

# General Conference

**GC(59)/COM.5/OR.7**

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## Fifty-ninth regular session

# Committee of the Whole

## Record of the Seventh Meeting

*Held at Headquarters, Vienna, on Thursday, 17 September 2015, at 7.25 p.m.*

**Chair:** Mr BENHOUCINE (Algeria)

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## Contents

Item of the agenda <sup>1</sup>		Paragraphs
17	Strengthening the Agency's activities related to nuclear science, technology and applications ( <i>resumed</i> )	1–11
18	Strengthening the effectiveness and improving the efficiency of Agency safeguards ( <i>resumed</i> )	12–31

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<sup>1</sup> GC(59)/25.

**Abbreviations used in this record:**

COP	Conference of the Parties
G-77	Group of Seventy-Seven

## **17. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)**

(GC(59)/COM.5/L.12; GC(59)/COM.5/L.13)

1. The CHAIR invited the representative of Chile to introduce the draft resolutions set out in documents GC(59)/COM.5/L.12 and GC(59)/COM.5/L.13, which had been submitted by Chile on behalf of the Group of 77 and China.

2. The representative of CHILE noted an easily corrected error on the front page of document GC(59)/COM.5/L.12, which stated that the draft resolution had been submitted by the Philippines.

3. He highlighted the important contribution of the non-power applications of nuclear energy to the development of all Member States, in particular to developing States. The negotiators had faced some difficulties during the informal consultations but had ultimately agreed on the draft resolution. Some of the most controversial parts of the text had been deleted, as they had added no value. He commended the flexible and collaborative spirit shown by the delegations involved in the consultations and hoped that it would prevail into the evening.

4. The representative of SOUTH AFRICA said that, following that morning's discussions, her delegation had still required further consultation on paragraph (r) and paragraph 50; nonetheless, despite remaining dissatisfied with the text, her delegation was willing to accept the resolution in a spirit of compromise.

5. The representative of the UNITED STATES OF AMERICA commended the coordinator of the negotiations and asked whether, under paragraph (cc), "the Agency's Peaceful Uses Initiative" should be changed to "the IAEA's Peaceful Uses Initiative", for the sake of precision.

6. The representative of CHILE agreed to the proposal to change the wording to "the IAEA's Peaceful Uses Initiative" in paragraph (cc).

7. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution set out in document GC(59)/COM.5/L.12.

8. It was so decided.

9. The representative of FRANCE, turning to document GC(59)/COM.5/L.13, emphasized that isotope hydrology, although not well known, was one of the Agency's areas of excellence. Access to drinking water was an essential issue for the global population and one on which France, in cooperation with Peru which currently held the presidency of the Conference of the Parties to the United Nations Framework Convention on Climate Change, intended to focus during its presidency of the 21st conference (COP 21). He urged all delegations to give due attention to the subject and to approve the resolution without lengthy discussion.

10. The CHAIR agreed that the issue was important to all States, in particular those in Africa, and took it that the Committee wished to recommend that the General Conference adopt the draft resolution set out in document GC(59)/COM.5/L.13.

11. It was so decided.

## **18. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed)** (GC(59)/COM.5/L.1; GC(59)/COM.5/L.1/Rev.1)

12. The CHAIR acknowledged that extensive negotiations had taken place on the draft resolution contained in document GC(59)/COM.5/L.1 and invited the representative of Austria to report on the outcome.

13. The representative of AUSTRIA said that the draft resolution contained in document GC(59)/COM.5/L.1/Rev.1 had been issued because agreement had been reached on nearly all paragraphs. Consensus had not been reached, however, on paragraph 7, which had reverted to the original wording used in document GC(59)/COM.5/L.1, or on paragraph 24 ter, which had been proposed by the Russian Federation but had not been included in the revised draft resolution because acceptable wording had not been negotiated.

14. Agreements had been reached on all other paragraphs. Paragraphs 23 and 24 had reverted to the wording used in the 2014 resolution on strengthening the effectiveness and improving the efficiency of Agency safeguards contained in resolution GC(58)/RES/14, with “welcomes” as the operative verb. Paragraph 25 had been inserted, reading “Notes the Secretariat’s intention to continue to concentrate its verification effort on the sensitive stages of the nuclear fuel cycle”. The verb “requests” had been chosen to introduce the second part of paragraph 27, and the wording of paragraph 28 had been changed to “Welcomes the Secretariat’s ongoing open dialogue with States on safeguards matters and its intention to maintain the enhanced dialogue and to issue periodic update reports, as further experience is gained”. There had not been any negative responses to the deletion from paragraph 29 of “53”, which was the exact number of States under integrated safeguards. Paragraph 30 had been inserted, reading “Encourages the Secretariat to continue to implement State-level approaches, making every effort to ensure optimal efficiency in the economical use of its resources without compromising effectiveness”, and was based on the paragraph proposed originally by Switzerland.

15. As consensus was not expected to be reached through informal consultations on paragraphs 7 and 24 ter before the end of the General Conference, the text set out in document GC(59)/COM.5/L.1/Rev.1 was submitted to the Committee for approval.

16. The representative of the RUSSIAN FEDERATION was satisfied that agreement had been reached on a number of points during the informal consultations, but was disappointed that some proposals made by the Russian Federation had not drawn support. Member States had agreed in principle that, in applying safeguards, the Secretariat worked under the aegis of, and in accordance with guidance from, the Board of Governors and the General Conference. The Russian Federation considered that the resolution should give a clear indication to the Secretariat on the way in which it should interact with the Board with respect to information serving as the basis for conclusions about indications of undeclared nuclear activities in a State or of non-compliance with safeguards obligations. It therefore proposed that paragraph 25 bis be added, reading as follows: “Calls upon the Secretariat to thoroughly describe to the Board of Governors the information which served as the basis for corresponding conclusions and findings with regard to indications of a State’s non-compliance with its safeguards obligations and be ready to defend it in an open discussion of the Board.”

17. The CHAIR invited the representative of Austria to comment on the new paragraph proposed by the Russian Federation.

18. The representative of AUSTRIA, speaking in her national capacity, said that the formulation put forward by the Russian Federation appeared to differ little from that State’s original proposal. Many

delegations had indicated that they did not have the requisite legal expertise or instructions from their capitals, and it would be difficult to draft the paragraph at the current juncture. She urged co-sponsors to make comments.

19. The representative of FRANCE considered that the amendment proposed by the Russian Federation did not constitute a basis for achieving further progress. The issue was very broad and must be given due attention. The Board of Governors had the right to discuss whatever it considered appropriate, particularly in the context of undeclared activities. It would not be helpful to engage in a drafting exercise at the current juncture; the Statute and existing rules and procedures sufficed.

20. The representatives of the UNITED KINGDOM, SWEDEN, AUSTRALIA, BELGIUM and PORTUGAL did not support the amendment proposed by the Russian Federation, nor did the representative of CANADA, who added that her country wished to co-sponsor the draft resolution.

21. The representative of the NETHERLANDS, seconded by the representative of FINLAND, said that his delegation did not support the amendment proposed by the Russian Federation, which could lead to micromanagement of the Secretariat. It was important to maintain a clear distinction between the responsibilities of the Secretariat and those of the Board of Governors.

22. The representative of the UNITED STATES OF AMERICA said that his delegation did not support the Russian proposal, which called upon the Secretariat to undertake its standard practice and appeared to imply criticism.

23. The representative of BELARUS supported the amendment proposed by the Russian Federation, which reflected the current procedure, did not exceed the existing legal framework and was fully consistent with the Agency's statutory practices. The Secretariat had a responsibility to inform the Board about information on which the formulation of conclusions, particularly in sensitive cases, was based.

24. The representative of the RUSSIAN FEDERATION said that the intention was not to criticise the Secretariat but to provide for clarity of action. If the action referred to was established Secretariat practice, as some Member States considered, he failed to see the difficulty in including the paragraph in the draft resolution. He sought clarification of the current procedure from the Secretariat.

25. The DIRECTOR, DIVISION OF CONCEPTS AND PLANNING, DEPARTMENT OF SAFEGUARDS, said that when the Secretariat found any inconsistencies in the information received from various sources, it first approached the State concerned to try and resolve the issues. The Board was informed when the Secretariat encountered difficulties in resolving the issues and could not take further follow-up action.

26. The HEAD OF THE NON-PROLIFERATION AND POLICY MAKING SECTION, OFFICE OF LEGAL AFFAIRS, said that the Secretariat and the Director General were required to inform the Board about any information based, for example, on paragraphs 18 and 19 of INFCIRC/153. The safeguards agreements did not specify the level of detail of the information.

27. The representative of the RUSSIAN FEDERATION, after thanking the Secretariat for the clarification provided, said that, since the action referred to appeared to be standard practice, it should be indicated clearly in the draft resolution.

28. The representative of PAKISTAN said that his delegation could not support paragraph 7. The Agency's Statute did not prescribe any specific type of safeguards agreement, whereas paragraph 7 appeared to do just that.

29. The representative of ISRAEL said that his delegation could not accept paragraph 7, which seemed to single out three Member States for implementing their sovereign right.

30. The CHAIR said that there appeared to be broad agreement on much of the draft resolution, with the exception of paragraph 7 and the proposal by the Russian Federation. He suggested that further consultations be held and that the agenda item be considered further on the following day.

31. It was so agreed.

**The meeting rose at 8.20 p.m.**