

General Conference

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Committee of the Whole

Record of the Second Meeting

Held at the Austria Center, Vienna, on Tuesday, 18 September 2012, at 10.15 a.m.

Chairman: Mr SHUKRI (Saudi Arabia)

Contents

Item of the agenda ¹		Paragraphs
–	Election of Vice-Chairpersons and organization of work (<i>resumed</i>)	1–2
17	Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol	3–87

¹ GC(56)/19.

- Election of Vice-Chairpersons and organization of work (resumed)

1. The CHAIRMAN announced that he had been informed that Mr Kuzinski of the delegation of Poland had been nominated by the Eastern Europe group as a Vice-Chairman of the Committee. He took it that the Committee wished to elect Mr Kuzinski to serve in that capacity.
2. It was so agreed.

17. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (GC(56)/14 and GC(56)/COM.5/L.3)

3. The representative of AUSTRIA, introducing the draft resolution contained in document GC(56)/COM.5/L.3, said that 20 years previously her country and Czechoslovakia had submitted a draft resolution providing for the use by the Agency of “all information available to it” in its safeguards implementation activities.
4. On behalf of the European Union member countries and the other sponsors, she expressed the hope that the present draft resolution would be adopted by consensus.
5. The CHAIRMAN invited statements on the draft resolution as a whole, after which it would be considered paragraph by paragraph.
6. The representative of BRAZIL, recalling that the General Conference had regrettably not been able to adopt a draft resolution on Agency safeguards at its 55th regular session, called for a constructive effort to reach agreement on a consensus text at the current session.
7. His delegation would be proposing amendments to the draft text, beginning with its title, which needed to reflect concerns expressed in previous years and new directions being taken by the Agency in the safeguards area.
8. Also, there should be a general discussion of what was to be achieved through adoption of the draft resolution.
9. The representative of the RUSSIAN FEDERATION said that the draft resolution before the General Conference for adoption should be clear-cut and largely technical, without politicization.
10. The striking semantic differences between the draft text now before the Committee and resolution GC(54)/RES/11, adopted in 2010, would have consequences for the Agency’s safeguards system and every Member State.
11. Further development of the safeguards system was necessary, but it should involve the participation of all Member States and the changes should be subject to approval by the Board.

12. The representative of CUBA said that his delegation had a number of concerns about the draft resolution. Controversial elements not in resolution GC(54)/RES/11 had been introduced into the draft text, while important elements in resolution GC(54)/RES/11 had been omitted.

13. The representative of the ISLAMIC REPUBLIC OF IRAN said that the title of the draft resolution should be amended and that the new concepts in the draft text should be thoroughly discussed in the light of the concerns of many delegations.

14. The representative of EGYPT said that it was high time for a decision to be taken about what was required from General Conference resolutions on the Agency's safeguards system, and their title should be adjusted accordingly.

15. The Agency's safeguards system did not operate only on the basis of comprehensive safeguards agreements and additional protocols, and the resolutions regarding that system should do justice to the Agency's other nuclear verification activities.

16. The representative of the PHILIPPINES said that some very constructive comments made by delegations during two consultation meetings held in the summer were regrettably not reflected in the text contained in document GC(56)/COM.5/L.3.

17. The representative of SWITZERLAND said that it was for the Secretariat to inform all Member States, through the Board, as to the ways in which it envisaged that the safeguards system should be further developed.

18. The representative of CANADA, expressing strong support for the draft resolution contained in document GC(56)/COM.5/L.3, said that the Secretariat had taken logical steps to ensure that the Agency's safeguards system responded to contemporary realities; the progress made should be maintained.

19. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA said that there were various aspects of the draft resolution now before the Committee that needed to be discussed in depth, especially the non-inclusion of certain elements of resolution GC(54)/RES/11.

20. The representative of SWEDEN, supported by the representative of EGYPT, said that, if the draft resolution was to be discussed in depth, the Committee should begin by considering the title.

21. The representative of JAPAN said that her delegation, which regretted the fact that no resolution on Agency safeguards had been adopted by the General Conference in 2011, would work constructively with other delegations in an effort to bring about the adoption of such a resolution in 2012.

22. The CHAIRMAN said that he did not intend to set up a working group. All discussion of the draft text should take place within the Committee; that would assist small delegations and ensure that what was said was 'on the record'.

23. He called for comments on the preambular part of the draft resolution.

24. The representative of SOUTH AFRICA said that there might be a need for the draft resolution to be reorganized because the preamble did not adequately articulate the nature of the challenges facing the Agency in the safeguards area.

25. Also, the title might have to be amended in the light of the reorganization of the draft resolution.

26. The representative of the PHILIPPINES, having welcomed the fact that the draft resolution was to be discussed in the Committee and not in a working group, said that paragraph (e) of resolution GC(54)/RES/11 should be included in the draft text, as the Final Document of the 2010 Review

Conference of the States party to the NPT was, in her delegation's view, still a valid outcome of that conference.

27. The representative of BRAZIL, having agreed with the representative of the Philippines, said that paragraphs (p) and (q) of resolution GC(54)/RES/11 should also be included in the draft text.

28. Paragraphs (l), (m) and (n) of the draft text might require some adjustment.

29. The representative of the RUSSIAN FEDERATION said that the draft text in document GC(56)/COM.5/L.3, which departed significantly from resolution GC(54)/RES/11, should be discussed paragraph by paragraph.

30. As regards paragraph (e), the words "with due consideration of" should be replaced by "in accordance with".

31. As regards paragraphs (l), (m) and (n), his country was of the view that the safeguards evaluation of States should take into account the technical parameters of their nuclear programmes. Unfortunately, however, the notion of a State-level approach to safeguards appeared to be increasingly infused with political considerations. In-depth discussions were needed in order to clarify the State-level safeguards concept.

32. Paragraph (q) was unclear and needed rewording.

33. The representative of CUBA called for the inclusion of paragraphs (e), (p) and (q) of resolution GC(54)/RES/11 in the draft text.

34. The representative of the PHILIPPINES called for the inclusion also of paragraph (t).

35. The representative of SINGAPORE called for the inclusion of paragraphs (e) and (p) of resolution GC(54)/RES/11.

36. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA expressed support for the comments made by the representatives of Brazil and Cuba.

37. The representative of the ISLAMIC REPUBLIC OF IRAN, having expressed support for the comments made by the representatives of the Philippines, Brazil and Cuba, said that reference should be made in the draft text to the need to maintain the independence of the Agency and prevent interference in its safeguards activities.

38. The representative of the RUSSIAN FEDERATION, supported by the representative of LEBANON, said that paragraphs (l), (m) and (n) of the draft resolution contained in document GC(56)/COM.5/L.3 warranted in-depth discussion.

39. Paragraph (l) was similar to paragraph (m) of resolution GC(54)/RES/11, but there were differences that should be explained. What was the meaning of "the State-level concept"?

40. Paragraph (m) contained the notions "safeguards-relevant information" and "safeguards objectives", which should be clearly defined.

41. Paragraph (n) referred to "relevant objective State-specific factors", and his delegation would like a list of such factors to be submitted to the Board of Governors for its consideration.

42. The representative of LEBANON said that his delegation regretted the failure to include key paragraphs of resolution GC(54)/RES/11, which had been the fruit of arduous negotiations, in the draft text now before the Committee. The careful balance achieved in 2010 no longer existed.

43. The representative of BRAZIL said that paragraph (u) of resolution GC(54)/RES/11, which related to the confidentiality of safeguards information, was of crucial importance and should be included in the draft text.

44. Like the representative of the Russian Federation, his delegation would be interested to learn the meaning of “the State-level concept” in paragraph (l). Perhaps the Secretariat could prepare an information document on the evolution over time of “the State-level concept” for consideration by the Board of Governors.

45. The wording of paragraph (q) seemed to suggest that the Agency should review and evaluate its own work. It might be preferable to replace the second reference to “the Agency” by “the Board of Governors”.

46. The representative of ARGENTINA said that her delegation was in favour of an in-depth discussion of the draft text paragraph by paragraph, given the shift in balance vis-à-vis resolution GC(54)/RES/11 and the new concepts introduced in the draft text.

47. The representative of SOUTH AFRICA said that there might be a contradiction between paragraphs (l) and (n) of the draft text.

48. The wording of the title implied the existence of factors militating against the effectiveness and efficiency of the Agency’s safeguards system. If such factors existed, the preamble should make reference to them.

49. Given the concerns expressed by several delegations about the failure to include important elements of resolution GC(54)/RES/11 in the draft text, the sponsors might wish to review the draft text in the light of the comments made and submit a revised text to the Committee.

50. The representative of LIBYA said that the new concepts in the draft text required in-depth consideration and that his delegation regretted the non-inclusion of key paragraphs of resolution GC(54)/RES/11 in the draft text.

51. His delegation would like the draft text to be discussed paragraph by paragraph, beginning with the title.

52. The representative of INDONESIA called for the inclusion of paragraph (e) of resolution GC(54)/RES/11 in the draft text, for an in-depth discussion of paragraph (l) of the draft text and for consideration of the draft text paragraph by paragraph.

53. The representative of the ISLAMIC REPUBLIC OF IRAN, calling for the inclusion of paragraph (u) of resolution GC(54)/RES/11 in the draft text, said that his country attached the utmost importance to “the principle of confidentiality regarding all information relating to the implementation of safeguards”. As a result of leakages of classified safeguards information, several Iranian scientists had been targets of terrorist attacks.

54. In order to emphasize the importance of the principle of confidentiality, his delegation would like paragraph (u) of resolution GC(54)/RES/11 to be included in the draft text with the words “maintaining and observing fully” replaced by “strengthening”.

55. The representative of the SYRIAN ARAB REPUBLIC said that, given the views expressed by several delegations with regard to the draft text before the Committee, it might be more productive to use resolution GC(54)/RES/11 as the basis for the Committee’s deliberations.

56. The representatives of CUBA and SOUTH AFRICA expressed support for the suggestion made by the representative of the Syrian Arab Republic.

57. The representative of AUSTRIA said that, if resolution GC(54)/RES/11 was used as the basis for the Committee's deliberations, it was unclear what the role of the sponsors of the draft text would be. Who would submit a revised draft text if one was requested by the Committee?
58. The CHAIRMAN said that he had called for comments on the preambular part of the draft resolution in order to assess how far apart delegations' positions were. In due course, he would call for a paragraph-by-paragraph discussion of the draft text.
59. The representative of the PHILIPPINES suggested that the Committee bear in mind certain paragraphs of resolution GC(54)/RES/11 in a paragraph-by-paragraph discussion of the draft text before it.
60. The representative of ARGENTINA said that the Committee should take resolution GC(54)/RES/11 as the basis for its deliberations unless the sponsors of the draft text strongly objected.
61. The representative of INDIA said that the draft text before the Committee was the product of lengthy consultations. He was therefore in favour of its being taken as the basis for the Committee's deliberations.
62. The representative of the ISLAMIC REPUBLIC OF IRAN suggested that the meeting be adjourned so that the sponsors of the draft text might reflect on the views expressed so far and display their flexibility by submitting a more balanced draft text.
63. The representative of the RUSSIAN FEDERATION proposed some amendments to the preambular part of the draft text that might be taken into account by the sponsors: the replacement of "with due consideration of relevant safeguards agreements" in paragraph (e) by "in accordance with relevant safeguards agreements"; the replacement of paragraph (l) by paragraph (m) of resolution GC(54)/RES/11, which referred to "the conceptualization and development of State-level approaches"; the listing in paragraph (m) — or in an appended document on safeguards objectives — of the criteria for determining whether information was "safeguards relevant"; the listing in paragraph (n) of the "relevant objective State-specific factors" mentioned there; and the replacement of the phrase "is continually reviewed and evaluated" in paragraph (q) by "should be continually reviewed and evaluated".
64. The representative of the UNITED KINGDOM agreed with the representative of India that the draft resolution was the product of lengthy consultations. Moreover, a great deal of the content was based on resolution GC(54)/RES/11.
65. The Committee should therefore consider the draft resolution paragraph by paragraph, identifying passages that required further work.
66. The representative of the SYRIAN ARAB REPUBLIC repeated her suggestion that the Committee base its deliberations on resolution GC(54)/RES/11.
67. The representatives of the NETHERLANDS and PORTUGAL expressed support for the proposal just made by the representative of the United Kingdom.
68. The representative of NAMIBIA expressed support for the suggestion made by the representative of the Syrian Arab Republic.
69. The representative of ARGENTINA, expressing support for the suggestion made by the representative of the Syrian Arab Republic, said that, if the draft text contained in document GC(56)/COM.5/L.3 was taken as the basis for the Committee's deliberations, it should be discussed paragraph by paragraph in order that passages departing from the 2010 consensus might be identified.

70. The representative of FRANCE, opposing the idea of reverting to resolution GC(54)/RES/11, said that the delegations unable to accept certain passages in the draft resolution now before the Committee should at least be willing to discuss that text.

71. The representatives of POLAND and SPAIN said that the draft resolution was a sound basis for a constructive discussion in which all views and concerns could be taken into account.

72. The representatives of the BOLIVARIAN REPUBLIC OF VENEZUELA and BAHRAIN expressed support for the idea of reverting to resolution GC(54)/RES/11.

73. The representatives of AUSTRALIA and ROMANIA, expressing support for the draft resolution, said that several passages in it were drawn from resolution GC(54)/RES/11. Passages in that resolution which had not been included in the draft text before the Committee could, of course, be discussed.

74. The representative of URUGUAY said that the preambular paragraph in resolution GC(54)/RES/11 concerning the 2010 NPT Review Conference and the paragraphs in that resolution concerning safeguards confidential information could perhaps be included in the draft text before the Committee.

75. The representative of NIGERIA said that he was in favour of the Committee's discussing the draft resolution and incorporating into it more of the content of resolution GC(54)/RES/11.

76. The representative of ITALY said that it would be unwise to reject the product of months of work by the sponsors of the draft resolution, which could be amended to reflect more of the agreed language of resolution GC(54)/RES/11.

77. The representative of CUBA, supported by the representative of the ISLAMIC REPUBLIC OF IRAN, said that it was important to avoid a repetition of what had occurred in 2011, when the General Conference had failed to adopt a resolution on safeguards because the proposed draft text had lacked balance of the kind achieved in 2010. Resolution GC(54)/RES/11 could, of course, be improved upon, but at least it represented a good starting point for the Committee's deliberations during the current session of the General Conference.

78. The representatives of NORWAY, GERMANY, CYPRUS, ALBANIA, the CZECH REPUBLIC and MALTA proposed that the Committee base its deliberations on the draft resolution, examining the need to include further passages from resolution GC(54)/RES/11 and other points.

79. The representative of EGYPT said that her delegation had participated in two rounds of consultations and seen two draft texts, one dated 26 July 2012 and the other 14 September 2012, which had been nearly identical. The delegations of Egypt and some other Member States had made many comments, but almost none of those comments had been taken into account in the draft text now before the Committee. It was therefore not surprising that many delegations considered that the draft text lacked balance.

80. The representative of CHILE said that, when the Committee's discussion under agenda item 17 had begun, he had had the impression that the Chairman was hoping that there would be a consensus on the draft resolution, but clearly there were major differences of opinion regarding it.

81. His delegation, which would like to see more of resolution GC(54)/RES/11 incorporated into the draft resolution, considered that the discussion should be based on that draft text. If it was based on resolution GC(54)/RES/11, the sponsors of the draft text would logically have to withdraw it, which he did not think they would be prepared to do.

82. If delegations simply continued to state that they were for or against the Committee's deliberations being based on the draft text or resolution GC(54)/RES/11, the Committee would waste a great deal of time.

83. In his opinion, there were two options: either the Committee could base its deliberations on the draft resolution, considering it paragraph by paragraph, or the draft text could be referred to a working group for informal consideration.

84. The representative of the PHILIPPINES said that she was disappointed that the draft text now before the Committee reflected so few of the comments made by the delegations of Egypt and some other Member States during the consultations that had taken place.

85. She called for the preparation of a revised version of document GC(56)/COM.5/L.3 reflecting comments made during the current discussion.

86. The CHAIRMAN proposed that the meeting be adjourned in order to allow for informal consultations.

87. It was so decided.

The meeting rose at 12.30 p.m.