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*Atoms for Peace and Development*

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## Committee of the Whole

### Record of the Fourth Meeting

*Held at Headquarters, Vienna, on Wednesday, 28 September 2016, at 10.25 a.m.*

**Chair:** Mr CSERVENY (Hungary)

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### Contents

Item of the agenda <sup>1</sup>	Paragraphs
16 Strengthening the Agency's activities related to nuclear science, technology and applications ( <i>resumed</i> )	1–5
13 Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety ( <i>resumed</i> )	6–31
16 Strengthening the Agency's activities related to nuclear science, technology and applications ( <i>resumed</i> )	32–40
17 Strengthening the effectiveness and improving the efficiency of Agency safeguards	41–89

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<sup>1</sup> GC(60)/COM.5/1.

**Abbreviations used in this record:**

BSL3	biosafety level 3
G-77	Group of Seventy-Seven
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OECD	Organisation for Economic Co-operation and Development
ReNuAL	Renovation of the Nuclear Applications Laboratories
UN	United Nations
UNIDO	United Nations Industrial Development Organization

## **16. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)** (GC(60)/COM.5/L.3 and Corr.1)

1. The CHAIR invited the Committee to consider the draft resolution contained in document GC(60)/COM.5/L.3 and Corr.1 on strengthening support to Member States in food and agriculture.
2. The representative of INDONESIA, speaking on behalf of the G-77 and China and introducing the draft resolution, said that it was based on resolution GC(59)/RES/12 and had been updated factually to reflect subsequent developments. Member States had been consulted on the draft and their feedback had been incorporated into the corrigenda issued. Further changes had been proposed at subsequent informal discussions. The G-77 and China proposed that the last phrase in paragraph (k) of document GC(60)/COM.5/L.3 and Corr.1 be amended to "... and welcoming the Agency's efforts to establish an IAEA owned extension to the existing facility". It also proposed that the second part of paragraph 6 be amended to "... and encourages the Agency, in consultation with Member States, to pursue its consideration of an IAEA owned extension of the existing BSL3 laboratory".
3. The representative of FRANCE welcomed the proposed changes.
4. The CHAIR took it that the Committee agreed to recommend that the General Conference adopt the draft resolution contained in document GC(60)/COM.5/L.3 and Corr.1, as orally amended.
5. It was so decided.

## **13. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (resumed)** (GC(60)/COM.5/L.1)

6. The representative of AUSTRALIA, supported by the representative of JAPAN, said that consensus on the amendment to paragraph 43 proposed by the representative of Germany at the Committee's third meeting could be achieved by deleting "as appropriate", thus reinstating the wording of resolution GC(59)/RES/9, apart from the reference to follow-up missions.
7. The representative of BELARUS, regretting that her delegation had been unable to participate in the informal consultations, said that she could not approve paragraph 43 on that basis. Either the words "as appropriate" must be retained or the words "on a voluntary basis" or "to consider" should be repeated in the second part of the paragraph.
8. The representative of the RUSSIAN FEDERATION supported the position of Belarus and the proposal made by the representative of Egypt and suggested that paragraph 43 should read: "Encourages Member States, on a voluntary basis, to regularly host Agency peer review services, including follow-up missions, as appropriate, to consider implementing needed recommended actions, and to make publicly available in a timely manner the results of such self-assessments and peer review services", thus accommodating the wishes of many delegations.

9. The representatives of GERMANY, the UNITED KINGDOM, FRANCE, AUSTRIA, the UNITED STATES OF AMERICA, SWEDEN, the NETHERLANDS, LUXEMBOURG, SINGAPORE and SLOVAKIA were not in favour of the proposal put forward by the representative of the Russian Federation, as the words “to consider” and “needed” further weakened the paragraph. Rather, they proposed that the wording of the preceding year’s resolution, in which the words “as appropriate” specifically referred to follow-up missions, be reinstated.

10. The representative of SWITZERLAND, supported by the representatives of the UNITED KINGDOM, AUSTRIA and the UNITED STATES OF AMERICA, said that her country fully supported the wording proposed by the representative of Australia, which in essence reinstated the wording of the preceding year’s resolution and thus constituted a basis for a consensus solution.

11. The representative of BELARUS said that her country could support the reinstatement of that wording on condition that there was no reference to follow-up missions. Her delegation did not agree that the proposal made by the Russian Federation weakened the text and it stressed that the purpose of the Agency’s missions and peer reviews was not to exert pressure on Member States but to address their needs. She called for the amendment to paragraph 43 proposed by the representative of Australia to be reworded to highlight the voluntary nature of hosting Agency missions and peer reviews.

12. The representative of FRANCE, supported by the representative of the UNITED STATES OF AMERICA, called for a text conveying a strong positive signal rather than a lukewarm and insufficient text on the general utility of such missions.

13. The representative of AUSTRIA, noting that paragraph 43 had been discussed as part of a package with other paragraphs, counselled against weakening its wording. His country was prepared to be flexible and to reinstate the agreed wording of the preceding year’s resolution, but it preferred the wording in document GC(60)/COM.5/L.1 to remain unchanged.

14. The representative of CANADA, stressing her delegation’s support for the original proposal made by the representative of Germany, said that simply removing “as appropriate”, without more, would convey a positive message, and she stressed that such services were undertaken voluntarily.

15. The representative of the UNITED STATES OF AMERICA, echoed by the representative of SWEDEN, said that his country could not support the amendment proposed by the Russian Federation inasmuch as “on a voluntary basis” referred to all activities subsequently mentioned and was, thus, wholly sufficient. His delegation would, nevertheless, agree to the reinstatement of the preceding year’s wording in order to achieve consensus.

16. The representative of TURKEY said that his country, while supporting the paragraph as drafted following lengthy negotiations and regarding it as a basis for compromise, was prepared to accept a solution based on the preceding year’s text.

17. The representative of the RUSSIAN FEDERATION said that his country supported the reinstatement of the preceding year’s wording in order to achieve consensus.

18. The representative of NEW ZEALAND, supported by the representative of IRELAND, said that his country’s preferred solution was to delete “as appropriate” so that it would be clear that “on a voluntary basis” applied to all measures subsequently mentioned. Failing a consensus thereon, his country was prepared to be flexible and to agree to reinstate the preceding year’s wording.

19. The representative of AUSTRALIA, speaking in her national capacity, said that her country wished to retain “including follow-up missions” but would agree to reinstate the preceding year’s wording since they were implicit in “Agency peer review services” as a variety thereof.

20. The representative of SOUTH AFRICA called for a solution based on the amendments proposed by the Russian Federation and Belarus, whose arguments had been very compelling.
21. The representative of SPAIN, supported by the representative of SLOVAKIA, said that the draft resolution under discussion was crucial to nuclear safety enhancements and to building confidence among Member States and must not therefore be weakened. Failing a consensus on the initial proposed text, his country was prepared to agree to the wording in the preceding year's resolution.
22. The representative of SINGAPORE, noting his country's willingness to reinstate the preceding year's wording, hoped that "including follow-up missions", which added value to the resolution, would be retained, and considered that "on a voluntary basis" applied to them as well.
23. The CHAIR took it that the Committee wished to recommend that the General Conference adopt paragraph 43 of the draft resolution contained in GC(60)/COM.5/L.1, as orally amended.
24. It was so decided.
25. The CHAIR reported that agreement had been reached along the lines of the proposal made by the Russian Federation on paragraph 21 of the draft resolution contained in document GC(60)/COM.5/L.1 as follows: "under its auspices or in coordination with the OECD and the IAEA as appropriate."
26. It was so decided.
27. The representatives of the UNITED KINGDOM, the RUSSIAN FEDERATION and BELARUS said that their countries wished to co-sponsor the draft resolution in document GC(60)/COM.5/L.1.
28. The representative of TURKEY pointed out that the resolution on nuclear power applications passed on the previous day contained a paragraph on the prime responsibility for safety, while paragraph (i) of the preamble to section 1 of the draft resolution in document GC(60)/COM.5/L.7 covered the same subject. There was inconsistency between those two paragraphs, and his country encouraged Member States to maintain consistency between resolutions.
29. The CHAIR said that the matter would be considered in 2017.
30. The representative of the UNITED STATES OF AMERICA said that his country attached great importance to nuclear safety and to the draft resolution thereon. It acknowledged the active supporting role that the Agency would play in Member States' achievement of the 2030 Agenda for Sustainable Development.
31. The representative of GHANA said that her country supported the draft resolution.

## **16. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)** (GC(60)/COM.5/L.7)

32. The representative of INDIA said that his delegation and the delegation of Malaysia had prepared the draft resolution, which had been discussed in the meeting of the G-77 and China. Efforts had been made to incorporate comments by other delegations.

33. The representative of the RUSSIAN FEDERATION, noting that more than two thirds of Member States were interested primarily in non-power nuclear applications, that the draft resolution did not pay sufficient attention to water resources management and that many people worldwide lacked access to water resources, proposed that “Encourage strengthening mutual cooperation between Member States to exchange information on relevant experiences and good practices on water resources management in synergy with the UN system organizations dealing with water resources management, such as IAEA, UNIDO” be inserted after paragraph 8 in order to strike a balance in the draft resolution.

34. The representative of FRANCE, in response to the proposal by the G-77 to delete paragraph 15, requested more time to reach a consensus.

35. The representative of the UNITED STATES OF AMERICA requested that proposed paragraph 8 bis be distributed in writing.

36. The representative of TURKEY proposed that “developing Member States” in paragraph 22 be replaced by “interested Member States” because other Member States might be interested in receiving support from the Agency in setting guidelines for the adoption of advanced techniques and equipment in radiation medicine.

37. The representative of INDIA proposed that “developing Member States” be replaced by “Member States”, since the paragraph only concerned the setting of guidelines for use by all Member States.

38. The CHAIR took it that the Committee agreed to the amendment proposed by India.

39. It was so agreed.

40. The CHAIR requested States to continue consultations on paragraph 15 of document GC(60)/COM.5/L.7 so that an agreement could be reached. He noted that the Philippines would be included among the States listed in paragraph (s) of document GC(60)/COM.5/L.5 as contributors to ReNuAL.

## **17. Strengthening the effectiveness and improving the efficiency of Agency safeguards**

(GC(60)/COM.5/L.10)

41. The representative of AUSTRIA said that her country was confident that the draft resolution contained in document GC(60)COM.5/L.10 was a good basis for further deliberations and reminded Member States that full consensus had been reached on the preceding year’s resolution on safeguards.

42. The representative of INDIA pointed out that there had not been any consensus on the resolution for a long time, as his country had always abstained on one paragraph.

43. The representative of the RUSSIAN FEDERATION said that his country wished to make five amendments to the draft resolution.

44. The representative of the ISLAMIC REPUBLIC OF IRAN, supported by the representative of CUBA, proposed that “and impartial” be inserted after “in an efficient” in paragraph (g).

45. The representative of the UNITED KINGDOM proposed that “and noting that nothing should be done to undermine the authority of the Agency in this regard,” be inserted after “safeguards agreements,” in paragraph (c). He considered that wording, taken from the 2010 NPT Review Conference, to be an accepted reference to the implementation of safeguards and to the Agency’s authority in that matter.
46. The representative of EGYPT supported the amendment to paragraph (c) proposed by the representative of the Islamic Republic of Iran. Egypt understood the essence of the proposal made by the representative of the United Kingdom, but requested clarification of the specific cases that were being indicated by making the addition to that paragraph, in particular.
47. The representative of the UNITED KINGDOM said that the proposed insertion merely restated the agreed sense of the Agency’s authority, independence and role in delivering and implementing safeguards agreements.
48. The representative of the RUSSIAN FEDERATION requested that the representative of the United Kingdom give the reference of the decision of the 2010 NPT Review Conference on which the amendment to paragraph (c) was based and that the decision be distributed to all delegations. As his country had not been aware of any attempt to undermine the authority of the Agency, he suggested that the proposed amendment be reworded in a more positive light.
49. The representative of the UNITED KINGDOM proposed that “noting that when approving safeguards agreements and additional protocols, the Board of Governors authorizes the Director General to implement safeguards in accordance with the terms of the safeguards agreement and the additional protocol concerned,” be inserted as paragraph (n) bis after paragraph (n).
50. The representative of BRAZIL was in favour of the amendment to paragraph (g) proposed by the Islamic Republic of Iran.
51. He shared the doubts expressed by the representatives of Egypt and the Russian Federation about paragraph (c), as it suggested erroneously that efforts were being made to undermine the Agency’s essential and independent role.
52. He opined that proposed paragraph (n) bis would add no value to the draft resolution, for it was self-evident that the Director General was authorized to implement the agreements and protocols.
53. The representative of CANADA, while supporting the amendments to paragraph (c) proposed by the United Kingdom and proposed paragraph (n) bis, stated that her country was not in favour of the amendment to paragraph (g) proposed by the representative of Iran but would negotiate thereon.
54. The representative of AUSTRALIA said that the draft was a finely balanced document and that all proposed amendments, including the displacement of “impartial” from proposed paragraph (n) bis to another paragraph, must therefore be considered as a whole in further informal discussions.
55. The representative of the RUSSIAN FEDERATION said that it had been proposed during the informal consultations that the draft resolution should specify the way in which the Director General implemented the safeguards agreements and assign responsibility to the Board for so tasking the Director General. As the draft resolution before the Committee simply restated the Board’s decision, it had little added value.
56. The representative of FRANCE said that, as a co-sponsor, her country had wished to maintain the balance struck in resolution GC(59)/RES/13 in order to retain the idea of setting overarching objectives for the Agency without meddling in its day-to-day work. She called on the Member States to acknowledge the Agency’s achievements and the fundamental elements on which its work was

based. She noted that the proposal by the United Kingdom supported the Agency's work by recalling that nothing should be done to undermine its authority and by stressing that all action taken by the Agency was based on documents adopted by the Board.

57. The representative of the ISLAMIC REPUBLIC OF IRAN, supported by the representative of ALGERIA, called for reasons to be given for the deletion of the direct reference to the core of the ideas embodied in proposed paragraph (n) bis, namely impartiality, fairness and objectivity, thus robbing the paragraph of its added value.

58. The representative of the RUSSIAN FEDERATION said that the rapid changes to the safeguards mechanism should be reflected in the draft resolution.

59. If the wording of the 2015 resolution was deemed sufficient, however, he proposed that the General Conference adopt a decision, as in the past, stating that the preceding year's resolution remained in force.

60. The representative of PAKISTAN said that the phrase proposed by the United Kingdom for insertion into paragraph (c) did not relate to the remainder of the paragraph, had a negative connotation and did not bring any added value.

61. If the States party to the NPT wished to retain a reference to the NPT, then paragraph (c) should be divided into two, with one part referring only to the Statute and to the Agency's bilateral and multilateral safeguards agreements in paragraph (c) and the other part, namely paragraph (c) bis, noting that the Agency had additional safeguards responsibilities under the NPT. Wording from the outcome document of the 2010 NPT Review Conference could then be inserted into paragraph (c) bis if States party to the NPT so desired.

62. He was in favour of the proposed amendment to paragraph (g), proposed by the representative of the Islamic Republic of Iran, but was not in favour of proposed paragraph (n) bis.

63. The representative of EGYPT agreed with the representative of Pakistan that proposed paragraph (n) bis would provide no added value. He considered, however, that, as paragraph (c) highlighted the Agency's essential and independent role in applying safeguards, any division of the paragraph would detract from the message that the paragraph sought to convey.

64. The representative of PAKISTAN said that his country was in favour of paragraph (c) as currently worded, but would insist on dividing the paragraph into two if the Committee inserted the wording proposed by the United Kingdom.

65. The CHAIR ruled that the draft resolution consisted of the text of the 2015 resolution, on which there had been consensus. Departures from that text should therefore be proposed only in order to improve it and to provide further guidance to the Director General on effective and efficient safeguards implementation.

66. The representative of the RUSSIAN FEDERATION supported the Chair's ruling.

67. In the light of the discussions on paragraph (c) and on the proposed paragraph (n) bis, his country was minded to support Iran's proposal on paragraph (g).

68. The representative of INDIA supported the amendment to paragraph (c) proposed by the United Kingdom, endorsing the point that nothing should be done to undermine the Agency's authority.

69. The representative of the UNITED STATES OF AMERICA, turning to paragraph (s), proposed deleting "to increase transparency and build confidence and to interact with them on the



implementation of safeguards”, considering that the Secretariat’s achievements in increasing transparency had been significant and deserved recognition.

70. The representative of PAKISTAN, supported by the representatives of EGYPT, BRAZIL, SOUTH AFRICA, CHINA and ALGERIA, called for paragraph (s) to remain unchanged, as the dialogue with the Secretariat on the effective and efficient implementation of safeguards had proven to be very useful and the process of increasing transparency and building confidence was an ongoing one.

71. The representative of the RUSSIAN FEDERATION, too, considered that paragraph (s) should remain unchanged to ensure that consultations on safeguards were purposeful and geared to the goal of increasing transparency and building confidence.

72. He agreed with the representative of the United States of America, however, that transparency could not be increased indefinitely and therefore proposed that “increase” be replaced by “maintain and foster”.

73. The representative of the UNITED STATES OF AMERICA, noting that all representatives set great store by transparency and shared the same goals, stressed that his country’s proposal retained the reference to continued engagement by the Secretariat in open discussions. He was willing to discuss the wording with other representatives.

74. The representative of SWEDEN said that her country strongly supported the Agency’s safeguards endeavours and stressed that all of the proposals must be considered as a whole in order to strike a balance, which was crucial.

75. The representative of INDIA opined that the current wording of paragraph (s) suggested that the only purpose of open dialogue with the Secretariat was to increase transparency and build confidence, thus implying that States were not interested in the substance of the discussions or in the end result. He therefore proposed that “to increase transparency and build confidence” be replaced by “while maintaining transparency and confidence”.

76. The representative of CANADA said that, in the light of the great strides made by the Agency, her country supported the amendment to paragraph (s) proposed by the representative of the United States of America, but it was willing to negotiate thereon.

77. The representative of the RUSSIAN FEDERATION proposed that paragraph 8 bis be inserted. In explanation, he said that the State-level approach to safeguards implementation, introduced in 2014, had included certain constraints, conditions and endorsement of safeguards implementation on the basis of all available safeguards-relevant information and State-specific factors. That had been a fundamental change because it had encompassed unquantifiable factors such as open-source information, State-specific information resulting from cooperation between Member States and the Secretariat and an intra-State history of safeguards implementation. It necessitated opinions and therefore judgements that depended significantly on the methods used, the individuals involved and the time frame, and the drawing of safeguards conclusions was therefore no longer a purely technical matter.

78. The Russian Federation, albeit fully persuaded of the professionalism and the competence of all the members of the Secretariat, in particular those involved in safeguards implementation, called for a system of checks and balances to be put in place to guard against any bias in the drafting of statutory documents. As the Agency already had an organ that could work on democratic principles and that reflected differing political views, the Russian Federation believed that the Secretariat could be prepared to defend the information that it had used to draw safeguards conclusions in an open discussion, especially when such conclusions were negative in matters of non-compliance. The

proposed mechanism would ensure that the State-level approach to safeguards implementation would be objective politically, if not technically.

79. He proposed that “Notes that, as it is stated in the Safeguards Implementation Report for 2015, the Secretariat derives these conclusions on the basis of all safeguards relevant information available to it, underscores in this context the need to ensure that such information is thoroughly analysed and verified for consistency and credibility, and calls upon the Secretariat to describe such information to the Board of Governors, and be ready to defend it in an open discussion, when such information serves as the basis for corresponding conclusions and findings with regard to indications of a State’s non-compliance with its safeguards obligations;” be inserted as paragraph 8 bis.

80. The representative of AUSTRIA said that she had duly noted all of the proposals and would ensure that the texts were available to all delegations by the beginning of the following meeting.

81. The representative of BELARUS supported the substance of proposed paragraph 8 bis, stressing that use of third-party information in preparing safeguards conclusions could lead to differing interpretations and to conclusions based on judgements made by the Secretariat. She believed that a documented minimum safeguards mechanism, as suggested by the Russian Federation, was in the interests of Member States and could be defended in an open discussion in the Board of Governors. As it was impossible to eliminate the likelihood of any conclusion being drawn from unconfirmed information, and thus protect the objectivity of the safeguards system, there was a duty of care to consider establishing a minimal safeguarding mechanism as outlined in proposed paragraph 8 bis.

82. The representative of the ISLAMIC REPUBLIC OF IRAN would support proposed paragraph 8 bis if “based on validated and verifiable information”, drawing on terminology used in paragraph 32, were inserted at the end of paragraph 8.

83. The representative of the UNITED KINGDOM, supported by the representative of CANADA, said that proposed paragraph 8 bis did not meet the high threshold of added value in order to command wide support and consensus. He commended the description of the evolution of safeguards by the representative of the Russian Federation, but stressed that validation and evaluation methods were already adequately covered in operative paragraphs 8 and 9 and were further detailed in the 2014 supplementary guide on the implementation of verification procedures. The United Kingdom therefore rejected the proposed paragraph 8 bis.

84. The representative of ALGERIA was satisfied with the work of the Agency but considered that the methodology described in proposed paragraph 8 bis could improve the Agency’s work and thus merited further consideration.

85. The representative of AUSTRALIA, supported by the representative of CANADA, objected to proposed paragraph 8 bis, for it necessitated complex work that exceeded mere discussions on the requisite wording.

86. The representative of CUBA was in favour of the amendment to paragraph 8 proposed by the representative of the Islamic Republic of Iran. She agreed to the substance of proposed paragraph 8 bis, but opined that that the Agency’s work had always been performed properly and wondered whether the proposed wording would actually improve safeguards.

87. The representative of BRAZIL supported some elements of proposed paragraph 8 bis, as they could be linked to the 2014 supplementary documents. As the amendment did not introduce new wording and was based on wording from other documents, Brazil was willing to participate in further discussions thereon.

88. The representative of FRANCE stated that she could not support the amendments proposed by the Russian Federation and the Islamic Republic of Iran because they reflected a fundamental difference of perception of the Agency's operation. The Agency had been established by the Member States themselves and, as previously highlighted by other representatives, it operated independently and impartially in accordance with its Statute and other founding texts.

89. The representative of PAKISTAN said that informal discussions had highlighted that there were useful concepts in the first half of proposed paragraph 8 bis, but he stressed that Pakistan was confident in the Agency's safeguards work and that related action taken by the Secretariat had evolved concomitantly with evolving safeguards systems. He was willing to discuss the wording of the second half of proposed paragraph 8 bis in the light of the concerns voiced by other delegates.

**The meeting rose at 1.10 p.m.**