

General Conference

GC(48)/COM.5/OR.6

Issued: November 2004

General Distribution

Original: English

Forty-Eighth (2004) Regular Session

Committee of the Whole

Record of the Sixth Meeting

Held at the Austria Center Vienna on Thursday, 23 September 2004, at 3.10 p.m.

Chairman: Mr. OTHMAN (Syrian Arab Republic)

Contents

Item of the agenda*		Paragraphs
14	Nuclear security — measures to protect against nuclear terrorism <i>(continued)</i>	1–52
16	Strengthening the Agency's activities related to nuclear science, technology and applications <i>(resumed)</i>	53–54
13	Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management <i>(resumed)</i>	55–138
21	Elections to the Agency's Staff Pension Committee	139–142

The composition of delegations attending the session is given in document GC(48)/INF/16/Rev.1.

[*] GC(48)/25.

Abbreviations used in this record:

CPPNM	Convention on the Physical Protection of Nuclear Material
G-8	Group of Eight
GTRI	Global Threat Reduction Initiative

14. Nuclear security — measures to protect against nuclear terrorism (continued) (GC(48)/COM.5/L.14)

1. The representative of BRAZIL, expressing support for the suggestion made by the representative of Cuba regarding preambular paragraph (j), suggested that, in addition, the words “the findings of” be inserted before “the Partners’ Conference”.
2. Also, he suggested dividing preambular paragraph (i) into two paragraphs, one referring to United Nations Security Council resolution 1540 and the other to the G-8 Action Plan on Non-proliferation.
3. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to preambular paragraph (i), said that his country’s highest priority was the total elimination of weapons of mass destruction.
4. His delegation could not go along with the reference in that paragraph to Security Council resolution 1540, the scope of which was much wider than that of the draft resolution under consideration. Basically, it would like the entire paragraph to be deleted; as a compromise, it could go along with a rewording of the first part and the deletion of the remainder.
5. As regards preambular paragraph (j), his delegation was unfamiliar with the details of the Global Threat Reduction Initiative (GTRI) and the findings of the GTRI Partners’ Conference, and it therefore believed that the paragraph should simply read “Aware of the Global Threat Reduction Initiative (GTRI) and the Partners’ Conference held 18-19 September 2004 in Vienna.”.
6. The representative of FRANCE said that the reference in preambular paragraph (i) to the G-8 Action Plan on Non-proliferation was in the same spirit as the reference to the G-8 Action Plan for securing radioactive sources made in preambular paragraph (k) of resolution GC(47)/RES/8 adopted in 2003.
7. As regards preambular paragraph (j) of the draft resolution, he believed that the sponsors could go along with the replacement of “Welcoming” by “Taking note of”. He suggested that the words “to actively participate in this initiative” be amended to read “to consider participating actively in this initiative” and that the rest of the paragraph — “through agreement ... permit” — be deleted.
8. The representative of PAKISTAN, supported by the representative of SRI LANKA, suggested the wording “to consider, on a voluntary basis, participating actively in this initiative”.
9. The CHAIRMAN said that in his view the words “are encouraged to” already implied that participation would be voluntary.
10. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation continued to believe that the formulation for preambular paragraph (j) should be the one which he had read out a few minutes earlier.
11. The representative of SRI LANKA said that in his view that formulation would add nothing to the draft resolution and therefore might as well not be included in it.

12. The representative of FRANCE said that in his view the sponsors of the draft resolution could accept the addition of wording that indicated the voluntary nature of participation in the GTRI.

13. The CHAIRMAN, having reiterated his view regarding the words “are encouraged to”, proposed for preambular paragraph (j) the wording “Aware of the Global Threat Reduction Initiative (GTRI) and the Partners’ Conference held 18–19 September 2004 in Vienna and that all States were encouraged to participate in this initiative”.

14. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation could not go along with the Chairman’s proposal. Without having perused the findings of the GTRI Partners’ Conference, it did not know what States were being encouraged to participate in.

15. The representative of FRANCE, supported by the representative of CANADA, said he trusted that all delegations participating in the discussion were endeavouring to find appropriate language rather than objecting to the idea of reducing the global threat of terrorism.

16. The representative of the UNITED STATES OF AMERICA, endorsing the comments made by the representatives of France and Canada, said that he failed to understand why the reference to Security Council resolution 1540 in preambular paragraph (i) should pose a problem.

17. The representative of the ISLAMIC REPUBLIC OF IRAN said that Security Council resolution 1540 was referred to only in the context of combating the proliferation of weapons of mass destruction and preventing terrorists from gaining access to such weapons and to related material, with no mention of the need to eliminate all weapons of mass destruction.

18. The representative of NEW ZEALAND said that her delegation would like preambular paragraph (i) to remain as it stood. With regard to preambular paragraph (j), she suggested the deletion of the word “all” before “States” as a step in making it clear that only those States which had participated in the GTRI Partners’ Conference had been encouraged to participate actively in the GTRI.

19. The representative of the UNITED KINGDOM said that his delegation too would like preambular paragraph (i) to remain as it stood.

20. The representative of AUSTRALIA, having endorsed the statement made by the representative of the United Kingdom, expressed support for the suggestion made by the representative of New Zealand regarding preambular paragraph (j).

21. The representative of the RUSSIAN FEDERATION said that in his delegation’s view the references in preambular paragraph (i) to Security Council resolution 1540 and the G-8 Action Plan on Non-proliferation were perfectly appropriate.

22. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to preambular paragraph (k), suggested that “further noting in the field of international actions the European Union Strategy ...” be replaced by “aware, in the field of international actions, of the European Union Strategy ...”, since his country was unfamiliar with the details of that strategy.

23. The representative of FRANCE said that the purpose of preambular paragraphs (i), (j) and (k) was to draw attention to various actions — not to seek endorsement of them.

24. The representative of MEXICO suggested the deletion, in preambular paragraph (l), of the phrase “based on the results of the work of the open-ended group of legal and technical experts achieved in March 2003”, since the proposed amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) referred to in that paragraph was not necessarily based on the results of the work of that group.

25. The representative of PAKISTAN, referring to preambular paragraph (k), said that “international action to secure and control nuclear and other radioactive materials” could be very intrusive and should be carried out in a given State only at the request of that State. He suggested that the paragraph begin at “looking forward to continued action” and that the phrase “in the field of international actions” be replaced by “in this context”.
26. As regards preambular paragraph (l), he suggested the deletion of “and noting that, based on the results of the work of the open-ended group of legal and technical experts achieved in March 2003, a group of States has proposed an amendment to the Convention”.
27. The representative of FRANCE said that the purpose of the wording in preambular paragraph (l) which the representative of Pakistan would like to see deleted was to sound an encouraging note by indicating that a consensus on how to amend the CPPNM was drawing closer.
28. Referring to preambular paragraph (k), he said that the words “international actions” did not refer to operational measures.
29. The representative of the UNITED KINGDOM said that the reference in preambular paragraph (l) to the amendment to the CPPNM proposed on the basis of the results of the work of the group of experts mentioned there was simply a statement of fact.
30. The representative of FRANCE, endorsing the comment made by the representative of the United Kingdom, said that the purpose of the amendment referred to in preambular paragraph (l) was simply to facilitate the convening of a diplomatic conference for amending the CPPNM.
31. The representative of MEXICO said that her delegation’s problem with that paragraph was due to the phrase “, based on the results of the work of the open-ended group of legal and technical experts achieved in March 2003,”. Her delegation would go along with the retention of that phrase if a phrase along the lines of “on which no consensus has yet been reached” were added at the end of the paragraph.
32. The representative of SOUTH AFRICA, referring to preambular paragraph (g), said that the real threat to the international community was posed by materials that were not subject to Agency safeguards. He suggested the insertion in that paragraph of the phrase “that are not subject to Agency safeguards” after the word “materials”.
33. Referring to preambular paragraph (i), he suggested that “terrorists” be replaced by “non-State actors” in order to more accurately reflect Security Council resolution 1540.
34. Referring to preambular paragraph (n), he suggested the insertion of “central” before “contribution” in the phrase “the contribution of Agency safeguards agreements and additional protocols”.
35. The representative of MEXICO, referring to operative paragraph 12, requested information about the financial implications of the Secretariat’s preparing “an annual report highlighting ... of the prior year and establishing it ... for the year to come”.
36. The HEAD OF THE OFFICE OF NUCLEAR SECURITY said that in the nuclear security area the Secretariat was already reporting on an annual basis.
37. Implementation of the Plan of Activities to combat nuclear terrorism was being financed primarily from voluntary contributions to the Nuclear Security Fund, which accounted for about 85 per cent of the resources available, and the Secretariat believed that Member States would wish to be informed on an annual basis about how those resources were being used.

38. The financial resources spent on reporting accounted for only a small part of the 15 per cent of total resources that were made available from the Regular Budget.
39. Continued reporting in the form of an annual report would be helpful to the Secretariat in its planning efforts.
40. The representative of the RUSSIAN FEDERATION expressed support for the comments made by the representative of Mexico regarding preambular paragraph (l).
41. The representative of PAKISTAN, referring to operative paragraph 5, suggested that the phrase “proposed by a number of parties to the Convention” be deleted. In his view, that phrase amounted to pressure on States parties to the CPPNM to opt for a particular amendment.
42. The representative of CHILE suggested that in operative paragraph 5 the words “by a number of parties to the Convention” be replaced by the words “by a Group of States” in order that the paragraph correspond more closely to preambular paragraph (l).
43. The representative of CHINA suggested that “the amendment” in operative paragraph 5 be replaced by “amendments”.
44. The representative of PERU suggested that preambular paragraph (k) be amended to read “... international action to support the efforts of States to secure and control ...”.
45. With regard to preambular paragraph (l), she suggested the insertion of “partially” before “based on the results of ...”.
46. She agreed with the suggestion made by the representative of Pakistan that in operative paragraph 5 the phrase “proposed by a number of parties to the Convention” be deleted.
47. Referring to operative paragraph 8, she said it gave the impression that experts from all Member States could participate in the work of the Advisory Group on Security, which was not the case. Her delegation would like to know more about the conclusions reached in the Advisory Group.
48. The representative of BRAZIL, referring to preambular paragraph (k), said that his delegation was not “looking forward to” the forthcoming International Conference on Nuclear Security as it was not familiar with the terms of reference of that conference. He suggested that “noting” be substituted for “looking forward to”. Likewise, he suggested that in operative paragraph 10 “Welcomes” be replaced by “Notes”.
49. Referring to operative paragraph 1, he said that he would prefer wording closer to that of operative paragraph 2 of resolution GC(47)/RES/8.
50. The HEAD OF THE OFFICE OF NUCLEAR SECURITY, replying to a question from the representative of PERU, said that the International Conference on Nuclear Security referred to in preambular paragraph (k) and operative paragraph 10 would be held under the aegis of the Agency.
51. The CHAIRMAN proposed that further consideration of the draft resolution be postponed in order to allow informal discussions to take place.
52. It was so agreed.

16. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed) (GC(48)/COM.5/L.13)

53. The CHAIRMAN took it that the Committee wished to recommend to the General Conference the adoption of the draft resolution on "Agency Activities in the Development of Innovative Nuclear Technology" contained in document GC/(48)/COM.5/L.13 with preambular paragraph (c) ending at "... in the 21st century", with the insertion between preambular paragraphs (c) and (d) of a paragraph reading "Taking note of the conference "Nuclear Energy and Science for the 21st Century: Atoms for Peace + 50" held in Washington D.C. on 22 October 2003, and of the International Conference on Fifty Years of Nuclear Power — the Next Fifty Years held in Moscow and Obninsk, Russian Federation, from 27 June to 2 July 2004," with preambular paragraph (e) reading "Recognizing the unique role which ... and fuel cycle systems", with operative paragraph 2 reading "Emphasizes the important role that the Agency can play in assisting Member States in the application of the INPRO methodology ..." and with operative paragraph 5 reading "... the importance of taking advantage of synergies between international activities ...".

54. It was so agreed.

13. Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management (resumed) (GC(48)/COM.5/L.12)

55. The representative of YEMEN, introducing the draft resolution contained in document GC(48)/COM.5/L.12 and entitled "The safety and security of radioactive sources", said that it was based on resolutions GC(47)/RES/7 and GC(47)/RES/8 adopted in 2003. The sponsors had considered the issue of the safety and security of radioactive sources to be so important that it deserved to be dealt with in a draft resolution of its own.

56. The representative of AUSTRALIA, the other sponsor of the draft resolution, said that the Guidance on the Import and Export of Radioactive Sources approved by the Board of Governors the previous week would help Member States to implement the Code of Conduct on the Safety and Security of Radioactive Sources.

57. Referring to operative paragraph 9 of the draft resolution, he said that the wording should be amended to read: "... its September 2004 meetings underlined the importance that exporting States ... carry out ...".

58. The representative of the ISLAMIC REPUBLIC OF IRAN said that his country had nothing to do with the G-8's Action Plan on Non-proliferation of Weapons of Mass Destruction: Securing Radioactive Sources, the G-8's Sea Island Summit or the GTRI Partners' Conference, so his delegation had difficulties with preambular paragraph (g) and operative paragraphs 11, 12 and 13.

59. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY recalled that the previous year, in preambular paragraph (l) of resolution GC(47)/RES/7.B, the General Conference had noted with appreciation “the support of the G-8 in recognizing the importance of securing radioactive sources and of the Code of Conduct on the Safety and Security of Radioactive Sources”.

60. The representative of INDIA said that his country had notified the Director General of its support for the Agency’s efforts to enhance the safety and security of radioactive sources, as advocated in resolution GC(47)/RES/7.B.

61. Referring to operative paragraph 9 of the draft resolution under consideration, he suggested that the part reading “, in particular paragraphs 8(c) ... paragraph 21 of the Guidance” be deleted.

62. Referring to operative paragraph 10, he questioned whether an Information Circular was the appropriate place in which to publish “the letters to the Director General from States expressing their intention to act in accordance with the Guidance”.

63. The representative of MALAYSIA suggested that, in operative paragraphs 11 and 12, “Welcomes with appreciation” and “Also welcomes with appreciation” be replaced by “Notes with appreciation” and “Also notes with appreciation”.

64. The representative of the UNITED STATES OF AMERICA said that in his delegation’s view operative paragraphs 11 and 12 were important because they highlighted the broad political support for the Code of Conduct on the Safety and Security of Radioactive Sources.

65. The representative of CUBA, having said that his delegation attached great importance to operative paragraph 9, called for the use of “Notes” in operative paragraphs 11, 12 and 13.

66. The representative of MEXICO said that his country attached great importance to the Code of Conduct on the Safety and Security of Radioactive Sources and to the Guidance on the Export and Import of Radioactive Sources. However, his delegation had problems with paragraphs 8 (c) and 11 (c) of the Guidance and would therefore like to see “Notes” in operative paragraph 9 replaced by “Stresses”.

67. He suggested that operative paragraphs 11 and 12 be moved into the preambular part of the draft resolution.

68. The representative of ARGENTINA suggested that preambular paragraph (f) be split into two, one reading “Aware of the linkage between the safety and security of such sources” and the other reading “Mindful that every Member State should take the appropriate measures necessary to ensure that the radioactive sources, covered by the Code of Conduct on the Safety and Security of Radioactive Sources, within its territory or under its jurisdiction or control are safely managed and securely protected during their useful lives and at the end of their useful lives, and recognizing the importance of fostering a safety and security culture in all organizations and among individuals engaged in the regulatory control or the management of radioactive sources”.

69. The representative of PERU said that in her view operative paragraph 13 should also be moved to the preambular part of the draft resolution.

70. As regards operative paragraph 11, her delegation had problems with the idea of recognizing the Code of Conduct — not a legally binding instrument — “as a global standard”. For that reason it would like to see “urges” replaced by “encourages” in operative paragraph 7.

71. The representative of AUSTRALIA said that he had no objection to the suggestion made by the representative of Argentina for dividing preambular paragraph (f) into two.

72. He did not think it would be appropriate to replace “Notes” by “Stresses” in operative paragraph 9.

73. With regard to operative paragraphs 11, 12 and 13, he had no objection to replacing “Welcomes” by “Notes” but would not like any other changes to be made in operative paragraph 11.

74. The representative of CANADA expressed support for the comments made by the representative of Australia.

75. The representative of YEMEN, supported by the representative of the UNITED STATES OF AMERICA, said that he would prefer operative paragraphs 11, 12, and 13 to be kept in the operative part of the draft resolution.

76. The representative of PERU suggested that in operative paragraph 9 “Notes” be replaced by “Highlights”.

77. The representative of ALGERIA requested a break for consultations.

The meeting was suspended at 5.40 p.m. and resumed at 6.20 p.m.

78. The representative of ALGERIA, speaking on behalf of the Group of 77 and China with the exception of Yemen, which was sponsoring the draft resolution, suggested changing “involves” in preambular paragraph (b) to “can involve”, changing “Recalling” to “Noting” in preambular paragraph (g), replacing “urges” by “encourages” in operative paragraph 7, and replacing “Notes” by “Highlights” in operative paragraph 9.

79. With regard to operative paragraphs 11 and 12, she called for the replacement of “Welcomes” by “Notes” in each case and for the replacement of “urged” by “encouraged” in paragraph 11.

80. She suggested that operative paragraph 13 be deleted in order to avoid duplication with the draft resolution contained in document GC(48)/COM.5/L.14.

81. The representative of AUSTRALIA agreed with the representative of Algeria’s suggestions regarding preambular paragraphs (b) and (g) and operative paragraphs 7 and 9, but said that he could not agree with the suggested change from “urged” to “encouraged” in paragraph 11; “urged” accurately reflected the statement of the 2004 Sea Island G-8 Summit.

82. He had no objection to changing “Welcomes” to “Notes” in operative paragraphs 11 and 12, and he suggested that for operative paragraph 13 the Committee accept whatever wording was agreed upon for the corresponding paragraph of the draft resolution contained in document GC(48)/COM.5/L.14.

83. He called for operative paragraphs 11, 12 and 13 to be kept in the operative part of the draft resolution under consideration.

84. The representative of ALGERIA, speaking on behalf of the Group of 77 and China, having thanked the representative of Australia for responding positively to some of the Group’s concerns, said that the Group felt strongly that operative paragraphs 11, 12 and 13 should be moved to the preamble, and indeed would prefer operative paragraph 13 to be deleted.

85. The representative of AUSTRALIA reiterated his view that operative paragraphs 11 and 12 should remain in the operative part of the draft resolution and suggested that, in the case of operative paragraph 13, the wording agreed upon for the corresponding paragraph of the draft resolution contained in document GC(48)/COM.5/L.14 appear in the preamble.

86. The representative of YEMEN expressed support for the comments made by the representative of Australia.

87. The representative of ALGERIA suggested that operative paragraph 12 be reduced to “Welcomes with appreciation the international support for the Agency’s Model Project to Upgrade National Protection Infrastructure and the action to expand and accelerate Model Project efforts” and that the rest of the paragraph, together with operative paragraph 11, be moved to the preamble.

88. The representative of PERU, expressing support for the representative of Algeria’s suggestion regarding operative paragraph 12, said that the announcement by the United States of America and the European Union that they would “work towards putting adequate export and import controls in place by the end of 2005” was very reminiscent of the intention — referred to in operative paragraph 8 — of more than 30 countries “to work towards effective import and export controls by 31 December 2005”.

89. The representative of the UNITED STATES OF AMERICA, referring to operative paragraphs 11 and 12, said that he was opposed to any suggestions which would result in ‘watering down’ statements made by a substantial number of leaders.

90. The representative of EGYPT said that, if operative paragraph 13 was retained, the phrase “in supporting national efforts” should be inserted after “greater international cooperation”.

91. The representative of PAKISTAN supported the comment made by the representative of EGYPT.

92. The representative of AUSTRALIA said that he could go along with operative paragraph 13 being moved to the preamble and — if use was not made of the wording agreed upon for the corresponding paragraph of the draft resolution contained in document GC(48)/COM.5/L.14 — with the addition of “in supporting national efforts”.

93. Referring to the suggestion made by the representative of Algeria regarding operative paragraph 12, he said that in his view it would be wrong to deal in separate paragraphs with the support expressed at the USA-EU 2004 Shannon Summit for the Model Project to Upgrade National Radiation protection Infrastructure and the support expressed there for the Code of Conduct on the Safety and Security of Radioactive Sources.

94. The representative of ALGERIA said that, in the view of the Group of 77 and China, the whole of operative paragraph 12 belonged in the preamble. The suggestion made by her regarding that paragraph had been made in a spirit of compromise.

95. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY, referring to operative paragraphs 11 and 12, said that they summarized parts of the statements of the two summits in question. Perhaps one could simply quote those parts of the statements in full.

96. The representative of ALGERIA said that her delegation would like to see the two texts before expressing an opinion about that idea.

97. The representative of the UNITED STATES OF AMERICA said that he could go along with the idea, although operative paragraphs 11 and 12 were very good summaries. The main thing, in his view, was that the two paragraphs should remain in the operative part of the draft resolution.

98. The representative of ALGERIA, supported by the representatives of PERU, EGYPT, BRAZIL and CUBA, said that the problem with operative paragraphs 11, 12 and 13 was that they reduced the role of the General Conference to referring to things that had happened in other forums rather than stating its own position. Moving the three paragraphs to the preamble would be an elegant solution.

99. The representative of AUSTRALIA, recalling that preambular paragraph (l) of resolution GC(47)/RES/7.B read “Noting and appreciating the support of the G-8 in recognizing the importance

of securing radioactive sources and of the Code of Conduct on the Safety and Security of Radioactive Sources”, said that, if similar wording was agreed upon for operative paragraphs 11 and 12, his delegation would go along with those paragraphs being moved to the preamble.

100. The representative of ALGERIA requested a break so that the members of the Group of 77 and China might hold informal consultations.

The meeting was suspended at 7.05 p.m. and resumed at 7.35 p.m.

101. The representative of ALGERIA, speaking on behalf of the Group of 77 and China, suggested that operative paragraphs 11, 12 and 13 be moved to the preamble and that operative paragraph 11 be amended to read “Noting and appreciating the support of the G-8 and others in recognizing the importance of securing radioactive sources and of the Code of Conduct on the Safety and Security of Radioactive Sources”, the point of the words “and others” being that there were many Agency Member States besides the G-8 which recognized “the importance of securing radioactive sources and of the Code of Conduct on the Safety and Security of Radioactive Sources”; that operative paragraph 12 be amended to read “Noting also the statement of ...”; and that operative paragraph 13 be amended to read “Taking note of the Global Threat Initiative Partners’ Conference, which ... the need for greater international cooperation in supporting national efforts, at the request of Member States, to identify ...”.

102. The representative of AUSTRALIA said that his delegation had been very flexible, accepting several changes suggested by the Group of 77 and China. He regretted the fact that now several further changes were being suggested.

103. In the interest of arriving at an agreement, his delegation could accept the moving of operative paragraphs 11, 12 and 13 to the preamble and the changes to operative paragraphs 12 and 13 which had been suggested, but not the suggested changes to operative paragraph 11. In his view, that showed considerable additional flexibility on his delegation’s part.

104. The representative of ALGERIA said that she had no intention of launching into an enumeration of all the examples of flexibility that her delegation had shown.

105. The representative of the UNITED STATES OF AMERICA, having recalled the idea of using, for operative paragraph 13, the wording ultimately agreed upon for the corresponding paragraph of the draft resolution contained in document GC(47)/COM.5/L.14, said, with regard to operative paragraphs 11 and 12, that he would prefer references to the two summit statements to be deleted rather than severely diluted. In either case, however, the message to G-8 and European Union governments would be that the General Conference did not welcome their support for the efforts being made within the Agency framework to help increase the safety and security of radioactive sources.

106. The representative of the ISLAMIC REPUBLIC OF IRAN said that many groups of countries had held meetings at which support for those efforts had been expressed. Why single out for special mention the summit meetings referred to in operative paragraphs 11 and 12?

107. Needless to say, greater contributions from the G-8 and the European Union in support of Agency technical cooperation and other Agency activities would be welcome, but that did not justify references to the statements of their summit meetings in General Conference resolutions.

108. The representative of MALAYSIA, associating himself with the comments made by the representative of the Islamic Republic of Iran, said that the foreign ministers of the member countries of the Non-Aligned Movement (NAM) had also held a meeting at which they had discussed measures to prevent terrorists from acquiring weapons of mass destruction, but NAM would not expect the resulting statement to be referred to in the draft resolution under consideration.

109. The representative of ALGERIA said that the Group of 77 and China, which attached great importance to the efforts being made within the Agency framework to help increase the safety and security of radioactive sources, did not wish to severely dilute the references to the two summit statements.

110. The representative of AUSTRALIA, supported by the representative of the UNITED STATES OF AMERICA, said that in the statement of the 2004 Sea Island G-8 Summit all States had been urged — not encouraged — to implement the Code of Conduct on the Safety and Security of Radioactive Sources and to recognize it as a global standard. Replacing “urged” by “encouraged” in operative paragraph 11 would certainly be severely diluting the reference to that statement.

111. The CHAIRMAN recalled the idea — put forward by the Director of the Division of Radiation, Transport and Waste Safety — of simply quoting, in operative paragraphs 11 and 12, the relevant parts of the two summit statements referred to in those paragraphs.

112. The representative of the UNITED STATES OF AMERICA said that he could go along with that idea.

113. The representative of AUSTRALIA, supported by the representative of CANADA, said that he could reluctantly go along with the deletion of “urged all States...global standard,” in operative paragraph 11.

114. The representative of the ISLAMIC REPUBLIC OF IRAN said that operative paragraph 11 would still highlight the issue of export and import controls, which had been causing problems for many years. He did not wish the reference to the Code of Conduct on the Safety and Security of Radioactive Sources to be removed, since the Code of Conduct had been developed within the Agency framework.

115. The representative of ALGERIA suggested that in operative paragraph 11, without “urged all States ... global standard,” the words “the Agency’s” be inserted before “export and import control guidance”.

116. The representative of the REPUBLIC OF KOREA, referring to operative paragraph 10, said that in his delegation’s view it should be brought into line with what the Board had decided the previous week regarding the Guidance on the Import and Export of Radioactive Sources — the Board had requested the Director General to issue it as guidance supplementary to the Code of Conduct.

117. The representative of the UNITED STATES OF AMERICA, referring to paragraph 12 of Annex 2 to document GC(48)/13, said that the preference expressed at the 19–20 July 2004 meeting of experts at which a consensus had been reached on the Guidance on the Import and Export of Radioactive Sources had been for publication as a Information Circular. In his view, however, it could be left to the Director General to decide how the Guidance should be issued. Perhaps it could also be left to him to decide how the letters from States expressing their intention to act in accordance with the Guidance should be published.

118. The representative of INDIA said that in her delegation’s view the words “and the letters...act in accordance with the Guidance” in operative paragraph 10 should be deleted.

119. The representative of MALAYSIA, having expressed support for the comment made by the representative of India, suggested that the words “the Agency’s” be inserted also before “export and import control guidance” in operative paragraph 12.

120. The representative of CANADA, referring to the suggested insertion of “the Agency’s” in operative paragraphs 11 and 12, pointed out that the 2004 Sea Island G-8 Summit and the

USA-EU 2004 Shannon Summit had taken place before the Board of Governors had approved the Guidance on the Import and Export of Radioactive Sources and said that one could therefore not speak of the Agency's export and import control guidance being endorsed at the two summits.

121. The representative of the ISLAMIC REPUBLIC OF IRAN expressed support for the suggested deletion of "and the letters...act in accordance with the Guidance" in operative paragraph 10.

122. The representative of the UNITED STATES OF AMERICA, supported by the representative of CANADA, said that it would be important for States intending to act in accordance with the Guidance to know which other States intended to do so. He would therefore like the words "and the letters...act in accordance with the Guidance" to be retained in operative paragraph 10.

123. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY recalled that in operative paragraph 4 of resolution GC(47)/RES/7.B the General Conference had urged each State "to write to the Director General that it is ...working toward following the guidance contained in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources". As reported in paragraph 4 of Annex 5 to document GC(48)/INF/7, by 13 August 61 States had made a political commitment to supporting the Code of Conduct. If the Guidance was to be issued "as guidance supplementary to the Code of Conduct", perhaps there was no need for the words "and the letters... act in accordance with the Guidance" in operative paragraph 10.

124. The representative of the UNITED STATES OF AMERICA, supported by the representative of CANADA, said that, although the Guidance would be supplementary to the Code of Conduct, there was a practical need for those countries which intended to act in accordance with it to say when they would start so acting.

125. The representatives of INDIA and PAKISTAN expressed appreciation of the statement just made by the Director of the Division of Radiation, Transport and Waste Safety.

126. The representative of ALGERIA, calling for the deletion of "and the letters ... act in accordance with the Guidance", said that such letters could be published for information purposes, but only if the countries sending them agreed to their being published.

127. The REPRESENTATIVE OF THE OFFICE OF LEGAL AFFAIRS said that the Secretariat frequently circulated, in Information Circulars, statements of policy which Member States transmitted to it with a request that they be circulated for information purposes. The letters envisaged in operative paragraph 10 could be published in an Information Circular, placed on an Agency website or published in some other way.

128. The representative of PAKISTAN, noting that the Guidance did not contain a provision regarding expressions of intention to act in accordance with it, said that, although the General Conference, in resolution GC(47)/RES/7.B, had urged States to inform the Director General that they were working towards following the Guidance contained in the Code of Conduct and had requested the Director General to compile, maintain and publish a list of the States which so informed him, it had also recognized that the envisaged procedure was an exceptional one and did not constitute a precedent applicable to other Agency codes of practice. That being so, he had difficulties with the phrase "and to notify the Director General of their intention to do so" in operative paragraph 8 of the draft resolution under consideration and with the phrase "and the letters ... act in accordance with the Guidance" in operative paragraph 10.

129. The representative of the ISLAMIC REPUBLIC OF IRAN expressed support for the statement made by the representative of Pakistan.

130. The representative of CANADA, referring to the statement made by the representative of Pakistan, said that, although the General Conference had in operative paragraph 6 of resolution GC(47)/RES/7.B recognized that the procedure established in operative paragraphs 4 and 5 did not constitute a precedent applicable to other Agency codes of practice, he did not consider the Guidance on the Import and Export of Radioactive Sources — which the Board wished the Director General to issue “as guidance supplementary to” the Code of Conduct on the Safety and Security of Radioactive Sources — to be a further Agency code of conduct.

131. The representative of AUSTRALIA, referring to operative paragraph 11, said that in his view there was agreement that it should be moved to the preamble and should read “Noting the statement of the 2004 Sea Island G-8 Summit which endorsed export and import control guidance for high-risk radioactive sources and sought to ensure that effective controls are operational by the end of 2005 and applied in a harmonized and consistent manner”.

132. The representatives of the ISLAMIC REPUBLIC OF IRAN and ALGERIA said that it was important that “the Agency’s” be inserted before the words “export and import control guidance”.

133. The representative of the UNITED STATES OF AMERICA said that, as already pointed out by the representative of Canada, the 2004 Sea Island G-8 Summit and the USA-EU 2004 Shannon Summit had taken place before the Board of Governors had approved the Guidance on the Import and Export of Radioactive Sources.

134. The representative of PERU suggested, as an alternative to the addition of “the Agency’s”, the insertion of a footnote reference after “export and import control guidance for high-risk radioactive sources” and the addition of a footnote reading “Approved by the Board of Governors on 14 September 2004 as Guidance on the Import and Export of Radioactive Sources”.

135. If that suggestion was acceptable, the same should be done in operative paragraph 12, where there was also a reference to “export and import control guidance for high-risk radioactive sources”.

136. The CHAIRMAN took it that that was acceptable to the Committee.

137. The CHAIRMAN proposed that the Committee postpone further consideration of the draft resolution contained in document GC(48)/COM.5/L.12.

138. It was so agreed.

21. Elections to the Agency’s Staff Pension Committee

139. The CHAIRMAN recalled that the General Conference was represented on the Committee by two members and two alternates. At present, the members were Mr. Raja Adnan of Malaysia and Mr. Thema of South Africa and the alternates were Mr. Kirwan of Ireland and Mr. Peláez of Argentina.

140. As Mr. Kirwan would no longer be available to serve on the Committee, he had been asked, following consultations, to propose that Ms. Roberts of the United Kingdom be elected as an alternate member, thus filling the vacancy.

141. He took it that the Committee wished to recommend to the General Conference that Ms. Roberts be elected as an alternate member to represent it on the Agency's Staff Pension Committee.

142. It was so agreed.

The meeting rose at 9.35 p.m.