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Committee of the Whole

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Chair: Mr STALDER (Switzerland)

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¹ GC(61)/25.

– **Election of Vice-Chairs and organization of work** (GC(61)/COM.5/1)

1. The CHAIR, having expressed appreciation for the confidence that the General Conference had placed in him, said that, pursuant to Rule 46 of the Rules of Procedure, it had been proposed, following group consultations, that Mr Maruta of Namibia should serve as Vice-Chair. He took it that the Committee wished to adopt the proposal.

2. It was so agreed.

3. He noted that the Eastern Europe Group was still engaged in consultations and would propose a Vice-Chair in due course.

4. Having drawn attention to document GC(61)/COM.5/1, which listed the agenda items referred to the Committee by the General Conference, he proposed that the Committee should consider the agenda items, to the extent possible, in the order in which they were listed. He also proposed that, in line with past practice, the Chair should report orally on the Committee's deliberations at a plenary meeting of the General Conference. Furthermore, he took it that the Committee wished to continue, to the extent practicable, the practice of clustering the draft resolutions recommended to the General Conference for adoption.

5. It was so agreed.

10. The Agency's Financial Statements for 2016 (GC(61)/2)

6. The CHAIR, noting that no Committee members wished to take the floor, took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page i of document GC(61)/2, which had been considered by the Programme and Budget Committee in May 2017 and by the Board of Governors in June 2017.

7. It was so decided.

11. The Agency's Programme and Budget 2018–2019 (GC(61)/4)

8. The CHAIR drew attention to draft resolutions "A. Regular Budget Appropriations for 2018", "B. Technical Cooperation Fund Allocation for 2018" and "C. The Working Capital Fund for 2018" contained in document GC(61)/4.

9. With regard to the draft resolution on Regular Budget appropriations for 2018, a draft budget update for 2018 had been issued on 26 January 2017. The Working Group on the Regular Budget and

Technical Cooperation Fund Targets for 2018–2019 had discussed the budget at a number of intensive group and bilateral consultations and meetings. The resulting proposal had been approved by the Board in June 2017. Accordingly, the Board had recommended to the General Conference a total Regular Budget for 2018 of €370 500 000, which represented a real increase of 1.2% over the 2017 Regular Budget, after price adjustment of 0.1%.

10. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend that the General Conference approve a total Regular Budget for 2018 of €365 262 275 for the operational portion and €8 059 381 for the capital portion, on the basis of an exchange rate of \$1.00 to €1.00, and, accordingly, that it adopt draft resolution “A. Regular Budget Appropriations for 2018”.

11. It was so decided.

12. The CHAIR also took it that the Committee wished to recommend that the General Conference approve a target for voluntary contributions to the Technical Cooperation Fund for 2018 of €85 665 000 and, accordingly, that it adopt draft resolution “B. Technical Cooperation Fund Allocation for 2018”.

13. It was so decided.

14. The CHAIR further took it that the Committee wished to recommend that the General Conference approve a Working Capital Fund level of €15 210 000 for 2018 and, accordingly, that it adopt draft resolution “C. The Working Capital Fund for 2018”.

15. It was so decided.

13. Amendment to Article XIV.A of the Statute (GC(61)/8 and Corr.1; GC(61)/COM.5/L.4)

16. The CHAIR, having drawn attention to documents GC(61)/8 and Corr.1, said that document GC(61)/COM.5/L.4 contained the text of the decision adopted by the Conference on the subject in 2016, updated for the current year. The Committee might wish to recommend the updated text as a decision to be adopted by the General Conference at its 61st regular session.

17. Noting that no Committee members wished to take the floor, he took it that the Committee wished to recommend that the General Conference adopt the draft decision set out in document GC(61)/COM.5/L.4.

18. It was so decided.

14. Scale of assessment of Member States' contributions towards the Regular Budget for 2018 (GC(61)/13 and Corr.1)

19. The CHAIR, noting that no Committee members wished to take the floor, took it that the Committee wished to recommend that the General Conference adopt the draft resolution on page 3 of document GC(61)/13.

20. It was so decided.

15. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (GC(61)/11 and Corr.1, GC(61)/23; GC(61)/INF/5 and 11; GC(61)/COM.5/L.1)

21. The representative of AUSTRALIA, introducing the draft resolution contained in document GC(61)/COM.5/L.1, drew attention to the large number of sponsors, which indicated that the document enjoyed a high level of support.

22. Member States had engaged in intensive discussions over the preceding months, participating in numerous meetings, including single-issue meetings, to discuss around 100 proposals put forward by Member States to strengthen the resolution. She thanked delegations for demonstrating a collaborative and constructive spirit and for contributing their expertise and national perspectives during the negotiations. Member States' substantive interests had been reflected in the draft resolution, the negotiation of which had required flexibility and a focus on the overarching objective of enhancing nuclear safety. She expressed appreciation to the representative of New Zealand for coordinating work on section 7 (Transport Safety) and to the Secretariat for its technical advice and input.

23. The representative of ARGENTINA emphasized the importance of the draft resolution, which related directly to the Agency's mandate under Article III.6 of its Statute. The draft resolution provided a reference framework to guide Member States and the Secretariat. He thanked the delegation of Australia for its extraordinary work, resulting in a high-quality technical document that enjoyed wide consensus, and for having cordially welcomed all participants, which had been essential to the success of the protracted negotiations. The consensus achieved meant that all were content with the outcome, even if they disagreed on some points. His Government supported that consensus and called on all Member States to approve the draft resolution.

24. The representative of the RUSSIAN FEDERATION thanked the representative of Australia for coordinating work on the draft resolution, which was ready for approval by the Committee. He requested that his country be added to the list of sponsors of the draft resolution.

25. The representative of INDIA thanked the drafters for their hard work and requested that his country be added to the list of sponsors.

26. The representative of the ISLAMIC REPUBLIC OF IRAN said that he had intended to make suggestions on paragraphs 26 and 27 but would refrain from doing so for the sake of achieving consensus more quickly.

27. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution set out in document GC(61)/COM.5/L.1.

28. It was so decided.

29. The representative of SWITZERLAND announced that her country also wished to sponsor the draft resolution and thanked the representative of Australia, whose delegation's commitment and constructive and friendly approach to the negotiations over the previous three months, creating an honest and open atmosphere, should serve as a model for future negotiations.

19. Strengthening the effectiveness and improving the efficiency of Agency safeguards (GC(61)/16; GC(61)/COM.5/L.2)

30. The representative of AUSTRIA, introducing the draft resolution contained in document GC(61)/COM.5/L.2, said that, in updating the text of resolution GC(60)/RES/13, on which the draft resolution was based, a conservative approach had been taken that reflected only factual and technical developments. During informal discussions, it had been noted that some changes considered merely technical by the sponsors of the draft resolution had been regarded as substantive by certain delegations. Accordingly, the only changes by comparison with the text of resolution GC(60)/RES/13 were the insertion of paragraph 31 and the addition of the word "stringent" before the words "protection of classified safeguards" in paragraph 39.

31. The representative of the RUSSIAN FEDERATION said that his delegation was committed to maintaining the consensus that had been reached in 2016 in respect of resolution GC(60)/RES/13. The wording of that resolution should therefore be retained, so as to obviate the need for protracted discussions in relation to paragraph 31 of the draft resolution under consideration. He sought clarification with regard to the motivation behind the inclusion of paragraph 31, given that it represented a substantive addition to the text of resolution GC(60)/RES/13.

32. The representative of AUSTRIA explained that paragraph 31 was intended to be a factual update, reflecting the Director General's stated intention to submit a report in mid-2018 about lessons learned and experience gained in State-level approaches for States under integrated safeguards. However, it could be deleted if it was regarded as problematic.

33. The representative of the RUSSIAN FEDERATION said that he did not seek to open an extensive debate on paragraph 31; rather, he simply wished to highlight the lack of logic between attempting, on the one hand, to maintain the previous year's consensus, and, on the other hand, to introduce a substantive change that would result in the loss of that consensus. The Committee should choose between those two approaches. If paragraph 31 were to be discussed in detail, he would propose a number of amendments to the wording thereof. He requested further clarification of the sponsors' intentions.

34. The representative of AUSTRIA expressed surprise that paragraph 31 was proving contentious, as it merely reflected the developments that had taken place since the 60th regular session of the General Conference.

35. The representative of the UNITED KINGDOM said that the sponsors of the draft resolution had sought to maintain the consensus reached in respect of resolution GC(60)/RES/13, which was why no substantive changes had been made to the text. Paragraph 31 was factual and objective, and simply

reflected the fact that the Director General had responded to the request contained in paragraph 30 of resolution GC(60)/RES/13.

36. The representative of the RUSSIAN FEDERATION reiterated his preference to use the text of the previous year's resolution in order to maintain consensus and avoid prolonged discussions.

37. The representative of the UNITED STATES OF AMERICA echoed the comments of the representatives of Austria and the United Kingdom to the effect that paragraph 31 was solely a factual update but said that he would support its deletion if it would preserve consensus.

38. The representative of HUNGARY expressed agreement with the representatives of Austria, the United Kingdom and the United States of America, adding that paragraph 31, which acknowledged the Director General's response to the General Conference's request, should be retained as a matter of courtesy.

39. The representative of the NETHERLANDS said that his delegation would accept the deletion of the paragraph in the interests of consensus.

40. The representative of AUSTRALIA, expressing appreciation for the preparatory work on the draft resolution, said that, although paragraph 31 appeared to be a technical update, the concerns expressed by the representative of the Russian Federation were understandable. Given that the Director General would issue a report regardless of whether it was referred to in the draft resolution, the paragraph was unnecessary. Priority should be given to maintaining consensus.

41. The representative of JAPAN said that, while he could support the text as drafted, he would not object to the deletion of paragraph 31.

42. The representative of PAKISTAN expressed support for the deletion of that paragraph.

43. The CHAIR took it that the Committee wished to delete paragraph 31.

44. It was so agreed.

45. The representative of the ISLAMIC REPUBLIC OF IRAN expressed appreciation for the sponsors' efforts in preparing the draft resolution. Referring to preambular paragraph (i), he suggested replacing the words "comprehensive safeguards agreements" with the words "additional protocols", on the basis that it was additional protocols rather than comprehensive safeguards agreements that were designed to verify the correctness and completeness of declarations; comprehensive safeguards agreements were intended only to verify their correctness, otherwise additional protocols would not be necessary. Furthermore, document INFCIRC/153 (Corrected) made no mention of the word "completeness" in that context. His delegation had suggested an analogous amendment during the work of the Committee of the Whole at the 60th regular session of the General Conference, but had agreed not to pursue that proposal, in the interests of consensus.

46. The representative of the UNITED KINGDOM, supported by the representatives of the UNITED STATES OF AMERICA, CANADA and FRANCE, emphasized that the Committee had already expressed a wide preference for maintaining the consensus achieved in 2016. As such, no substantive changes should be made to the draft resolution as a matter of principle. Moreover, the nature of the amendment proposed by the representative of the Islamic Republic of Iran raised a number of concerns.

47. The representative of AUSTRALIA expressed disagreement with the interpretation placed on document INFCIRC/153 (Corrected) by the representative of the Islamic Republic of Iran. It was clear, for example, that the reference to "all source or special fissionable material" in paragraph 2 of

that document implied both correctness and completeness. The wording of preambular paragraph (i) of the draft resolution was therefore accurate as it stood.

48. The representative of the ISLAMIC REPUBLIC OF IRAN said that, while he did not intend to enter into a detailed discussion on the matter, it was clear from the Director General's reports on safeguards that verification of all sources had only been undertaken in respect of States with integrated safeguards agreements. In the interests of consensus, however, he would not press the point.

49. The representative of PAKISTAN highlighted the long history of discussions on the substance of paragraph 7 of the draft resolution, which had resulted in a vote in the General Conference on several occasions. The paragraph should be read in conjunction with the phrase "consistent with the respective safeguards undertakings of Member States" in the introduction to the operative part of the draft resolution and with paragraph 6 thereof. Taken together, they yielded the interpretation that the call to conclude comprehensive safeguards agreements was directed to States parties to the NPT. The same interpretation was reflected in the report on strengthening the efficiency and improving the effectiveness of Agency safeguards contained in document GC(61)/16 and in a statement by the Director General to the Board of Governors at its September 2017 session. Despite efforts to improve the wording of paragraph 7 during informal discussions, agreement had not been reached. In the interests of consensus, his delegation could accept the existing wording of paragraph 7, but would deliver a statement to the General Conference on its understanding thereof.

50. The representative of INDIA noted that his delegation's position in respect of paragraph 7 — that Agency safeguards should apply universally to all Member States and other relevant parties in accordance with their respective legal obligations — was already well known. With a view to achieving consensus, his delegation could agree to the wording of paragraph 7, but would also deliver a statement on the subject to the General Conference.

51. The CHAIR welcomed the flexibility shown by the representatives of Pakistan and India.

52. The representative of the RUSSIAN FEDERATION, referring to paragraph 30 of the draft resolution, noted with regret that the Director General had yet to submit the report mentioned therein, despite the fact that the Secretariat had accumulated sufficient information to draft such a report. The report, summarizing lessons learned in implementing State-level approaches for States under integrated safeguards, should be submitted without delay as a critical component of efforts to enhance the Agency's verification regime. Until it was available, Member States would be unable to develop new approaches or enhance verification mechanisms. Furthermore, Member States would not have the necessary information to engage in constructive dialogue with the Secretariat.

53. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(61)/COM.5/L.2, as amended.

54. It was so decided.

The meeting rose at 4.55 p.m.