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Chairperson: Mr SHUKRI (Saudi Arabia)

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¹ GC(56)19

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

1. The CHAIRMAN invited Committee members to indicate areas of disagreement in the operative part of the draft resolution contained in document GC(56)/COM.5/L.3.
2. The representative of AUSTRIA, in response to a question from the representative of the RUSSIAN FEDERATION, said that the wording of paragraph 3 had been taken from the draft resolution on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol discussed during the fifty-fifth session of the General Conference but not adopted.
3. The representative of the ISLAMIC REPUBLIC OF IRAN proposed the addition of the words “in accordance with relevant safeguards agreements” to the end of that paragraph.
4. The representative of BRAZIL, supported by the representative of the ISLAMIC REPUBLIC OF IRAN, said that the balance between Member States’ obligations and the Secretariat’s obligations should be reflected through the addition at the end of paragraph 4 of the words “and the Secretariat’s obligation to implement safeguards in strict accordance with relevant safeguards agreements”.
5. The representative of the SYRIAN ARAB REPUBLIC proposed that the text of paragraph 6 be replaced by that of paragraph 3 of resolution GC(54)/RES/11.
6. The representative of the RUSSIAN FEDERATION said that paragraph 7 stated the obvious and was, in his delegation’s view, unnecessary.
7. The representative of the ISLAMIC REPUBLIC OF IRAN proposed that paragraph 8 be amended to read “Underscores ... in full conformity with the Statute and States’ legal obligations, and calls on the Agency and all States to extend their cooperation in this regard in full conformity with the Statute and their legal obligations;”. It was not only States which had legal obligations — the Agency had legal obligations as well.
8. The representative of the RUSSIAN FEDERATION, supported by the representative of the SYRIAN ARAB REPUBLIC, proposed that paragraph 13 be replaced by paragraph 10 of resolution GC(54)/RES/11.
9. The representative of the UNITED KINGDOM, in response to a question from the representative of EGYPT, said that the use of the word “the” before “State” in the last part of paragraph 14, which read “these measures represent the enhanced verification standard for the State”, as opposed to “that State” in paragraph 11 of resolution GC(54)/RES/11, which read “these measures represent the enhanced verification standard for that State”, did not represent a deliberate change and did not alter the meaning.
10. The representative of ARGENTINA, supported by the representative of the SYRIAN ARAB REPUBLIC, expressed a preference for the formulation “that State”, the formulation in paragraph 11 of resolution GC(54)/RES/11.

11. The CHAIRMAN took it that there was agreement on changing “the State” to “that State”.
12. The representative of the DIRECTOR GENERAL’S OFFICE FOR POLICY, responding to a query from the representative of the RUSSIAN FEDERATION about paragraph 16, said that the updated plan of action to promote the conclusion of safeguards agreements and additional protocols could be consulted at www.iaea.org.
13. The representative of the RUSSIAN FEDERATION suggested the addition in paragraph 16 of the words “as per the final document of the 2000 Review Conference of the parties to the Treaty on the Non-proliferation of Nuclear Weapons which inter alia reaffirmed that the IAEA is the competent authority responsible for verifying and assuring, in accordance with the Agency’s Statute and the Agency’s safeguards system, compliance with its safeguards agreements and recommended that the Director General of the IAEA and the IAEA’s Member States consider ways and means which could include a possible plan of action to promote and facilitate the conclusion and entry into force of safeguards agreements and additional protocols” after “in resolution GC(44)/RES/19”. Without those words, the references to resolution GC(44)/RES/19 and the plan of action were excessively vague.
14. The representative of JAPAN, supported by the representative of ITALY, said that the inclusion of those words contributed no added value to paragraph 16.
15. The representative of ARGENTINA, supported by the representatives of the SYRIAN ARAB REPUBLIC and JAPAN, proposed the replacement of paragraph 16 by paragraph 25 of resolution GC(54)/RES/11.
16. The representative of the RUSSIAN FEDERATION said that, in a spirit of compromise, his delegation would go along with that proposal.
17. The representative of MALAYSIA suggested that paragraph 13 of resolution GC(54)/RES/11, reading “Reaffirms that the Director General use the Model Additional Protocol as the standard for additional protocols which are to be concluded by States and other Parties to comprehensive safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;”, be inserted after paragraph 16.
18. The representative of the RUSSIAN FEDERATION questioned the use of the phrase “no indication of undeclared nuclear material and nuclear activities” in paragraph 19, since the wording “absence of undeclared nuclear material and activities” was more commonly used in Board documents.
19. The representative of BRAZIL said that, although the language of paragraph 19 was similar to that of the Safeguards Statement for 2011, the paragraph covered only one of the six categories of States to which the Safeguards Statement referred. He would prefer the paragraph to be deleted.
20. The representative of ARGENTINA said that, in her view, paragraph 19 introduced a bias in the draft resolution and should be placed in square brackets.
21. The representative of the RUSSIAN FEDERATION requested that paragraph 20 be placed in square brackets.
22. As regards paragraph 22, he called for the insertion of the words “verifying and” between “the Secretariat’s activities in” and “analysing information declared by Member States”, in order to bring the paragraph more into line with paragraph 26 of resolution GC(54)/RES/11.
23. The DIRECTOR OF THE DIVISION OF CONCEPTS AND PLANNING, DEPARTMENT OF SAFEGUARDS, said that it was her understanding that paragraph 22 was referring to information on nuclear supply and procurement provided by Member States on a voluntary basis. As the Agency did

not have the authority to verify such information, the word “reviewing” might be more correct than “verifying”.

24. The representative of the RUSSIAN FEDERATION, having recalled the language used in resolution GC(54)/RES/11, asked whether the Secretariat was taking a selective approach to the implementation of General Conference resolutions.

25. The LEGAL OFFICER FOR THE COMMITTEE OF THE WHOLE said that the Secretariat took very seriously the instructions it received from the General Conference — and also from the Board.

26. The Secretariat endeavoured to ensure that the language used in draft resolutions was correct, but it could not always ensure that what was agreed upon by Member States was correct.

27. In her opinion, paragraph 22 should be viewed in the context of the IAEA procurement outreach programme.

28. The representative of the ISLAMIC REPUBLIC OF IRAN said that, if paragraph 22 was to be retained, it should be amended to begin “Takes note of efforts to strengthen safeguards ...” and the words “nuclear supply and procurement” should be replaced by “nuclear material supply”.

29. The representative of the UNITED KINGDOM said that paragraph 22 was intended to cover the voluntary provision of information on nuclear material supply and procurement activities and that the Secretariat did not have the authority to verify information provided on a voluntary basis.

30. The representative of AUSTRALIA said it was important that paragraph 22 be factually correct. He suggested that the Committee be guided by the Secretariat.

31. The representative of the RUSSIAN FEDERATION said that the Secretariat should act in accordance with the instructions it received from the Agency’s policy-making organs. His delegation could not accept paragraph 22 as it stood at present; it preferred the language of paragraph 26 of resolution GC(54)/RES/11.

32. He said that paragraph 23 should be deleted as clear criteria for the further evolution of the State-level concept had not yet been developed.

33. The representative of the SYRIAN ARAB REPUBLIC said that a paragraph like paragraph 23 did not appear in resolution GC(54)/RES/11 and that her delegation therefore had serious difficulty in accepting paragraph 23, particularly as the State-level concept for the planning, conduct and evaluation of safeguards had implications for the implementation of Member States’ safeguards agreements with the Agency.

34. The representative of CANADA said that the Agency had been implementing a State-level safeguards approach in his country for seven years. That approach had resulted in welcome increases in efficiency and enabled the Secretariat to provide assurances that in Canada there were no undeclared nuclear activities and all declared activities were for peaceful purposes. His delegation was therefore strongly in favour of the retention of paragraph 23.

35. The representative of BRAZIL said that his delegation, which could go along with the deletion of paragraph 23, was also ready to consider ways of amending it. If the paragraph was to be retained, his delegation would suggest the replacement of “Agency” by “Secretariat”, the deletion of the words “to continue”, and the replacement of “further evolution” by “conceptualization”.

36. The representative of ARGENTINA said that her delegation had no problem with the substance of paragraph 23 but considered that Member States needed more information about the State-level

concept. In her delegation's view, paragraph 23 should be deleted or be amended so as to reflect the present situation regarding the provision of information to Member States.

37. She agreed with the representative of Brazil that the word "Agency" should be replaced by "Secretariat", as the State-level concept was being developed within the Secretariat. She also agreed that "further evolution" should be replaced by "conceptualization" — or preferably by "development".

38. The representative of NIGERIA said that the development of the State-level concept was still work in progress and that further clarification was needed in that regard. His delegation therefore considered that paragraph 23 should be deleted or reworded, which would have implications for paragraph (l).

39. The representative of the ISLAMIC REPUBLIC OF IRAN, calling for the deletion of paragraph 23, said that Member States were always insisting that the Agency should remain a technical body, whereas use of the State-level concept carried with it the risk of politicizing the Secretariat's safeguards activities.

40. The representative of the RUSSIAN FEDERATION said that his country had consistently supported the application of integrated safeguards. However, State-level safeguards approaches, which were being developed by the Secretariat behind closed doors, might well introduce political and subjective considerations into what should be a non-political and objective exercise.

41. More details should be provided to Member States, and the issue of State-level safeguards approaches should be further discussed by the Agency's policy-making organs.

42. The representative of ITALY said that his country, which attached great importance to the State-level concept, would like paragraph 23 to be retained as it stood.

43. The representative of AUSTRALIA said that the Agency had been applying a State-level safeguards approach in his country for over ten years and that his delegation favoured the retention of paragraph 23.

44. Surely no Member State could object to the Agency's keeping it informed about something — which was the purpose of the paragraph.

45. The representative of the RUSSIA FEDERATION said that his country was in favour of State-level safeguards approaches as referred to in paragraphs 18 and 19 of resolution GC(54)/RES/11, since they involved integrated safeguards in accordance with what had been agreed by the Board of Governors in 2002.

46. Integrated safeguards were being applied in countries that had brought a comprehensive safeguards agreement and an additional protocol into force and where the absence of undeclared nuclear material and activities could accordingly be confirmed. It had in fact been integrated safeguards to which the representatives of Canada and Australia had been referring when stating that the Agency had been applying a State-level safeguards approach in their countries.

47. State-level safeguards approaches implied something more than integrated safeguards, with States being asked to accept measures not covered by the safeguards agreements to which they were parties or by their national legal frameworks.

48. The decisions regarding State-level safeguards approaches should be taken by the Agency's policy-making organs and not by the Secretariat behind closed doors.

49. The representative of the UNITED STATES OF AMERICA said that the State-level concept was not new or radical, and Member States had been kept informed about its development by the

Secretariat. Paragraph 23 was very important, and his delegation was prepared to work on it in order to get the wording absolutely right.

50. The representative of ARGENTINA said that her delegation was also prepared to work on it, with a view to clarifying whether the State-level concept meant in effect integrated safeguards.

51. The representative of the RUSSIAN FEDERATION said that, as the structure and content of comprehensive safeguards agreements had been approved by the Board of Governors, any changes to the underlying concepts should also be subject to the Board's approval.

52. As indicated during the Board's June and September 2012 meetings², his country would like a detailed report on all aspects of State-level safeguards approaches to be submitted to the Board. Only after such a report had been submitted to it could the Board discuss the acceptability of the Secretariat's latest safeguards development activities. That situation should be reflected in the draft resolution now under consideration.

53. The representative of the UNITED KINGDOM said that his delegation, which was also prepared to work on paragraph 23, was concerned about the suggestion that State-level safeguards approaches needed to be approved by the Board. In its view, they required no change to the legal basis of Agency safeguards.

54. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph 28, proposed the deletion of the words "to continue" and the addition — after the words "factually based reports" — of the phrase "excluding confidential or detailed information without the consent of the State concerned".

55. The representative of CANADA said that his delegation could not accept that proposed addition; the Secretariat respected the confidentiality of classified safeguards information, and detailed information that was not classified safeguards information was exactly what the Secretariat should be providing to Member States.

56. The representative of EGYPT, referring to paragraph 29, proposed adding at the end of it the words "under an agenda item entitled ... " — the title of the agenda item to be added in due course.

57. The representative of the ISLAMIC REPUBLIC OF IRAN proposed the addition of the following three paragraphs immediately after paragraph 28:

"Acknowledges the importance of the opportunity for Member States to express their views on the contents of the Safeguards Implementation Report (SIR) and the insertion of their views therein;"

"Bearing in mind the importance of achieving the universal application of the Agency's safeguards system, urges all the States which have yet to bring into force comprehensive safeguards agreements to do so without further delay;" and

"Requests the Director General to organize an open-ended committee composed of Member States, in particular nuclear-weapon States, to explore ways and means of practical verification role of the Agency's safeguards for implementation disarmament measures, inter alia through the exchange of legal, scientific and technical information;"

² See GOV/OR.1328, para. 54, and GOV/OR.1331, para. 67.

58. The representative of the PHILIPPINES, supported by the representative of COSTA RICA, proposed the addition, immediately before paragraph 29, of paragraph 30 of resolution GC(54)/RES/11, which read “Requests that any new or expanded actions in this resolution be subject to the availability of resources, without detriment to the Agency’s other statutory activities;”.

The meeting rose at 10.05 p.m.