

# General Conference

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## Sixty-second regular session

# Plenary

## Record of the Ninth Meeting

*Held at Headquarters, Vienna, on Friday, 21 September 2018, at 3.15 p.m.*

**President:** Ms ŽIAKOVÁ (Slovakia)

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<sup>1</sup> GC(62)/17.

**Abbreviations used in this record:**

CSA	comprehensive safeguards agreement
DPRK	Democratic People's Republic of Korea
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
TC	technical cooperation
TCF	Technical Cooperation Fund
UN	United Nations
USA	United States of America
WMDs	weapons of mass destruction

## – Oral report by the Chair of the Committee of the Whole

1. Mr GLENDER RIVAS (Mexico), Chair of the Committee of the Whole, reported on the outcome of the Committee's deliberations on agenda item 16, 'Strengthening the effectiveness and improving the efficiency of Agency safeguards', under which the Committee had recommended that the Conference adopt the draft resolution set out in document GC(62)/L.7.

2. During discussions, two Member States had provided their interpretations of operative paragraph 7 and their observations had been duly considered. In the spirit of compromise, those Member States had been able to join consensus on the draft resolution, thereby facilitating the conclusion of the list of items referred to the Committee by the Conference. In completing his work as Chair, he thanked Mr Türesin of Turkey, who had served as Vice-Chair, and the Secretariat for their support. He expressed appreciation to those who had coordinated work on the draft resolutions before the Committee and to the members of the Committee for their flexibility and cooperative spirit.

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

3. As recommended by the Committee of the Whole, the draft resolution set out in document GC(62)/L.7 was adopted.

4. Mr SAEED (Pakistan), speaking in explanation of his country's understanding of operative paragraph 7, said that Pakistan supported all Agency activities conducted in accordance with the provisions of the Agency's Statute. His country's support for Agency safeguards was evident from its implementation of all its safeguards obligations on all its civilian nuclear facilities and its cooperation with the Agency. Pakistan believed that the role of safeguards was to provide a framework for cooperation in the peaceful applications of nuclear energy without discrimination and unaffected by strategic or political considerations.

5. The Agency's Statute took account of the different safeguards obligations of Member States and did not accord universality to any particular model, such as the CSA. The Statute stipulated that operative paragraphs must be implemented "consistent with respective safeguards undertakings", in the light of which Pakistan believed that operative paragraph 7 applied only to States that had undertaken obligations to sign CSAs. Pakistan would continue to support the Agency's verification activities consistent with the framework provided for in the Statute.

6. Mr ANSARI (India) said that his country, a founding member of the Agency, had consistently supported all Agency activities conducted within the framework of the Statute. It attached particular importance to the Agency's safeguards work and had contributed to improving safeguards effectiveness and efficiency. India's understanding of operative paragraph 7 of the resolution, on which his country had joined consensus, was that Agency safeguards should apply universally to all Member States and other relevant partners in accordance with their respective legal obligations.

7. Mr GHARIB ABADI (Islamic Republic of Iran) referred to preambular paragraph (i) of the resolution, which stated that "the implementation of comprehensive safeguards agreements should be

designed to provide for verification by the Agency of the correctness and completeness of a State's declarations". His country was of the view that such a broad interpretation would lead to serious inconsistencies in Member States' rights and obligations relating to CSAs and to a change in the scope of Agency safeguards under CSAs.

8. In contrast to 'correctness', the completeness' of verification was conditional upon specific circumstances, such as having an additional protocol in force. Recent studies published by independent legal experts on the authority of the Agency to verify the completeness of declarations had revealed that, since the beginning of the CSA negotiating process, there had been strongly conflicting views on that subject. For his country, the Director General's request in 1995 for confirmation from the Board that the purpose of CSAs was to continually verify the correctness and completeness of States' nuclear material declarations under Article 2 of the CSA constituted evidence that paragraph 2 of INFCIRC/153 (Corrected) was unclear.

9. The argument was frequently made that a distinction existed between the 'rights' or 'authority' of the Agency under the NPT and CSAs and the 'tools' at its disposal, based on practical limitations rather than legal considerations. However, it could not be acceptable that INFCIRC/153 granted rights to the Agency under the NPT and CSAs but did not provide it with the procedural and technical tools necessary to fulfil that role. One might assume that the negotiators of INFCIRC/153 had intended to correlate the rights of the Agency with the technical verification procedures it could use to fulfil its mission. That was surely why Article 2 of the CSA required the Agency to implement safeguards "in accordance with the terms of the Agreement", without any additional authorities or tools, including additional protocols.

10. Iran was of the view that the Agency did not have the legal authority to verify the completeness of declarations made by States. Such authority could be exercised only on the rare occasion that the Agency invoked a special inspection, or when an additional protocol was in force. Iran therefore believed that the implementation of safeguards, as mentioned in preambular paragraph (i) of the resolution just adopted, should not be inconsistent with the terms of existing safeguards agreements. Iran had joined the consensus on the draft resolution on that understanding.

11. Ms ZAFARY-ODIZ (Israel) said that her country wholeheartedly supported the improvement of Agency safeguards effectiveness and efficiency. Her country regretted, however, that attempts to amend the wording of operative paragraph 7 in order to allay concerns expressed by all Member States had not been accepted. The universal application of comprehensive Agency safeguards was beyond the scope of the Agency and derived from international obligations which each State took upon itself.

**The meeting was suspended at 3.35 p.m. and resumed at 4.45 p.m.**

## **17. Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea** (GC(62)/12; GC(62)/L.8 and Corr.1)

12. Ms HULAN (Canada), introducing the draft resolution set forth in document GC(62)/L.8 and Corr.1, said that, in accordance with long-standing practice, it had been drawn up in consultation with China and the Russian Federation and was being presented on behalf of 74 Member States.

13. In recent months, the DPRK had taken the first steps towards addressing the international community's concerns about its illegitimate nuclear activities by suspending nuclear tests and

announcing the destruction of the Punggye-ri nuclear test site. It had also engaged with the international community, notably through summits with the Republic of Korea, the USA and China. While such developments were positive, the report contained in document GC(62)/12 indicated that the continuation and further development of the DPRK's nuclear programme, and related statements by the DPRK, remained a cause for grave concern.

14. The draft resolution, which built upon resolution GC(61)/RES/13, welcomed recent summits and the commitments of relevant parties, including that of the DPRK to ensure the complete denuclearization of the Korean Peninsula as expressed in the Panmunjeom Declaration for Peace, Prosperity and Unification of the Korean Peninsula, the joint statement by the DPRK and the USA of June 2018 and the Pyeongyang Joint Declaration of September 2018. It stressed the importance of peaceful and diplomatic solutions in support of the denuclearization of the Korean Peninsula and the need for the DPRK to abandon its nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner and immediately cease all related activities. It reaffirmed agreements reached at the Six-Party Talks, supported diplomatic engagement, including dialogue between the USA and the DPRK, and the Republic of Korea and the DPRK, and encouraged all parties to fully implement their commitments. It also condemned the six nuclear tests conducted by the DPRK in flagrant violation of various UN Security Council resolutions, noted the country's statement concerning a moratorium on nuclear tests, called on the DPRK to refrain from conducting any further tests and stressed the importance of full implementation by the DPRK of its obligations pursuant to relevant Security Council resolutions.

15. In response to the Director General's report set out in document GC(62)/12, the draft resolution reiterated support for the Agency's efforts to monitor the DPRK's nuclear activities and to enhance its readiness to play an essential role in verifying the DPRK's nuclear programme, including by training inspectors and updating verification approaches and procedures. Consistent with the final documents of the 2010 NPT Review Conference and the relevant Security Council resolutions, it reaffirmed that the DPRK could not have the status of a nuclear-weapon State in accordance with the NPT and called upon the DPRK to come into full compliance with the NPT. Lastly, it deplored the DPRK's actions to cease all cooperation with the Agency and called on the country to cooperate promptly with the Agency in the full and effective implementation of comprehensive Agency safeguards.

16. Given the broad support it had garnered, she hoped that the resolution would be adopted by consensus. She expressed appreciation to those who had worked on drafting the text, which had required difficult compromises and showed that the spirit of Vienna lived on within the Agency. The outcome of the process demonstrated the international community's unanimous and unambiguous determination to see an end to the DPRK's illicit nuclear programme.

17. Mr WANG Yiren (China) said that the draft resolution reflected the recent positive developments on the Korean Peninsula, in particular the various summits held with the DPRK. China had consistently contributed to finding a political solution to the DPRK nuclear issue, and would continue to do so. In that regard, China had held three summits with the DPRK in recent months, which should also be reflected in the draft resolution. He therefore suggested that the first part of preambular paragraph (d) should be amended to read "Welcoming the recent inter-Korean Summits, the Summit between the United States and the DPRK and the Summits between China and the DPRK taken place,...".

18. The PRESIDENT took it that the General Conference accepted the amendment to preambular paragraph (d) as proposed by the delegation of China.

19. It was so decided.

20. The PRESIDENT took it that the General Conference wished to adopt the draft resolution contained in document GC(62)/L.8 and Corr. 1, as amended.

21. It was so decided.

22. Mr SHIN Dong-ik (Republic of Korea), welcoming the adoption of the resolution by consensus, said that the unanimous position of the General Conference sent a strong and unified message from the Agency and the international community with regard to the denuclearization of the DPRK and peace and stability on the Korean Peninsula.

23. The deliberations on the resolution had been taking place during a period of historic transition. In the recent Pyeongyang Joint Declaration, the Republic of Korea and the DPRK had reaffirmed their goal of achieving the complete denuclearization of the Korean Peninsula. In particular, the DPRK had expressed its readiness to take additional measures, including the permanent dismantling of the Yongbyon nuclear facility, on the understanding that the USA would take corresponding measures in line with its joint statement with the DPRK of 12 June 2018. The DPRK had also committed to permanently dismantling the Dongchang-ri missile engine test site and launch platform under the observation of experts from relevant countries. That constituted a welcome and significant step forward that built on the commitment expressed by the DPRK in the Panmunjeom Declaration and its joint statement with the USA. Other developments of note were the moratorium declared by the DPRK in April 2018 on nuclear and intercontinental ballistic missile tests and its dismantling of the Punggye-ri nuclear test site in May 2018.

24. The newly adopted resolution highlighted those important developments in diplomatic efforts to achieve a nuclear-free Korean Peninsula, while also expressing the international community's grave concern with regard to the DPRK's ongoing nuclear activities. It remained essential that the DPRK return at an early date to full compliance with the NPT and cooperate promptly with the Agency. In that regard, he expressed his country's support for the Agency's intensified efforts to enhance its readiness to play its essential role of monitoring and verifying the DPRK nuclear programme in accordance with its mandate.

25. He welcomed the recent affirmation by the US Secretary of State that DPRK representatives had been invited to meet in Vienna with the US Special Representative for North Korea at the earliest opportunity. He hoped that the initiative would mark the beginning of serious negotiations on complete denuclearization and contribute to the establishment of lasting and stable peace on the Korean Peninsula.

26. Much work remained to be done, however, and the next steps would require patience, perseverance and good faith. The Republic of Korea would make every effort to achieve complete denuclearization and permanent peace on the Korean Peninsula. He called for the unified support of the international community in capitalizing on recent breakthroughs and sustaining the hard-won momentum for dialogue, and expressed appreciation to those who had taken part in drafting the resolution.

27. Mr ULYANOV (Russian Federation) observed that the resolution had undergone major amendments during deliberations. While the initial draft had been potentially damaging to efforts to normalize the situation on the Korean Peninsula, the delegation of Canada and the text's co-sponsors had demonstrated great flexibility, for which he expressed appreciation. He thanked the delegation of China for its significant contribution to improving the text.

28. Mr KITANO (Japan), welcoming the adoption of the resolution, expressed appreciation to Canada for its leadership in coordinating the efforts to produce a consensus document. The intention of Chairman Kim Jong Un to achieve the complete denuclearization of the Korean Peninsula had been reaffirmed in the DPRK's joint statement with the USA, which Japan fully supported as a step towards comprehensively resolving outstanding issues of concern. He encouraged the international community to support the related negotiations.

29. The report contained in document GC(62)/12 indicated that the situation surrounding the DPRK nuclear issue remained uncertain. Japan strongly urged the DPRK to dismantle all of its WMDs and ballistic missiles in a complete, verifiable and irreversible manner, in accordance with the relevant UN Security Council resolutions. In that connection, he urged all States to fully implement those resolutions.

30. Verification was indispensable in achieving the denuclearization of the DPRK. He called on the international community to help the Agency make full use of its expertise and experience in order to play a central role in that process.

31. Ms SHAMPAINÉ (United States of America) welcomed the unanimous adoption of the resolution, which demonstrated the international community's measured optimism regarding recent positive diplomatic engagements by the DPRK and its commitment to complete denuclearization. The resolution reflected the current status of the DPRK's nuclear activities, faithfully represented the Agency's mandate with regard to the country's nuclear programme and strongly supported the Secretariat's efforts to enhance its readiness to play an essential role in verifying the DPRK's nuclear programme.

32. Stressing the importance of creating favourable conditions for a diplomatic and peaceful solution in support of the denuclearization of the Korean Peninsula, she emphasized that the DPRK must comply fully with its obligations under relevant UN Security Council resolutions and take concrete steps to fulfil its international commitments, including by abandoning all nuclear weapons and existing nuclear programmes and immediately ceasing all related activities.

33. It was important not to lose sight of the concrete actions required of the DPRK in the pursuit of a denuclearized Korean Peninsula. Progress must be assessed accurately, on the basis of permanent and verifiable steps. To that end, all UN member States must immediately fulfil their obligations pursuant to the relevant Security Council resolutions. Her country looked forward to achieving the definitive, fully verified denuclearization of the DPRK.

34. Mr WANG Yiren (China) expressed appreciation to those whose hard work and patience had resulted in the unanimous adoption of the resolution. The document sent a clear signal that progress on the DPRK nuclear issue was linked to efforts made through diplomatic channels. The declaration by the DPRK that it intended to cease its nuclear activities was particularly encouraging in that regard. The resolution also urged all parties to fulfil relevant commitments, including those recently undertaken, and recognized that the Six-Party Talks and the implementation of the Joint Statement of the fourth round of the Six-Party Talks were also vital to achieving the goal of denuclearization of the Korean Peninsula. For the first time, the resolution supported and encouraged the international community's peaceful and diplomatic efforts and initiatives in all available and appropriate forums, including confidence-building measures to reduce tensions and achieve lasting peace and prosperity on the Korean Peninsula. Overall, it reflected the commitment of all parties to finding a political solution to the DPRK nuclear issue and maintained the positive momentum created by recent developments.

35. China had consistently called for the denuclearization of the Korean Peninsula and promoted dialogue and consultation as a means of achieving peace and stability. Given the unprecedented opportunity presented by recent events, China called on all parties to cooperate in fulfilling their commitments and to negotiate a political solution by resolving existing disputes and building confidence, while also addressing legitimate security concerns. China stood ready to cooperate with all parties and the wider international community to achieve the denuclearization of the Korean Peninsula.

## **23. Report on contributions pledged to the Technical Cooperation Fund for 2019**

(GC(62)/15/Rev.1)

36. The PRESIDENT said that document GC(62)/15.Rev.1 contained the details of pledges of TCF contributions for 2019 which governments had made to the Director General by 6 p.m. on 20 September 2018. By that time, Member States had pledged a total of €23 266 238, or 27% of the target for 2019. Compared to the previous year, there had been an increase in the number of Member States that had made pledges.

37. Since that document had been sent for printing, two more Member States had communicated pledges: Bahrain — €36 189 and Eritrea — €862. That brought the total amount pledged by the end of the 62nd regular session of the General Conference to €23 303 289, representing pledges from 91 Member States and accounting for 27.05% of the TCF target for 2019. The 91 Member States that had pledged represented over 53% of Member States, setting a record compared with previous sessions. That record, and the fact that 13 Member States that had not pledged in 2017 had pledged in 2018, reflected the continued commitment of Member States to the Agency's TC activities.

38. The percentage of the TCF target pledged by the end of the 62nd regular session was 0.35% higher than the previous year. She urged all delegations that had not yet done so to make their 2019 pledges and pay their contributions in full at the earliest opportunity, to enable the Secretariat to submit to the Technical Assistance and Cooperation Committee in November 2018 a draft TC programme and budget for 2019 based on the level of pledges received and then to implement the approved programme without hindrance or uncertainty.

### **— Closing of the session**

39. The PRESIDENT said that the current session of the General Conference had been well attended by high-level representatives of Member States, including one parliamentary speaker, one Vice-President, one Vice-Prime Minister and 34 ministers. During the general debate, 140 speakers had taken the floor.

40. Ms RAYOS NATIVIDAD (Philippines) congratulated the President on successfully concluding the 62nd regular session and commended her excellent leadership and skilful management of its work. She thanked the Vice-Presidents and the additional members of the General Committee for their valuable contributions and commended the Chair of the Committee of the Whole for exercising competence, stewardship and forbearance during the negotiations. She paid tribute to the Director General and his staff for their excellent organizational and professional support to assure the smooth running of the session. The flexibility demonstrated by all delegations, especially in relation to complex issues, underscored the importance of cooperation in achieving common goals. The spirit of Vienna had prevailed and she was optimistic that it would continue to do so in future.

41. Mr HAMMER (Australia), speaking on behalf of the South East Asia and the Pacific Group, thanked the President for effectively guiding the 62nd regular session of the General Conference. He commended the Chair of the Committee of the Whole and his Vice-Chairs for their consultative and even-handed guidance of the Committee's work and expressed appreciation for the support provided by the Director General and his staff during the session. Lastly, he thanked fellow delegations for their cooperation, patience and flexibility in achieving strong consensual outcomes.



42. Ms PEÑA (Bolivarian Republic of Venezuela), speaking on behalf of NAM, congratulated the President on her successful stewardship of the session and expressed appreciation to the Vice-Presidents. She commended the Chair of the Committee of the Whole for his skilled conduct of proceedings.

43. Mr PRUMMER (Austria), speaking on behalf of the European Union, congratulated the President on her outstanding and professional leadership in guiding the session to a successful conclusion, and thanked the Secretariat and the Chair and Vice-Chair of the Committee of the Whole for their excellent work.

44. The PRESIDENT said that it had been an honour and privilege to serve as President of the 62nd regular session of the General Conference. The general debate had been conducted within the time allocated and no additional late-night sessions had been required. She expressed appreciation to all delegations for their observance of the seven-minute target for statements. New governors had been elected to the Board and all geographical groups had nominated their governors by mutual consent.

45. Despite the divergent views expressed by Member States on some issues, the spirit of Vienna had prevailed. The Committee of the Whole had reached consensus on all the resolutions before it and she commended the professionalism and diplomacy with which its Chair had guided the Committee to its successful outcome. She also highlighted the efforts of the Committee's Vice-Chair in leading the informal consultations on resolution GC(62)/L.7 to a successful conclusion. She recognized the work of the various coordinators and drafters of resolutions, whose early preparatory work had ensured that the majority of issues had been resolved satisfactorily and ahead of time. In addition, she commended all delegations on their cooperation, professionalism and tireless efforts. She thanked the Vice-Presidents for the support they had provided throughout the session. She also thanked the Director General and his staff for their unwavering support. On behalf of the General Conference, she thanked the Austrian authorities and city of Vienna for their hospitality. Lastly, she wished the Director General a speedy recovery.

46. Finally, in accordance with Rule 48 of the Rules of Procedure of the General Conference, she invited the Conference to observe one minute of silence dedicated to prayer or meditation.

**All present rose and stood in silence for one minute.**

47. The PRESIDENT declared the 62nd regular session of the General Conference closed.

**The meeting rose at 5.40 p.m.**