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FORTY-THIRD (1999) REGULAR SESSION

COMMITTEE OF THE WHOLE

RECORD OF THE SEVENTH MEETING

Held at the Austria Center Vienna
on Thursday, 30 September 1999, at 7.55 p.m.

Chairman: Mr. TOMASZEWSKI (Poland)

Later: Mr. BENMOUSSA (Morocco)

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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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Abbreviations used in this record

CDM	Clean Development Mechanism
Kyoto Protocol	Kyoto Protocol to the United Nations Framework Convention on Climate Change
TCF	Technical Co-operation Fund

MEASURES AGAINST ILLICIT TRAFFICKING IN NUCLEAR MATERIALS AND OTHER RADIOACTIVE SOURCES (continued)
(GC(43)/13)

1. Mr. PIGRAM (United Kingdom), referring to the draft resolution contained in document GC(43)/COM.5/L.3, expressed support for the additional preambular paragraph proposed by the representative of the United States, without the phrase “the need to keep existing stocks of fissile materials from the wrong hands”.
2. With regard to the additional preambular paragraph suggested by the representative of Argentina, he said he was not convinced that it met the concern that duplication of activities should be avoided.
3. Ms. NILSSON (Head, Office of Physical Protection and Material Security), responding to some of the comments made, said that many different kinds of nuclear and other radioactive materials were the subject of illicit trafficking. In cases involving radiation sources in which there was a health concern, the expertise of the Department of Nuclear Safety was clearly called for; cases involving nuclear material primarily of nuclear non-proliferation concern called above all for action by the Department of Safeguards. Both Departments were participating in activities such as those relating to the establishment of border control systems and other infrastructure elements necessary for the prevention of illicit trafficking, and the Director General had therefore set up an Office of Physical Protection and Material Security to take care of co-ordination and ensure that there was minimum duplication of effort.
4. With regard to remarks made about reporting, she said that, as indicated by the representative of Finland when introducing the draft resolution, there would be little duplication of effort.
5. Mr. KINNEN (Germany) said that his Government had just made available to the Agency extrabudgetary funds to assist it with its activities directed against illicit trafficking.
6. His delegation shared the concern of the Argentine delegation regarding duplication and had no difficulty with the additional preambular paragraph suggested by the representative of Argentina.
7. With regard to the comment made by the representative of Canada about operative paragraphs 2, 3 and 5 of the draft resolution, he suggested that operative paragraph 5 be modified to read “... the progress on the Secretariat’s activities and on the possibilities”.
8. Mr. YANG Dazhu (China), referring to the additional preambular paragraph proposed by the representative of the United States, suggested that the last part be modified to read “... on 15-19 November 1999 to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material.
9. The CHAIRMAN took it that the Committee wished to recommend adoption of the draft resolution set out in document GC(43)/COM.5/L.3 with: an additional preambular

paragraph - inserted after preambular paragraph (d) - reading “Noting further that an informal Open-Ended Experts Meeting will take place on 15-19 November 1999 to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material”; an additional preambular paragraph - inserted before preambular paragraph (f) - reading “Noting further that some of the activities were covered by the Secretariat Action Plan regarding the safety of radiation sources and the security of radioactive materials and by the General Conference in resolution GC(43)/RES/...”; paragraph 4 modified to read “Invites all States to participate in the illicit trafficking database programme on a voluntary basis”; operative paragraph 5 modified to read “... on the progress on the Secretariat’s activities and on the possibilities”; and the replacement in paragraph 6 of “various activities” by “future activities”.

10. It was so agreed.

Mr. Benmoussa (Morocco) took the Chair.

STRENGTHENING OF THE AGENCY’S TECHNICAL CO-OPERATION ACTIVITIES (GC(43)/INF/3)

11. Mr. RAGHURAMAN (India), introducing the draft resolution contained in document GC(43)/COM.5/L.1, drew particular attention to the reference to “the Clean Development Mechanism (CDM) of the Kyoto Protocol” in preambular paragraph (f), said that - as a result of an oversight - preambular paragraph (j) of resolution GC(42)/RES/15 had been omitted and pointed out that - inter alia - preambular paragraph (k) and operative paragraphs 3 and 7 were new.

12. The CHAIRMAN proposed that the Committee focus on the new paragraphs and not reopen the discussion on what had been adopted by consensus the previous year.

13. Mr. NEDERLOF (Netherlands), supported by Mr. MCINTOSH (Australia), said that there were substantive changes in some of the paragraphs carried over from resolution GC(42)/RES/15. He therefore felt that those paragraphs should also be open for discussion.

14. Mr. MOONEY (Ireland) said that, since his country had rejected the nuclear power option, he had difficulties with preambular paragraph (d). He proposed replacing the word “considering” by the phrase “noting that many States believe”.

15. The CHAIRMAN said he failed to understand why that paragraph, accepted the previous year, was now not acceptable to the representative of Ireland.

16. Mr. RAGHURAMAN (India) urged the representative of Ireland to go along with preambular paragraph (d) as it stood.

17. Mr. SHOAI B (Pakistan), recalling that Article III.A.2 of the Statute spoke of “atomic energy for peaceful purposes, including the production of electric power”, said that the sponsors of the draft resolution did not wish to exclude options other than nuclear power generation.

18. Mr. KINNEN (Germany) said that in his view the representative of Ireland had a valid point.
19. Mr. BOURITA (Morocco) said that in his view the language of resolution GC(42)/RES/15 should be accepted without substantive modification.
20. The CHAIRMAN urged the Committee not to discuss paragraphs on which consensus had been reached the previous year.
21. Mr. ZISCHG (Austria) said that, as his country had also rejected the nuclear power option, he too had difficulties with preambular paragraph (d).
22. Mr. GOODMAN (United States of America) said that his delegation could go along with preambular paragraph (d), which referred to “nuclear energy” rather than “nuclear power”.
23. Mr. SUGANUMA (Japan) expressed support for the statement made by the representative of the United States.
24. Mr. GOODMAN (United States of America) proposed that preambular paragraph (j) of resolution GC(42)/RES/15 - omitted as a result of an oversight - replace preambular paragraph (l) of the draft resolution since they said essentially the same thing.
25. The CHAIRMAN took it that the proposal made by the representative of the United States was acceptable and that the Committee accepted preambular paragraphs (a)-(e), (g)-(j) and (m) of the draft resolution as they stood.
26. Inviting the Committee to discuss preambular paragraph (k), he said that it seemed factual to him.
27. Mr. CASTERTON (Canada) said he was not sure that preambular paragraph (k) was factual. Also, he thought it was excessively negative as it did not reflect the achievements of the previous two years.
28. Mr. BOURITA (Morocco) said that preambular paragraph (k) was based on data provided in the Technical Co-operation Report for 1998 (document GC(43)/INF/3) which undoubtedly gave developing Member States grounds for concern.
29. Ms. VOLKOFF (Director, Division of Planning, Co-ordination and Evaluation, Department of Technical Co-operation), responding to comments made, said that in 1998 the total contributions to the Technical Co-operation Fund (TCF) had fallen short of the TCF target, but had constituted the third-largest total annual amount of contributions to the TCF received by the Agency. It was difficult to say how the 1999 picture would turn out.
30. Regarding footnote-a/ projects, over-programming at the end of 1997 had caused a drop in the fraction of such projects made operational to 9.3% in 1998. However, over 20% of footnote-a/ projects had been made operational in 1999.

31. Mr. MCINTOSH (Australia) said that in his view preambular paragraph (k) needed redrafting in order to make it factually accurate. As redrafting would take a considerable time, he felt that the best thing would be to delete the paragraph.
32. Mr. DELACROIX (France) said that in his view preambular paragraph (k) was not acceptable as it stood.
33. Mr. CASTERTON (Canada) and Mr. GOODMAN (United States of America) called for the deletion of preambular paragraph (k).
34. The CHAIRMAN suggested indicating in preambular paragraph (k) that the year being referred to was 1998.
35. Mr. CASTERTON (Canada), supported by Mr. MCINTOSH (Australia), said that in his view that was not a very satisfactory way out of the difficulty.
36. Mr. BOURITA (Morocco) proposed the following alternative wording for preambular paragraph (k): “Expressing concern at the decline in extrabudgetary resources, at the rates of increase in the targets for TCF contributions and the actual level of such contributions and at the declining share of footnote-a/ projects made operational”. That would accurately reflect the Technical Co-operation Report for 1998.
37. The CHAIRMAN said he liked the wording proposed by the representative of Morocco but felt, in view of the time constraints under which the Committee was working, that preambular paragraph (k) should perhaps be deleted.
38. He invited the Committee to discuss preambular paragraph (f), which contained language additional to that of preambular paragraph (f) of resolution GC(42)/RES/15.
39. Mr. NEDERLOF (Netherlands) said that in his view the additional language - with its reference to “the Clean Development Mechanism (CDM) of the Kyoto Protocol” - was unnecessary.
40. Mr. FREDERIKSEN (Denmark), Mr. ZISCHG (Austria) and Mr. MOONEY (Ireland) supported the view expressed by the representative of the Netherlands.
41. Mr. BOURITA (Morocco) pointed out that the paragraph in question was only a preambular paragraph - not an operative one - and that it stated only that nuclear power *could* be an eligible option.
42. Mr. YANG Dazhu (China) said that nuclear power was a very important option for a number of developing countries, including China, and that his delegation would therefore like preambular paragraph (f) to be left unchanged.
43. Mr. RAGHURAMAN (India) and Mr. SHOAIIB (Pakistan) endorsed the statement made by the representative of China.

44. Mr. PERSSON (Sweden), Mr. SOLBERG (Norway), Mr. FRANCK (Luxembourg) and Ms. FREDERIKSEN (Denmark) called for deletion of the part of preambular paragraph (f) starting with “and recognizing that”.
45. Mr. TWAL (Jordan), Mr. KHALILIPOUR (Islamic Republic of Iran), Mr. ARAR (Turkey) and Mr. ABDELBARI (Algeria) expressed support for the retention of preambular paragraph (f) as it stood.
46. Mr. ZISCHG (Austria) said that most Austrians would not find the description of nuclear power “as a climatically benign source of energy” acceptable.
47. Mr. QIAN (Deputy Director General for Technical Co-operation) said that nuclear power was undoubtedly a climatically benign source of energy - which was not the same as calling it “environmentally friendly”.
48. The CHAIRMAN suggested that the phrase “, as a climatically benign source of energy,” be deleted and urged the Committee to accept the rest of preambular paragraph (f).
49. Mr. NEDERLOF (Netherlands), supported by Mr. ZISCHG (Austria), said that, if acceptance was forced on the Committee, some delegations might feel obliged to express reservations in the Plenary.
50. Mr. MOONEY (Ireland) proposed replacing the phrase “recognizingProtocol” with “noting that the incorporation of nuclear energy as an eligible option under the Clean Development Mechanism (CDM) of the Kyoto Protocol may be discussed at the conference of the contracting parties to the Protocol”.
51. The CHAIRMAN said that, for the sake of accuracy, the words “may be” should be replaced by “will be”.
52. Mr. NEDERLOF (Netherlands) proposed replacing the phrase “nuclear power, as a climatically benign source of energy, could be an eligible option” by “many countries consider nuclear power, being a climatically benign source of energy, to be an eligible option”.
53. Mr. RAGHURAMAN (India), Mr. BOURITA (Morocco) and Mr. DELHAYE (Belgium) said that they could go along with the proposal made by the representative of the Netherlands.
54. Mr. FRANCK (Luxembourg) expressed a preference for the proposal made by the representative of Ireland.
55. The CHAIRMAN took it that the Committee wished to accept preambular paragraph (f) with the wording proposed by the representative of the Netherlands.

56. The CHAIRMAN took it - after comments made by Mr. NEDERLOF (Netherlands), Mr. BOURITA (Morocco), Mr. TWAL (Jordan), Mr. GOLDMAN (United States of America) and Mr. CASTERTON (Canada) - that the Committee wished to accept operative paragraph 1 with the deletion of “, in conformity with the Statute,”, the replacement of “adequate levels of” by “sufficient” and the replacement of “in the budget, in order” by “and”.

57. Mr. MCINTOSH (Australia), supported by Mr. CASTERTON (Canada) and Mr. GOLDMAN (United States of America), said that in his view the requests made in operative paragraph 3 were a little premature.

58. Mr. NEDERLOF (Netherlands), supported by Mr. PIGRAM (United Kingdom), Mr. DELACROIX (France) and Mr. DI SAPIA (Italy), proposed the deletion of operative paragraph 3.

59. Mr. BOURITA (Morocco), having called for the retention of operative paragraph 3, said that in operative paragraph 2 it was not clear to whom the Board was to be urged to recommend target figures for 2001-2002.

60. The CHAIRMAN suggested replacing “recommending target figures for 2001-2002” by “agreeing target figures for 2001-2002”.

61. Mr. NEDERLOF (Netherlands) pointed out that the Board of Governors only recommended TCF target figures to the General Conference, and that it was the latter which agreed on them.

62. The CHAIRMAN took it that the Committee could agree on the insertion of “to the General Conference” after “... with a view to recommending” in operative paragraph 2 and on the deletion of operative paragraph 3.

63. Mr. MOONEY (Ireland) suggested - after comments on operative paragraph 7 by Ms. FREDERIKSEN (Denmark), Mr. TWAL (Jordan), Mr. BOURITA (Morocco) and Mr. SHOAI B (Pakistan) - replacing “through the CDM mechanisms” in that paragraph by “in the light of the terms of the Clean Development Mechanism, as may be agreed under the Kyoto Protocol”.

64. The CHAIRMAN proposed - after comments by Mr. ARAR (Turkey), Mr. KHALILOPOUR (Islamic Republic of Iran), Mr. FRANCK (Luxembourg), Mr. ZHENG Kemin (China), Mr. MANNINEN (Finland), Mr. CASTERTON (Canada), Mr. QIAN (Deputy Director General for Technical Co-operation) and Mr. SHOAI B (Pakistan) - that “through the CDM mechanisms” be replaced by “through the Clean Development Mechanism, as may be elaborated under the Kyoto Protocol”.

65. It was so agreed.

66. The CHAIRMAN took it that the Committee wished to recommend adoption of the draft resolution contained in document GC(43)/COM.5/L.1 with the modifications accepted during the discussion.

67. It was so agreed.

The meeting rose at 10:35 p.m.