
Fifty-seventh regular session

Committee of the Whole

Record of the Second Meeting

Held at Headquarters, Vienna, on Tuesday, 17 September 2013, at 3 p.m.

Chairman: Mr STRATFORD (United States of America)

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¹ GC(57)/24.

Abbreviations used in this record:

ABACC	Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials
INLEX	International Expert Group on Nuclear Liability
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
SIT	sterile insect technique
SQP	small quantities protocol
Tlatelolco Treaty	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

15. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (continued) (GC(57)/COM.5/L.6/Rev.2)

1. The CHAIRMAN said that he had been informed that the representative of Australia had agreed to the deletion of the words “and to initiate action on them” at the end of paragraph 68.
2. He took it that the rest of paragraph 68 was acceptable to the Committee.
3. It was so agreed.
4. The CHAIRMAN asked the Committee whether it accepted paragraph (ee) with the addition, at the end, of the phrase “while taking into account ongoing discussions of INLEX concerning the above-mentioned conventions” — proposed by the representative of the United States of America.
5. It was so agreed.
6. The CHAIRMAN said that paragraph (ff) remained in square brackets as proposed by the representative of Cuba, who wished to consult with her capital.
7. The representative of AUSTRALIA said he believed that the following wording for paragraph (x) would gain consensus: “Recognizing that regional regulatory organizations have been strengthening regional efforts through the exchange of information and experience and technical programmes, and recognizing also the transparent cross peer reviews among the respective members of the Ibero-American Forum of Radiological and Nuclear Regulatory Agencies (FORO), the European Nuclear Safety Regulators Group (ENSREG) and the Western European Nuclear Regulators’ Association (WENRA) of targeted reassessments of their nuclear power plants in the light of the Fukushima Daiichi nuclear accident, and further recognizing that such activities can be of interest to other regulatory organizations,”.
8. The CHAIRMAN took it that the Committee accepted that wording for paragraph (x).
9. It was so agreed.
10. The representative of the RUSSIAN FEDERATION proposed that the words “where such arrangements exist” be added to the end of paragraph 93.
11. The CHAIRMAN proposed, following comments by the representatives of the UNITED STATES OF AMERICA and the RUSSIAN FEDERATION, that the last phrase in paragraph 93 be amended to read “and further encourages all Member States to develop arrangements to permit the return of disused sources to the supplier States;”.
12. The representative of the RUSSIAN FEDERATION proposed the insertion of “, as practicable,” between “arrangements” and “to permit” in the wording just proposed by the Chairman.
13. The CHAIRMAN took it that the Committee accepted paragraph 93 with the amendments proposed by himself and the representative of the Russian Federation.
14. It was so agreed.

15. The representative of the RUSSIAN FEDERATION, referring to paragraph 98, proposed that the last part (... further requests the Secretariat to organize regular meetings between Member States on the lessons learned in this regard;) be amended to read "... further requests the Secretariat to facilitate meetings between Member States as the need arises on the lessons learned in this regard;".

16. The CHAIRMAN took it that the Committee accepted paragraph 98 with the amendment proposed by the representative of the Russian Federation.

17. It was so agreed.

18. The representative of CANADA suggested that the phrase "within available resources" in paragraph 106 be replaced by "subject to available resources".

19. The representative of CUBA said that she understood the phrase "subject to available resources" to mean "subject to the availability of resources" and asked what the distinction was between "within available resources" and "subject to the availability of resources"

20. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE said that "within available resources" was interpreted by the Secretariat to mean that resources could be diverted from one programme to another for purposes of programme implementation, whereas "subject to the availability of resources" was interpreted to mean that the programme in question could be implemented with additional resources that might become available from savings or from extrabudgetary sources.

21. The representative of CUBA sought clarification regarding the phrase "in a prioritized manner". Did it mean prioritization within Major Programme 3 (Nuclear Safety and Security) or could it have implications for Agency activities such as technical cooperation?

22. The representative of AUSTRALIA said that it meant prioritization within Major Programme 3. If the available resources were insufficient for implementing all of the actions called for in the resolution, prioritization would be necessary and lower-priority actions would have to be deferred.

23. The CHAIRMAN proposed, following comments by the representative of SINGAPORE that, if the representative of Canada did not object, paragraph 106 be left unchanged.

24. It was so agreed.

25. The CHAIRMAN said that consensus had been reached on the entire draft resolution with the exception of paragraph (ff).

26. The representative of CUBA said that her country was opposed to the General Conference's taking note of the Joint Statement on liability for nuclear damage issued by France and the United States.

27. The representative of the UNITED STATES OF AMERICA said that, in her delegation's view, the paragraph (ff) issue might be resolved by a formulation on the following lines: "Noting cooperative efforts to work towards a global nuclear liability regime such as the Joint Statement on liability for nuclear damage issued by France and the United States,".

28. The representative of FRANCE expressed support for the suggestion made by the representative of the United States of America.

29. France and the United States of America had issued the Joint Statement with the objective of promoting such cooperative efforts.

30. The representative of CUBA said she was grateful to the representative of the United States of America for her suggestion but would like paragraph (ff) to remain in square brackets for the time being.

31. The CHAIRMAN proposed that further discussion on the draft resolution contained in document GC(57)/COM.5/L.6/Rev.2 be postponed until the representative of Cuba had consulted again with her capital.

18. Strengthening the Agency's activities related to nuclear science, technology and applications

(GC(57)/9, GC(57)/INF/2 and Supplement, GC(57)/INF/11, GC(57)/COM.5/L.3 and GC(57)/COM.5/L.2)

32. The representative of INDIA, introducing the draft resolution contained in document GC(57)/COM.5/L.3, entitled "Use of isotope hydrology for water resources management", drew particular attention to paragraph (d), about the high-level conference Rio+20, and to sub-paragraph 1(d), on providing easier access for Member States to new techniques for the use of noble gas isotopes in the age-dating of groundwater.

33. The representative of the UNITED STATES OF AMERICA, having commended the delegations that had been involved in the preparation of the draft resolution, proposed the addition, in paragraph (l), of the following phrase: "and welcoming the fact that steps are being taken to expand the IWAVE project to other Member States by including its methodology in new regional projects in the upcoming TC project cycle" — a phrase based on paragraph 6 in Annex 3 to document GC(57)/9 (the Director General's report on strengthening the Agency's activities related to nuclear science, technology and applications).

34. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(57)/COM.5/L.3 with the additional phrase proposed by the representative of the United States of America.

35. It was so agreed.

36. The representative of KENYA, introducing the draft resolution contained in document GC(57)/COM.5/L.2, entitled "Support to the African Union's Pan African Tsetse and Trypanosomosis Eradication Campaign (AU-PATTEC)", said that AU-PATTEC was currently being implemented in Ethiopia and a number of countries in West Africa and that the SIT had proved to be very effective.

37. The CHAIRMAN took it that the Committee wished to recommend to the General Conference the adoption of the draft resolution contained in document GC(57)/COM.5/L.2.

38. It was so decided.

The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.

19. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol

(GC(57)/17 and GC(57)/COM.5/L.9)

39. The representative of AUSTRIA, introducing the draft resolution contained in document GC(57)/COM.5/L.9, entitled “Strengthening the Effectiveness and Improving the Efficiency of the Agency’s Safeguards System”, said that it had been suggested that “and other Verification Activities” be added to the title. After consideration, she and the other members of the drafting group had decided that the phrase “the Agency’s Safeguard System” was sufficiently inclusive.

40. It had also been suggested that the phrase “the Agency’s Safeguards Activities” would be preferable, but the drafting group had considered that phrase to be too restrictive.

41. Although paragraph (e) had not appeared the previous year in resolution GC(56)/RES/13, the language was not new.

42. The wording of paragraph (n) reflected wording used in the Annual Report for 2011 (GC(56)/2).

43. Regarding paragraph (q), the phrase “the Secretariat carefully considers the reliability of the source” in paragraph (p) of resolution GC(56)/RES/13 had been adapted to read “the Secretariat carefully considers the credibility and reliability of the information”.

44. Regarding paragraph (r), the words “by the Agency” appearing at the end of paragraph (q) of resolution GC(56)/RES/13 had not been included, as they had been considered to be unnecessary.

45. Paragraph 6, which reflected a long-standing issue preventing consensus adoption by the General Conference of the draft resolutions on the strengthening of safeguards, was identical with paragraph 6 of resolution GC(56)/RES/13.

46. Regarding paragraph 15, the wording of paragraph 15 of resolution GC(56)/RES/13 had been expanded to include a reference to “modified SQPs”.

47. Paragraph 19, regarding “the broader safeguards conclusion”, reflected information provided in the Safeguards Implementation Report for 2012.

48. Paragraph 20 was an expanded version of paragraph 19 of resolution GC(56)/RES/13; a reference to “State-level approaches” and the words “and the Secretariat has drawn the broader conclusion that all nuclear material remains in peaceful activities” had been added.

49. Paragraphs 21 and 22 reflected a discussion regarding State-level safeguards that had taken place in the Board of Governors the previous week.

50. Regarding paragraph 26, which was an amended version of paragraph 25 of resolution GC(56)/RES/13, the drafting group wished to make it clear that the early provision of facility design information was not a State obligation and that the purpose of the envisaged early consultations between States, on one hand, and the Secretariat, on the other, was to enable the Secretariat not only to adapt its safeguards approaches to particular facilities, but also to propose facility design features that would facilitate the implementation of safeguards.

51. The representative of SAUDI ARABIA requested clarification regarding the words “other relevant treaties” in paragraph (c).

52. The CHAIRMAN said, following comments by the representatives of SPAIN, BRAZIL and the UNITED STATES OF AMERICA, that the words referred to legal instruments such as the Tlatelolco Treaty and the cooperation agreement between ABACC and the Agency.

53. The representative of EGYPT requested that the Committee first take up the title of the draft resolution.

54. The CHAIRMAN proposed that the Committee take up the title later.

55. The representative of the SYRIAN ARAB REPUBLIC said that she wished to comment on the title already and proposed that it be amended to read “Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol” — the title of the agenda item and of resolution GC(56)/RES/13.

56. The representative of EGYPT, referring to the title, recalled that in the Agency’s Medium Term Strategy 2012–2017 one of the six strategic objectives was “Strengthening the effectiveness and improving the efficiency of the Agency’s safeguards and other verification activities”.

57. The words “the Agency’s safeguards system” implied that there was only one safeguards system, which was not entirely correct. There was a safeguards system governed by document INFCIRC/66/Rev.2, but the Agency was also applying safeguards pursuant to the NPT and to other treaties, and some Member States party to the NPT wanted the Secretariat to strengthen the effectiveness and improve the efficiency of those safeguards. As was clear from discussion in the Board of Governors the previous week, some other member States were concerned about the possibility of their having to assume additional obligations as a result of Secretariat action not based on an unequivocal Board decision.

58. The representative of AUSTRIA, replying to a question put by the representative of SAUDI ARABIA regarding paragraph (e), said that the phrase “noting that nothing should be done to undermine the authority of the Agency in this regard” echoed an opinion expressed by the 2010 NPT Review Conference in its Final Document.

59. The representative of the RUSSIAN FEDERATION said that the value added by paragraph (e) was not entirely clear. Paragraph (c) already referred to “the Agency’s essential and independent role in applying safeguards ...”.

60. The representative of SPAIN said that, in his view, paragraph (e) was useful.

61. The representative of the ISLAMIC REPUBLIC OF IRAN said that he had problems with the phrase “in accordance with ... the safeguards system” in paragraph (e).

62. The representative of CUBA said that, given the overlap between paragraphs (c) and (e), the latter was superfluous and should be deleted.

63. The CHAIRMAN, replying to a question put by the representative of SAUDI ARABIA regarding paragraph (h), said that, in his opinion, the paragraph did not relate to the State-level concept.

64. The representative of SAUDI ARABIA, referring to paragraph (l), asked whether, when the Board of Governors simply took note of the contents of a document, that constituted a Board decision that “should be supported and implemented”.

65. The representative of AUSTRIA said that paragraph (l) was intended to apply only to formal decisions of the Board of Governors.

66. The representative of the RUSSIAN FEDERATION said that all paragraphs containing new language should be placed in square brackets.

67. As regards paragraph (n), it referred only to “the Secretariat’s effort”, as if Member States were not involved at all in safeguards implementation. Moreover, many questions had been raised about what precisely constituted “safeguards-relevant information” and “a comprehensive evaluation”.

68. The representative of the ISLAMIC REPUBLIC OF IRAN agreed that all paragraphs containing new language should be placed in square brackets.

69. The representative of SWITZERLAND said that his delegation, along with the delegations of Brazil, Egypt and South Africa, had submitted to the drafting group a number of proposals relating to the title of the draft resolution and to the issue of safeguarded disarmament. Those proposals were not reflected in the draft resolution, although there had been no explicit objection to them in recent open-ended discussions.

70. The representative of BRAZIL said that one of the proposals submitted to the drafting group was for a new paragraph, to be inserted after paragraph (o), reading as follows: “Recalling Article III of the IAEA Statute, which calls, inter alia, for the Agency to conduct its activities in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies.”

71. Another proposal was for a related operative paragraph reading as follows: “Notes with appreciation the work the Agency has undertaken in verifying nuclear material from dismantled nuclear weapons pursuant to requests by States parties to nuclear disarmament or arms control agreements.” In the Agency’s Medium Term Strategy 2012–2017, it was stated that “The Agency must remain ready to assist, in accordance with the Statute, with verification tasks under nuclear disarmament or arms control agreements that it may be requested to carry out by the States parties to such agreements.”

72. The representative of NORWAY suggested the addition of the following phrase at the end of paragraph (p): “... and encouraging the Secretariat to continue developing its capacity to handle these tasks”.

73. The representative of the RUSSIAN FEDERATION said that, in his view, the wording of paragraph (q) was less satisfactory than that of paragraph (p) of resolution GC(56)/RES/13.

74. The representative of the ISLAMIC REPUBLIC OF IRAN suggested the following wording for part of paragraph (q): “the credibility and reliability of the sources and the information ...”.

75. The representative of the SYRIAN ARAB REPUBLIC suggested that paragraph (r) be amended to read “... is continually reviewed and evaluated by the Agency”, for consistency with paragraph (q) of resolution GC(56)/RES/13.

76. The representative of the ISLAMIC REPUBLIC OF IRAN pointed out that paragraph (w) was, in fact, the introduction to the operative part of the draft resolution and should therefore not be treated as a preambular paragraph.

77. The representative of INDIA said that, as in previous years, the wording of paragraph 6 would prevent his country from joining a consensus on the draft resolution. The paragraph should be deleted.

78. The representative of PAKISTAN likewise called for paragraph 6 to be deleted.

79. The representative of EGYPT said that, although paragraph 6 referred to “the Agency’s safeguards system”, it was supported by many Member States and should therefore be retained.

80. The representative of the ISLAMIC REPUBLIC OF IRAN suggested that the word “voluntarily” be inserted between “additional protocols which are to be concluded” and “by States and other parties to comprehensive safeguards agreements” in paragraph 17.

81. He also suggested that paragraph 19 be converted into a preambular paragraph.

82. The representative of the UNITED KINGDOM, responding to a question from the representative of the RUSSIAN FEDERATION, said that the words “through State-level approaches” had been included in paragraph 20 in order to reflect the fact that the Secretariat was already applying State-level approaches in States where integrated safeguards were being implemented.

83. The representative of the RUSSIAN FEDERATION, referring to paragraph 21 and recalling that, the previous week, the Board had taken note of the Director General’s report on “The Conceptualization and Development of Safeguards Implementation at the State Level”, said it was not clear to him whether the Board would be expected to merely take note of the supplementary document mentioned in that paragraph.

84. The representative of SOUTH AFRICA suggested that the end of paragraph 21 be amended to read “... a comprehensive document that addresses the concerns of Member States regarding this topic”.

85. The representative of CUBA suggested that the end of paragraph 21 be amended to read along the following lines: “and requests the Director General to issue a document based on the comments of Member States”.

86. The representative of SWITZERLAND, referring to paragraph 22, said that it was premature to encourage the Agency to implement State-level safeguards approaches for all States before the supplementary document mentioned in paragraph 21 had been issued.

87. The representative of the ISLAMIC REPUBLIC OF IRAN, agreeing with the representative of Switzerland, said that the State-level approach was still a concept that had to be fully developed and then approved by the Board before it could be applied.

88. In his delegation’s view, paragraphs 20, 21 and 22 should be placed in square brackets.

89. The representative of ARGENTINA, referring to paragraph 22, said that, in his country’s view, the State-level approach was not applicable to all States — only to those where integrated safeguards were being implemented.

90. The representative of SOUTH AFRICA suggested that the beginning of paragraph 22 be amended to read “Notes that the Agency will implement ...”.

91. The representative of the UNITED STATES OF AMERICA suggested that the words “the safeguards approach for” in paragraph 26 be replaced by “the design of”.

92. The representative of the RUSSIAN FEDERATION, referring to paragraph 26, said that, in his view, the wording of paragraph 25 of resolution GC(56)/RES/13, which referred to early consultations with the Agency “at the appropriate stage”, was preferable.

93. The representative of ARGENTINA endorsed the comment made by the representative of the Russian Federation.

94. The SECRETARY OF THE COMMITTEE, responding to a request for clarification from the representative of EGYPT, said that the title of a draft resolution did not have to be identical with the title of the agenda item under which the draft resolution was considered.

95. The representative of EGYPT suggested that the phrase “under an agenda item entitled [the title of the draft resolution recommended by the Committee for adoption]” be added at the end of paragraph 31.

96. The representative of the SYRIAN ARAB REPUBLIC cautioned against the inclusion of such additional wording before the Committee had reached agreement on the title of the draft resolution.

97. The CHAIRMAN thanked representatives for their constructive comments and proposed that the draft resolution be considered further at the next meeting.

98. It was so agreed.

15. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (*resumed*) (GC(57)/COM.5/L.6/Rev.2)

99. The representative of CUBA recalled that her delegation was unable to accept the words “Taking note of” in paragraph (ff) of the draft resolution contained in document GC(57)/COM.5/L.6/Rev.2. However, it could go along with the formulation “Aware of”.

100. The representative of FRANCE thanked the delegation of Cuba for its flexibility.

101. The representative of the UNITED STATES OF AMERICA said that his delegation would require time for consultation on the matter.

The meeting rose at 5.55 p.m.