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COMMITTEE OF THE WHOLE

RECORD OF THE FIFTH MEETING

Held at the Austria Center Vienna
on Thursday, 20 September 2001, at 10.30 a.m.

Chairperson: Ms. HERNES (Norway)

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[*] GC(45)/28.

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

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STRENGTHENING OF THE AGENCY'S TECHNICAL CO-OPERATION ACTIVITIES
(continued)

- Draft resolution entitled "SUPPORT TO THE ORGANIZATION OF AFRICAN UNITY'S PAN-AFRICAN TSETSE AND TRYPANOSOMIASIS ERADICATION CAMPAIGN (PATTEC)" (continued)
(GC(45)/COM.5/L.9/Mod.1)

1. The CHAIRPERSON, drawing attention to document GC(45)/COM.5/L.9/Mod.1, said that it contained the draft resolution in document GC(45)/COM.5/L.9 as amended during informal consultations. She took it that the Committee wished to recommend to the General Conference the adoption of the amended version of the draft resolution.

2. It was so agreed.

STRENGTHENING THE AGENCY'S ACTIVITIES RELATED TO NUCLEAR SCIENCE,
TECHNOLOGY AND APPLICATIONS (resumed)

- (b) USE OF ISOTOPE HYDROLOGY FOR WATER RESOURCES MANAGEMENT
(resumed)
GC(45)/16 and GC(45)/COM.5/L.13

3. The CHAIRPERSON recalled that the Committee had postponed further consideration of the draft resolution in document GC(45)/COM.5/L.13 so as to allow interested representatives to consult informally.

4. The representative of MOROCCO said that, in the light of informal consultations, it was proposed that the phrase "subject to the availability of resources" be added to the "chapeau" of operative paragraph 1 and operative sub-paragraphs 1(a) and (b) be merged into a single sub-paragraph reading "(a) to continue to further strengthen the efforts directed towards fuller utilization of isotope and nuclear techniques for water resources development and management in interested countries, including measures to control and detect groundwater and surface pollution, through appropriate programmes, by increased collaboration with national and other international organizations dealing directly with water resources management".

5. As a result, current operative sub-paragraph 1(c) would become operative sub-paragraph 1(b), and it was also proposed that current operative sub-paragraph 2(c) be moved to operative paragraph 1, where it would become sub-paragraph 1(c).

6. The representative of UKRAINE said that his delegation, while supporting the draft resolution, did not wish to co-sponsor it. He requested the withdrawal of document GC(45)/COM.5/L.13/Add.1, in which Ukraine appeared as a co-sponsor.

7. The representative of ISRAEL suggested that, in the proposed new operative sub-paragraph 1(a), "in interested countries" be replaced by "in the interested countries".

8. The representative of MOROCCO said that he failed to understand what difference the insertion of “the” before “interested countries” would make.

9. The representative of the SYRIAN ARAB REPUBLIC suggested the deletion of “in interested countries”.

10. The representative of ISRAEL, recalling that during the previous meeting it had been proposed that “developing countries” be replaced by “all interested Member States”, said that the formulation “the interested countries” would be closer than just “interested countries” to the “all interested Member States” concept.

11. The CHAIRPERSON, noting that in her view the insertion of “the” would not change the meaning of sub-paragraph 1(a) to the extent that the representative of Morocco need have difficulties with it, said she assumed that the Committee wished to recommend to the General Conference the adoption of the draft resolution with the changes read out by the representative of Morocco and with the insertion of “the” before “interested countries”.

12. It was so agreed.

PERSONNEL

(a) STAFFING OF THE AGENCY’S SECRETARIAT
(GC(45)/21 and GC(45)/COM.5/L.5)

13. The representative of the PHILIPPINES, introducing the draft resolution in document GC(45)/COM.5/L.5 on behalf of the Group of 77 and China, said that, although 20 years had elapsed since the adoption of the first General Conference resolution on the staffing of the Agency’s Secretariat, interest in the matter had not diminished. The measures taken by the Agency’s senior management to increase the recruitment of staff members from developing countries were appreciated, but there was still room for improvement. The Group of 77 and China undertook to make available nationals with the necessary talents for employment in the Secretariat.

14. The representative of FRANCE said that the intent of the draft resolution was to stimulate the recruitment of persons not only from developing countries, but also from other countries which were currently unrepresented or under-represented in the Secretariat. Accordingly, she suggested that in preambular paragraph (d) the words “in the developing countries” be replaced by “in these countries”.

15. The representative of CANADA said that her country, which recognized the need for the Agency to have well-qualified staff and also the importance of all social groups - including women - being represented in the Secretariat, was encouraging Canadian citizens to apply for Secretariat positions; a special database was being maintained for that purpose. However, the Agency’s long and complex recruitment procedures often discouraged good candidates.

16. The CHAIRPERSON took it that the Committee wished to recommend the draft resolution, with the amendment suggested by the representative of France, to the General Conference for adoption.

17. It was so agreed.

(b) WOMEN IN THE SECRETARIAT
(GC(45)/22 and GC(45)/COM.5/L.6)

18. The representative of the SYRIAN ARAB REPUBLIC, introducing the draft resolution in document GC(45)/COM.5/L.6 on behalf of the Group of 77 and China, said that, although the number of well-qualified women applying for Professional posts had risen in the past two years, the number of women holding such posts had declined.

19. The representative of the UNITED KINGDOM said that his delegation, which believed that women should not be hindered in any way from applying for Secretariat posts, supported the draft resolution but would like to propose one amendment - the insertion in operative paragraph 3 of the word “primarily” before “from the Regular Budget”, in line with operative paragraph 3 of resolution GC(43)/RES/21.

20. The DIRECTOR OF PERSONNEL, responding to comments made by the representatives of MOROCCO and UKRAINE, said that most Secretariat posts were funded from the Regular Budget, but some - such as those in the Learning Resource Centre - were funded from voluntary contributions made by Member States. His understanding was that operative paragraph 3 of the draft resolution dealt not with the funding of Secretariat posts, however, but with possible ways of funding the measures required in order to implement the draft resolution. The Secretariat would have no difficulty with the amendment proposed by the representative of the United Kingdom, especially as Member States were being invited in operative paragraph 3 to make voluntary contributions in support of the draft resolution’s implementation.

21. The CHAIRPERSON said she understood that some Member States had expressed a willingness to make voluntary contributions specifically for the purpose of facilitating implementation of the draft resolution.

22. She took it that the Committee wished to recommend to the General Conference the adoption of the draft resolution with the insertion of “primarily” before “from the Regular Budget” in operative paragraph 3.

23. It was so agreed.

MEASURES TO IMPROVE THE SECURITY OF NUCLEAR MATERIALS AND OTHER RADIOACTIVE MATERIALS

(GC(45)/20 and Corr.1, GC(45)/INF/14)

- Draft resolution entitled “MEASURES AGAINST ILLICIT TRAFFICKING IN NUCLEAR MATERIALS AND OTHER RADIOACTIVE MATERIALS”
(GC(45)/COM.5/L.14)

24. The representative of BELGIUM, introducing the draft resolution in document GC(45)/COM.5/L.14 on behalf of the European Union, pointed out that the title referred to “... other radioactive materials” and not - like the title of resolution GC(44)/RES/20 - to “...other radioactive sources”; the word “sources” had a particular meaning in Agency terminology. He also pointed out the difference between preambular paragraph (e) of the draft resolution and preambular paragraph (e) of resolution GC(44)/RES/20. Lastly, he pointed out that in operative paragraph 7 the Director General was requested to report to the General Conference in 2003 - not 2002.

25. The draft resolution would send a strong message to all countries regarding the need - particularly after the terrible events which had occurred in the United States the previous week - to prevent illicit trafficking in nuclear materials.

26. The representative of YEMEN, expressing support for the draft resolution, said that the international efforts to combat illicit trafficking in radioactive materials - as opposed to nuclear materials - were still inadequate. The number of “orphan” sources in the world was very high, posing security, safety and environmental problems.

27. The representative of the RUSSIAN FEDERATION, expressing strong support for the draft resolution, said that the international community should unite in implementing the programme for preventing and combating illicit trafficking in nuclear material agreed upon in April 1996 at the Moscow Nuclear Summit.

28. The representative of ISRAEL said that the words “relevant physical protection recommendations” in operative paragraph 5 of the draft resolution were rather vague and suggested that they be replaced by “the Physical Protection Objectives and Fundamental Principles referred to in document GC(45)/INF/14”.

29. The CHAIRPERSON said that the draft resolution in document GC(45)/COM.5/L.15 dealt with the issue of the Physical Protection Objectives and Fundamental Principles.

30. The representative of ISRAEL said that it was not clear from operative paragraph 5 of the draft resolution in document GC(45)/COM.5/L.14 which physical protection recommendations States were being asked to apply.

31. The representative of BELGIUM said that the words “relevant physical protection recommendations” had been chosen by the sponsors of the draft resolution with some care, so

as not to suggest that States should apply only the Physical Protection Objectives and Fundamental Principles.

32. The representative of MALAYSIA, proposing that “apply” be replaced by “adopt” in operative paragraph 5, said that States would have to adopt recommendations - incorporating them into their national legislation - before they could apply them.

33. The representative of BELGIUM said the working group of the informal open-ended expert meeting to discuss whether there is a need to revise the Convention on the Physical Protection of Nuclear Material had considered using the word “adopt”, but had decided that it would be too restrictive and that the emphasis should be on the effective application of recommendations through the enforcement of appropriate measures.

34. The CHAIRPERSON suggested the wording “adopt and apply”.

35. The representative of UKRAINE, noting that in his view the word “apply” already carried the implication that the recommendations would have to be incorporated into each country’s national legislation, said he would prefer the words “relevant physical protection recommendations” to be retained.

36. The representative of ZIMBABWE considered that the word “apply” was more appropriate than “adopt” in view of the fact that operative paragraph 5 began by appealing to States to accede to the Convention on the Physical Protection of Nuclear Material.

37. The representative of MALAYSIA, noting that his country had not yet acceded to the Convention, expressed support for the Chairperson’s suggestion - “adopt and apply”.

38. The representative of BELGIUM said that there was no connection between the appeal to States to accede to the Convention and the appeal to them to apply relevant physical protection recommendations. In order to make clear that two separate issues were involved, he suggested that operative paragraph 5 be amended to read “... Nuclear Material, and also appeals to States to apply ...”.

39. The CHAIRPERSON said she took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(45)/COM.5/L.14 with the amendment to operative paragraph 5 just suggested by the representative of Belgium.

40. It was so agreed.

- Draft resolution entitled “THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES
(GC(45)/COM.5/L.15)

41. The representative of BELGIUM, introducing the draft resolution in document GC(45)/COM.5/L.15 on behalf of the European Union, said that it related to the outcome of the work of the informal open-ended expert meeting to discuss whether there is a need to

revise the Convention on the Physical Protection of Nuclear Material. In view of the wide range of opinions on the subject, the text proposed represented a compromise. Its objective was to highlight the importance of the work being done within the Agency, as well as the conclusion of the informal open-ended expert meeting's working group that there was a need to strengthen the physical protection regime.

42. He drew attention to two editorial amendments: in operative paragraph 1 the words "list of" should be deleted, and in operative paragraph 5 the words "and other radioactive materials" should be added after "nuclear materials".

43. The representative of CHINA, expressing support for the draft resolution, pointed out that in operative paragraph 3 the reference should be to paragraph 5 of document GOV/2001/41.

44. The representative of CANADA, expressing support for the draft resolution, proposed that in preambular paragraph (a) the words "and nuclear materials" be added after "facilities".

45. She also proposed that in operative paragraph 5 the phrase "particularly in the physical protection of nuclear material and nuclear facilities and in measures against illicit trafficking in nuclear materials" be added after "nuclear materials".

46. The representative of the RUSSIAN FEDERATION proposed the replacement of "Welcoming" by "Noting" in preambular paragraph (f).

47. The representative of AUSTRALIA, expressing support for the draft resolution, said that as most losses of nuclear material occurred when it was in domestic custody, there was a need to strengthen the Convention on the Physical Protection of Nuclear Material so as to reduce the threat of illicit trafficking in and of the sabotage of nuclear materials.

48. The Physical Protection Objectives and Fundamental Principles would, in combination with a well-defined amendment to the Convention and implementation of the other recommendations from the informal open-ended expert meeting, go a long way towards strengthening physical protection worldwide.

49. His delegation welcomed the Director General's announcement that a meeting would be convened for 3-7 December 2001 to draft an amendment to the Convention in accordance with the recommendations from the informal open-ended expert meeting.

50. The representative of INDIA said that the Director General had stressed that efforts to revise the Convention should not diminish the interest of Member States in becoming parties to it. His delegation therefore proposed the insertion of the following additional preambular paragraph - preambular paragraph (j) - to capture that idea: "Emphasizing that any decision on the amendment to the Convention on the Physical Protection of Nuclear Material should not lead to diminished interest on the part of Member States in becoming parties to the Convention".

51. The representative of MALAYSIA endorsed that proposal.
52. The representative of BELGIUM said that the sponsors of the draft resolution could accept the proposal as long as it was clear that the phrase “any decision on the amendment” did not in any way prejudice the outcome of the current process of considering whether the Convention should be revised.
53. The representative of INDIA said that it was not the intention of his delegation that the phrase should prejudice the outcome of that process.
54. The representative of BELGIUM said that the sponsors had no objection to the proposal made by the representative of the Russian Federation regarding preambular paragraph (f) or to the proposal made by the representative of Canada regarding preambular paragraph (a). However, although they considered the proposal made by the representative of Canada regarding operative paragraph 5 to be an interesting one, they felt that the subject of the proposal was addressed in other parts of the draft resolution.
55. The representative of CANADA withdrew the proposal.
56. The representative of the UNITED STATES OF AMERICA suggested that in the additional preambular paragraph proposed by the delegation of India the words “should not lead to diminished interest on the part of Member States in becoming” be replaced by “should encourage Member States to become”.
57. The representative of INDIA endorsed that suggestion.
58. The representative of BELGIUM said that the sponsors of the draft resolution could accept the additional preambular paragraph with the change just suggested.
59. The representative of YEMEN pointed out that the draft resolution failed to mention radiation sources, which illustrated the fact that insufficient attention was being paid to their safety and physical protection. In the interests of consensus, however, his delegation would go along with the draft resolution.
60. The representative of CHINA said his delegation had no substantive difficulty with the proposed addition of “and nuclear materials” to preambular paragraph (a) but would welcome clarification from the Secretariat as to whether it was technically accurate to refer to “the sabotage of ... nuclear materials”.
61. The HEAD OF THE OFFICE OF PHYSICAL PROTECTION AND MATERIAL SECURITY, DEPARTMENT OF SAFEGUARDS, said that it was. Nuclear materials in the form of packaged spent fuel were an example of nuclear materials susceptible to sabotage.
62. The representative of the UNITED STATES OF AMERICA asked whether the words to be added to operative paragraph 5 - “and other radioactive materials” - could usefully be inserted in operative paragraph 2, after “nuclear material”.

63. The representative of BELGIUM said that the sponsors of the draft resolution considered that those words should not be added; technically speaking, the Physical Protection Objectives and Fundamental Principles did not apply to radioactive materials.

64. The CHAIRPERSON assumed that the Committee wished to recommend adoption of the draft resolution with the following amendments: in preambular paragraph (a), the insertion of “and nuclear materials” after “nuclear facilities”; in preambular paragraph (f), the replacement of “Welcoming” by “Noting”; the insertion of a preambular paragraph (j) reading “Emphasizing that any decision on the amendment to the Convention on the Physical Protection of Nuclear Material should encourage Member States to become parties to the Convention”; in operative paragraph 1, the deletion of the words “list of”; in operative paragraph 3, the replacement of “6” by “5”; and in operative paragraph 5, the addition of the words “and other radioactive materials” after “nuclear materials”.

65. It was so agreed.

The meeting rose at 12.25 p.m.