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COMMITTEE OF THE WHOLE

RECORD OF THE SECOND MEETING

Held at Austria Center Vienna
on Tuesday, 17 September 2002, at 3.15 p.m.

Chairman: Mr. MOLTENI (Argentina)

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[*] GC(46)/19.

The composition of delegations attending the session is given in document GC(46)/INF/8/Rev.1.

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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Abbreviations used in this record

BSS International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR,
RADIATION, TRANSPORT AND WASTE SAFETY (continued)
(GC(46)/COM.5/L.1 and L.4)

1. The representative of the NETHERLANDS, pointing out that his country was a co-sponsor of the draft resolution contained in document GC(46)/COM.5/L.4 and recalling that in resolution GC(45)/RES/10.B the General Conference had in 2001 welcomed the convening of the 2003 International Conference on the Safety of Transport of Radioactive Material, said that it would be wrong for the General Conference to pre-empt the 2003 International Conference by raising new issues such as some of those raised in the draft resolution contained in document GC(46)/COM.5/L.1.
2. His delegation welcomed the establishment of an open-ended group with the task of bridging the gap between the two draft resolutions.
3. The representative of GREECE, commending the draft resolution contained in document GC(46)/COM.5/L.4 to the Committee, said that the draft resolution contained in document GC(46)/COM.5/L.1 included a number of elements which had not featured in resolution GC(45)/RES/10.B.
4. His delegation shared the concerns of the sponsors of the draft resolution contained in document GC(46)/COM.5/L.1, but it could not go along with that draft resolution.
5. His delegation had no problems with the idea of prior notification of States potentially affected by a future shipment of nuclear material, but it did have problems with the idea of prior consultations, as presumably the shipment would not be able to proceed unless the potentially affected States agreed that it might.
6. That having been said, his delegation was confident that a common language bridging the gap between the two draft resolutions would be found.
7. The representative of the LIBYAN ARAB JAMAHIRIYA expressed support for the draft resolution contained in document GC(46)/COM.5/L.1 and noted with satisfaction the establishment of an open-ended group with the task of achieving a consensus.
8. The representative of BELGIUM said that the 2003 International Conference on the Safety of Transport of Radioactive Material would be an excellent opportunity for ventilating a very sensitive issue. The General Conference should not try to predetermine the results of the International Conference in any way.
9. Her delegation, which favoured the adoption of a draft resolution similar to resolution GC(45)/RES/10.B, hoped that a compromise would be reached on the basis of the draft resolution contained in document GC(46)/COM.5/L.4.
10. The CHAIRMAN proposed that the Committee postpone further discussion of the issue of transport safety until the delegate of Australia, Ambassador Hughes, had reported on the work of the open-ended group.

11. It was so agreed.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF
THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL ADDITIONAL
PROTOCOL
(GC(46)/8; GC(46)/COM.5/L.7)

12. The representative of AUSTRIA, introducing - on behalf of the European Union - the draft resolution contained in document GC(46)/COM.5/L.7, said that it did not differ much from resolution GC(45)/RES/13 and that most of the differences were due to updating.

13. Referring to preambular paragraph (g), he said that the sponsors felt that “Welcoming” was more appropriate than “Noting” - the word used in that paragraph of resolution GC(45)/RES/13.

14. Preambular paragraph (l) of resolution GC(45)/RES/13, on the balance between safeguards and technical co-operation, had been deemed by the sponsors to be superfluous as a similar paragraph appeared in the draft resolution on strengthening of the Agency’s technical co-operation activities.

15. The representative of INDIA said that Member States of the Agency were in general very willing to accommodate one another’s positions, even when the positions were diametrically opposed. They did not resort to point-scoring, but took into account one another’s treaty obligations. That attitude had come to be known as the “Vienna spirit”.

16. In the year 2000, at the General Conference’s 44th regular session, the “Vienna spirit” had prevailed, and his country’s delegation had been happy to join in the consensus on resolution GC(44)/RES/19. It would have liked the draft resolution under discussion to be based on resolution GC(44)/RES/19, rather than on resolution GC(45)/RES/13, which the General Conference had adopted only after a vote.

17. Operative paragraph 3 of resolution GC(45)/RES/13 had been the main obstacle to consensus in 2001, but operative paragraph 3 of the draft resolution under consideration was identical with it. In his delegation’s view, the General Conference of the Agency - a technical organization - should not be urging States to do things which they were not obliged to do.

18. As to the non-inclusion of preambular paragraph (l) of resolution GC(45)/RES/13 in the draft resolution under consideration, although the question of the balance between safeguards and technical co-operation would be dealt with in the context of the strengthening of the Agency’s technical co-operation activities, his delegation would like to see that preambular paragraph in the draft resolution ultimately recommended by the Committee to the Plenary for adoption.

19. The representative of PAKISTAN, expressing support for the statement made by the representative of India, said that his delegation had certain reservations regarding the draft resolution contained in document GC(46)/COM.5/L.7.

20. The representatives of BRAZIL and the PHILIPPINES said that their delegations were also in favour of incorporating preambular paragraph (l) of resolution GC(45)/RES/13 into the draft resolution contained in document GC(46)/COM.5/L.7.
21. The representative of the ISLAMIC REPUBLIC OF IRAN, having expressed support for the incorporation of preambular paragraph (l) of resolution GC(45)/RES/13 into the draft resolution under consideration, said that his delegation would like to see the words “continue to implement” in operative paragraph 13 of the draft resolution replaced by the words “continue to consider implementing” - the formulation in operative paragraph 13 of resolution GC(45)/RES/13.
22. The representative of the SYRIAN ARAB REPUBLIC, having also expressed support for the incorporation of preambular paragraph (l) of resolution GC(45)/RES/13 into the draft resolution contained in document GC(46)/COM.5/L.7, referred to preambular paragraph (m) and said that, in her delegation’s view, the principal aim of the seminars mentioned in that paragraph should have been reaching universality in the application of Agency safeguards and not universality in the application of additional protocols.
23. The representative of JAPAN said that his delegation supported the draft resolution submitted by the European Union.
24. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE pointed out that paragraph 5 of resolution GC(45)/RES/13 contained the phrase “as far as available resources permit”, which did not appear in the draft resolution currently before the Committee. The Committee might wish to add such a phrase to the draft resolution.
25. The representatives of CHINA and MALAYSIA called for the incorporation of preambular paragraph (l) of resolution GC(45)/RES/13 into the draft resolution under consideration.
26. The representative of MEXICO, having also called for the incorporation of preambular paragraph (l) of resolution GC(45)/RES/13 into the draft resolution under consideration, said that her delegation was unhappy about the fact that operative paragraph 11 of the draft resolution spoke of “integrated safeguards” and not “integrated and cost-effective safeguards”.
27. The representative of ISRAEL said that her delegation would like a working group to be established for the purpose of examining the draft resolution - and especially operative paragraph 3 - with a view to arriving at a text which could be adopted by consensus.
28. The representative of SWITZERLAND, having welcomed the idea of the establishment of a working group, referred to preambular paragraph (k) of the draft resolution and said that his delegation would like to see mention made of the need for progress regarding - inter alia - the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the negotiation of a fissile materials cut-off treaty.

29. Referring to the phrase “universality in the application of additional protocols” in preambular paragraph (m), he said that, in his delegation’s view, the word “universality” was problematic: there were three distinct groups of States as far as nuclear weapons non-proliferation obligations were concerned and two types of additional protocol imposing completely different obligations on States.

30. Referring to operative paragraph 8 of the draft resolution, he said that, in his delegation’s view, the first part should be converted into a preambular paragraph.

31. The CHAIRMAN suggested that an open-ended working group meet under the chairmanship of Mr. Di Sapia of the Italian delegation to examine the draft resolution contained in document GC(46)/COM.5/L.7 with a view to arriving at a consensus text.

32. It was so agreed.

STRENGTHENING OF THE AGENCY’S TECHNICAL CO-OPERATION ACTIVITIES (GC(46)/INF/4; GC(46)/COM.5/L.3)

33. The representative of the PHILIPPINES, introducing the draft resolution contained in document GC(46)/COM.5/L.3, said that the preambular part was very similar to that of resolution GC(45)/RES/11. The principal new element was paragraph (r), about nuclear knowledge management.

34. The principal new element in the operative part was paragraph 8, about the role of nuclear power and that of radiation and nuclear technology in various fields.

35. The representative of IRAQ said that, under the Statute, every Member State was entitled to receive, through the Agency, technical assistance in using atomic energy for peaceful purposes. From 1991 to 1994, his country had nevertheless been denied all such assistance. In 1995, the provision of technical assistance to his country in the fields of medicine, radiation protection and agriculture had been resumed. In 1999, however, even that strictly limited assistance had been terminated, leaving 13 technical co-operation projects uncompleted. That had been the result of an arbitrary resolution dictated by the United States of America and the United Kingdom through the committee established pursuant to Security Council resolution 661(1990) concerning the situation between Iraq and Kuwait (Committee 661).

36. In a letter dated 29 July 1999 from the Agency to the Government of Iraq, it had been stated that “these projects will not be undertaken until IAEA staff return to Iraq to resume their regular activities”. However, Agency safeguards inspectors had visited Iraq during the biennium 2001-2002, and their findings had been consistent with the information provided by Iraq. The allegations made in Committee 661 had been erroneously interpreted by the Agency’s Secretariat, which had then acted in contravention of its own Statute.

37. Agency technical co-operation activities, which benefited mankind and the environment, should not be politicized in that way.

38. The representative of NEW ZEALAND, recalling that in 2001 her delegation had expressed “the utmost concern” with regard to preambular paragraph (f) of resolution GC(45)/RES/11,¹ said that it had the same doubts about preambular paragraph (f) of the draft resolution contained in document GC(46)/COM.5/L.3. Her country did not consider nuclear power to be an acceptable way of achieving sustainable development or reducing greenhouse gas emissions.

39. The representative of IRELAND said that his delegation could not endorse the opinions expressed in preambular paragraphs (d), (e) and (f) of the draft resolution.

40. The representative of AUSTRIA said that, in recent years, General Conference resolutions on the Agency’s technical co-operation activities had been increasingly influenced by considerations which fell outside the mandate of the Agency - for example, considerations relating to the environment like those set forth in preambular paragraph (f) of the draft resolution. At the General Conference’s previous session, his delegation had made its reservations on that score clear, and it was therefore disappointed to see, in the draft resolution, language to which it had taken exception in 2001.

41. The representative of MALAYSIA pointed out that the phrase “the peaceful uses of nuclear energy” in preambular paragraph (d) of the draft resolution was intended to include, for example, the use of electron beams in reducing emissions of greenhouse gases and other pollutants. Did the delegations of Austria, Ireland and New Zealand object to such uses of nuclear energy?

42. The representative of the RUSSIAN FEDERATION said that his country shared the views expressed in the draft resolution about the great potential of nuclear power and the contribution of atomic energy in reducing environment-polluting flue gases and greenhouse gases.

43. The representative of SWEDEN said that his delegation had problems with the draft resolution, particularly preambular paragraph (f) and operative paragraph 8.

44. The representative of GERMANY said that, in his delegation’s view, the draft resolution was too dogmatic about the presumed benefits of nuclear power. Perhaps a phrase such as “in a number of countries”, which had been used in resolution GC(45)/RES/11, could be added in preambular paragraph (f) of the draft resolution.

45. The use of atomic energy in reducing environment-polluting flue gases was, as far as he was aware, only a minor aspect of the Agency’s technical co-operation activities, and in his view it did not merit special mention.

46. The representative of BRAZIL said that over 90% of his country’s electricity was obtained from hydroelectric power stations, with nuclear power playing only a minor part. In 2001, however, its small nuclear power generation capability had enabled his country to overcome an energy crisis caused by an unprecedented drought. His delegation could

¹ See document GC(45)/OR.10, para. 63.

therefore see nothing objectionable in preambular paragraph (f) of the draft resolution. Similarly, it could see nothing objectionable in operative paragraph 8.

47. The representative of DENMARK said that her delegation was concerned about the wording of preambular paragraph (f) of the draft resolution, as it had been in 2001 about the corresponding paragraph in resolution GC(45)/RES/11.

48. The representative of NORWAY said that his delegation, too, had problems with the wording of preambular paragraph (f) and operative paragraph 8 of the draft resolution.

49. The representative of CHINA said that his country believed that nuclear energy had great potential as regards power generation and environmental protection, particularly in developing countries. His delegation would therefore like the draft resolution to remain unchanged.

50. The representative of KUWAIT, referring to operative paragraph 8 of the draft resolution, said that there was clearly a great worldwide demand for electricity and that nuclear power plants - together with, for example, power plants fired by fossil fuels that had undergone sequestration - were a means of meeting that demand while reducing greenhouse gas emissions.

51. The representative of INDIA said that his delegation regretted the polarizing effect produced by the draft resolution and its predecessors of earlier years. In the opinion of the Group of 77 and China, however, the value of nuclear power was indisputable.

52. The representative of PAKISTAN said that his country believed that nuclear power could play an important role in the socio-economic development of developing countries, as envisaged in Article III.A.2 of the Statute.

53. The representative of the UNITED STATES OF AMERICA said that his country was strongly committed to the Agency's technical co-operation activities and made substantial financial and in-kind contributions in support of those activities, which it considered to be having a highly beneficial impact on individuals throughout the world. His country also considered nuclear power to be important for sustainable development, and, in his message to the General Conference, President Bush had praised the Agency's "global leadership on issues such as the safe use of nuclear energy".

54. Commending the achievements of Deputy Director General Qian in leading the Department of Technical Co-operation, he expressed the hope that Mr. Qian's successor would build on those achievements. He also expressed the hope that the Technical Co-operation Strategy would continue to play a central role in guiding the Agency's technical co-operation activities.

55. The Agency's technical co-operation activities must reflect the realities faced by all following 11 September 2001. There was now a still greater need for effective safety and security infrastructures and for close co-operation among all relevant Departments in efforts

to counter the threat of nuclear terrorism. In order to obtain radioactive sources or nuclear material through the Agency, States would have to comply with the Basic Safety Standards.

56. His country looked forward to continuing to work closely with other Member States and the Secretariat in endeavouring to ensure that recipient countries derived even greater benefits from the Agency's technical co-operation activities.

57. The representative of TURKEY, expressing support for the draft resolution contained in document GC(46)/COM.5/L.3, said that his delegation would not like to see preambular paragraphs (d) and (f) changed.

58. The representative of FRANCE, expressing support for the draft resolution, said it was indisputable that an increase in the relative role of nuclear power would help to reduce greenhouse gas emissions.

59. The representative of CANADA, expressing her delegation's support for the draft resolution, said that countries differed in their perceptions of the benefits of nuclear energy. One thing was certain: nuclear applications were omnipresent in modern life, just one example being the sterilization of medical supplies through irradiation.

60. The representative of EGYPT, supported by the representative of BURKINA FASO, said that the idea of using atomic energy for peaceful purposes was enshrined in the Statute and that his delegation therefore hoped that the draft resolution contained in document GC(46)/COM.5/L.3 would be recommended by consensus to the General Conference for adoption.

61. The representative of the REPUBLIC OF KOREA said that nuclear power was essential to his country's sustainable development strategy and that without nuclear power his country would be emitting greenhouse gases on a substantially greater scale.

62. His delegation understood the reservations expressed by some other delegations, but it did not see why anyone should have a problem with - for example - a request that the Director General help interested Member States to obtain relevant information on the role of nuclear power in mitigating greenhouse gas emissions.

63. The representative of GREECE, having commended the efforts of the Department of Technical Co-operation and its Deputy Director General, said that, although nuclear power was not a high priority for Greece, his delegation found nothing problematic in preambular paragraph (f) of the draft resolution.

64. The representative of AUSTRALIA, referring to preambular paragraph (j) of the draft resolution, said that her delegation would like to see in that paragraph a mention of the "rate of attainment" mechanism.

65. The representative of the SYRIAN ARAB REPUBLIC, having expressed her delegation's hope that the draft resolution would be recommended by consensus to the General Conference for adoption, commended the Department of Technical Co-operation on the efforts being made by it on behalf of developing countries.

66. The representative of the NETHERLANDS said that the phrase “an appropriate balance between the promotional activities and the other statutory activities of the Agency” in preambular paragraph (k) of the draft resolution was unhelpful; it had a polarizing effect and it ran counter to the “one-house” approach within the Secretariat.

67. The representative of the ISLAMIC REPUBLIC OF IRAN, supported by the representative of INDONESIA, said that objections had been raised to preambular paragraphs of the draft resolution which were, in his delegation’s view, simply statements of fact and that his delegation believed that the draft resolution as it stood deserved to be recommended by consensus to the General Conference for adoption.

68. The representative of JAPAN, referring to operative paragraph 6 of the draft resolution, noted that it differed from operative paragraph 5 of resolution GC(45)/RES/11 in that - inter alia - the word “research” appeared in it before “and regulatory capabilities of developing countries” and the words “planning and” appeared between “nuclear energy” and “production”. His delegation had misgivings about the addition of those words.

69. The representative of the UNITED STATES OF AMERICA suggested that, in preambular paragraph (n) of the draft resolution, the reference to document GOV/INF/824 be supplemented by a reference to document GOV/INF/2002/8, which contained a report on the 2002 review of the Technical Co-operation Strategy.

70. The representative of MALAYSIA said that the phrase “reminds recipient Member States of their obligation to pay their Assessed Programme Costs” in operative paragraph 3 of resolution GC(45)/RES/11 had been taken by the sponsors of the draft resolution and modified to read - in operative paragraph 4 of the draft resolution - “recalls the obligation of recipient Member States to pay Assessed Programme Costs”. The reason for the modification was that many recipient Member States - including Malaysia - had paid the Assessed Programme Costs due from them.

71. Referring to the comment just made by the representative of Japan, he said that the word “research” appeared in operative paragraph 6 of the draft resolution because many developing Member States with no research capabilities in the field of peaceful applications of atomic energy wished to acquire such capabilities. The words “planning and” appeared in that paragraph because, although in 2001 there had been no Agency technical co-operation projects relating to nuclear energy production, there had been several relating to nuclear energy planning. Also in that paragraph, the word “secure” appeared before “and regulated applications of atomic energy and nuclear techniques” - in the opinion of the sponsors, a reasonable addition following the events of 11 September 2001.

72. The CHAIRMAN - following comments made by the representatives of GREECE, AUSTRIA, FRANCE, the PHILIPPINES, BRAZIL, INDIA and IRELAND - suggested that the Committee examine the draft resolution paragraph by paragraph. He assumed that no one wished to comment on preambular paragraphs (a), (b) and (c) and invited comments on preambular paragraph (d).

73. The representative of IRELAND, supported by the representative of NEW ZEALAND, suggested the insertion after “Considering” of a phrase on the lines of “the view held by some countries”.
74. The representative of GERMANY expressed support for the suggestion made by the representative of Ireland. If the insertion of such a phrase was not acceptable to the Committee’s members generally, perhaps recourse could be had to elements of the Johannesburg Action Plan.
75. The representative of YEMEN felt that the phrase to be inserted should read “the view held by many countries”.
76. The representative of SWITZERLAND urged the Committee to bear in mind that “the peaceful uses of nuclear energy” went beyond electricity generation.
77. The representative of AFGHANISTAN suggested amending preambular paragraph (d) to read “ nuclear energy will substantially contribute to the well-being and help enrich the quality of life of the developing Member States of the Agency”.
78. The representative of the ISLAMIC REPUBLIC OF IRAN, supported by the representatives of INDIA and BRAZIL, said that his delegation would like preambular paragraph (d) either to remain unchanged or to be replaced by preambular paragraph (d) of resolution GC(45)/RES/11.
79. The representative of MALAYSIA welcomed the comment made by the representative of Switzerland.
80. The representative of GERMANY suggested that the phrase “the peaceful uses of nuclear energy” be amended to read “the peaceful uses of a variety of nuclear applications”.
81. The representative of the DEPARTMENT OF TECHNICAL CO-OPERATION pointed out that the Statute spoke of “atomic energy” - not “nuclear energy”.
82. The Department of Technical Co-operation understood “the peaceful uses of nuclear energy” to mean much more than nuclear power generation. In fact, nuclear power generation was the focus of only about 4% of the Agency’s technical co-operation projects.
83. The representative of the NETHERLANDS suggested that “nuclear energy” be replaced by “nuclear applications” or “nuclear technology”.
84. The representative of INDIA, recalling that Article III.A.2 of the Statute referred to the practical application of atomic energy” for peaceful purposes, *including the production of electric power, with due consideration for the needs of the under-developed areas of the world*”, expressed regret at the turn which the Committee’s discussion had taken. His country respected the sovereign right of States not to embark on nuclear power programmes, but the draft resolution had been submitted by the Group of 77 and China and had the support of several other countries. Altogether, the countries which would like to see the draft resolution adopted without change probably accounted for some 90% of the world’s population.

85. Urging the Committee not to shy away from the words “nuclear energy”, he pointed out that nuclear energy accounted for about 17% of the electricity generated worldwide.

The meeting rose at 6.05 p.m.