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(GC(IV)/130)

AGENCY SAFEGUARDS

Report of the Administrative and Legal Committee

Rapporteur: Dr. I. H. USMANI (Pakistan)

1. At its nineteenth to twenty-second meetings held between 26 and 28 September 1960, the Committee considered item 18 of the agenda - Agency Safeguards. Under this item the Committee studied the principles and procedures concerning safeguards which the Board of Governors had submitted to the General Conference for consideration and appropriate action in accordance with the Statute.^{1/} The Committee had before it a draft resolution submitted jointly by Australia, Brazil, Canada, Greece, Italy, Japan, Netherlands, Nicaragua, Peru, Philippines, Portugal, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America,^{2/} an amendment thereto submitted jointly by Austria, Sweden and Switzerland^{3/} and a second draft resolution submitted jointly by Afghanistan, Burma, Ceylon, India and Indonesia^{4/}.
2. After discussing the substance of the item, the Committee, by means of a roll-call vote, rejected by 18 votes in favour, 39 votes against with five abstentions, a proposal to vote first on the second joint draft resolution^{4/}.
3. By means of a roll-call vote, the Committee decided by 46 votes in favor, eight against with eight abstentions, to approve an additional paragraph for the preamble of the first joint draft resolution^{2/} as proposed in the amendment submitted jointly by Austria, Sweden and Switzerland^{3/}, which was submitted by the sponsors of the first resolution.
4. The Committee, by means of a roll-call vote, decided by 44 votes in favor, 14 against with five abstentions, to recommend to the General Conference

^{1/} GC(IV)/108/Rev.1.

^{2/} GC(IV)/COM.2/22.

^{3/} GC(IV)/COM.2/26.

^{4/} GC(IV)/COM.2/27.

the adoption of the first joint draft resolution^{2/} amended as indicated in paragraph 3 above.

5. The Committee thereupon decided by 35 votes in favor, 21 against with five abstentions not to vote on the second joint draft resolution^{4/}.

6. The Committee accordingly recommends that the General Conference adopt the following draft resolution.

AGENCY SAFEGUARDS

The General Conference,

(a) Recalling that the Agency is authorized under Article III.A.5 of its Statute

"to establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy",

(b) Recalling also Article XII of the Statute,

(c) Mindful of the desirability of enabling (i) Member States applying for assistance by or through the Agency to consider in advance the nature of safeguards that the Agency would attach, (ii) the parties to a bilateral or multilateral arrangement, or a State to determine how Agency safeguards might be applied to their activities if they so request, and (iii) the Board of Governors to determine readily what safeguards should be attached to Agency projects or applied to arrangements that the Agency has been required to safeguard, and embodied in relevant agreements,

(d) Noting that for these purposes the Board has provisionally approved principles and procedures to provide information and appropriate guidance for Member States as well as for the guidance of the Board itself in the administration of safeguards by the Agency,

- (e) Noting also that the procedures for the application of safeguards contained in document GC(IV)/108/Rev.1 shall guide the Board in negotiating agreements with Member States including a schedule of inspections related to the volume of materials, equipment, etc. provided, having regard to the principle of non-discrimination between them in applying these procedures, and
- (f) Bearing in mind that these principles and procedures for the attachment and application of safeguards by the Agency shall be subject to a general review after two years, in the light of the actual experience gained by the Agency as well as of technological developments,
1. Takes note of the principles and procedures provisionally approved by the Board and contained in document GC(IV)/108/Rev.1;
 2. Invites the Board, before giving effect to this document, to take into account as appropriate the views expressed in the General Conference;
 3. Requests the Director General, for this purpose, to transmit to the Board the records of the discussions at the fourth regular session of the General Conference on this document, including the texts of proposals submitted;
 4. Invites the Board to include in its future annual reports to the General Conference an account of the application of these principles and procedures; and
 5. Further invites the Board to report to the General Conference at its sixth regular session on the results of the general review to be undertaken of these principles and procedures after two years, in the light of the actual experience gained by the Agency as well as of technological developments.

