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Committee of the Whole

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Held at Headquarters, Vienna, on Friday, 23 September 2011, at 2.10 p.m.

Chairperson: Ms YPARRAGUIRRE (Philippines)

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¹ GC(55)/COM.5/1.

15 Nuclear security, including measures to protect against nuclear and radiological terrorism (resumed) (GC(55)/COM.5/L.11/Rev.3)

1. The representative of GERMANY said that since the Committee's previous meeting a compromise had been reached on paragraph (i); it was reflected in document GC(55)/COM.5/L.11/Rev.3. He thanked the delegations that had been involved in the consultations for their constructive approach.
2. The delegation of Indonesia had played an essential role by proposing language for paragraph (i) that reflected the legitimate interests of all the delegations taking part in the negotiations.
3. The representative of INDONESIA said that the original paragraph (i), which had been proposed by Indonesia in an attempt to prepare the way for a consensus and avoid a long debate like that of the previous year, had not addressed the concerns of some delegations. Discussions with those delegations had led to the revised paragraph (i) contained in document GC(55)/COM.5/L.11/Rev.3, which, he felt, would be acceptable to all.
4. There was a clear understanding that, in agreeing to the revised paragraph (i), delegations were agreeing to the entire draft resolution.
5. The agreement reached had been possible thanks to the willingness to understand each other's concerns exhibited by all the delegations involved.
6. The CHAIRPERSON thanked the delegation of Indonesia, and in particular Mr Iqbal, for its assistance in bringing about a compromise.
7. The representative of TURKEY said that his delegation welcomed the consensus and the fact that the text before the Committee made reference to "Nuclear Security Summits"; without such a reference, it would have been flawed.
8. The representative of JAPAN said that his delegation was grateful to all the other delegations involved in the negotiations, especially that of Indonesia.
9. The representative of the RUSSIAN FEDERATION, thanking all the other delegations involved, said that adoption of the text now before the Committee would once again underscore the seriousness with which Member States approached the issue of nuclear security.
10. The language of paragraph (i) as contained in document GC(55)/COM.5/L.11/Rev.3 was a clear signal that nuclear security was among the issues being given the highest priority by Member State governments.
11. The representative of CUBA, having thanked all the other delegations involved in the negotiations, especially that of Indonesia, said that it was his delegation's understanding that the agreement reached on the draft resolution meant that in future all Member States would be invited to participate in nuclear security summits.
12. As events relating to nuclear security were of vital importance to all Member States, Cuba would continue to insist that they be open to participation by all Member States.

13. The representative of the REPUBLIC OF KOREA, having thanked the other delegations involved in the negotiations, said that the Nuclear Security Summit to be held in 2012 in Seoul would be transparent and lead to further support for the Agency's work in the area of nuclear security. As host country, the Republic of Korea would do everything in its power to make the 2012 Nuclear Security Summit a success.

14. The representative of the ISLAMIC REPUBLIC OF IRAN thanked the delegation of Indonesia for proposing new language for paragraph (i) that was acceptable to his country, which expected that all Member States would in future be invited to participate in nuclear security summits.

15. The CHAIRPERSON took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(55)/COM.5/L.11/Rev.3.

16. It was so agreed.

The meeting was suspended at 2:25 p.m. and resumed at 4:00 p.m.

18 Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (resumed) (GC(55)/COM.5/L.6 and Rev.1)

17. Mr BRADY (Ireland), speaking as chairman of the working group that had been conducting negotiations on the draft resolution contained in document GC(55)/COM.5/L.6, said that there had been four constructive negotiation sessions involving a large number of delegations, which were to be commended for their flexibility, patience and good humour.

18. Presenting the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1, he said that it was not a recommendation of the working group but rather as his own best guess as to the compromises that might be reached on those paragraphs on which a consensus did not yet exist — paragraphs (c), (k), (q), (t), 3, 6, 19, 22, 29 and 30. In his view, the revised draft resolution represented the honest and best efforts of the delegations making up the working group, to which he was very grateful.

19. He considered the informal consultations carried out by Austria and Australia prior to the current General Conference session in connection with the safeguards agenda item to have been very valuable, and he hoped that such consultations would be held before the General Conference's 2012 session.

20. The CHAIRPERSON expressed, on behalf of the Committee, profound appreciation of Mr Brady's determination and tireless efforts in presiding over intensive negotiations throughout the week. However, it was clear from Mr Brady's remarks that no consensus had been reached on the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1.

21. Reminding the Committee that the President of the General Conference had requested it to report to the Plenary at 3:30 p.m. and pointing out that it was already 4:00 p.m., she asked for guidance on how best to proceed.

22. The representative of BRAZIL, having thanked Mr Brady for his efforts, proposed that the Committee recommend adoption of the draft resolution contained in document

GC(55)/COM.5/L.6/Rev.1 with paragraph 29 amended to read “Notes that, in furthering the establishment of safeguarded worldwide disarmament, non-proliferation and disarmament efforts, including nuclear verification, are mutually reinforcing” — language that had been agreed upon many years previously.

23. The representative of MEXICO said that paragraph 10 would be clearer if it read “Notes that, in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, the two documents are to be read and interpreted as a single instrument and these measures represent the enhanced verification standard for that State”.

24. The representative of CUBA, having thanked Mr Brady for his efforts, said that consensus had unfortunately not been reached because a group of delegations, including that of Cuba, continued to have reservations on a number of paragraphs.

25. Although the proposal made by the representative of Brazil did not meet Cuba’s concerns regarding a number of paragraphs, his delegation was prepared, albeit with great reluctance, to go along with it.

26. The representative of ALGERIA suggested that the Committee seriously consider the proposal made by the representative of Brazil, which her delegation would like to see accepted.

27. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA, having thanked Mr Brady for his efforts, said that the Venezuelan delegation had a number of reservations concerning the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1. However, it believed that the representative of Brazil had pointed the way to a solution.

28. The representative of the ISLAMIC REPUBLIC OF IRAN, having thanked Mr Brady for his efforts, said that the Iranian delegation could, in a spirit of cooperation, join a consensus on the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1 with the amendment proposed by the representative of Brazil.

29. The representative of ARGENTINA said that the draft resolution before the Committee contained elements that did not feature in resolution GC(54)/RES/11 adopted in 2010, including elements relating to additional protocols. Argentina needed to consider the new elements, taking the 2010 resolution as a point of reference.

30. The representative of NEW ZEALAND said that her delegation would be happy to join a consensus based on the proposal made by the representative of Brazil.

31. The representative of SOUTH AFRICA said that his delegation would also be happy to join such a consensus.

32. The representative of EGYPT said that, while his delegation would be happy to accept the proposed amendment to paragraph 29, it reserved the right to comment on other parts of the text now before the Committee.

33. The representative of PAKISTAN said that his delegation had not wished to initiate a drafting exercise in the Committee. However, other delegations were making drafting suggestions. His delegation therefore proposed adding the word “concerned” between the words “all” and “States” in paragraph 3, about the present wording of which it had reservations.

34. The representative of INDIA said that his delegation, which also had reservations about the present wording of paragraph 3, had shown great flexibility during the negotiations in the working group so ably presided over by Mr Brady.

35. Several delegations had indicated support for the Indian delegation's position regarding paragraph 3, but a few delegations had regrettably been unwilling to acknowledge the contradiction inherent in that paragraph.

36. Although his delegation had concerns regarding other parts of the draft resolution, it could join a consensus on it if paragraph 3 were amended as suggested by the representative of Pakistan.

37. The representative of the UNITED KINGDOM said that his delegation would have been willing to consider in isolation the proposal made by the representative of Brazil. However, subsequent interventions had suggested that several delegations had concerns which they would raise even if that proposal were agreed upon.

38. He therefore suggested that the most efficient way to proceed would be to revert to resolution GC(54)/RES/11 adopted in 2010, with technical updates.

39. The representative of GERMANY said that his delegation regretted the fact that no agreement seemed to be emerging on the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1. It had no objection to the amendment proposed by the representative of Brazil, but it did not wish the text to be opened up to further amendment proposals.

40. In his delegation's view, if no agreement was possible, there was no point in restating arguments already presented in the working group. It would be better, as suggested by the representative of the United Kingdom, to revert to resolution GC(54)/RES/11, with technical updates.

41. The representative of the SYRIAN ARAB REPUBLIC said that her delegation would find it difficult to accept the amendment to paragraph 10 proposed by the representative of Mexico, but it welcomed the amendment to paragraph 29 proposed by the representative of Brazil. However, it still had concerns regarding other paragraphs. Before raising those concerns, it would like to see what the fate of the proposed amendment to paragraph 29 was.

42. The representative of the RUSSIAN FEDERATION said that the Committee was running behind schedule and there was no time for a debate on the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1. The Committee should either recommend adoption of the text without further amendment, or revert to the text of resolution GC(54)/RES/11, with technical updates.

43. The representative of the UNITED STATES OF AMERICA, expressing support for the statement made by the representative of the Russian Federation, said that, while the text in document GC(55)/COM.5/L.6/Rev.1 did not contain everything his country would have wished to see, his delegation could have joined a consensus on it.

44. The representative of the ISLAMIC REPUBLIC OF IRAN said that many delegations had concerns about the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1, but, in a spirit of cooperation, were refraining from raising them.

45. He regretted the fact that the representative of Mexico had proposed an amendment to paragraph 10, as many other representatives would now wish to make their own proposals. Rather than opening the whole text to amendment proposals, the Committee should focus on the most difficult paragraphs, as the representative of Brazil had done.

46. He requested the Chairperson to ask the Committee whether it was prepared to accept the text in document GC(55)/COM.5/L.6/Rev.1 with no amendments except the one proposed by the representative of Brazil.

47. The representative of CUBA expressed support for the request made by the representative of the Islamic Republic of Iran.

48. The representative of SINGAPORE, also expressing support for that request, said that her delegation would accept the proposal for amending paragraph 29 made by the representative of Brazil if it could be sure that the rest of the text would not be opened up to other amendment proposals.

49. The representative of SWEDEN said that his delegation could accept the text in document GC(55)/COM.5/L.6/Rev.1 as it stood or with the amendment proposed by the representative of Brazil

50. The CHAIRPERSON said that, so far during the Conference's current session, the Committee had a good record as regards achieving consensus on draft resolutions and that she still hoped to be able to report to the General Conference that consensus had been achieved on all the items referred to the Committee.

51. In the light of the situation that had developed, she believed that reverting to resolution GC(54)/RES/11, with technical updates, was the most pragmatic way forward.

52. The representative of the ISLAMIC REPUBLIC OF IRAN again requested the Chairperson to ask the Committee whether it was prepared to accept the text in document GC(55)/COM.5/L.6/Rev.1 with just the amendment proposed by the representative of Brazil.

53. With regard to the reservations of the delegations of India and Pakistan about paragraph 3, those delegations could express them in the Plenary. Their reservations need not prevent the Committee from recommending a new draft resolution to the General Conference for adoption.

54. The representative of AUSTRALIA said that his delegation would prefer that the Committee recommend the text contained in document GC(55)/COM.5/L.6/Rev.1, with or without the amendment proposed by the representative of Brazil, rather than reverting to the text from the General Conference's previous session.

55. The representative of FRANCE said that, in her view, the draft resolution in document GC(55)/COM.5/L.6/Rev.1 was an excellent one and should not be opened up to amendment proposals. If there was no agreement on it, she would, with regret, prefer that the Committee revert to the text of the 2010 resolution, with technical updates.

56. The representative of JAPAN said that, although his delegation had concerns about some paragraphs, it could have accepted the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1.

57. In its view, the only alternative to recommending adoption of that draft resolution would be to revert to the text of the 2010 resolution.

58. The representative of INDIA said that his delegation deeply regretted the fact that, after three months of work on the crafting of a draft resolution, it seemed that a text unacceptable to India in 2010 was to be submitted by the Committee to the General Conference in 2011.

59. The representative of the RUSSIAN FEDERATION said that, despite the 30 years that he had spent in disarmament negotiations, the wording of the amendment proposed by the representative of Brazil contained elements that were completely new to him. Had that wording been available for consideration three months earlier, it could have been considered, but there was now no time for the necessary negotiations, nor for consultation with governments. In his view, the best way to proceed would be to revert to the text of the 2010 resolution.

60. The representative of IRELAND said that, in her delegation's view, the Committee should be asked whether it wished to recommend adoption of the draft resolution contained in document CG(55)/COM.5/L.6/Rev.1 with the amendment proposed by the representative of Brazil.

61. The representative of ITALY said that his delegation would have liked to see the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1 adopted. However, it seemed that consensus on that text would be unachievable, even with the amendment proposed by the representative of Brazil. Therefore, his delegation favoured adoption of the text of the resolution adopted in 2010, with technical updates.

62. The CHAIRPERSON asked the representative of Brazil whether, on the basis of his consultations, he believed that, if the amendment to paragraph 29 proposed by him were accepted, the objections to other paragraphs would be withdrawn.

63. The representative of BRAZIL said that he had had no mandate to conduct consultations. He had made the amendment proposal on the basis of his perception that the proposed wording could lead to consensus.

The meeting was suspended at 5.05 p.m. and resumed at 5.45 p.m.

64. The CHAIRPERSON asked for a show of hands on three questions: first, whether there was any objection to the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1; second, whether there was any objection to the draft resolution contained in document GC(55)/COM.5/L.6/Rev.1 with the amendment to paragraph 29 proposed by the representative of Brazil; and third, whether there was any objection to reverting to the text of the 2010 resolution, with technical updates.

65. On the basis of the responses, she concluded that the Committee had been unable to reach agreement on a recommendation under agenda item 18; she would report to the Plenary accordingly.

66. It was so agreed.

The meeting rose at 5.50 p.m.