

# General Conference

**GC(47)/COM.5/OR.7**  
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## Forty-Seventh (2003) Regular Session

# Committee of the Whole

## Record of the Seventh Meeting

*Held at the Austria Center Vienna on Friday, 19 September 2003, at 10.55 a.m.*

**Chairman:** Mr. GARCIA (Philippines)

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[\*] GC(47)/21.

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The composition of delegations attending the session is given in document GC(47)/INF/14/Rev.2.

03-05317 (LXII)



## **23. Amendment to Article VI of the Statute (continued)** (GC(47)/INF/5)

1. The CHAIRMAN took it that the Committee was now ready to agree that he recommend to the General Conference that it:
  - recall its resolution GC(43)/RES/19, by which it had approved the amendment of Article VI of the Agency's Statute and urged all Member States to accept the amendment as soon as possible in accordance with their respective constitutional processes;
  - take note of the report by the Director General contained in document GC(47)/INF/5; and
  - request the Director General to submit to the Conference at its forty-ninth regular session a report on the progress made towards the entry into force of the amendment and to include in the provisional agenda for that session an item entitled "Amendment to Article VI of the Statute".
2. It was so agreed.

**The meeting was suspended at 10.58 a.m. and resumed at 11.38 a.m.**

## **17. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (resumed)**

(GC(47)/COM.5/L.3; GC(47)/COM.5/L.17/Rev.1)

3. Mr. VACEK (Czech Republic) said that the draft resolution contained in document GC(47)/COM.5/L.17/Rev.1 enjoyed widespread support among those who had taken part in his latest consultations but regrettably did not command a consensus. It differed from the draft resolution contained in document GC(47)/COM.5/L.17 in that its title "... and application of the Model Additional Protocol" was the same as that of resolution GC(46)/RES/12 and operative paragraph 3, with the word "all", was the same as operative paragraph 3 of resolution GC(46)/RES/12.
4. The wording of operative paragraph 3 was likely to cause some Member States to vote against it, but that price for not having arrived at a consensus text would be no higher than the price paid in 2002. He thanked all who had taken part in his consultations, and also the Secretariat, for their flexibility and support.
5. The representative of INDIA, commending Ambassador Vacek on the further efforts which he had made earlier that morning to bring about a consensus on the draft resolution, said that the draft resolution did indeed enjoy widespread support.
6. India was a supporter of the Agency's safeguards system, and his delegation supported most of the draft resolution's operative paragraphs with their chapeau "Consistent with the respective safeguards undertakings of Member States:" first adopted in 2000. In 2001, however, a new operative

paragraph - operative paragraph 3 in the draft resolution - had been introduced. At that time, the Indian delegation had argued - and it continued to believe - that that paragraph contradicted the principle underlying the chapeau. As long as the paragraph contradicted that principle, the Indian delegation would find it very difficult to accept it no matter how many cosmetic changes were made to it.

7. His delegation had had the impression during the latest consultations that many delegations - several from English-speaking Member States - were of the view that it made no difference semantically or politically whether the word “all” appeared after “urges” in operative paragraph 3 of the draft resolution. If that was the view of those delegations, omitting “all” was hardly a concession. His delegation had proposed, with a view to bringing about a consensus, that in operative paragraph 3 the wording “urges all concerned States” be used or the first part (“Bearing in mind ... universal application of ... system”), which contradicted the principle underlying the chapeau, be deleted. That proposal had not been accepted.

8. India would want a vote on operative paragraph 3. However, because of the chapeau and because of the great importance which India attached to the Agency’s safeguards system, his delegation would not then stand in the way of adoption of the draft resolution as a whole without a vote.

9. The representative of ISRAEL, having thanked Ambassador Vacek for his efforts, said that operative paragraph 3 of the draft resolution contained in document GC(47)/COM.5/L.17/Rev.1 was the result of the fact that some delegations had not demonstrated the flexibility necessary for arriving at a consensus. His delegation, which was disappointed, would be forced to vote against operative paragraph 3.

10. The representative of the NETHERLANDS said it was his understanding that operative paragraph 3 was not acceptable to the delegation of India because the first part of it was inconsistent with the principle underlying the chapeau. How could the inconsistency be resolved through the addition of “concerned” between “urges all” and “States”, which the Indian delegation had proposed?

11. The representative of PAKISTAN said that his delegation, which had been very actively involved in the working group’s efforts to arrive at a consensus, attached great importance to the Agency’s safeguards system and supported the draft resolution in general. However, no consensus language for operative paragraph 3 had emerged, and his delegation would therefore not be able to accept that paragraph.

12. The representative of INDIA, responding to the question put by the representative of the Netherlands, said that the wording “urges all concerned States” in the second part of operative paragraph 3 would contradict the first part of the paragraph, which contradicted the principle underlying the chapeau - and two contradictions would make the paragraph “positive”.

13. The representative of CUBA said she hoped it was clear that “on 18 September 2003” in preambular paragraph (g) referred only to the signing of Cuba’s comprehensive safeguards agreement and a protocol additional to it.

14. The CHAIRMAN said he would report to the General Conference that the Committee had been unable to agree on a recommendation regarding the draft resolutions contained in documents GC(47)/COM.5/L.3 and GC(47)/COM.5/L.17/Rev.1.

**The meeting rose at 12 noon.**