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COMMITTEE OF THE WHOLE

RECORD OF THE FIFTH MEETING

Held at the Austria Center Vienna
on Thursday, 30 September 1999, at 10.30 a.m.

Chairman: Mr. STRATFORD (United States of America)

Later: Mr. TOMASZEWSKI (Poland)

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[*] GC(43)/27.

The composition of delegations attending the session is given in document GC(43)/INF/15/Rev. 3.

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PERSONNEL

(a) STAFFING OF THE AGENCY'S SECRETARIAT (continued)
(GC(43)/18 (Corrected) and Corr.2, GC(43)/30)

1. The CHAIRMAN proposed, in the light of the discussion which had taken place during the previous meeting, that:

- preambular paragraph (b) of the draft resolution contained in document GC(43)/COM.5/L.5 be modified to read "... appreciating the substantial efforts ...";
- preambular paragraph (c) be modified to read "Concerned that ... levels, continues to be inadequate";
- preambular paragraph (f) be modified to read "... close co-operation between Member States and the Secretariat can assist the Agency in attracting applicants of the highest standards ...";
- preambular paragraph (g) be deleted;
- operative paragraph 1 be modified to read "... at the senior and policy-making levels, and with respect to Professional posts that require specific skills, the number of ..."; and
- operative paragraph 2 be modified to read "... requests the Director General to strengthen, within available resources, the recruitment efforts in Member States by, for example, providing ...".

2. Mr. CASTERTON (Canada) said that, like the representative of Denmark, he would like to see the latter part of operative paragraph 2 - starting at "making presentations ..." - deleted.

3. Mr. SANTIAGO (Philippines), supported by Mr. SUGANUMA (Japan), said that in his view the word "substantial" in preambular paragraph (b) should be deleted since it suggested that Member States were satisfied with the present staffing situation.

4. Mr. PAPADIMITROPOULOS (Greece) proposed that in preambular paragraph (f) the words "from as broad a geographical basis as possible" be deleted.

5. Expressing support for the comment made by the representative of Canada, he said that in an age of electronic communications the actions envisaged in the latter part of operative paragraph 2 were largely unnecessary.

6. The CHAIRMAN, responding to a comment made by Mr. Dong-Hee CHANG (Republic of Korea), proposed that in operative paragraph 1 the phrase "with respect to

professional posts that require specific skills” be modified to read “for Professional posts requiring specific skills”.

7. Mr. DELACROIX (France), Ms. CLIFF (United Kingdom) and Mr. Dong-Hee CHANG (Republic of Korea) said that in their view operative paragraph 2 should be shortened.

8. Mr. BOURITA (Morocco), supported by Mr. ABDELBARI (Algeria) and Mr. MAVODZA (Zimbabwe), urged that operative paragraph 2 not be shortened.

9. In response to the comment made by the representative of Greece about “an age of electronic communications”, he said that fewer than 7% of the world’s population currently had access to the Internet and other modern electronic communications media.

10. Mr. DI SAPIA (Italy), Mr. GERSTLER (Germany) and Mr. TITKOV (Russian Federation) endorsed what had been said by the representative of Greece.

11. Mr. MCINTOSH (Australia), supported by Ms. AL-HADID (Jordan), said that he favoured retention of the text as proposed by the Chairman but could accept the deletion of “substantial” in preambular paragraph (b).

12. The CHAIRMAN proposed - following comments made by Mr. SANTIAGO (Philippines), Mr. RAGHURAMAN (India), Mr. Dong-Hee CHANG (Republic of Korea), Mr. SUGANUMA (Japan), Mr. MCINTOSH (Australia) and Mr. PAPADIMITROPOULOS (Greece) - that the Committee recommend to the General Conference that it adopt the draft resolution with the modifications proposed by him at the start of the meeting and with the following additional modifications: the non-inclusion in preambular paragraph (b) of the word “substantial”; the deletion of “from as broad a geographical basis as possible” in preambular paragraph (f); the insertion of “, and for Professional posts requiring specific skills” after “policy-making levels” in operative paragraph 1; and the insertion of “and, as appropriate” after “the competent national recruitment authorities” in operative paragraph 2.

13. It was so agreed.

Mr. Tomaszewski (Poland) took the Chair.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL PROTOCOL (GC(43)/22)

14. Mr. MANNINEN (Finland), introducing the draft resolution contained in document GC(43)/COM.5/L.4, said that much remained to be done with regard to the negotiation, conclusion and implementation of protocols additional to existing safeguards agreements. That was reflected in the draft resolution.

15. Mr. SALEHI (Islamic Republic of Iran) proposed an additional preambular paragraph reading something like “Noting the outcome of the Review and Extension

Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons with regard to the role of the Agency as the competent authority responsible to verify and assure compliance in the area of the peaceful utilization of nuclear technology” and two additional operative paragraphs reading something like “Requests the Nuclear Suppliers Group and the Zangger Committee to conduct their business in accordance with the outcome of the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons” and “Requests the Agency to fully implement its role as the competent authority responsible to verify compliance in the area of the utilization of nuclear technology”.

16. Mr. TITKOV (Russian Federation) said that his delegation would like operative paragraph 10 to be modified to read “... to ratify or accept them ...”.

17. Mr. SHOAIB (Pakistan) said his country had always supported the Agency’s safeguards activities and was fully abiding by the INFCIRC/66-type safeguards agreement which it had concluded with the Agency.

18. His delegation would prefer a draft resolution more similar to resolution GC(42)/RES/17 adopted in 1998. In particular, it would like to see “continue” rather than “intensify” in operative paragraph 2 and “accept” rather than “provisionally apply” in operative paragraph 10.

19. Mr. SCHMID (Austria), referring to the proposals made by the representative of the Islamic Republic of Iran, said that the proposals for the addition of paragraphs about “the role of the Agency as the competent authority responsible to verify and assure compliance ...” appeared to reflect principle 9 of the decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” taken in 1995 by the NPT Review and Extension Conference. That principle related to Article 3.1 of the NPT, which dealt with safeguards, and he therefore felt that the proposals were well worth considering, particularly if the expression “nuclear technology” were replaced by “nuclear energy”.

20. The proposal for the addition of a paragraph about the Nuclear Suppliers Group and the Zangger Committee related to the question of import/export controls, which in his view had no place in a resolution about safeguards.

21. With regard to the comments made by the representative of Pakistan, he said that he would like the word “intensify” to be retained in operative paragraph 2 and the word “accept” inserted in operative paragraph 10 in addition to rather than instead of “provisionally apply”.

22. Mr. RAGHURAMAN (India) suggested the addition of an operative paragraph reading “Requests the Secretariat to explore all possibilities of achieving reductions in safeguards inspection costs through, inter alia, the development of innovative, proliferation-resistant nuclear reactors and fuel cycles”.

23. Mr. MCINTOSH (Australia) agreed with the representative of Austria that the question of import/export controls lay outside the scope of a resolution on safeguards.

24. He appealed for retention of the word “intensify” in operative paragraph 2 of the draft resolution.

25. Mr. SUGANUMA (Japan) said that in his view introduction of the question of import/export controls into the draft resolution would blur the latter’s focus. The question would undoubtedly be discussed intensively during the NPT Review Conference scheduled for the year 2000.

26. Commenting on the suggestion made by the representative of India, he said that his delegation was in favour of the Secretariat’s exploring all possibilities of achieving reductions in safeguards inspection costs but felt that the advent of proliferation-resistant nuclear reactors and fuel cycles was too far off for them to be mentioned in such a draft resolution.

27. Mr. ARAR (Turkey) said that, although the idea of the provisional application of additional protocols did not accord with Turkey’s constitutional system and his country had difficulties with certain operative paragraphs of the draft resolution, his delegation had decided to co-sponsor it.

28. Turkey had started discussions with the Secretariat in 1998 on the additional protocol text which had been proposed to it, but a difficulty with one of the articles had brought the discussions to a halt. Turkey had full confidence in its own and the Secretariat’s lawyers, however, and was sure that the difficulty would soon be resolved.

29. Mr. Dong-Hee CHANG (Republic of Korea) said that in his view proliferation-resistant nuclear reactors and fuel cycles, if developed, would have numerous merits besides helping to reduce safeguards inspection costs. He therefore felt that the suggestion made by the representative of India was well worth considering.

30. With regard to operative paragraph 10 of the draft resolution, he proposed that the phrase “to ratify ... them” be replaced by “to take the necessary measures for their early entry into force”.

31. Mr. MANNINEN (Finland) said that he would not like the focus of the draft resolution to be blurred through introduction of the question of import/export controls.

32. Recalling that, as indicated in preambular paragraph (f) of the draft resolution, one additional protocol was being provisionally applied pending entry into force, he appealed for retention of the words “provisionally apply” in operative paragraph 10. In addition, he appealed for retention of the word “intensify” in operative paragraph 2.

33. Mr. SUSEANU (Romania), recalling that Article 17 of the Model Additional Protocol provided for a declaration by any State that the protocol additional to its safeguards agreement with the Agency was going to be applied provisionally, said that he would like the words “provisionally applied” in operative paragraph 10 of the draft resolution to be retained. Also, he proposed that “to ratify ... them” in the same paragraph be replaced by “to approve them in accordance with their constitutional requirements”.

34. He too would not like the focus of the draft resolution to be blurred through introduction of the question of import/export controls.

35. Mr. PAPANIMITROPOULOS (Greece) endorsed the comment made by the representative of Japan regarding proliferation-resistant nuclear reactors and fuel cycles and expressed support for the retention of “intensify” in operative paragraph 2 and of “provisionally apply” in operative paragraph 10 of the draft resolution.

36. He agreed with those who felt that the question of import/export controls fell outside the scope of the draft resolution.

37. Mr. SCHMID (Austria) also endorsed the comment made by the representative of Japan regarding proliferation-resistant nuclear reactors and fuel cycles.

38. Mr. DELACROIX (France) said that his delegation had difficulties with the proposals made by the representatives of India and the Islamic Republic of Iran.

39. Mr. TITKOV (Russian Federation), having welcomed the proposal made by the representative of India, said that, given the desire of so many delegations to retain the words “provisionally apply” in operative paragraph 10 of the draft resolution, perhaps the paragraph could be modified to read “... to ratify, accept or provisionally apply them in accordance with national legislation”.

40. Mr. SHOAIB (Pakistan) said that, as so much of the Agency’s Regular Budget was spent on safeguards, he would like to see the addition to the draft resolution of a paragraph about “achieving reductions in safeguards inspection costs”.

41. He agreed with those who felt that the question of import/export controls did not fall within the purview of the draft resolution.

42. Mr. MOONEY (Ireland) urged that the draft resolution not be modified.

43. Mr. FRASK LUCERO (Brazil), supported by Ms. FERNANDÉZ MORENO (Argentina), proposed that the phrase “safeguards strengthening measures adopted by the Board of Governors in 1995” in operative paragraph 1 and the phrase “safeguards strengthening measures agreed in 1995” in operative paragraph 3 be replaced by “safeguards strengthening measures contained in document GOV/2807 and endorsed by the Board of Governors in 1995”.

44. Mr. SALEHI (Islamic Republic of Iran), welcoming the comments made on his proposals, suggested that a reference to the role of the Agency as the competent authority responsible to verify and assure compliance in the area of the peaceful utilization of nuclear energy be added at the end of preambular paragraph (b) and a corresponding operative paragraph be inserted after operative paragraph 4.

45. In the light of remarks made by several representatives, he wished to withdraw his proposal for an additional operative paragraph referring to the Nuclear Suppliers Group and Zangger Committee.

46. He expressed support for the proposal made by the representative of India.

47. Ms. ROCKWOOD (Legal Division), responding to a request for clarification regarding operative paragraph 10, suggested that the paragraph be modified to read "... to take the necessary measures to bring them into force or provisionally apply them as soon as their legislation allows".

48. Mr TITKOV (Russian Federation) expressed support for that suggestion.

The meeting rose at 1 p.m.