the replacement of "many countries" by "some countries" in preambular paragraph (h) and that the representative of Austria had expressed doubts about the appropriateness of the reference to "the eradication of poverty" in operative paragraph 6.

8. The representative of MALAYSIA, recalling the clarification regarding operative paragraph 2 which he had given during the Committee's second meeting, said that the Secretariat had subsequently assisted his delegation in formulating a new version of that paragraph, which read "Requests the Director General to facilitate cost-sharing, outsourcing and other forms of Partnership in Development by reviewing, amending or simplifying, as appropriate, relevant financial and legal procedures".

9. The representative of DENMARK said he could accept the new preambular paragraph agreed upon with the German delegation. However, his delegation would like the first part of preambular paragraph (h) to read "Conscious that a number of countries consider that nuclear power has great potential for meeting energy requirements and the need to protect the environment in those countries ..."

10. The representative of the UNITED KINGDOM questioned the need for preambular paragraph (f), which spoke of a commitment "to eradicate poverty", and for the reference to "the eradication of poverty" in operative paragraph 6. She proposed that the latter paragraph be amended to read "Emphasizes that these programmes should contribute to the achievement of national goals for sustainable development in developing countries, and particularly in the least developed countries".

11. With regard to preambular paragraph (k), it was not clear to her delegation why a reference to "expert services and equipment supply" had been added to the wording of preambular paragraph (i) of resolution GC(43)/RES/14 adopted the previous year. If the reference was going to be retained, her delegation would like the word "appropriate" to be inserted before "equipment supply".

12. Her delegation could accept the new formulation of operative paragraph 2 worked out by the delegation of Malaysia with the Secretariat's assistance. It would like "within available resources" to be inserted after "the Director General" in the proposed amended version of operative paragraph 9.

13. The representative of CANADA said his delegation was in favour of the insertion of “voluntary” before “contributions” in operative paragraph 4, of the proposed new formulation of operative paragraph 2 and of the inclusion of “within available resources” in operative paragraph 9.

14. The representative of PAKISTAN recalled, with regard to operative paragraph 4, that it was identical with operative paragraph 3 of resolution GC(43)/RES/14 and that neither paragraph contained the word “voluntary”.

15. Calling for the retention of preambular paragraph (h) as it stood, he pointed out that the first part was identical with the first part of preambular paragraph (f) of resolution GC(43)/RES/14.

16. The CHAIRMAN said it was his understanding that the following changes to the draft resolution had been proposed: the deletion of preambular paragraph (f); the replacement of “many countries” by “a number of countries” in preambular paragraph (h); the insertion after preambular paragraph (h) of a preambular paragraph reading “Conscious of the need for the internationally recognized standards of safety to be applied in all uses of nuclear technology in order to protect mankind and the environment”; the reformulation of operative paragraph 2 to read “Requests the Director General to facilitate cost-sharing, outsourcing and other forms of Partnership in Development by reviewing, amending or simplifying, as appropriate, relevant financial and legal procedures”; the insertion of “voluntary” before “contributions” in operative paragraph 4; the deletion of “work towards the eradication of poverty by” and the replacement of “contributing” by “contribute” in operative paragraph 6; and the amendment of operative paragraph 9 to read “Requests the Director General to help interested Member States (a) to obtain access to relevant information on the role of nuclear power in mitigating greenhouse gas (GHG) emissions, guided by the objective of sustainable development; and relatedly (b) to implement national case studies, and (c) to prepare potential projects”.

17. The representative of DENMARK said that the Chairman had not accurately reflected his suggestion regarding preambular paragraph (h).

18. The representative of INDIA said he regretted the fact that so many proposals for change were still being made after several delegations of Member States belonging to the Group of 77 had collaborated with the German delegation in producing what they had believed to be a consensual text.

19. The agreement to insert the preambular paragraph reproduced in document GC(44)/COM.5/L.18 into the draft resolution after preambular paragraph (h) had been based on the assumption that preambular paragraph (h) would not be changed. His delegation could go along with “many countries” being changed to “a number of countries” but would not like any other changes to be made in preambular paragraph (h).

20. The representative of CANADA said that he preferred preambular paragraph (h) with “many countries” replaced by “a number of countries” to the version (“Conscious that a number of countries consider that ...”) suggested by the representative of Denmark.

21. The representative of the UNITED STATES OF AMERICA proposed - after comments by the representatives of the NETHERLANDS, MALAYSIA, EGYPT and SOUTH AFRICA - that operative paragraph 7 be reformulated to read “Emphasizes further the need to understand the marketplace for nuclear technology and to develop mechanisms and best practices for working with the private sector”.
22. The representative of MALAYSIA expressed support for the proposal.
23. The representative of the ISLAMIC REPUBLIC OF IRAN said he could go along with the proposal if the words “and public” were inserted after “private”.
24. The representative of PAKISTAN said he was still opposed to the proposed insertion of “voluntary” before “contributions” in operative paragraph 4.
25. The representative of CANADA urged the representative of Pakistan to reconsider his position.
26. The representative of GREECE pointed out that operative paragraph 4 of the draft resolution would, with the insertion of “voluntary”, be identical with operative paragraph 5 of the draft resolution on “The financing of technical co-operation” in document GC(44)/COM.5/L.1 which the Committee had already agreed to recommend to the General Conference for adoption.
27. The representative of DENMARK said he had been under the impression that the version of preambular paragraph (h) suggested by him had been accepted by the Committee.
28. The CHAIRMAN said there appeared to have been a misunderstanding. The only change in preambular paragraph (h) was to be the replacement of “many” by “a number of”, and that paragraph was to be followed by the preambular paragraph which he had read out earlier.
29. The representative of IRELAND said that in his view the version suggested by the representative of Denmark reflected more accurately the factual situation.
30. The representative of the UNITED STATES OF AMERICA urged that the Committee accept preambular paragraph (h) simply with the replacement of “many” by “a number of”.
31. The representative of INDIA appealed to the representatives of Denmark and Ireland not to insist on acceptance of the version of preambular paragraph (h) suggested by the representative of Denmark and to the representative of Pakistan to agree to the insertion of “voluntary” in operative paragraph 4.
32. The representative of PAKISTAN said he would reluctantly go along with the insertion of “voluntary” in operative paragraph 4.
33. The representative of GERMANY said - following statements by the representatives of PERU, EGYPT and the ISLAMIC REPUBLIC OF IRAN - that his delegation had agreed in

informal discussions with other delegations that preambular paragraph (h) would remain as it stood and would be followed by the new preambular paragraph which the Chairman had read out. At the same time, his delegation could accept the replacement of “many” by “a number of” in preambular paragraph (h).

34. The representative of DENMARK said that her delegation would be unable to join in a consensus on the draft resolution if preambular paragraph (h) was going to read as indicated by the Chairman.

35. The CHAIRMAN said, following interventions by the representatives of the UNITED STATES OF AMERICA and INDIA, that he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution with the changes which he had enumerated earlier and with the wording of operative paragraph 7 proposed by the representative of the United States of America, on the understanding that he would inform the General Conference that one delegation had been unable to join in the consensus in favour of recommending adoption.

36. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR, RADIATION AND WASTE SAFETY (resumed)

- DRAFT RESOLUTIONS ON THE SAFETY OF TRANSPORT OF RADIOACTIVE MATERIALS (resumed)
(GC(44)/COM.5/L.12 and L.17)

37. The CHAIRMAN recalled that there were two draft resolutions on “Safety of transport of radioactive materials” before the Committee. They had been introduced by the representative of New Zealand and by the representative of Turkey at the Committee’s fourth meeting.

38. The representative of NEW ZEALAND said that since the Committee’s fourth meeting she had consulted with her relevant national authorities and now had greater flexibility to negotiate.

39. The representative of BRAZIL, expressing support for the draft resolution submitted by Ireland, New Zealand and Norway (in document GC(44)/COM.5/L.12), said he hoped that the Committee would recommend for adoption a draft resolution which went beyond the resolutions on “Safety of transport of radioactive materials” that the General Conference had adopted in previous years.

40. The representative of CANADA said that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (the Basel Convention) provided for a prior informed consent process. Perhaps a reference to prior consent mechanisms could be included in operative paragraph 6 of the draft resolution contained in document GC(44)/COM.5/L.12.

41. The representative of the UNITED KINGDOM said that flexibility was essential if a text acceptable to all was to be arrived at.
42. Comparing the draft resolution in document GC(44)/COM.5/L.12 with the draft resolution submitted by Turkey (in document GC(44)/COM.5/L.17), he said that he preferred preambular paragraph (c) of the latter draft resolution to preambular paragraph (a) of the former one and preambular paragraphs (a) and (b) of the latter to preambular paragraph (b) of the former.
43. Preambular paragraphs (f) and (h) of the draft resolution in document GC(44)/COM.5/L.12 were unacceptable to his delegation, which questioned their relevance.
44. Preambular paragraph (i) of that draft resolution appeared to be an attempt to expand the scope of the international understanding on the point addressed. He proposed that the words “and the importance of the protection of their populations and the environment from the risk of harm or economic loss” be replaced by the words “by sea”.
45. Turning to the operative paragraphs of the draft resolution in document GC(44)/COM.5/L.12, he expressed a preference for paragraph 1 of the draft resolution in document GC(44)/COM.5/L.17. There was considerable overlapping between operative paragraphs 1-5 of the two draft resolutions, and some merging would probably be feasible.
46. Operative paragraph 6 of the draft resolution in document GC(44)/COM.5/L.12 did not faithfully reflect the tenor of previous General Conference resolutions on “Safety of transport of radioactive materials” and was therefore unacceptable to his delegation, which considered operative paragraph 7 to be unclear and superfluous.
47. The representative of NEW ZEALAND, responding to the statement made by the representative of the United Kingdom, said that preambular paragraph (f) of the draft resolution in document GC(44)/COM.5/L.12 could perhaps be split into two paragraphs, (f) and (f bis), the first ending with the words “ in accordance with international law” and the second starting with the words “Recognizing the exercise by ships and ...”
48. Her delegation would go along with the deletion of preambular paragraph (h), which referred to Agenda 21, although New Zealand attached the utmost importance to that document.
49. As regards preambular paragraph (i), her delegation would reluctantly go along with the replacement of “the risk of harm or economic loss” by “the risks of transportation of radioactive materials by sea”, it being borne in mind that the 2000 NPT Review Conference had taken note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea.
50. With regard to operative paragraph 6 of the draft resolution in document GC(44)/COM.5/L.12, she said that, like the representative of Canada, she would like to see a reference to prior informed consent mechanisms included in it. Regrettably, however, it would be unrealistic to seek agreement on the inclusion of such a reference. In the interests

of consensus, her delegation would reluctantly agree to the following reformulation of operative paragraph 6:

“Urges Member States shipping radioactive materials, consistent with the invitation in resolutions GC(42)/RES/13 and GC(43)/RES/11, to provide all relevant information relating to the shipment of such materials to potentially affected coastal and other States. The information provided should in no case be contradictory to the measures of physical security and safety”.

51. With regard to operative paragraph 7, she said that, again in the interests of consensus, her delegation would go along with deletion of the reference to “the risk of harm or economic loss” and a reformulation of the paragraph so that it read:

“Calls for efforts, at the international, regional and bilateral level, to examine and further improve measures and international regulations relevant to the international maritime transport of radioactive material and spent fuel, consistent with international law of the sea, account being taken of the importance of having effective liability mechanisms in place”.

52. The representative of JAPAN said that, although his country was anxious that the concerns of small island developing States and other coastal States about the transport of radioactive materials should be met, it should be remembered that shipments of such materials by sea enjoyed the right of innocent passage under international law of the sea and should therefore not be subject to prior notification or consultation requirements.

53. With regard to the suggestion that preambular paragraph (f) of the draft resolution in document GC(44)/COM.5/L.12 be split into two paragraphs, it was helpful but his delegation would prefer the language of preambular paragraph (e) of resolution GC(43)/RES/11: “Recalling maritime, river and air navigation rights and freedoms, as provided for in international law”. In a spirit of compromise, however, it could go along with the suggested preambular paragraphs (f) and (f bis).

54. With regard to preambular paragraph (g), his delegation would prefer language based more closely on the United Nations Convention on the Law of the Sea.

55. His delegation was concerned over the reference to “the risk of harm or economic loss” in preambular paragraph (i) and supported the proposal regarding that paragraph which had been made by the representative of the United Kingdom. At the same time, it would give sympathetic consideration to the new wording just proposed by the representative of New Zealand.

56. His delegation could accept the new wording of operative paragraph 6 proposed by the representative of New Zealand if “Urges” were replaced by “Invites” and the word “all” in the phrase “to provide all relevant information” were deleted.

57. He welcomed the new language proposed by the representative of New Zealand for operative paragraph 7.

58. Referring to the preference expressed by the representative of the United Kingdom for preambular paragraph (c) of the draft resolution in document GC(44)/COM.5/L.17, rather than preambular paragraph (a) of the draft resolution in document GC(44)/COM.5/L.12, he said that, if the former paragraph was to be substituted for the latter one, the sentence “The information provided should in no case be contradictory to the measures of physical security and safety” should be appended to it.

59. The representative of FRANCE suggested that preambular paragraph (a) of the draft resolution in document GC(44)/COM.5/L.12 be replaced by preambular paragraph (c) from the draft resolution in document GC(44)/COM.5/L.17.

60. Splitting preambular paragraph (f) of the draft resolution in document GC(44)/COM.5/L.12 into two paragraphs as suggested would be helpful. However, his delegation would prefer it if the relevant language of previous General Conference resolutions on “Safety of transport of radioactive materials” were used.

61. His delegation welcomed the New Zealand delegation’s agreement to the deletion of “the risk of harm or economic loss” from preambular paragraph (i), but preferred the wording suggested by the representative of the United Kingdom.

62. In line with what had been said by the representative of the United Kingdom, his delegation would like to see operative paragraph 1 of the draft resolution in document GC(44)/COM.5/L.17 incorporated into the draft resolution in document GC(44)/COM.5/L.12.

63. His delegation appreciated the reformulation of operative paragraph 6 suggested by the representative of New Zealand but would prefer the following formulation, taken from the final document of the 2000 NPT Review Conference: “Invites States shipping radioactive materials to provide, as appropriate, assurances to concerned States, upon their request, that the national regulations of the shipping State take IAEA transport regulations into account and to provide them with relevant information relating to shipments of such materials” - to which the sentence “The information provided should in no case be contradictory to the measures of physical security and safety” could be appended.

64. As regards the proposed reformulation of operative paragraph 7, his delegation would like to see everything after the words “spent fuel” deleted.

65. The representative of the RUSSIAN FEDERATION said that, although his country was also sensitive to the concerns of small island developing States and other coastal States, his delegation could not accept the draft resolution in document GC(44)/COM.5/L.12 as it stood. In a spirit of compromise, it could go along with the version resulting from amendments just suggested by the representative of New Zealand provided that two changes were made: the replacement of “Urges” by “Invites” in operative paragraph 3 and by “Encourages” in operative paragraph 6.

66. The representative of the UNITED KINGDOM commended the flexibility displayed by the representative of New Zealand but said that his delegation could not accept the envisaged new preambular paragraphs (f) and (f bis). Moreover, it still preferred the version of preambular paragraph (h) which he had proposed.

67. With regard to operative paragraphs 6 and 7, it was important in his delegation's view to stick to language which was likely to attract a consensus - for example, wording which did not depart too far from that used in previous General Conference resolutions on "Safety of transport of radioactive materials" or perhaps language from the final document of the 2000 NPT Review Conference.

68. The representative of GREECE, having also commended the flexibility displayed by the representative of New Zealand, said that, if operative paragraph 1 of the draft resolution in document GC(44)/COM.5/L.17 were inserted in the draft resolution in document GC(44)/COM.5/L.12, preambular paragraph (d) of the latter draft resolution should be deleted.

69. With regard to the envisaged new preambular paragraphs (f) and (f bis), he suggested that in paragraph (f) everything after "established in accordance with international law" be deleted and that paragraph (f bis) be amended to read "Recalling maritime, river and air navigation rights and freedoms as provided for in international law and as reflected in relevant international instruments".

70. The language of preambular paragraph (i) of the draft resolution in document GC(44)/COM.5/L.12 should, in his delegation's view, be brought still more into line with the final document of the 2000 NPT Review Conference.

71. With regard to operative paragraph 3, his delegation would like to see "Urges" replaced by "Invites".

72. The envisaged new version of operative paragraph 6 was an improvement over the original version, but his delegation would prefer wording still closer to the relevant wording of the final document of the 2000 NPT Review Conference.

73. With regard to the envisaged new version of operative paragraph 7, he would like to see everything after the words "spent fuel" deleted and the words "and stresses the importance of having effective liability mechanisms in place" added.

74. The CHAIRMAN, noting that a non-paper had just been distributed containing the version of the draft resolution in document GC(44)/COM.5/L.12 which resulted from the changes suggested by the representative of New Zealand, proposed that the Committee consider that version paragraph by paragraph, leaving aside those paragraphs to which no objections had been raised. That process might involve introducing elements of the draft resolution contained in document GC(44)/COM.5/L.17.

75. Referring to preambular paragraph (a), he asked whether there was any objection to its being replaced by preambular paragraph (c) of the draft resolution in document

GC(44)/COM.5/L.17, with the addition of the sentence “The information provided should in no case be contradictory to the measures of physical security and safety”.

76. The representative of NEW ZEALAND said that the resulting preambular paragraph would not contain the phrase “and to provide them with relevant information relating to shipments of such materials”.

77. The representative of the UNITED KINGDOM suggested that that phrase be inserted before the additional sentence.

78. The CHAIRMAN asked whether the Committee accepted a new preambular paragraph (a) consisting of preambular paragraph (c) from the draft resolution in document GC(44)/COM.5/L.17, the phrase “and to provide ... of such materials” and the sentence “The information provided ... physical security and safety”.

79. It was so agreed.

80. With regard to preambular paragraph (b), the representative of the UNITED KINGDOM said that, as he had indicated earlier, he preferred preambular paragraphs (a) and (b) of the draft resolution in document GC(44)/COM.5/L.17.

81. The representative of NEW ZEALAND said that she would like to have time in which to consider the idea of making the envisaged change.

82. The representative of GREECE said that, as he had indicated earlier, operative paragraph 1 of the draft resolution in document GC(44)/COM.5/L.17 would make preambular paragraph (d) of the text under discussion redundant.

83. The CHAIRMAN asked the representative of Greece whether he could accept the retention of preambular paragraph (d).

84. The representative of GREECE replied that he could.

85. The representative of JAPAN - supported by the representatives of FRANCE, PERU, the UNITED KINGDOM, GREECE and the NETHERLANDS - proposed the replacement of preambular paragraphs (f) and (f bis) by preambular paragraph (e) of resolution GC(43)/RES/11.

86. The representative of the PHILIPPINES said that he could go along with that proposal, although it would mean loss of the reference to “the sovereignty of States over their territorial sea”.

87. The representative of NEW ZEALAND said that preambular paragraph (e) of resolution GC(43)/RES/11 mentioned “maritime, river and air navigation rights and freedoms” but not “the sovereignty of States over their territorial sea” and “the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international

law". The aim of the preambular paragraphs (f) and (f bis) was to provide for a balance, which would be lost if the proposal made by the representative of Japan was accepted.

88. The representative of COLOMBIA, noting that his country had two long coastlines, expressed support for the position of the representative of New Zealand.

89. The representative of NORWAY said that, although her country had an extremely long coastline, she could go along with the proposal made by the representative of Japan.

90. The representative of SOUTH AFRICA said that the point made by the representative of New Zealand was an important one.

91. The CHAIRMAN suggested that the Committee leave preambular paragraphs (f) and (f bis) aside for the time being and move on to preambular paragraph (g).

92. The representative of JAPAN, supported by the representative of the UNITED KINGDOM, suggested that the wording of preambular paragraph (g) be replaced by something based on the United Nations Convention on the Law of the Sea - for example, "Recalling that States have the obligation to protect and preserve the marine environment".

93. The representative of TURKEY, noting that his country was not party to the United Nations Convention on the Law of the Sea, said that acceptance of such wording should not be taken to imply acceptance of the Convention.

94. The representative of NORWAY suggested that the words "of all other States" be added after "marine environment" in the wording suggested by the representative of Japan.

95. The CHAIRMAN proposed that the wording suggested by the representative of Japan be amended to read: "Recalling that States have under international law the obligation to protect and preserve the marine environment".

96. The representative of NEW ZEALAND pointed out that the formulation proposed by the Chairman did not include the second element of preambular paragraph (g) - namely, the idea that States had a duty to "prevent damage by pollution to other States and their environment".

97. The CHAIRMAN suggested that the Committee also leave preambular paragraph (g) aside for the time being and move on to preambular paragraph (h).

98. The representative of the UNITED KINGDOM, supported by the representatives of FRANCE and JAPAN, suggested that preambular paragraph (h) be amended to read simply "Noting the concerns of small island developing States and other coastal States about the transport of radioactive materials by sea".

99. The representative of CANADA, expressing support for the suggested wording, said that it was consistent with the relevant language used in the final document of the 2000 NPT Review Conference.

100. The representative of NORWAY said that she could go along with the suggestion made by the representative of the United Kingdom.
101. The representative of NEW ZEALAND said that her delegation could not go along with that suggestion.
102. The representative of BRAZIL suggested that “and the importance of the protection of their populations and the environment” be added to the wording suggested by the representative of the United Kingdom.
103. The representative of NEW ZEALAND said that she would like to have time in which to consider that constructive suggestion in the light of the overall balance of the emerging draft resolution.
104. The CHAIRMAN, turning to the operative part of the text under consideration, proposed that operative paragraph 1 of the draft resolution in document GC(44)/COM.5/L.17 be inserted before operative paragraph 1 of that text.
105. It was so agreed.
106. The representative of IRELAND, referring to operative paragraph 3, proposed that the words “to adopt such regulations” be amended to read “to adopt such documents”.
107. It was so agreed.
108. The representative of NEW ZEALAND, also referring to operative paragraph 3, proposed that “Urges” be replaced by “Encourages”.
109. It was so agreed.
110. The representative of the UNITED KINGDOM, referring to operative paragraph 4, questioned the appropriateness of the words “the highest possible levels of safety”.
111. The DIRECTOR OF THE DIVISION OF RADIATION AND WASTE SAFETY said - following comments by the representatives of NEW ZEALAND and IRELAND and by the CHAIRMAN - that the purpose of the Secretariat’s Transport Safety Appraisal Service was to help Member States to achieve and maintain high levels of safety during the transport of radioactive materials.
112. The representative of JAPAN, referring to operative paragraph 6, recalled his suggestion that “Urges” be replaced by “Invites” and that “all” in the phrase “all relevant information” be deleted.
113. The representative of AUSTRALIA, expressing support for operative paragraph 6, said that, compared with operative paragraph 6 of the draft resolution in document GC(44)/COM.5/L.12, it represented a major concession by the New Zealand delegation.

114. The representative of FRANCE said that, despite the New Zealand delegation's readiness to take into account the concerns of other delegations, he had difficulties with the new version of operative paragraph 6. Calling for a formulation along the lines of the relevant part of the final document of the 2000 NPT Review Conference, he suggested that the paragraph be amended to read "Invites Member States shipping radioactive materials, consistent with the invitation in resolutions GC(42)/RES/13 and GC(43)/RES/11, to provide, as appropriate, assurances to concerned States, upon their request, that the national regulations of the shipping State take IAEA transport regulations into account and to provide them with relevant information relating to shipments of such materials. The information should in no case be contrary to measures of physical security and safety."

115. The representative of the UNITED KINGDOM expressed support for that suggestion.

116. The representative of NEW ZEALAND said that her delegation did not have the authority to make any further concession with regard to operative paragraph 6.

117. The representative of BRAZIL, expressing support for operative paragraph 6 as it appeared in the non-paper, asked the representative of France whether his delegation was concerned merely about the presence in that paragraph of the word "all" - whose deletion had been suggested by the representative of Japan.

118. The representative of FRANCE said that his delegation was concerned about more than just the word "all".

119. The representative of TURKEY said that his delegation could live with either of the versions of operative paragraph 6 now under consideration. The New Zealand delegation had made a major concession, and perhaps the time had come for other delegations to display flexibility.

120. The representative of GREECE expressed a preference for the version of operative paragraph 6 suggested by the representative of France.

121. The representative of NEW ZEALAND said that the only change which her delegation could accept in operative paragraph 6 as it appeared in the non-paper was the replacement of "Urges" by "Encourages" with the retention of "all" or the deletion of "all" with the retention of "Urges".

122. The CHAIRMAN, referring to operative paragraph 7, recalled that the representative of Greece had suggested that it be amended to read "... and spent fuel and stresses the importance of having effective liability mechanisms in place".

123. The representative of PERU suggested the deletion of everything in operative paragraph 7 after "... and spent fuel, consistent with international law".

124. The representative of NEW ZEALAND said her delegation could live with deletion of the words "of the sea" but not with deletion of the following part of the paragraph.

The meeting was suspended at 9.05 p.m. and resumed at 10.15 p.m.

125. The CHAIRMAN said that, in the light of informal consultations, he wished to propose changes to the draft resolution contained in the non-paper which had been circulated earlier in the meeting.

126. He proposed:

- the replacement (as agreed earlier in the meeting) of preambular paragraph (a) by preambular paragraph (c) of the draft resolution in document GC(44)/COM.5/L.17 plus the phrase “and to provide them with relevant information relating to shipments of such materials” and the sentence “The information provided should in no case be contradictory to the measures of physical security and safety”;
- the replacement of preambular paragraph (b) by preambular paragraphs (a) and (b) from the draft resolution in document GC(44)/COM.5/L.17;
- the deletion of preambular paragraphs (f) and (f bis);
- the amendment of preambular paragraph (g) to read “Recalling that States have under international law the obligation to protect and preserve the marine environment”;
- the amendment of preambular paragraph (h) to read “... about the transport of radioactive materials by sea and the importance of the protection of their populations and the environment”;
- the insertion (as agreed earlier in the meeting) of operative paragraph 1 of the draft resolution in document GC(44)/COM.5/L.17 before operative paragraph 1 of the draft resolution in the non-paper;
- the replacement of “Urges” by “Encourages” and of “such regulations” by “such documents” in operative paragraph 3;
- the replacement of “the highest possible” by “high” in operative paragraph 4;
- the replacement of “Urges” by “Invites” and of “to provide all relevant information relating to the shipment of such materials to potentially affected coastal and other States” by “to provide, as appropriate, assurances to potentially affected States upon their request that their national regulations take into account the Agency’s Transport Regulations and to provide them with relevant information relating to shipments of radioactive materials” - wording taken from preambular paragraph (f) of resolution GC(43)/RES/11;
- the replacement of “of the sea, account being taken of” by “and stresses”; and

- the addition of an operative paragraph reading “Requests that the actions of the Secretariat called for above be undertaken within available resources”.

127. The representative of GREECE said that preambular paragraphs (f) and (f bis) should not simply be deleted; they should be replaced by preambular paragraph (e) of resolution GC(43)/RES/11. He could see no reason why that preambular paragraph - from a resolution agreed by consensus in 1999 - should not be included in a draft resolution which was to be recommended for adoption by consensus in 2000.

128. The representative of JAPAN, supported by the representatives of the NETHERLANDS and NORWAY, said that his delegation attached great importance to the maritime, river and air navigation rights and freedoms provided for in international law and therefore sympathized with the position of the representative of Greece. In a spirit of compromise, however, it was prepared to support the draft resolution as proposed by the Chairman - without preambular paragraph (e) of resolution GC(43)/RES/11.

129. The representative of FRANCE suggested the replacement of preambular paragraphs (f) and (f bis) by a paragraph reading “Recognizing that it is in the interests of all States that any transportation of radioactive materials be conducted in compliance with the relevant international standards of nuclear safety and security and environmental protection, without prejudice to the freedoms, rights and obligations of navigation provided for in international law” - a paragraph based on wording from the final document of the 2000 NPT Review Conference.

130. The representative of the UNITED KINGDOM, supported by the representative of NEW ZEALAND, pointed to the danger of reopening the whole discussion if one started making new suggestions.

131. The representative of GREECE requested time for consultations with his national authorities regarding preambular paragraph (e) of resolution GC(43)/RES/11.

The meeting was suspended at 11.05 p.m. and resumed at 11.10 p.m.

STRENGTHENING THE AGENCY’S ACTIVITIES RELATED TO NUCLEAR SCIENCE, TECHNOLOGY AND APPLICATIONS (resumed)

- DRAFT RESOLUTION ON SERVICING IMMEDIATE HUMAN NEEDS
(GC(44)/COM.5/L.19)

132. The representative of NIGERIA, introducing the draft resolution, said that it was designed to highlight three serious problems causing loss of life in developing countries - namely, malaria, solid cancers and land mines.

133. The Agency did not yet have a programme for controlling mosquitoes by means of the Sterile Insect Technique (SIT). Following the success in using the SIT to control the tsetse fly, however, the Secretariat could play a very useful role in promoting R&D that might lead to the application of the SIT for the control of mosquitoes.

134. As regards solid cancers, the Agency could help to enhance indigenous radiation therapy capabilities and hence to increase the currently low life expectancy in many developing countries.

135. In the case of land mines, the Agency could promote the use of nuclear techniques in locating such mines.

136. The representatives of ZIMBABWE, ANGOLA and BURKINA FASO appealed to the Committee to recommend adoption of the draft resolution.

137. The representative of the UNITED KINGDOM, supported by the representative of the UNITED STATES OF AMERICA, said that the draft resolution highlighted three very serious problems faced by developing countries but would have significant resource implications for the Agency. Moreover, the areas covered by the draft resolution were areas in which international organizations other than the Agency were also interested. Accordingly, he suggested that operative paragraph 1 be amended to read “Requests the Agency, within available resources and in consultation with Member States and other relevant international organizations, to:”.

138. The representative of JAPAN suggested that operative sub-paragraph 1(c) be amended to read “strengthen R&D activities in order to ascertain the possibility of applying nuclear techniques for humanitarian demining”.

139. The representative of GREECE, referring to the suggestion made by the representative of the United Kingdom, said that “in co-operation with” would perhaps be more appropriate than “in consultation with” in operative paragraph 1.

140. The DIRECTOR OF THE DIVISION OF RADIATION AND WASTE SAFETY, referring to the words “to improve safety standards” in operative sub-paragraph 1(b), said that the relevant safety standards were already adequate.

141. The representative of FRANCE suggested that operative sub-paragraph 1(b) be amended to read “to improve the implementation of safety standards”.

142. In addition, she suggested the deletion of the words “for non-power applications” in preambular paragraph (d) and the deletion of the words after “Member States” in preambular paragraph (c).

143. The representative of DENMARK, noting that reference was made in preambular paragraph (g) to “nuclear methods for locating land mines”, suggested that “for the humanitarian ordnance demining” be replaced by “for locating land mines” in operative sub-paragraph 1(c).

144. The representative of NIGERIA asked what the resource implications of the draft resolution for the Agency would be.

145. The DEPUTY DIRECTOR GENERAL FOR MANAGEMENT said that Agency involvement in using the SIT for the control of mosquitoes would have substantial financial implications. It was estimated that a minimum of US \$700 000/year would be required for an R&D programme, which would take about five years to complete.

146. With regard to the locating of land mines by means of nuclear techniques, there was already a co-ordinated research project (G.2.02/2 - costing \$80 000) planned for 2001, and extrabudgetary contributions in support of activities relating to that area had been made by Turkey and the Republic of Korea. A regional project suggested by European Member States was being considered for inclusion in the technical co-operation programme for 2001-2002. Also, there was an URPA (G.2.02/19) evaluated at \$150 000 included for 2001 (see Annex V to document GC(44)/5).

147. In the area of radiation therapy, there were activities included in the Agency's programme, but since the draft resolution called for a strengthening of R&D activities, there would naturally be resource implications; the Agency would have to rely on extrabudgetary funding.

148. The representative of FRANCE said it was necessary to give the Agency a realistic mandate and suggested that the beginning of operative paragraph 1 be amended to read "Requests the Agency, within available resources, to facilitate, in co-operation with Member States and relevant international organizations, all efforts for". The Director General could then be requested in operative paragraph 2 to report on the feasibility and resource implications of that request.

149. The representative of NIGERIA suggested that in operative paragraph 2 the Director General be requested to report on the resource implications of the resolution rather than of the request.

150. The CHAIRMAN took it that the Committee wished to adopt the draft resolution contained in document GC(44)/COM.5/L.19 with the deletion of the words "in the action plan ... Board of Governors decisions" in preambular paragraph (c); the deletion of "the" before "core scientific and technical support" and of "for non-power applications" in preambular paragraph (d); the amendment of operative paragraph 1 to read "Requests the Agency, within available resources, to facilitate, in co-operation with Member States and relevant international organizations, all efforts for: (a) initiating research and development (R&D) activities that ... mosquitoes, (b) building up indigenous capabilities ... alleviate the debilitating disease of solid cancers ... and (c) strengthening R&D activities in order to ascertain the possibility of applying nuclear techniques for locating land mines; and with operative paragraph 2 amended to read "... to report on the feasibility and the resource implications of this resolution ..."

151. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR, RADIATION AND WASTE SAFETY (resumed)

- DRAFT RESOLUTIONS ON THE SAFETY OF TRANSPORT OF RADIOACTIVE MATERIALS (resumed)
(GC(44)/COM.5/L.12 and L.17)

152. The representative of GREECE said that he had been unable to contact his national authorities and was still personally convinced that preambular paragraph (e) of resolution GC(43)/RES/11 should be included in the draft resolution contained in the non-paper which had been circulated if preambular paragraphs (f) and (f bis) were to be deleted from that draft resolution. Out of regard for the New Zealand delegation, however, he would not oppose a recommendation for adoption of that draft resolution with the changes which had been proposed by the Chairman.

153. The CHAIRMAN took it that the Committee wished to recommend adoption of the draft resolution contained in the non-paper which had been circulated with the changes which he had proposed.

154. It was so agreed.

155. The representative of TURKEY, withdrawing the draft resolution contained in document GC(44)COM.5/L.17, commended the flexibility displayed by the representative of New Zealand and the successful efforts of the Chairman.

The meeting rose at 12.25 a.m.