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Chair: Mr STALDER (Switzerland)

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¹ GC(61)/25.

Abbreviations used in this record:

G-77	Group of Seventy-Seven
LDC	least developed country
PACT	Programme of Action for Cancer Therapy
PBC	Programme and Budget Committee
SDGs	Sustainable Development Goals
TACC	Technical Assistance and Cooperation Committee
TC	technical cooperation
WHO	World Health Organization

* Speakers under Rule 50 of the Provisional Rules of Procedure are indicated by an asterisk.

17. Strengthening of the Agency's technical cooperation activities (GC(61)/INF/7 and Supplement; GC(61)/COM.5/L.11)

1. The CHAIR drew attention to a draft resolution on strengthening the Agency's technical cooperation activities, contained in document GC(61)/COM.5/L.11, and invited the Committee to make general comments on it.
2. The representative of BRAZIL, speaking on behalf of the G-77 and China, introduced the draft resolution, which comprised part A, on technical cooperation activities, and part B, on PACT, based on resolutions GC(60)/RES/11 and GC(59)/RES/11, respectively. The text of the draft resolution reflected the outcome of deliberations among its sponsors and incorporated many of the comments received from other Member States following open-ended meetings held to exchange views.
3. A conservative approach had been taken to updating resolution GC(60)/RES/11 to produce section A of the draft resolution. In addition to minor changes and updates throughout, five new paragraphs had been added, most of which had been proposed, in whole or in part, by Member States outside the G-77 and China. The paragraphs in question were: section A.1, preambular paragraph (j); section A.2, preambular paragraphs (d) and (j); and section A.5, preambular paragraph (h) and paragraph 4. He expressed appreciation to Member States outside the G-77 and China for their continued support for TC activities.
4. The representative of the PHILIPPINES, introducing section B of the draft resolution, said that it sought to recognize the Agency's role in addressing the global burden of cancer, which was increasing at an alarming rate and presented a major public health issue and development challenge. The main impact of that burden fell on developing countries, which were the least prepared to deal with the consequences. The draft resolution referenced relevant WHO reports and highlighted the Agency's response to the cancer crisis through the establishment of PACT in 2004, which had been recognized by the World Health Assembly in 2005 and by the Scientific Forum on Cancer in Developing Countries: Facing the Challenge during the 54th session of the General Conference. PACT's upgraded status as a division of the Agency and its transfer to the Department of Technical Cooperation had allowed for synergies between TC and PACT activities.
5. The text included updates related to the adoption of the 2030 Agenda for Sustainable Development and its target of reducing premature mortality from non-communicable diseases, including cancer, by one third by 2030, as reflected in preambular paragraph (f). The adoption of a resolution on cancer prevention and control by the 70th World Health Assembly was reflected in preambular paragraph (i). Reflecting the latest report on PACT, contained in the Technical Cooperation Report for 2016,² the draft resolution also referenced PACT's efforts to build global partnerships, highlighting the Agency's crucial role in cancer control efforts by the global health community in paragraph 20, resource mobilization in paragraph 16, and provision of radiation medicine technologies in paragraph 12. The sponsors hoped that Member States would acknowledge the progress made under PACT and recognize that more partnerships and resources were needed to support the Agency's unique role and special expertise in combatting cancer.

² GC(61)/INF/7.

6. The representative of FRANCE said that his country attached great importance to TC and, together with other European Union members, was among the leading contributors in that area. His delegation had discussed the draft resolution in depth with representatives of other European countries and had submitted a number of comments to the sponsors. While some of those comments had been taken into account, further discussion was needed before consensus on the text could be reached.

7. It was important for a General Conference resolution not to prejudge the outcome of budgetary negotiations that took place within the PBC. The two paragraphs in the draft resolution that addressed that issue should be considered carefully, as the role of the PBC must be respected.

8. With respect to footnote a-/ projects, France had proposed that the General Conference encourage the Secretariat to scale up its efforts to mobilize extrabudgetary resources in order to fund those projects more reliably by finding non-traditional partners in the private sector and relieving some of the frustration experienced by countries that received TC assistance. The amounts requested for footnote a-/ projects presented to the TACC should correspond to the Agency's ability to raise extrabudgetary resources, which was as yet limited. Member States should encourage the Secretariat to continue to develop its capacities in that regard.

9. It was regrettable that none of France's proposals concerning LDCs had been taken up. If the Agency was to live up to its motto, "Atoms for Peace and Development", and be a vector for development, then LDCs should be provided with special, more tailored assistance that reflected their needs, which was the conclusion of the latest report submitted to the TACC.

10. While France supported the holding of high-level conferences on nuclear science, technology and applications, paragraph 9 of section A.2, which referred to the 2018 Ministerial Conference on nuclear science, technologies and applications for peaceful uses, should be reworded to remove any ambiguity regarding that conference's scope. The draft resolution should also reflect the fact that the TC programme was not the only means for supporting the attainment of the SDGs and that the Department of Technical Cooperation was not the only department within the Agency contributing to that effort.

11. The representative of the RUSSIAN FEDERATION said that the inclusion in the draft resolution of a reference to the Agency's Medium Term Strategy — an internal Agency document — was unacceptable. His delegation had already communicated that position to the sponsors of the draft resolution but it had not been reflected in the text.

12. The representative of SLOVAKIA, expressing concern at the way in which some proposals made by the European Union and by her delegation during the informal negotiations had been handled, said that she was not yet in a position to support the draft resolution. Further negotiations were needed.

13. The representative of the UNITED STATES OF AMERICA said that outstanding issues needed to be discussed before his delegation could support the draft resolution. He looked forward to holding those discussions in an informal meeting.

14. The representative of CANADA said that her delegation had also taken a conservative approach in the proposals that it had made during the preparation of the draft resolution, both in its national capacity and as part of a group of countries with similar interests. It had viewed those proposals, particularly the ones concerning section A.4 of the draft resolution, as merely technical updates, but they had not been taken into account. Canada was ready to take part in informal discussions and work towards achieving consensus.

15. The representative of the UNITED KINGDOM said that his country strongly supported TC, which was an important part of the Agency's work and one of the pillars of the NPT, contributing to

the successful implementation thereof. Preparatory work had helped to identify areas for discussion, and the Committee should take the time necessary to engage in informal consultations in order to reach consensus in those areas.

16. The representative of GERMANY, agreeing with the representative of France, said that TC must be viewed alongside the Agency's other areas of work. The wording of the draft resolution needed to reflect the fact that the Agency was not a development organization and that TC primarily concerned technology transfer.

17. The representative of SPAIN said that the exchange of views organized by the G-77 and China had been appreciated, but that informal consultations were still necessary as there had been no negotiations on the draft resolution itself. Having worked with other members of the European Union to prepare a common proposal, he agreed with the points made by the representative of France and would contribute constructively to reaching consensus on the text.

18. The representative of NORWAY expressed the hope that the spirit of consensus that had prevailed throughout the Committee's work so far would be maintained during discussions of the draft resolution on technical cooperation, which was a promising document. The draft resolution should not prejudge the outcome of future budgetary discussions and resource mobilization efforts, which should be stepped up. Norway was committed to achieving the SDGs and the objectives of the TC programme.

19. The CHAIR said that he intended to return to the item later in the meeting to allow the Committee to make more detailed comments.

23. Promotion of efficiency and effectiveness of the IAEA decision-making process (GC(61)/1/Add.2)

20. The representative of the ISLAMIC REPUBLIC OF IRAN, noting that his delegation had been requesting the inclusion of the item on the agenda of the General Conference for five years, said that promoting the effectiveness and efficiency of the Agency's decision-making process in a fair and balanced manner was of high importance for Member States. It was crucial for the Agency to ensure that it was in step with global realities and with the fundamental changes in international relations of recent decades, particularly within the global nuclear community engaged in the peaceful uses of nuclear energy.

21. Under Article IV.C of its Statute, the Agency was based on the principle of the sovereign equality of all its Members, necessitating the direct engagement and participation of all Member States in taking decisions on issues fundamental to the work of the Agency, particularly those that affected the sovereign rights of Member States. At present, it seemed that that equality was not fully respected in practice. Regrettably, the General Conference, while consisting of representatives of all of the Agency's Members, was not the Agency's highest policy-making body. Given that the General Conference represented all Member States, while membership of the Board of Governors was limited, the balance of powers between the two bodies was inappropriate: most of the issues that the General Conference was able to discuss and on which it could make recommendations were subject to prior recommendation by the Board. The efficiency of the General Conference could be improved by reconsidering the balance between the two bodies.

22. The size and composition of the Board's membership should also be reconsidered. The 1999 adoption of an amendment to Article VI of the Statute, as set out in resolution GC(43)/RES/19, had been a positive step, but, owing to various political and regional issues, the amendment appeared unlikely to enter into force. Member States needed to find a more workable, innovative solution and should consider setting up a mechanism to include those that had been unfairly deprived of Board membership for years or even decades. In addition, the composition of certain regional groups had for some considerable time restricted their own members' opportunities for Board membership. The Agency and the regional groups needed to establish a fair, logical and efficient arrangement to ensure that no Member States were unjustly deprived of the equal opportunities they should enjoy. An open-ended consultative group of Member States should be set up to discuss proposals and make appropriate recommendations for consideration by the General Conference. The General Conference should also consider adopting electronic voting, which was widely used in other forums, including the United Nations General Assembly, by amending Rule 72 of its Rules of Procedure. Doing so would mean less time spent on procedural matters, freeing up time for substantive issues.

23. The representative of the UNITED KINGDOM said that, while the effectiveness and efficiency of the Agency's decision-making process were important issues, the balance of powers between the General Conference and the Board of Governors did not need to be adjusted. The Board of Governors was indeed the Agency's highest policy-making body, and Member States should pay greater heed to its deliberations and decisions than to those of other bodies within the Agency. The General Conference defined the broad directions of the work of the Secretariat, while the Board monitored the implementation of specific instructions. Recalling that his Government had ratified the amendment to Article VI of the Statute in 2001, he encouraged other Member States, including the Islamic Republic of Iran, to follow suit.

24. The representative of CUBA said that her country was in favour of greater democratization of the United Nations system. She therefore welcomed the inclusion of the item on the agenda of the General Conference. An overall assessment of the efficiency and effectiveness of decision-making within the Agency was needed, beginning with a review of how its governing bodies functioned from a structural and operational point of view. An appropriate balance must be struck among the Agency's statutory activities. To that end, it was essential to strengthen the role of the General Conference, as the Agency's highest decision-making body and an essentially democratic institution in which all Member States participated. The Agency should fully respect the opinions of all its Members, and its decisions, which had implications for the international community, should be taken by the General Conference. She expressed support for the proposal to introduce digital voting.

25. The representative of the UNITED STATES OF AMERICA, taking note of the specific suggestions made for improving the efficiency and effectiveness of the Agency's decision-making process, which aim he supported, said that his country had joined the consensus to adopt resolution GC(43)/RES/19 in 1999 and believed that that was the appropriate process by which to alter the composition of the Board of Governors.

26. The representative of PAKISTAN said that his country supported all efforts to improve the efficiency and effectiveness of the Agency's decision-making process and had ratified the amendment to Article VI of the Statute in 2000, believing that it was an important step towards that goal. He encouraged all Member States that had not yet done so to ratify that amendment as soon as possible, in accordance with their respective constitutional processes.

27. The CHAIR said that he would report orally to the General Conference that, under item 23 of the agenda, attention had been drawn to the importance of maintaining and promoting the efficiency and effectiveness of the Agency's decision-making process and strengthening the Agency and its governing bodies. The need to expand the Board's membership and to enhance the role and authority

of the General Conference and the importance of maintaining an appropriate balance between the two bodies had been underlined by several members. The importance of the direct engagement and participation of all Member States in the decision-making process on issues related to the Agency's work had been emphasized by several members. The relevance and importance of the process currently under way for the early ratification of the amendment to Article VI of the Agency's Statute had been raised, and some views and suggestions had been expressed, in that context. The issue of the use of electronic voting in the Agency's General Conference, following the example of the United Nations General Assembly, had also been raised by some members.

24. Amendment to Article VI of the Statute

(GC(61)/9; GC(61)/COM.5/L.12)

28. The CHAIR, noting that no Committee members wished to take the floor, took it that the Committee agreed to recommend to the General Conference that it adopt the draft decision contained in document GC(61)/COM.5/L.12.

29. It was so decided.

26. Elections to the Agency's Staff Pension Committee

30. The CHAIR recalled that the General Conference was represented on the Agency's Staff Pension Committee by two members and two alternates. Vacancies currently existed for the two alternate positions. Following consultations, it had been proposed that Ms María Luz Melon of the delegation of Argentina and Mr Seán Ó Riain of the delegation of Ireland be elected as the alternate members.

31. He took it that the Committee wished to recommend to the General Conference that Ms María Luz Melon and Mr Seán Ó Riain be elected as alternate members to represent the General Conference on the Agency's Staff Pension Committee.

32. It was so decided.

17. Strengthening of the Agency's technical cooperation activities (resumed)

(GC(61)/INF/7 and Supplement; GC(61)/COM.5/L.11)

33. Further to its earlier general discussion, the CHAIR invited the Committee to highlight areas of concern in the text of the draft resolution contained in document GC(61)/COM.5/L.11.

34. The representative of BRAZIL said that it would be useful to identify the specific paragraphs of the draft resolution that required further discussion.

35. The representative of the UNITED KINGDOM expressed the view that it would be preferable, in the interests of efficiency, to proceed directly to informal consultations.
36. The representative of the UNITED STATES OF AMERICA, expressing support for the suggestion made by the representative of the United Kingdom, said that he wished to raise a number of issues and propose several amendments to the text of the draft resolution.
37. The representative of the RUSSIAN FEDERATION said that discussion of the draft resolution should continue within the Committee, rather than in informal consultations.
38. The representative of NIGERIA urged delegations to demonstrate the same spirit of understanding and cooperation that had been shown earlier in the week. It would be beneficial to have an indication of what issues would be raised in informal consultations, to ensure that all delegations were appropriately prepared. The G-77 and China remained open to contributions from other Member States.
39. The representative of CANADA said that, while she understood the reasoning behind the request made by the representative of Brazil, she could not yet specify which paragraphs she wished to discuss in informal consultations because there had been no prior negotiating sessions on the text of the draft resolution, merely an exchange of views.
40. The representative of the SUDAN, expressing agreement with the representatives of Brazil and Nigeria, suggested that informal consultations might ultimately prove unnecessary.
41. The representative of CUBA expressed support for the comments of the representatives of Brazil, Nigeria and the Sudan. While no negotiating sessions had taken place, views had been exchanged and verbal and written comments had been submitted. Various paragraphs in the draft resolution that differed from the text of resolution GC(60)/RES/11 were based on wording proposed by Member States outside the G-77 and China. It would be difficult to work through the draft resolution paragraph by paragraph in informal discussions because the majority of the text had been agreed upon years previously. In order to save time, the draft resolution should be discussed within the Committee to identify contentious paragraphs, without specific amendments being proposed. A flexible approach was needed.
42. The representative of MOROCCO echoed those who favoured a first reading of the draft resolution within the Committee. Informal consultations could then take place on the basis of a clear, shared understanding of the issues involved.
43. The representative of SLOVAKIA said that, in view of the importance of TC and the fact that, owing to the lack of prior negotiating sessions, it was not yet clear whether the updates made were technical or substantive in nature, informal consultations should be held on the contents of the draft resolution.
44. The representative of PAKISTAN highlighted the fact that previous draft resolutions on which the Committee had already reached consensus that week had been given a first reading within the Committee and suggested that the practice be continued.
45. The representative of the UNITED KINGDOM, supported by the representative of the UNITED STATES OF AMERICA, pointed out that, unlike the draft resolutions discussed earlier in the week, no negotiating sessions had taken place in respect of the draft resolution on technical cooperation. Such negotiating sessions were valuable in helping delegations to approach consensus on draft resolutions before they were tackled within the Committee. The draft resolution should be discussed informally with a view to reaching consensus at the Committee's next meeting.

46. The CHAIR suggested that the draft resolution be considered section by section to identify areas of concern, whereupon informal consultations could be held to discuss those issues in detail.
47. The representative of CANADA expressed concern that, since even the precise nature of the updates had yet to be determined, her comments would be necessarily speculative. Such speculation would be an inefficient use of the Committee's time.
48. The representative of BRAZIL said that it ought at least to be possible for delegations to indicate which paragraphs of the draft resolution they felt merited further discussion.
49. The representatives of the PHILIPPINES, GUATEMALA and MOROCCO expressed support for the Chair's suggestion.
50. The CHAIR took it that the Committee agreed to embark on a first reading of the text with a view to highlighting areas of concern, without proposing specific amendments.
51. It was so agreed.
52. The representative of the RUSSIAN FEDERATION, reiterating his preference to embark on a thorough examination of the text within the Committee, suggested deleting the reference to the Agency's Medium Term Strategy 2018–2023 from section A.1, preambular paragraph (e). Given that the document was not a directive from either the General Conference or the Board of Governors, it was inappropriate to refer to it as such. He also drew attention to section A.4, paragraph 4, which was significantly out of date. Proposing that the words "and to further consult with Member States, in a timely manner, regarding specific guidelines for its application, and its approval by the Policy Making Organs of the Agency" should be deleted, he said that, if necessary, an instruction could be added requesting the Director General to report periodically to Member States on how the due account mechanism was being applied.
53. The representatives of the UNITED STATES OF AMERICA and CANADA recalled the Committee's agreement not to make specific proposals at that stage.
54. The representative of FRANCE, strongly emphasizing that further issues might arise during the course of discussions and that his comments should not be taken as exhaustive, expressed concerns regarding section A.1, preambular paragraphs (j) and (o), and section A.2, preambular paragraphs (c), (d) and (k).
55. Section A.4 should be the subject of detailed consultations in its entirety, and the Committee should not pre-empt the outcome thereof. His delegation had previously sent comments to the G-77 and China regarding its concerns about preambular paragraphs (d), (e), (f), (g), (h), (i) and (j) of that section. In the operative part, paragraph 6 was particularly problematic, while paragraph 8 might usefully be amended. During the exchange of views, his country had proposed a new paragraph, 8 bis, on LDCs, which had not been included in the draft resolution. It was also unclear why an amendment proposed by a number of Member States to section A.5, preambular paragraph (g), had not been incorporated into the text; neither had the additional paragraph 2 bis proposed by his delegation been included.
56. The representative of SLOVAKIA, reserving her right to comment on further paragraphs should the need arise, drew attention to a number of paragraphs on which she wished to make specific comments: section A.1, preambular paragraphs (j) and (o); section A.2, preambular paragraphs (c), (d) and (k) and paragraph 4; section A.3, paragraph 6; and section A.4, preambular paragraphs (d) and (e), among others.

57. The representative of the UNITED KINGDOM said that the particular areas of concern to her delegation were section A.1, preambular paragraphs (j) and (o), section A.2, particularly preambular paragraph (k), and section A.4, preambular paragraphs (e) and (f) and paragraph 6. As negotiations progressed, other paragraphs might be called into question.

58. The representative of the UNITED STATES OF AMERICA said that he also had concerns regarding section A.1, preambular paragraphs (j) and (o), along with sections A.2, A.4 and A.5. Section A.4, in particular, required extensive discussion, and he would have specific amendments to propose. Like other members, he might wish to comment on other parts of the draft resolution, depending on how consultations proceeded.

59. The representative of CANADA emphasized the fact that, without even having had prior negotiations on the text of the draft resolution to establish whether the updates made were technical or substantive in nature, she must reserve her position on all matters; nevertheless, certain parts of the draft resolution already gave cause for concern. They were: section A.1, preambular paragraphs (e), (j) and (o); section A.2, preambular paragraphs (c), (d) and (k); section A.4 as a whole, but in particular preambular paragraphs (d), (e), (h), (i), (j) and (l) and paragraphs 4, 6, 8, and 11; and section A.5, preambular paragraph (g).

60. The representative of ITALY said that he wished to discuss section A.4, preambular paragraphs (e) and (f), in particular.

61. The representative of JAPAN said that he had a small change to propose to section A.5, preambular paragraph (g).

62. The representative of the RUSSIAN FEDERATION, supported by the representative of SUDAN, suggested that, in the absence of any comments on section A.6 of the draft resolution, it might be approved forthwith.

63. The representative of the UNITED STATES OF AMERICA disagreed with that suggestion: further work was still required. He added that he intended to propose specific amendments to the operative part of section B of the draft resolution.

64. The representative of MOROCCO, welcoming the fact that the Committee had completed a first reading of the draft resolution, said that she looked forward to pursuing a similarly constructive approach as consultations on the text proceeded.

65. The CHAIR invited the sponsors of the draft resolution to hold informal consultations on the text with other Member States with a view to reaching consensus.

The meeting rose at 11.45 a.m.