

# General Conference

**GC(49)/OR.9**

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## Forty-Ninth (2005) Regular Session

# Plenary

## Record of the Ninth Meeting

*Held at the Austria Center Vienna on Friday, 30 September 2005, at 12.25 p.m.*

**President:** Mr. BAZOBERRY (Bolivia)

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The composition of delegations attending the session is given in document GC(49)/INF/10/Rev.1.

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<sup>1</sup> GC(49)/20.

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### Abbreviations used in this record:

NPT                      Treaty on the Non-Proliferation of Nuclear Weapons

## **26. Examination of delegates' credentials (resumed)** (GC(49)/24 and 27)

1. Mr. KODAH (Jordan) said his delegation had studied the report of the General Committee (GC(49)/27) adopted the previous day and wished to reiterate that Jordan's agreement concerning the Israeli papers did not include any of the territories occupied since 1967, especially Jerusalem and the Golan Heights. For Jordan the country of Israel meant that with borders as of 4 June 1967 and those borders which had been specified in the peace treaties with Jordan and Egypt.

### **– Oral Report by the Chairman of the Committee of the Whole**

2. Mr. STRATFORD (United States of America), Chairman of the Committee of the Whole, presented the outcome of the Committee's deliberations on agenda items 10, 11, 12, 14, 15, 16, 17, 18, 19, 23, 24 and 25.

3. Under item 10, "The Agency's accounts for 2004", the Committee recommended that the Conference adopt the draft resolution on page I of document GC(49)/7.

4. Under item 11, "The Agency's budget for 2005 — supplementary appropriation", the Committee recommended that the Conference approve the supplementary appropriation to the Regular Budget for 2005 as set out in document GC(49)/8, and accordingly that it adopt the draft resolution in the Annex to that document.

5. Under item 12, "The Agency's programme and budget for 2006–2007", the Committee recommended that the Conference approve a total Regular Budget figure for 2006 of €273 619 000 on the basis of an exchange rate of €1.00 to \$1.00 and adopt draft resolution A in the Annex to document GC(49)/2; that it approve a target for voluntary contributions to the Technical Cooperation Fund for 2006 of \$77 500 000 and adopt draft resolution B in the Annex to document GC(49)/2; and that it approve maintenance of the level of the Working Capital Fund in 2006 at its current level of the euro equivalent of \$18 000 000 and adopt draft resolution C in the Annex to document GC(49)/2. With regard to document GC(49)/INF/8 on the amendment to Article XIV.A of the Statute, the Committee recommended that the Conference take the decision set out in document GC(49)/L.2.

6. Under item 14, "Scale of assessment of Members' contributions towards the Regular Budget", the Committee recommended that the Conference adopt the draft resolution on page 3 of document GC(49)/16.

7. Under item 15, "Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management", the Committee recommended that the Conference adopt draft resolutions A and B in document GC(49)/L.4.

8. Under item 16, "Nuclear security — measures to protect against nuclear terrorism", the Committee recommended that the Conference adopt draft resolutions A and B in document GC(49)/L.7.

9. Under item 17, “Strengthening of the Agency’s technical cooperation activities”, the Committee recommended that the Conference adopt the draft resolution in document GC(49)/L.8.

10. Under item 18, “Strengthening the Agency’s activities related to nuclear science, technology and applications”, the Committee recommended that the Conference adopt draft resolutions A, B, C, D, E, F and G in document GC(49)/L.5.

11. Under item 23, “Personnel”, the Committee recommended that the Conference adopt draft resolutions A and B in document GC(49)/L.3.

12. Under item 24, “Amendment to Article VI of the Statute”, the Committee recommended that the Conference take the decision set out in document GC(49)/L.6.

13. Under item 25, “Elections to the Agency’s Staff Pension Committee”, the Committee recommended that the Conference elect Mr. Julio Mollinedo Claros of Bolivia and Mr. Allan Wright of South Africa as alternate members.

14. Under Item 19, “Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol”, the Committee had reached agreement on the draft resolution contained in document GC(49)/COM.5/L.12/Rev.1 with the exception of one operative paragraph.

#### **The Agency’s accounts for 2004** (agenda item 10)

15. As recommended by the Committee of the Whole, the draft resolution on page I of document GC(49)/7 was adopted.

#### **The Agency’s budget for 2005 — supplementary appropriation** (agenda item 11)

16. As recommended by the Committee of the Whole, the draft resolution contained in the Annex to document GC(49)/8 was adopted.

#### **The Agency’s programme and budget for 2006–2007** (agenda item 12)

17. As recommended by the Committee of the Whole, draft resolutions A, B and C contained in the Annex to document GC(49)/2 were adopted.

18. As recommended by the Committee of the Whole, the decision contained in document GC(49)/L.2 was adopted.

#### **Scale of assessment of Members’ contributions towards the Regular Budget** (agenda item 14)

19. As recommended by the Committee of the Whole, the draft resolution on page 3 of document GC(49)/16 was adopted.

#### **Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management** (agenda item 15)

20. Mr. GARCIA (Philippines) asked that his country be included among the co-sponsors of draft resolution B.

21. As recommended by the Committee of the Whole, the two draft resolutions contained in document GC(49)/L.4 were adopted.

**Nuclear security — measures to protect against nuclear terrorism** (agenda item 16)

22. Mr. BAR (Israel) asked that his country be included among the co-sponsors of the draft resolutions.

23. As recommended by the Committee of the Whole, the two draft resolutions contained in document GC(49)/L.7 were adopted.

**Strengthening of the Agency's technical cooperation activities** (agenda item 17)

24. As recommended by the Committee of the Whole, the draft resolution contained in document GC(49)/L.8 was adopted.

**Strengthening the Agency's activities related to nuclear science, technology and applications** (agenda item 18)

25. As recommended by the Committee of the Whole, the seven draft resolutions contained in document GC(49)/L.5 were adopted.

**Personnel** (agenda item 23)

26. As recommended by the Committee of the Whole, the two draft resolutions contained in document GC(49)/L.3 were adopted.

**Amendment to Article VI of the Statute** (agenda item 24)

27. As recommended by the Committee of the Whole, the decision contained in document GC(49)/L.6 was adopted.

28. Mr. CHO Chang-Beom (Republic of Korea) expressed a strong welcome for the decision just adopted. As all delegations were well aware, the entry into force of the amendment to Article VI of the Statute was long overdue. Its early entry into force would be an important contribution to enhancing the effectiveness and efficiency of the Agency. The amendment had been agreed upon a long time ago and should be implemented within a reasonable time frame if the credibility of the Conference and of the Agency itself was not to be compromised. His country wished to encourage all Member States which had not yet done so to ratify the amendment as soon as possible and trusted that the decision just taken would enhance awareness of the issue among Member States.

29. Mr. ELOUMNI (Morocco) regretted the slow rate of acceptance of the amendment, which risked endangering the ideal of democratizing the Agency. His delegation would have preferred to see the decision use stronger language fully reflecting the importance the Agency attached to the amendment, which was intended to increase the representativeness of the Board of Governors and hence enhance its authority. His delegation urged those that had not yet done so to deposit their instruments of acceptance of the amendment in order to permit it to enter into force as soon as possible.

30. Mr. BUTT (Pakistan) said that the ratification process had been moving very slowly and there had been inordinate delay in bringing the amendment into force. It was important to take account of the new realities of the changed global situation and to incorporate the changes that had been proposed, expanding the membership of the Board of Governors in line with the new global requirements. His delegation urged others to give serious consideration to the matter.

### **Elections to the Agency's Staff Pension Committee (agenda item 25)**

31. As recommended by the Committee of the Whole, the Conference elected Mr. Mollinedo of Bolivia and Mr. Wright of South Africa as alternate members of the Agency's Staff Pension Committee.

### **Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (agenda item 19)**

32. Mr. ANDREWS (United Kingdom), speaking on behalf of the European Union and the co-sponsors, invited the Conference to consider the draft resolution contained in document GC(49)/COM.5/L.12/Rev.1.

33. The PRESIDENT said that there had been a request for a separate vote on operative paragraph 3 of the draft resolution, and he put that paragraph to a vote by show of hands.

34. There were 79 votes in favour of operative paragraph 3 and 2 against, with 1 abstention. The paragraph was adopted.

35. Mr. SHARMA (India) said that, as a founder member of the Agency, India had consistently attached great importance to the Agency's safeguards activities and had participated constructively in meetings on strengthening the effectiveness and improving the efficiency of the safeguards system. In the same spirit, India had joined the consensus on the recent Board of Governors decision to create a Committee on Safeguards and Verification.

36. India believed that the value and success of the Agency were attributable to the meticulous way in which it had carried out its tasks in accordance with its mandate without becoming bogged down in extraneous issues. The main purpose of additional protocols and strengthened safeguards was to enable the Agency to detect undeclared and clandestine nuclear activities and facilities in States that had concluded comprehensive safeguards agreements in compliance with their obligations under the NPT.

37. Until 2000, the safeguards resolution had been a consensus resolution. However, in 2001 a new operative paragraph had been added whose language contradicted the spirit of the chapeau that had been worked out in difficult negotiations the previous year. The new paragraph appeared to impose upon non-parties to the NPT the same obligations as applied to parties, and that was unacceptable to India. The operative paragraph had been submitted without change ever since in spite of efforts to work out a compromise formulation.

38. As his country had made clear at previous sessions of the Conference, the signing of a treaty was a Member State's sovereign decision. India's membership of the Agency did not impose upon it any obligation which was not contained in the Statute. Any resolution which ran counter to the Statute in spirit was unacceptable to India, and accordingly his delegation had had no option but to vote against operative paragraph 3 of the draft resolution.

39. Mr. BUTT (Pakistan) said that his country had always worked for the strengthening of the role of the Agency within the framework of its Statute and its legal authority and under international law. Its efforts and actions in enabling the Agency to discharge its responsibilities in an efficient and credible manner were well known. Pakistan's vote against operative paragraph 3 of the draft resolution was consistent with its principled stand on the issue. The language contained in the paragraph did not take into account the differentiated nature of Agency Member States' safeguards undertakings in accordance with international law. Until that anomaly in the resolution was rectified, Pakistan would be obliged to vote against the operative paragraph in question. Pakistan would continue to play its role

in furtherance of the Agency's objectives in a positive and constructive manner within its legal parameters.

40. The PRESIDENT took it that the Conference wished to adopt the draft resolution as a whole.

41. The draft resolution contained in document GC(49)/COM.5/L.12/Rev.1 was adopted.

**The meeting rose at 1.10 p.m.**