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COMMITTEE OF THE WHOLE

RECORD OF THE FIRST MEETING

Held at the Austria Center Vienna
on Tuesday, 18 September 2001, at 10.45 a.m.

Chairperson: Ms. HERNES (Norway)
Later: Mr. WOJCIK (Poland)

CONTENTS

<u>Item of the agenda*</u>		<u>Paragraphs</u>
-	Election of a Vice-Chairman and organization of work	1 - 6
10	The Agency's accounts for 2000	7 - 8
11	The Agency's programme and budget for 2002-2003	9 - 23
13	Scale of assessment of Members' contributions towards the Regular Budget	24 - 31
14	Rules regarding the Acceptance of Voluntary Contributions of Money to the Agency	32 - 33

[*] GC(45)/28.

The composition of delegations attending the session is given in document GC(45)/INF/17/Rev.2.

For reasons of economy, this document has been printed in a limited number. Delegates are kindly requested to bring their own copies of documents to meetings.
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CONTENTS
(Contd.)

<u>Item of the agenda*</u>	<u>Paragraphs</u>
15 Measures to strengthen international co-operation in nuclear, radiation, transport and waste safety	34 - 77
(a) Nuclear installation safety	} 34 - 77
(b) Radiation safety	
(d) Waste safety	

Abbreviations used in this record

CAURB	Core activity unfunded in the Regular Budget
UNIDO	United Nations Industrial Development Organization

GC(45)/COM.5/OR.1
page 4

ELECTION OF A VICE-CHAIRMAN AND ORGANIZATION OF WORK

1. The CHAIRPERSON, having expressed appreciation for the confidence which the General Conference had placed in her, said that, as provided for in Rule 46 of the Rules of Procedure and following group consultations, it had been proposed that Mr. Wojcik of Poland should be one of the two Vice-Chairmen of the Committee. Pending a proposal from the Group of 77 regarding the other Vice-Chairman, she took it that the Committee wished to endorse the nomination of Mr. Wojcik.

2. It was so agreed.

3. The CHAIRPERSON, drawing attention to document GC(45)/COM.5/1, which listed the agenda items referred to the Committee of the Whole by the General Conference, said she proposed, in line with past practice, to report orally to the Conference at a plenary meeting on the Committee's deliberations.

4. Having consulted with the Director General and a number of Permanent Missions, she wished to put forward a proposal designed to make the results of the Committee's work more transparent. The draft resolutions recommended by the Committee to the General Conference for adoption should be clustered, to the extent practicable, in accordance with the main pillars of the Agency's work as set out in the Medium Term Strategy. The clusters would be: (i) draft resolutions relating to nuclear, radiation, transport and waste safety; (ii) draft resolutions relating to nuclear science, technology and applications; (iii) draft resolutions relating to the security of nuclear materials and other radioactive materials; and (iv) draft resolutions relating to the Secretariat's personnel. She did not propose that the draft resolutions under items 10 (The Agency's accounts for 2000), 11 (The Agency's programme and budget for 2002-2003), 13 (Scale of assessment of Members' contributions towards the Regular Budget), 14 (Rules regarding the Acceptance of Voluntary Contributions of Money to the Agency), 16 (Strengthening of the Agency's technical co-operation activities) or 20 (Amendment to Article VI of the Statute) should undergo clustering.

5. She took it that the proposed approach was acceptable to the Committee.

6. It was so agreed.

THE AGENCY'S ACCOUNTS FOR 2000 (GC(45)/7)

7. The CHAIRPERSON said that, as no representatives wished to take the floor, she assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page I of document GC(45)/7.

8. It was so agreed.

THE AGENCY'S PROGRAMME AND BUDGET FOR 2002-2003
(GC(45)/8 and Mod.1 and GC(45)/INF/13)

9. The representative of GERMANY said that in June his delegation had asked about the methodology used by the Agency's Secretariat in calculating price increases, and particularly why UNIDO's Secretariat had been in a position to propose a price adjustment of only 4.4%. It greatly appreciated the explanations that had been provided, but it still had problems understanding why UNIDO's mandate permitted the postponement or even the discarding of activities, while the Agency's Secretariat claimed that every activity was of a mandatory nature. Even in the safeguards area, where one could indeed speak of mandatory activities, there was room to interpret the details of implementation in such a way that not every activity currently being carried out was an absolute must for the future. His delegation could not go along with the exclusion, from the very outset, of the idea of postponing or reducing activities. The so-called "balance" between verification and promotional activities did not mean there should not be a strict setting of priorities.

10. With regard to the envisaged use of part of the 1999 cash surplus for the acquisition of safeguards equipment, his delegation had difficulties based on principle. The policy of zero budgetary growth should be waived only in extraordinary circumstances, such as those following the Chernobyl accident, when the Agency's nuclear safety programme had been expanded. Except in such extraordinary circumstances, cash surpluses should be returned to Member States - not regarded as justification for the late payment or the non-payment of assessed contributions.

11. Also, his delegation was concerned about the steadily increasing number of CAURBs, which meant parallel budgets controlled by just a few Member States.

12. His delegation would follow very critically the implementation of the Regular Budget for 2002, lest undesirable precedents were created as in 1991. It would like to see the Secretariat achieving economies through priority-setting and the resources saved being directed towards the safeguards area - rather than the area of technical co-operation management - in order to reduce the adverse impact of parallel budgets. It continued to have strong reservations about anything representing more than zero nominal growth in the Regular Budget, but would not block consensus on the budget proposals put forward by the Secretariat.

13. The representative of JAPAN said that the Secretariat should, together with Member States, make further efforts to achieve substantial budgetary reductions in order to reduce the financial burden on Member States.

14. The representative of the NETHERLANDS said that his delegation still had strong reservations about the envisaged use of part of the 1999 cash surplus to cover Regular Budget expenditures in 2002. However, it would not block a consensus on the budget.

15. The representative of BRAZIL said that, in the light of the stringent fiscal adjustment measures currently being taken in Brazil, her delegation was not in a position to support any increases in the Agency's expenses. However, given the great importance attached by Brazil to the Agency, her delegation would not block a consensus on the budget.

16. The representative of PERU proposed that the title of programme K, "Radiation Safety", be changed to "Radiation and Transport Safety", given the fact that the Board and the General Conference had very recently adopted agendas with a separate sub-item on transport safety.

17. The representative of CHILE, supporting the proposal, said that concerns about safety in the transport of radioactive materials were being voiced in the general debate at the Conference's current session.

18. The DIRECTOR OF THE DIVISION OF RADIATION AND WASTE SAFETY suggested that the title of programme K be changed to "Radiation Safety, including Transport Safety".

19. It was so agreed.

20. The CHAIRPERSON said she took it that the Committee wished to recommend to the General Conference the adoption of draft resolution A in the Annex to document GC(45)/8, it being understood that she would inform the Conference that the representatives of some Member States had expressed reservations while joining the consensus.

21. It was so agreed.

22. The CHAIRPERSON said she also took it that the Committee wished to recommend to the General Conference the adoption of draft resolutions B and C in the Annex to document GC(45)/8.

23. It was so agreed.

SCALE OF ASSESSMENT OF MEMBERS' CONTRIBUTIONS TOWARDS THE REGULAR BUDGET (GC(45)/24)

24. The representative of the UNITED STATES OF AMERICA said that his country, which was a long-standing supporter of the Agency and its programmes, had gone along with the proposal that, as an exceptional measure, part of the 1999 cash surplus be used for covering Agency expenditures in 2002, and it was willing to accept the scale of assessment for 2002 set forth in document GC(45)/24 - with reservations. It would like to see the complete application within the Agency of the new United Nations scale, from which - as regards the assessment rate ceiling - the scale in document GC(45)/24 represented a significant departure. All elements of the new United Nations scale, including the new assessment rate ceiling, should be adopted within the Agency.

25. United States representatives would, in the coming year, consult with the Secretariat and with the representatives of other Member States regarding the adoption of a scale of assessment incorporating a reduced ceiling of 22%.

26. The representative of BRAZIL said that her country's contribution to the Regular Budget of the United Nations had nearly doubled with the adoption by the General Assembly of the new United Nations scale of assessment and that in her delegation's view the assessment rate ceiling should not be reduced in the case of the Agency.

27. The representative of AUSTRALIA said that his delegation, which greatly appreciated the generous support provided by the United States to the Agency over the years, was disappointed that the United States wished to see a reduction in its assessed contributions. It hoped that the United States would continue to support the Agency generously in one way or another.

28. The representative of the RUSSIAN FEDERATION asked whether the reservations of the United States meant that the 2002 scale of assessment would be amended during the coming year.

29. The representative of the UNITED STATES OF AMERICA said that his delegation would join the consensus in favour of approving the 2002 scale of assessment prepared by the Secretariat and would not be asking for it to be amended. The consultations to which he had referred would relate to the scales of assessment for the years following 2002.

30. The CHAIRPERSON said she took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page 3 of document GC(45)/24, it being understood that she would inform the Conference that one delegation had expressed reservations.

31. It was so agreed.

RULES REGARDING THE ACCEPTANCE OF VOLUNTARY CONTRIBUTIONS OF MONEY TO THE AGENCY
(GC(45)/9)

32. The CHAIRPERSON said she took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution in the Attachment to document GC(45)/9.

33. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR,
RADIATION, TRANSPORT AND WASTE SAFETY

(a) NUCLEAR INSTALLATION SAFETY

(b) RADIATION SAFETY

(d) WASTE SAFETY

(GC(45)/11, GC(45)/12, GC(45)/14, GC(45)/INF/6, GC(45)/INF/3 and GC(45)/COM.5/L.1)

Mr. Wojcik (Poland) took the Chair.

34. The representative of AUSTRALIA, introducing the draft resolution contained in document GC(45)/COM.5/L.1, said that it covered several safety issues and was structured along the lines of some United Nations General Assembly resolutions - a single preambular section being followed by a number of operative sections. His delegation hoped that the “omnibus” approach reflected in the draft resolution would enable Member States to assess the relative priorities of safety-related Agency activities in a fair manner.

35. The draft resolution did not cover the issue of transport safety. His delegation would have liked it to cover that issue, but it had appreciated that a number of Member States felt strongly that transport safety should be covered in a separate draft resolution - as in 2000.

36. The representative of INDIA suggested replacing the phrase “acting as a driving force in” by “enhancing” in preambular paragraph (c), so as to bring the wording into line with that in resolution GC(44)/RES/11.

37. The representative of the RUSSIAN FEDERATION said that preambular paragraphs (a) and (d) contained references to a resolution and a document on transport safety, although a separate draft resolution on that topic had been submitted and the operative sections of the draft resolution under consideration made no mention of transport safety. Thus, the reference in preambular paragraph (a) to resolution GC(44)/RES/17 and the one in preambular paragraph (d) to document GC(45)/13 should, on logical grounds, be deleted - together with the word “transport” in both paragraphs.

38. The representative of CHILE, referring to preambular paragraph (b), said that, notwithstanding the existence of a separate draft resolution on transport safety, his delegation would like the phrase “a global nuclear, radiation and waste safety culture” to be amended to read “a global nuclear, radiation, transport and waste safety culture”.

39. The representative of AUSTRALIA said that he had no objection to the suggestion made by the representative of India regarding preambular paragraph (c).

40. He accepted the point made by the representative of the Russian Federation regarding preambular paragraphs (a) and (d), but hoped that the representative of Chile would agree to leave the wording of preambular paragraph (b) as it stood.

41. The representative of CHILE said that in his view all aspects of safety culture should be mentioned in preambular paragraph (b).
42. The representative of UKRAINE, supported by the representative of BULGARIA, said that, since there was no reference to “transport” in the title of the draft resolution, it hardly seemed appropriate to mention it in the text proper.
43. The CHAIRPERSON suggested, by way of solution, the insertion of “including transport” after “radiation”.
44. The representative of AUSTRALIA said that the addition of a reference to “transport” in preambular paragraph (b) would contrast rather oddly with the deletion of the references to “transport” in preambular paragraphs (a) and (d). However, if the Committee was in favour of the Chairperson’s suggestion, he would go along with the consensus.
45. The representatives of PERU and ECUADOR endorsed the Chairperson’s suggestion.
46. The representative of CHINA suggested the wording used in resolution GC(44)/RES/11 - “a global nuclear safety culture”.
47. The representative of CHILE said that he preferred the wording suggested by the Chairperson to that suggested by the representative of China.
48. The representative of AUSTRALIA said that he could go along with the phrase “a global nuclear safety culture” suggested by the representative of China.
49. The representative of CHILE said that he would prefer the word “comprehensive” to the word “global”.
50. The representative of FRANCE said that in her view the replacement of “global” by “comprehensive” would weaken the draft resolution.
51. The representative of PERU, supported by the representative of CHILE, suggested that both “comprehensive” and “global” be used, so that the phrase in preambular paragraph (b) would read “a comprehensive and global nuclear safety culture”.
52. The representative of FRANCE said that she could go along with that suggestion.
53. The CHAIRPERSON took it that the Committee wished the preambular part of the draft resolution to be amended as follows: deletion of the references to resolution GC(44)/RES/17 and “transport” in paragraph (a); replacement of “a global nuclear, radiation and waste safety culture” by “a comprehensive and global nuclear safety culture” in paragraph (b); replacement of “acting as a driving force in” by “enhancing” in paragraph (c); and deletion of the references to document GC(45)/13 and “transport” in paragraph (d).
54. It was so agreed.

55. The CHAIRPERSON invited comments on the operative part of the draft resolution.

Section 1: General

56. The representative of INDIA proposed the addition of "... and at the request of the Member States of the concerned region" at the end of paragraph 1.

57. The representative of AUSTRALIA said that in his view there was no need to add such a qualification.

58. The representative of INDIA withdrew his proposal.

59. The CHAIRPERSON said - after a discussion in which the representatives of INDIA, AUSTRALIA, the NETHERLANDS, GERMANY and SWEDEN participated - that he took it that the Committee wished Section 1 of the draft resolution to be amended through the insertion of "technical" before "areas" in paragraph 1.

60. It was so agreed.

Section 2: Nuclear installation safety

61. The CHAIRPERSON took it that, there being no comments, the Committee could accept Section 2 as it stood.

62. It was so agreed.

Section 3: Radiation safety

63. The representative of the RUSSIAN FEDERATION, recalling that paragraph 4 of resolution GC(44)/RES/11 read "Invites Member States to take note of the Code of Conduct on the Safety and Security of Radioactive Sources ...", asked why the wording in paragraph 16 of the draft resolution under consideration ("Urges all Member States to fully implement the Code of Conduct ...") was so much stronger.

64. The DIRECTOR OF THE DIVISION OF RADIATION AND WASTE SAFETY said that the stronger wording might be due to recent developments such as the call by a number of African countries for the creation of a forum of African countries with a view to giving the Code of Conduct a legally binding effect.

65. The representative of MOROCCO suggested that the word "fully" be deleted in the phrase "to fully implement the Code of Conduct".

66. The representative of the RUSSIAN FEDERATION suggested that "Calls upon" be substituted for "Urges".

67. The representative of CHINA supported both suggestions.

68. The representative of AUSTRALIA said that his delegation could go along with the two suggestions.

69. The representative of ARGENTINA suggested the addition of a paragraph reading “Takes note with appreciation of the results of the International Conference of National Regulatory Authorities with competence in the Safety of Radiation Sources and the Security of Radioactive Materials that took place in Buenos Aires, Argentina, in December 2000, and commends the organizers, hosts and participants on its success;”.

70. The representative of AUSTRALIA, accepting the suggestion, thought that the additional paragraph might well be inserted between paragraphs 14 and 15.

71. In reply to a question from the representative of FRANCE as to why paragraph 19 had been included in the draft resolution, he said it had been thought useful to remind Member States of what they had agreed to two years earlier in respect of intercomparisons of radiation dose measurements for the control of exposures as the number of Member States taking part in such intercomparisons was still not very large.

72. The CHAIRPERSON took it that the Committee wished Section 3 to be amended through the addition, between paragraphs 14 and 15, of the paragraph suggested by the representative of Argentina and the amendment of paragraph 16 to read “Call upon all Member States to implement the Code of Conduct ...”.

73. It was so agreed.

Section 4: Waste safety

74. The CHAIRPERSON took it that, there being no comments, the Committee could accept Section 4 as it stood.

75. It was so agreed.

76. The CHAIRPERSON said he took it that the Committee wished to recommend to the General Conference the adoption of the draft resolution contained in document GC(45)/COM.5/L.1 with the agreed amendments.

77. It was so agreed.

The meeting rose at 1.10 p.m.