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Chairman: Mr. NIEWODNICZANSKI (Poland)

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¹ GC(52)/COM.5/1.

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Abbreviations used in this record:

| | |
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| LDC | least developed country |
| SSAC | State system of accounting for and control of nuclear material |
| TCF | Technical Cooperation Fund |

15. Strengthening of the Agency's technical cooperation activities (continued) (GC(52)/COM.5/L.10)

1. The representative of BRAZIL, speaking on behalf of the Group of 77 and China, said that further informal consultations had been held on the draft resolution contained in document GC(52)/COM.5/L.10 and that he was grateful to the representative of Australia for his contribution to them.
2. He proposed that paragraph (n) be expanded to read “Taking note of the report of the External Auditor ... currency fluctuations, and noting the Board's request to the Secretariat for a report on possible options for addressing this issue” and that paragraph 4 be reworded to read “Requests that the report referred to in paragraph (n) be transmitted to the General Conference at its fifty-third (2009) regular session”.
3. He proposed that paragraph (aa) be expanded to read “Noting the report of the UN Secretary General's High Level Panel on System Wide Coherence of November 2006 ... , and the nature, character and specificity of the TC programme, noting that there are pilot countries implementing this exercise on a voluntary basis”.
4. The Group of 77 and China would prefer that the words “and security” not be added in the phrase “, including safety aspects,” in paragraph (cc), which should remain unchanged.
5. There appeared to be a consensus that paragraph 2 should read “Urges Member States to make every effort towards facilitating the process for setting the TCF targets”.
6. There also appeared to be a consensus that paragraph 18 should end “... whilst aiming at achieving sufficient, assured and predictable resources for the TC programme”, with no reference to “overseas development aid”.
7. It had been agreed that paragraph 19 of resolution GC(51)/RES/13, regarding the consequences of the Chernobyl disaster, should be inserted before paragraph 20. It had also been agreed that paragraph 24 should be deleted.
8. There seemed to be a consensus that in paragraph 27 the phrase “highlighting significant accomplishments of the prior year and indicating goals and priorities for the year to come” should be inserted after “this resolution”.
9. The representative of the RUSSIAN FEDERATION welcomed the agreement on the insertion in the draft resolution of paragraph 19 of resolution GC(51)/RES/13.
10. The representatives of the UNITED KINGDOM, the UNITED STATES OF AMERICA, FRANCE and CANADA requested more time to consult their capitals.
11. The representative of BRAZIL, supported by the representatives of EGYPT, MALAYSIA and the ISLAMIC REPUBLIC OF IRAN, appealed to the representatives of the United Kingdom, the United States of America, France and Canada to display flexibility, in a spirit of consensus.
12. The representative of FRANCE recalled that, during the Committee's sixth meeting, the representative of the United States of America had suggested the insertion of an operative paragraph

about the Secretariat's ensuring that Agency technical cooperation projects did not entail safety, security and proliferation risks. What had been the reaction to that suggestion in the further informal consultations?

13. The representative of BRAZIL, supported by the representatives of EGYPT and SOUTH AFRICA, said that the Group of 77 and China was opposed to the suggestion, as the Secretariat was, on a routine basis, assessing whether technical cooperation projects entailed safety, security and proliferation risks. A paragraph requesting the Secretariat to do so would imply that its efforts to date were unsatisfactory, whereas in fact the Secretariat was acting in a highly professional manner.

14. The representative of the UNITED STATES OF AMERICA said that it had not been his delegation's intention to criticize the Secretariat's efforts, which were very laudable.

15. During the Committee's seventh meeting, the representative of Malaysia had, in that connection, helpfully proposed inserting, in paragraph 13, a phrase that reflected Member States' satisfaction with the Secretariat's efforts. His delegation would be happy to discuss how exactly that satisfaction might be expressed in the draft text, possibly in the preamble.

16. The representative of the UNITED KINGDOM said that her delegation would, in a spirit of compromise, settle for a preambular paragraph.

17. The representative of FRANCE said that, in view of recent problems, the issue raised by the representative of the United States of America should be reflected in the draft resolution, which should also reflect Member States' appreciation of the Secretariat's efforts with regard to that issue.

18. The CHAIRMAN suggested that, if no Secretariat action was to be requested in respect of that issue, it might best be addressed in the preamble.

19. The representative of FRANCE, referring to the draft resolution contained in document GC(52)/COM.5/L.12, introduced during the Committee's seventh meeting by the representative of Haiti, recalled his proposal that a reference to the issue of the particular needs of LDCs be incorporated into the draft resolution contained in document GC(52)/COM.5/L.10.

20. The CHAIRMAN said that he saw no objection to that proposal.

21. The representative of the UNITED STATES OF AMERICA said that his Government was concerned about the particular needs of LDCs. However, it might take some time for the Committee to agree on how those needs should be referred to in the draft resolution contained in document GC(52)/COM.5/L.10.

22. The CHAIRMAN suggested that discussion of the draft resolution contained in document GC(52)/COM.5/L.10 be resumed later.

23. It was so agreed.

The meeting was suspended at 3.35 p.m. and resumed at 4.35 p.m.

14. Nuclear security — measures to protect against nuclear terrorism (resumed)

(GC(52)/COM.5/L.6/Rev.1)

24. The representative of GERMANY, introducing the revised draft resolution contained in document GC(52)/COM.5/L.6/Rev.1, said that it was the result of extensive discussions in a working group jointly chaired by Germany and France. The text had been agreed ad referendum. One interested delegation had not been present during the last round of discussions, and he understood that it had problems with the text now before the Committee. However, he hoped that the delegation in question would be able to join a consensus on the text.

25. The representative of EGYPT said that his delegation had participated — as much as possible — in the working group's discussions and considered the revised text to be an improvement over the original text. However, a better balance was necessary in order to accommodate various delegations' legitimate concerns.

26. His delegation could not accept the present formulations of paragraphs (n), 4, 6 and 17. In particular, paragraph (n) was not of practical significance for the Agency's work, but a few delegations had insisted on its retention.

27. During the working group's discussions, he had proposed the addition of a preambular paragraph reading "Noting with concern the continued existence of unsafeguarded nuclear facilities and materials" and an operative paragraph reading "Emphasizes that the existence of unsafeguarded nuclear facilities and materials undermines the effectiveness of international cooperation in the area of nuclear security and combating nuclear terrorism, and calls upon all Member States to place all their nuclear facilities and materials under IAEA safeguards". He hoped that the Committee would give sympathetic consideration to those two paragraphs.

28. International cooperation in countering nuclear terrorism could not be disengaged from the issue of unsafeguarded nuclear facilities and materials, given the risk of nuclear weapons and unsafeguarded nuclear materials falling into the hands of terrorists.

29. The CHAIRMAN, noting that the proposed two additional paragraphs were currently being distributed, invited the Committee to revert to item 15, after which it could continue considering the draft resolution in document GC(52)/COM.5/L.6/Rev.1 together with those two paragraphs.

15. Strengthening of the Agency's technical cooperation activities (resumed)

(GC(52)/COM.5/L.10)

30. The representative of BRAZIL, speaking on behalf of the Group of 77 and China, said that a text with proposed amendments to the draft resolution contained in document GC(52)/COM.5/L.10 had been given by him to a number of delegations of Member States not belonging to the Group and that he would welcome comments from those delegations on the proposals.

31. The representative of the UNITED KINGDOM said that her delegation was still considering the proposals.

The meeting was suspended at 4.45 p.m. and resumed at 4.50 p.m.

14. Nuclear security — measures to protect against nuclear terrorism (resumed) (GC(52)/COM.5/L.6/Rev.1)

32. The representative of GERMANY said that the two additional paragraphs proposed by the representative of Egypt had been the subject of extensive discussion in the working group but no consensus on them had been reached.

33. All delegations except that of Egypt had accepted the text contained in document GC(52)/COM.5/L.6/Rev.1, and he hoped that the representative of Egypt would now join the consensus on that text.

34. The representative of EGYPT said that his proposals had seemed to enjoy considerable support, being rejected by only a few delegations, and that concerns remained regarding several paragraphs in the revised text presented by the representative of Germany. Seeking consensus at any price was not advisable.

35. The representative of FRANCE, endorsing the comments made by the representative of Germany, said that none of the sponsors of the revised draft resolution supported the Egyptian representative's proposals. The language of resolution GC(50)/RES/11, adopted in 2006, had been watered down in the drafting of resolution GC(57)/RES/12, adopted in 2007, and that should not be repeated in the case of the draft resolution now under discussion.

36. The representatives of CANADA and the UNITED STATES OF AMERICA expressed strong support for the revised text presented by the representative of Germany and rejected the proposals made by the representative of Egypt.

37. The representative of the UNITED KINGDOM, having endorsed the comments made by the representatives of Germany, France, Canada and the United States of America, said, in connection with paragraph (n) of the draft resolution, that the Secretariat had in the past explained the relevance of the Agency's safeguards system and of SSACs to nuclear security.

38. The formulation of paragraph 17 was very similar to that of paragraph 17 of resolution GC(51)/RES/12 adopted in 2007 and had his delegation's full support.

39. As regards the two additional paragraphs proposed by the representative of Egypt, in his delegation's view they had no place in a draft resolution on nuclear security.

40. The representative of AUSTRALIA said that the revised text presented by the representative of Germany had enjoyed wide support within the working group.

41. The representative of EGYPT said he was puzzled that the delegations rejecting his proposals could place such importance on safeguards for nuclear security but refuse to acknowledge that a lack of safeguards could undermine international cooperation in the nuclear security area. The preambular paragraph he had proposed was simply a logical extension of paragraph (n).

42. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation and some others also had concerns regarding certain paragraphs in the revised text.

43. The representative of the RUSSIAN FEDERATION expressed strong support for the revised draft resolution.

The meeting was suspended at 5.00 p.m. and resumed at 5.05 p.m.

44. The CHAIRMAN, having consulted a representative the Office of Legal Affairs, said that, if no consensus could be reached on the draft resolution contained in document GC(52)/COM.5/L.6/Rev.1, resolution GC(51)/RES/12 adopted in 2007 would continue to apply.

45. The representative of EGYPT asked whether the text of resolution GC(51)/RES/12 would be submitted to the General Conference at its current session.

46. The HEAD OF THE NUCLEAR AND TREATY LAW SECTION OF THE OFFICE OF LEGAL AFFAIRS replied that, if the Committee failed to reach consensus on a draft resolution, the Chairman would report accordingly to the General Conference and, as the Chairman had just stated, resolution GC(51)/RES/12 would continue to apply. The latter resolution would not have to be submitted to the Conference at its current session.

47. The representative of the UNITED KINGDOM said that, while it would be disappointing not to be able to recommend the adoption of a draft resolution, her delegation would support the course of action just indicated.

48. She enquired about the implications in such a case of Rule 63 of the Rules of Procedure of the General Conference, under which every proposal should be circulated to all delegations not later than the day preceding the meeting at which it was to be considered.

49. The HEAD OF THE NUCLEAR AND TREATY LAW SECTION OF THE OFFICE OF LEGAL AFFAIRS said that Rule 63 would not apply in that case.

50. The representative of FRANCE asked whether the Committee had any alternative courses of action.

51. The HEAD OF THE NUCLEAR AND TREATY LAW SECTION OF THE OFFICE OF LEGAL AFFAIRS said that, although the Committee could vote on the draft resolution now before it, the result would only be a recommendation. The General Conference would, in a plenary meeting, undoubtedly hold its own vote on the recommended draft resolution. Hence the custom of the Committee to operate on the basis of consensus.

52. The CHAIRMAN added that, if the Committee did not reach consensus on the draft resolution, the sponsors could also submit the text direct to the General Conference in a plenary meeting

53. For his own part, he would simply report to the General Conference that the Committee had not reached consensus on a draft resolution.

54. The representative of EGYPT asked whether the Chairman intended to do the same in the case of other draft resolutions on which the Committee did not reach consensus.

55. The CHAIRMAN said he understood that to be the normal procedure in the case of any draft resolutions on which consensus could not be reached.

56. The HEAD OF THE NON-PROLIFERATION AND POLICY-MAKING SECTION OF THE OFFICE OF LEGAL AFFAIRS confirmed that the procedure applied irrespective of the subject under discussion. If the Committee could not reach consensus, its Chairman was obliged to report that fact to the General Conference.

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

(GC(52)/COM.5/L.2/Rev.1 and Rev.2)

57. The representative of SWITZERLAND, who had chaired the working group established to examine the draft resolution contained in document GC(52)/COM.5/L.2, said that he was circulating, in document GC(52)/COM.5/L.2/Rev.1, a text based largely on resolution GC(51)/RES/15 adopted in 2007. It enjoyed wide support, but it did not yet command consensus as many issues remained to be resolved.

The meeting was suspended at 5.20 p.m. and resumed at 6.35 p.m.

58. The representative of AUSTRIA, introducing the draft resolution contained in document GC(52)/COM.5/L.2/Rev.2, said that it had been issued in order to correct omissions in document GC(52)/COM.5/L.2/Rev.1. It incorporated amendments proposed during the consultations in the working group.

The meeting was suspended at 6.40 p.m. and resumed at 7.10 p.m.

59. The representative of MOROCCO said that, while having no significant objections to the revised text, he regretted the fact that some amendments on which he believed there had been consensus in the working group were not reflected in it, despite being relevant as well as non-controversial.

60. For example, it was his understanding that the working group had agreed that the first part of paragraph 26 should read “Requests the Director General and the Secretariat to continue to ensure that their reports to the Board of Governors and the General Conference are objective, technically and factually based...”.

61. The representative of AUSTRIA said that she had no objection to that wording for paragraph 26, but her delegation would need to consult with other delegations that had sponsored the draft resolution.

62. The representative of EGYPT said he regretted the fact that many significant proposed amendments to the draft resolution contained in document GC(52)/COM.5/L.2 had not even been discussed in the working group, owing to time constraints. His delegation could not join a consensus on the text contained in document GC(52)/COM.5/L.2/Rev.2.

63. The representative of INDIA said that his delegation, which attached great importance to the principle of consensus and to the “Spirit of Vienna”, regretted not being able to accept paragraph 3 of the draft resolution. Unfortunately, the continued reluctance of some delegations to discuss the paragraph, which had been of concern to his country for several years, left his delegation with no option but to request its deletion.

64. The representative of PAKISTAN said that, thanks to flexibility on all sides, the draft resolution now before the Committee represented progress compared with corresponding resolutions adopted in previous years. Regrettably, however, his delegation's concerns with regard to paragraph 3 had not been addressed. The "universal application of the Agency's safeguards system" was not called for in the Agency's Statute, which recognized the differentiated nature of Member States' safeguards obligations, and his delegation could therefore not accept paragraph 3.

65. The representative of BRAZIL said that, although not all proposed amendments had been incorporated into the revised draft resolution, it was an accurate reflection of the progress made in the working group. He recommended that the Chairman transmit the text to the General Conference with his report.

66. The CHAIRMAN said that, if no consensus was reached on the text, he could not transmit it to the General Conference, but it could be submitted direct to the Conference by the sponsors if they so wished and he asked the Secretariat to confirm that view.

67. The HEAD OF THE NON-PROLIFERATION AND POLICY-MAKING SECTION OF THE OFFICE OF LEGAL AFFAIRS confirmed the Chairman's understanding.

68. The representative of the ISLAMIC REPUBLIC OF IRAN requested that discussion of the draft resolution in the Committee be terminated, as consensus was unlikely to be reached.

69. The representative of EGYPT endorsed the request made by the representative of the Islamic Republic of Iran.

70. The CHAIRMAN said that he saw no grounds for terminating the discussion if there were still Committee members wishing to state their positions.

71. It might be useful for the sponsors of the draft resolution to hear additional views if they intended to submit the draft resolution direct to the General Conference.

72. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in his opinion, few additional views were likely to be expressed in the Committee.

73. The representative of SPAIN, supported by the representative of the UNITED KINGDOM, said that the text now before the Committee best reflected the discussions that had taken place in the working group.

74. The CHAIRMAN said that he would report to the General Conference that the Committee had been unable to reach consensus and that it therefore had no draft resolution to recommend.

The meeting was suspended at 7.35 p.m. and resumed at 9.15 p.m.

15. Strengthening of the Agency's technical cooperation activities

(resumed)

(GC(52)/COM.5/L.10/Rev.2)²

75. The representative of BRAZIL, introducing the revised draft resolution contained in document GC(52)/COM.5/L.10/Rev.2, said that it reflected recent developments relating to technical cooperation in the field of peaceful applications of nuclear energy and the imperatives arising therefrom and also from decisions of the Board of Governors. The Group of 77 and China had taken account of input from many delegations and had made a number of concessions — for example, paragraph 4 of the text submitted in document GC(52)/COM.5/L.10 had been deleted. The Group of 77 hoped that all delegations would show flexibility and join in a consensus on what was a very important draft resolution.

76. The representative of the UNITED STATES OF AMERICA commended the representative of the Brazil delegation for his role in what had been very arduous consultations.

77. His delegation agreed with the sentiments expressed in the draft resolution about the usefulness of the Agency's technical cooperation programmes, and his country was a major supporter of those programmes. However, his country was troubled by the signals being sent by the draft resolution under consideration; the text suggested that there was a lack of consensus on the Agency's core missions — nuclear security and safeguards. A paragraph suggested by his delegation — about the Secretariat's assuring that Agency technical cooperation projects did not entail safety, security and proliferation risks, had garnered support but had not been included in the draft resolution. Unfortunately, he feared that no consensus existed on the text.

78. The representative of the UNITED KINGDOM, having thanked the representative of Brazil for his hard work and the flexibility shown by him, said that his delegation shared the views of the United States delegation. He regretted that there was no consensus on the text.

79. The representative of CANADA said that his country was a very strong supporter of Agency technical cooperation, as demonstrated by the fact that it had been paying 110% of its TCF target share. In view of the way in which the negotiations on the draft resolution under consideration — and on other draft resolutions — had unfolded, however, Canada could not support the text.

80. The CHAIRMAN, summing up the deliberations of the Committee of the Whole, said he would report to the General Conference that under item 14, "Nuclear security - measures to protect against nuclear terrorism", item 15, "Strengthening of the Agency's technical cooperation activities", and item 18, "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol" the Committee had been unable to reach consensus.

81. Having thanked everyone who had participated in the work of the Committee, he said that he regretted the fact that the Agency was becoming more and more politicized.

The meeting rose at 9.35 p.m.

² Document GC(52)/COM.5/Rev.1 was withdrawn owing to typographical errors.