



# General Conference

**GC(60)/COM.5/OR.2**

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## Sixtieth regular session

# Committee of the Whole

## Record of the Second Meeting

*Held at Headquarters, Vienna, on Tuesday, 27 September 2016, at 10 a.m.*

**Chair:** Mr CSERVENY (Hungary)

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<sup>1</sup> GC(60)/COM.5/1.

**Abbreviations used in this record:**

BSL3	Biosafety Level 3
JCPOA	Joint Comprehensive Plan of Action
Joint Division	Joint FAO/IAEA Division of Nuclear Techniques in Food and Agriculture
MDGs	Millennium Development Goals
ReNuAL	Renovation of the Nuclear Applications Laboratories
SDGs	Sustainable Development Goals
SMR	small and medium-sized reactor
TC	technical cooperation
TCF	Technical Cooperation Fund
USA	United States of America

## **15. Strengthening of the Agency's technical cooperation activities** (GC(60)/INF/4 and SUPPLEMENT; GC(60)/COM.5/L.2)

1. The CHAIR drew attention to the Technical Cooperation Report for 2015, contained in documents GC(60)/INF/4 and GC(60)/INF/4/SUPPLEMENT, which had been considered by the Board of Governors at its June 2016 session, and to a draft resolution on strengthening of the Agency's technical cooperation activities, submitted by Namibia on behalf of the G-77 and China, that was contained in document GC(60)/COM.5/L.2.
2. The representative of INDIA, introducing the draft resolution on behalf of the G-77, said that the text before the Committee reflected comments received on the initial draft circulated in the run-up to the General Conference.
3. The representative of CANADA, supported by the representatives of the UNITED STATES OF AMERICA, FRANCE, NORWAY, BELGIUM, the NETHERLANDS, GERMANY, the REPUBLIC OF KOREA and the CZECH REPUBLIC, expressed concern at the reference in paragraph (j) to the preamble of section 1 to additional resources being required to meet demand for TC activities. The link posited in the paragraph between the increasing number of Member States and the requirement for additional resources was not automatic. Moreover, the TCF was voluntary in nature.
4. The representative of CUBA said that the increasing membership of the Agency was one of the factors that had usually been taken into account in increasing the level of the TCF and the budget of the Department of Technical Cooperation. It was clear that the more Member States were requesting TC projects, the more resources would be required.
5. The representative of SOUTH AFRICA said that if the TC budget were kept at the same level, it would not be possible to fund the increasing number of projects being requested as a result of the greater number of Member States belonging to the Agency. That argument had been, in part, the basis on which the Board of Governors had approved a financial package of additional funding for safeguards required to implement the JCPOA.
6. The representative of EGYPT echoed the comments made by the representative of South Africa. It was only fair to recognize the need for additional resources for TC owing to an increase in membership of the Agency.
7. The representatives of ALGERIA, NAMIBIA, INDONESIA, the PHILIPPINES, SUDAN, BRAZIL, COSTA RICA, CHINA, MALAYSIA, PERU and the ISLAMIC REPUBLIC OF IRAN expressed support for the position of the representatives of Cuba, South Africa and Egypt.
8. The representative of AUSTRALIA, expressing support for the comments made by the representative of Canada, said that, if the Member States that had made significant advances in nuclear technology accepted that they no longer needed resources from the TCF, additional funding would be available for new Member States.
9. The representative of the RUSSIAN FEDERATION, welcoming the balance struck in the draft resolution, proposed that “Welcoming the Agency's efforts in using the potential of other relevant international organizations, especially within the UN family, in promoting peaceful uses of nuclear

energy and technology” be inserted in the preamble to section 2 after paragraph (i). A corresponding operative paragraph would be needed.

10. The representative of BRAZIL sought clarification of the rationale behind the proposal and the implications it would have.

11. The representative of AUSTRALIA said that discussions in other fora had addressed the alignment of the TC programme with the SDGs and making other United Nations organizations aware of the potential contribution of nuclear science and technology to achieving them. If that was the basis for the proposal, he would support it.

12. The representative of the UNITED STATES OF AMERICA, supported by the representative of CANADA, suggested that, in paragraph (c) of the preamble to section 2, the words “and other Agency activities” should be added after “and that the TC programme”.

13. The representative of FRANCE expressed support for the amendment proposed by the representative of the USA but suggested that the words “and that the TC programme will play an active role” should be changed to “and that the TC programme can play an active role”. He further suggested that, in paragraph 10 of section 2, the word “preliminary” should be inserted between “to initiate” and “consultations” and the words “on the preparation of the 2018 Ministerial Conference” should be changed to “in order to elaborate the modalities of the 2018 Ministerial Conference”. The change was a minor one intended to take account of the significant increase in workload anticipated in preparing for the 2018 Ministerial Conference, an event which his country valued highly.

14. The representative of the RUSSIAN FEDERATION proposed the addition of a new paragraph 11, which would relate to the proposed paragraph (j) of the preamble, to read: “11. Requests the Secretariat to further strengthen mutual cooperation with international organizations to exchange information on relevant experience and good practices to ensure synergy in promoting nuclear science, technology and applications for peaceful uses through the technical cooperation programme”.

15. The representative of CANADA suggested that, in paragraph (b) of the preamble to section 3, the words “as well as results” should be inserted after “transparency and sustainability”, in line with the preceding year’s resolutions, as evaluations must take results into account.

16. The representative of SOUTH AFRICA, referring to the suggestion made by the representative of France on paragraph 10 of section 2, expressed doubt as to whether the Secretariat would actually see its workload increase. As such, there was no need to limit preparations for the 2018 Ministerial Conference only to elaborating modalities.

17. The representative of BRAZIL echoed the comments of the representative of South Africa. Using the word “preliminary”, as suggested by the representative of France, might call the importance of the Ministerial Conference into question, and the rest of his suggestion was already covered by the text as drafted. With regard to the operative paragraph proposed by the representative of the Russian Federation, which seemed to have far-reaching implications, he again sought clarification of the underlying rationale. He also suggested that it might be better placed in the section of the draft resolution on partnership and cooperation. Regarding the suggestion made by the representative of Canada concerning paragraph (b) of the preamble to section 3, the drafters had not felt it necessary to refer to results in that paragraph. Effectiveness, efficiency, transparency and sustainability were of a different nature from results.

18. The representative of AUSTRALIA asked why there was no mention in paragraph (g) of the preamble to section 3 to the need for the Agency to select the best staff to implement the TC programme. While gender equality and equitable geographical representation were undoubtedly

important, it was in the interests of recipient States to have the highest quality staff possible, so as to ensure the effectiveness of TC projects.

19. The representative of NORWAY, supported by the representatives of the UNITED STATES OF AMERICA and the NETHERLANDS, expressed support for the amendment proposed by the representative of Canada on paragraph (b) of the preamble to section 3. The Agency should strive to move towards results-based management.

20. The representative of CANADA, supported by the representatives of FRANCE, SWEDEN and the NETHERLANDS, suggested that, in paragraph (e) of the preamble to section 3, the words “within available resources” should be inserted between “the importance of enhancing” and “the capacity of Agency staff”, as all Agency activities should be performed within available resources. Such wording had appeared in the preceding year’s resolution on technical cooperation.

21. The representative of BELARUS, recalling that 2016 marked the 30th anniversary of the Chernobyl disaster, requested that a paragraph be added to the draft resolution containing wording along the lines of that found in paragraph 7 of resolution GC(59)/RES/11.

22. The representative of EGYPT urged other Member States not to insist on inserting the words “within available resources” in paragraph (e) of the preamble to section 3. While it was true that all Agency activities must be carried out within available resources, the phrase should not be overused. In some cases, it risked undermining the message being conveyed.

23. The representative of CANADA, referring to paragraph (c) of the preamble to section 4, suggested that the reference to the increasing number of Member States should be removed, for the same reasons she had given in suggesting the amendment of paragraph (j) of the preamble to section 1. She would prefer no reference to be made to setting the TCF at an “adequate level”, but deleting the words “and aware that this would require adequate resources” from paragraph (e) of the preamble to section 4 might be sufficient to address that concern. While the link being made with the SDGs was welcome, they should be viewed as a framework for choosing and prioritizing TC projects, which ought not to entail any additional resource burden.

24. The representative of PAKISTAN said that the phrase “aware that this would require adequate resources” did not necessarily imply that additional resources would be needed. Adequate resources were required in order for the Agency to fulfil its mandate. What constituted “adequate” would need to be discussed by Member States. Regarding paragraph (c) of the preamble to section 4, he expressed the view that, as with paragraph (j) of the preamble to section 1, it simply reflected reality and should not be amended. The level of the TCF, which was not set in the paragraph in question, must be considered objectively.

25. The representative of BRAZIL, expressing support for the comments made by the representative of Pakistan, recalled that placing appropriate emphasis on activities directly related to the implementation of the SDGs had been part of the funding package agreed by the Board at its June 2016 session to enable the JCPOA to be implemented. It was not possible to give effect to the Board’s decision without considering resources; however, the inclusion of the word “adequate” left room for discussion.

26. The representative of CUBA, supported by the representative of ALGERIA, supported the comments made by the representatives of Pakistan and Brazil concerning paragraphs (c) and (e) of the preamble to section 4. The question of whether additional resources or departmental restructuring were needed could be addressed in the next biennium. For the moment, the key word was “adequate”.

27. The representative of the UNITED STATES OF AMERICA supported the comments made by the representative of Canada on paragraphs (c) and (e) of the preamble to section 4, adding that

the wording of paragraph (e) seemed to imply a call for new resources, whatever the intention of the drafters.

28. The representative of FRANCE expressed support for the comments made by the representative of Canada on paragraphs (c) and (e) of the preamble to section 4 and for deleting the words “and aware that this would require adequate resources” from the latter.

29. The representative of SOUTH AFRICA said that the drafters had been deliberately cautious in their choice of wording where resources were concerned, which was why the word “adequate” had been used. The Committee of the Whole was not the place for detailed budget negotiations. She expressed concern at the tendency of some to impute to the drafters a desire to undermine the work of the Secretariat by the omission of phrases such as “within available resources” or “the highest quality staff”, which was not their intention. Such phrases reflected a common understanding that could be taken as read.

30. The representative of UKRAINE said that he would welcome the inclusion of a paragraph on the Chernobyl disaster, as his country attached great importance to activities in the areas of decommissioning, radioactive waste management and nuclear security in that regard. Such a paragraph had been included in the preceding year’s resolution.

31. The representative of CANADA, referring to paragraph 6 of section 4, noted with appreciation that the draft resolution as tabled made no mention of “requesting the Secretariat to estimate resources well in advance of the Programme and Budget Proposal”. As with other similar paragraphs in the draft resolution, the wording of that paragraph should be changed to avoid implying any link between the implementation of the SDGs and a requirement for additional resources.

32. The representative of FRANCE echoed the concerns expressed by the representative of Canada regarding paragraph 6 of section 4. The MDGs had been tackled within existing resources and the same should be possible for the SDGs, which should be viewed as a framework for prioritization.

33. The representative of INDIA emphasized that the wording of paragraph 6 of section 4 was neutral and should not give rise to concerns.

34. The representative of PAKISTAN, echoing that view, said that the paragraph in question did not suggest in any way that there would have to be an increase in resources: it simply requested the Secretariat to estimate the resources required. The Committee was not required to decide whether existing TC resources were sufficient for placing appropriate emphasis on activities directly related to the implementation of the SDGs. It was required, rather, to produce a neutral draft resolution.

35. The representative of the UNITED STATES OF AMERICA, underscoring his country’s commitment to the TCF, the peaceful uses of nuclear energy and the SDGs, reiterated that the SDGs should not result in a call for new resources, but should be viewed as a framework to improve the use of existing resources. It was unclear how the paragraph, as drafted, would operate in practice, and the ‘top-down’ approach it suggested was undesirable. The paragraph should focus on encouraging Member States to take account of the SDGs in preparing their TC requests.

36. The representative of INDONESIA echoed the comments made by the representatives of India, Pakistan, South Africa, Brazil and others. He said that paragraph 6 did not pre-empt discussion on the Programme and Budget, which would be decided by Member States.

37. The representative of MOROCCO said that the language of paragraph 6 was carefully drafted and left Member States with leverage to act upon whatever estimations the Secretariat made. The language did not pre-empt the discussions of the PBC, but rather provided the tools to determine what

the Secretariat required according to Member States' needs and requests. Paragraph (c) stated the fact of the increasing number of Member States, which the Secretariat should take into account.

38. The representative of the PHILIPPINES expressed support for the comments made by the representatives of Morocco and Pakistan.

39. The representative of NORWAY said that, although some Member States sought to draw a link between the SDGs and an increase in the TCF, his country considered the SDGs to be a prioritization tool. The SDGs were being mainstreamed into the work of many international organizations. That did not mean that the Agency was in the process of increasing funding to international organizations via the Board.

40. The representative of ECUADOR supported the comments made by the representative of Pakistan and others. The paragraph was neutral, and was not prejudicial to any specific activity. She noted, however, that budgets were based on estimates, not only within the Agency, but in all organizations. Requesting an estimate did not imply an increase in any way.

41. The representative of EGYPT recalled that paragraphs (c), (e) and 6 were the result of delicate, balanced negotiations within the Board of Governors at its session in June 2016. Budget negotiations were not being pre-empted. The SDGs would need to be accommodated from a financial and technical perspective in the budget, in which respect Member States would need to demonstrate flexibility in due course.

42. The representative of MEXICO said that the current wording of paragraph 6 should be retained. It was neutral and merely reiterated the Secretariat's mandate. Moreover, the importance of the SDGs and the international development agenda, particularly in relation to the Agency, had been emphasized in that year's general debate.

43. The representative of SWEDEN supported the comments made by the representatives of the United States of America, Norway and others. It could not be the role of the Secretariat to pre-empt the requirements of Member States, and the Agency had an important role to play in furthering the SDGs. Sweden favoured wording such as that suggested by the representative of the United States of America.

44. The representative of SOUTH AFRICA said that the wording of all the paragraphs in the draft resolution referring to funding was deliberately neutral. Decisions such as whether the word "adequate" indicated an increase in resources should be left for the budget negotiations. Any budget proposal presented by the Secretariat constituted an estimate.

45. The representative of PERU favoured retaining paragraph 6 as it stood, noting that the wording was neutral and was not intended to lead to any specific result. It dealt solely with a practical issue, and the Secretariat's estimates with regard to the SDGs were of interest to Member States.

46. The representative of CHILE expressed support for the statement made by the representative of Cuba, emphasizing that "adequate" was a neutral term and could even mean that fewer resources would be allocated.

47. The representative of BRAZIL reiterated that concrete action and results were needed, not only suitable wording, in particular with regard to paragraphs (e) and 6 of section 6. The aim of the draft was to provide a way to implement the decision reached by the Board in that regard. He therefore hoped that it would be viewed in a positive light.

48. The representative of GUATEMALA supported the retention of paragraph 6 and agreed that the language used therein was neutral.

49. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE said that, as part of the 2018–2019 Programme and Budget, each department of the Secretariat had prepared estimates of what they required to carry out their activities which were currently being reviewed and would be discussed internally with the Director General’s Office for Coordination. A proposal would subsequently be presented to the Board for discussion. Although the TCF was Member States driven, the Regular Budget was driven by the departments.

50. The CHAIR urged representatives to pursue informal consultations on all unresolved issues concerning the draft resolution and report to the Committee later, bearing in mind that they were not required to enter into budget negotiations.

## **16. Strengthening the Agency’s activities related to nuclear science, technology and applications**

(GC(60)/5; GC(60)/INF/2; GC(60)/COM.5/L.4, L.5, L.6 and L.9)

51. The representative of SOUTH AFRICA, introducing the draft resolution contained in document GC(60)/COM.5/L.6, said that her country had produced the update on behalf of the African Group. The proposed changes involved the addition of references to Zika virus and changes to some figures.

52. The representative of the RUSSIAN FEDERATION said that his country recognized that joint efforts were important in eradicating disease-transmitting mosquitoes.

53. He noted that, in paragraph 8 of section A.2, the phrase “IAEA Peaceful Uses Initiative” had been used, whereas in the *PUI Stories* document and in statements made by various donors to the PUI, “IAEA” was not included in the name. He requested clarification from the Office of Legal Affairs as to the correct terminology.

54. The HEAD OF THE NON-PROLIFERATION AND POLICY-MAKING SECTION OF THE OFFICE OF LEGAL AFFAIRS said that, in all the previous General Conference resolutions and in documents issued by the Secretariat, “IAEA Peaceful Uses Initiative” had been used.

55. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution in document GC(60)/COM.5/L.6.

56. It was so agreed.

57. The representative of MOROCCO, introducing the draft resolution in document GC(60)/COM.5/L.4, said that it updated factually and contextually the resolution in document GC(58)/RES/13.

58. The representative of JAPAN, referring to paragraph (b) of Section A.IV, requested clarification as to the exact referencing of “sufficient and clean potable water supplies for all humankind are of vital importance” in the Paris Agreement.

59. The representative of the RUSSIAN FEDERATION, acknowledging the importance of the topic, said that his country wished to co-sponsor the draft resolution.

60. The representative of MOROCCO thanked the Russian Federation for joining the co-sponsors and undertook to reply to the question raised by the representative of Japan later.

61. The representative of FRANCE, referring to paragraph 4, noted an imbalance in the current wording, which suggested that SMRs would be used for desalination purposes only; in the 2014 resolution, desalination had been secondary to that of electricity generation.
62. Turning to paragraph 6, he wished to know the exact number of Member States that had given “high priority” to the issue, as the proposed wording was somewhat vague.
63. The representative of MOROCCO said that paragraph 4 had not been intended to create an imbalance regarding the use of SMRs. She would hold discussions with the representative of France in order to clarify that country’s concerns.
64. The CHAIR urged participants to continue to work on the draft resolution and was certain that a compromise was within reach.
65. The representative of SOUTH AFRICA, introducing the draft resolution in document GC(60)/COM.5/L.5, said that as the €31 million required for the first phase of the project had been secured, the draft resolution merely reflected the progress achieved since the previous resolution on the subject.
66. The representative of the RUSSIAN FEDERATION underscored the importance of renovating the laboratories at Seibersdorf and of the Agency’s work at the laboratories at Mödling. Noting that efforts had theretofore focused on fund raising for the ReNuAL and ReNuAL+ projects, he stressed that additional extrabudgetary resources would be required to build the Agency’s capabilities at Mödling, including the establishment of BSL3 laboratory capabilities, and that Member States must be involved in any budgetary discussions. Furthermore, as the Austrian Government had accepted certain responsibilities under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction when it had established its national laboratory at Mödling, he wished to know who would be responsible for the operation of the BSL3 laboratory and for handling pathogens there. He stressed that the laboratory should be established only after the States Parties to the Convention had been consulted.
67. Referring to paragraph (j), he proposed that “in compliance with the requirements of the Biological and Toxin Weapons Convention” be inserted after “... and the Agency’s efforts to establish” in order to reflect Member States’ needs more effectively.
68. The representative of FRANCE, supporting some of the comments made by the representative of the Russian Federation, stressed that the financial and other impacts must be discussed appropriately between Member States and the Agency before establishing a BSL3 laboratory.
69. The representative of SOUTH AFRICA said that a licence would never have been granted for the facility if it had not been in compliance with the above-mentioned Convention. She noted that the establishment of a BSL3 laboratory had originally been included under ReNuAL+, but had been moved in part to the first phase of ReNuAL. Consultations on funding for the laboratory would be held with Member States on inception of discussions on ReNuAL+, and the same approach would be taken as in fund raising for the first phase of ReNuAL.
70. The CHAIR, noting the legal complexity of the issue, requested further information on the Agency’s obligations under international conventions with respect to its current laboratory facilities.
71. The HEAD OF THE GENERAL LEGAL SECTION OF THE OFFICE OF LEGAL AFFAIRS said that the Agency establishes laboratories in Austria on the basis of the Agency’s Headquarters Agreement and other agreements with Austria and that the existing laboratories were operating in compliance with the relevant agreements.

72. The representative of the RUSSIAN FEDERATION, at the request of the CHAIR, read out the proposed amendment to paragraph (j) as follows: "... and the Agency's efforts to establish, in compliance with the Biological and Toxin Weapons Convention, its own Biosafety Level 3 (BSL3) laboratory capabilities."

73. The CHAIR wished to know whether the Agency would be the owner of the laboratory and must thus comply with the aforementioned Convention.

74. The HEAD OF THE GENERAL LEGAL SECTION OF THE OFFICE OF LEGAL AFFAIRS said that States were Parties to the Convention, but the Agency was not.

75. The DEPARTMENTAL PROGRAMME COORDINATOR OF THE DEPARTMENT OF NUCLEAR SCIENCES AND APPLICATIONS said that consideration was still being given to the possible establishment of the Agency's own BSL3 laboratory and to other options, and that no decision had been taken on the subject.

76. The representative of the RUSSIAN FEDERATION wondered whether Member States would be individually liable for compliance with the Convention by their nationals working at the laboratory and whether the Director of the Joint Division or the head of the laboratory would be responsible for the non-proliferation of the technologies used.

77. The representative of AUSTRALIA said that the text should make it clear that the Agency was giving "consideration" to the establishment of the laboratory, rather than making "efforts to do so", since no decision had been made on the matter. As the Agency could not be party to the above-mentioned Convention, he wondered whether the Government of Austria had accepted responsibility for ensuring that the laboratory's activities would be conducted in compliance with the Convention. Australia would join the list of co-sponsors if those concerns could be allayed.

78. The CHAIR wondered whether the matter warranted such detailed consideration by the Committee inasmuch as the project was at a preliminary stage. He proposed that the wording be amended as suggested by the representative of Australia.

79. The representative of the RUSSIAN FEDERATION, noting that the establishment of the laboratory was still under consideration and mindful of the comments made by the representative of France, proposed the following amendment to the amendment: "... and the Agency's efforts to establish, in consultation with the Member States and in compliance with the requirements of the relevant international conventions, its own Biosafety Level 3 (BSL3) laboratory capabilities".

80. The representative of SOUTH AFRICA said that the agreement under which the Agency used Austria's newly constructed BSL3 facility at Mödling did not preclude ownership by the Agency of its own BSL3 laboratory and that the Mödling facility could not accommodate the capacity-building and training activities that developing countries required. She agreed that Member States must be consulted on the establishment of the BSL3 laboratory and that there was no need to refer to the Convention because issuance of the licence would be premised on compliance with international requirements.

81. She did wish to know, however, whether responsibility for compliance at the Seibersdorf laboratories lay with the Agency or with the Member State.

82. The HEAD OF THE GENERAL LEGAL SECTION OF THE OFFICE OF LEGAL AFFAIRS said that the laboratories had always been established in close consultation with the host State and that the licensing process was very rigorous. The Agency's scientists were currently working side-by-side with Austrian scientists at Mödling under a cooperation agreement concluded for that purpose.

83. The representative of SOUTH AFRICA said that the amendments proposed by the representatives of the Russian Federation and Australia were acceptable to the sponsors.

84. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution set out in document GC(60)/COM.5/L.5 as amended.

85. It was so decided.

86. The representatives of the RUSSIAN FEDERATION and AUSTRALIA expressed their wish to co-sponsor the draft resolution.

**The meeting rose at 12.45 p.m.**