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Committee of the Whole

Record of the First Meeting

Held at Headquarters, Vienna, on Monday, 16 September 2019, at 3.45 p.m.

Chair: Ms RAYOS NATIVIDAD (Philippines)

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¹ GC(63)/22.

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Abbreviations used in this record

AU-PATTEC	African Union's Pan African Tsetse and Trypanosomosis Eradication Campaign
A/CPPNM	Amendment to the Convention on the Physical Protection of Nuclear Material
CSA	comprehensive safeguards agreement
G-77	Group of Seventy-Seven
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
ReNuAL	Renovation of the Nuclear Applications Laboratories
SLA	State-level safeguards approach

– **Election of Vice-Chairs and organization of work** (GC(63)/1 and Add.2)

1. The CHAIR said that, pursuant to Rule 46 of the Rules of Procedure of the General Conference, it had been proposed, following group consultations, that Mr d’Hoop of Belgium should serve as Vice-Chair of the Committee of the Whole. No further nominations were anticipated. She took it that the Committee wished to adopt that proposal.

2. It was so agreed.

3. The CHAIR said that, although the General Committee had yet to discuss the agenda for the 63rd regular session, the General Conference had agreed that the Committee of the Whole should take up the items allocated for its consideration on the provisional agenda, as contained in document GC(63)/1 and Add.2. She proposed that the Committee should consider the items, to the extent possible, in the order in which they were listed on the provisional agenda. She also proposed that, in line with past practice, the Chair should report orally on the Committee’s deliberations at a plenary meeting of the General Conference. Furthermore, she took it that the Committee wished to continue, to the extent practicable, the practice of clustering the draft resolutions recommended to the General Conference for adoption.

4. It was so agreed.

5. The CHAIR paid tribute to Mr Amano, the late Director General, under whose steadfast leadership the Agency had been able to pursue its motto of ‘Atoms for Peace and Development’. His death had come at a time when the Agency was at a crucial standpoint. Given the precarious state of international security and Member States’ shared commitment to the Sustainable Development Goals, the work of the Agency — guided by the General Conference — was more important than ever.

9. The Agency’s Financial Statements for 2018 (GC(63)/6)

6. The CHAIR, noting that no Committee members wished to take the floor, said she took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page i of document GC(63)/6, which had been considered by the Programme and Budget Committee in May 2019 and by the Board of Governors in June 2019.

7. It was so decided.

10. The Agency’s Programme and Budget for 2020–2021 (GC(63)/2)

8. The CHAIR drew attention to draft resolutions “A. Regular Budget Appropriations for 2020”, “B. Technical Cooperation Fund Allocation for 2020” and “C. The Working Capital Fund for 2020” contained in document GC(63)/2.

9. With regard to the draft resolution on Regular Budget appropriations for 2020, she recalled that a draft budget update for 2020–2021 had been issued on 28 January 2019. The Working Group on the Regular Budget and Technical Cooperation Fund Targets for 2020–2021 had considered the budget at a number of meetings and through intensive group and bilateral consultations. The resulting proposal had been approved by the Board in June 2019. Accordingly, the Board had recommended to the General Conference a total Regular Budget for 2020 of €383.5 million, which represented an increase of 2.2% over the 2019 Regular Budget and included a capital Regular Budget of €6.1 million.

10. Noting that no Committee members wished to take the floor, she took it that the Committee wished to recommend that the General Conference approve a total Regular Budget for 2020 of €380 563 065 for the operational portion and €6 102 000 for the capital portion, on the basis of an exchange rate of \$1.00 to €1.00, and, accordingly, that it adopt draft resolution “A. Regular Budget Appropriations for 2020”.

11. It was so decided.

12. The CHAIR also took it that the Committee wished to recommend that the General Conference approve a target for voluntary contributions to the Technical Cooperation Fund for 2020 of €88 061 000 and, accordingly, that it adopt draft resolution “B. Technical Cooperation Fund Allocation for 2020”.

13. It was so decided.

14. The CHAIR further took it that the Committee wished to recommend that the General Conference approve a Working Capital Fund level of €15 210 000 for 2020 and, accordingly, that it adopt draft resolution “C. The Working Capital Fund for 2020”.

15. It was so decided.

12. Amendment to Article XIV.A of the Statute (GC(63)/9; GC(63)/COM.5/L.12)

16. The CHAIR, having drawn attention to document GC(63)/9, said that document GC(63)/COM.5/L.12 contained the text of the decision adopted by the Conference on the subject in 2018, updated for the current year. The Committee might wish to recommend the updated text as a decision to be adopted by the General Conference at its 63rd regular session.

17. Noting that no Committee members wished to take the floor, she took it that the Committee wished to recommend that the General Conference adopt the draft decision set out in document GC(63)/COM.5/L.12.

18. It was so decided.

13. Scale of assessment of Member States' contributions towards the Regular Budget for 2020

(GC(63)/12)

19. The CHAIR, noting that no Committee members wished to take the floor, said she took it that the Committee wished to recommend that the General Conference adopt the draft resolution on page 3 of document GC(63)/12.

20. It was so decided.

14. Nuclear and radiation safety

(GC(63)/4; GC(63)/INF/3 and Corr.1 and GC(63)/INF/8;
GC(63)/COM.5/L.4 and Add.1 to 4)

21. The representative of AUSTRALIA, introducing the draft resolution contained in document GC(63)/COM.5/L.4, said that Member States had invested a great deal of time and effort in its preparation, discussing around 100 proposals. Thanking all concerned for their hard work and collaborative spirit and for contributing their expertise and national perspectives during the negotiations, he expressed particular appreciation to the representative of New Zealand for coordinating work on section 7, which dealt with transport safety, and to the Secretariat for its technical advice and input. The commitment of Member States to the negotiation process and the significant number of sponsors of the draft resolution suggested that it enjoyed wide support.

22. The representative of ARGENTINA, expressing appreciation to the delegations of Australia and New Zealand for their dedicated work on the draft resolution, which he fully supported, said that certain elements were of particular importance. Despite the Secretariat's persistent efforts over many years, consensus had yet to be achieved on guidance concerning safe and unsafe levels of radioactivity in consumer goods, including foodstuffs and drinking water. As the Agency was the only organization with a statutory responsibility to establish and provide for the application of radiation protection standards, it was essential for the Secretariat to redouble its efforts in that regard. It was also of crucial importance for the Agency to find a solution to the problem of denials of, and delays in, shipment of radioactive material. A code of conduct on the issue was urgently needed.

23. His country fully supported the Agency's education and training activities, which enabled it to fulfil its statutory function of providing for the application of safety standards. It was important to note that, in addition to section 10 of the draft resolution, which focused on capacity-building, reference was made to educational activities related to the application of safety standards in section 3.

24. With regard to the text of the draft resolution, it was his understanding that the term "commodities" in paragraph 74 was used as a synonym for "consumer goods"; if so, the Spanish version of the text should be amended to clarify the intended meaning. Lastly, noting the difficulty in finding the many documents mentioned in the draft resolution on the Agency's web site, he requested that footnotes with specific web addresses be added for ease of reference.

25. The representative of the UNITED STATES OF AMERICA, welcoming the draft resolution, said that it highlighted the importance of safety as a fundamental element of the use of radioactive materials and was testament to the value of the negotiation process. He expressed appreciation to Member States

for their active participation in that process, which had been thorough, well organized and transparent, and to the representative of Australia for his leadership and commitment.

26. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution set out in document GC(63)/COM.5/L.4.

27. It was so decided.

15. Nuclear security

(GC(63)/10/Rev.1; GC(63)/COM.5/L.7 and Add.1 to 7)

28. The representative of the NETHERLANDS, introducing the draft resolution on nuclear security set out in document GC(63)/COM.5/L.7, expressed appreciation to all those involved in discussions over several months for their constructive approach. Despite challenging negotiations, the Vienna spirit had prevailed and agreement had been reached. From the outset, a consensus-based approach had been adopted, whereby only universally approved proposals had been included in the draft resolution. Around 50 written proposals had been considered, with consensus reached on 26 paragraphs. Nine open-ended working groups, several topical meetings and some informal group sessions had been convened to discuss, inter alia, computer security, physical protection, the International Nuclear Security Conference scheduled for 2020, the 2021 A/CPPNM Review Conference, communication, and alternative technologies.

29. The representatives of the RUSSIAN FEDERATION, NIGERIA and SWITZERLAND, welcoming the draft resolution and the excellent work of those who had coordinated the negotiations in such a way as to successfully facilitate consensus, requested that their countries be added to the list of sponsors.

30. The representative of MEXICO expressed full support for the draft resolution and urged the Committee to approve it.

31. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(63)/COM.5/L.7.

32. It was so decided.

33. The representative of the UNITED STATES OF AMERICA, noting with satisfaction the constructive approach taken to drafting the text, said that he particularly welcomed the inclusion of provisions on strengthening cyber security and mentions of the International Nuclear Security Conference scheduled for 2020 and the 2021 A/CPPNM Review Conference.

34. The representative of EGYPT, expressing satisfaction at the consensus reached, despite some difficulties, said that three issues in particular reflected a compromise among differing views and concerns. First, the draft resolution called upon the Agency to provide Member States with information on technically feasible nuclear and radiation technology options. He had accepted the substance and wording of the text on the understanding that the Agency would not expand the scope of either the Division of Nuclear Security or its mandate. The main role of the Division was to assist in the provision of facilities, resources and nuclear materials to Member States, which retained the right and prerogative to use nuclear technology as they saw fit. Second, Egypt attached importance to raising public awareness of nuclear security, while recognizing that nuclear security matters were confidential and must therefore remain private and protected. Third, his country looked forward to the International Nuclear Security

Conference scheduled for 2020. In preparation for that conference, it was hoped that a ministerial declaration could be developed that would represent the views of all Member States.

35. The representative of CANADA, applauding the work done to reach such early agreement on the draft resolution, said that his delegation had proposed the inclusion of wording to reflect the importance of coordination among the Agency's Major Programmes, and substantial efforts had been made to reach consensus in that regard. While unsuccessful, those efforts were a positive initiative to be continued in future discussions, given the importance that Canada and other Member States attached to the issue.

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

(GC(63)/3; GC(63)/INF/2 and Corr.1; GC(63)/COM.5/L.1 and Add.1 to 3, L.2 and Add.1 to 3, and L.3 and Add.1 and 2)

36. The CHAIR explained that, as in previous years, various draft resolutions on different aspects of strengthening the Agency's activities related to nuclear science, technology and applications had been issued in separate documents, to be clustered together as a single draft resolution for transmission to the General Conference in due course.

37. The representative of the ISLAMIC REPUBLIC OF IRAN, speaking on behalf of the G-77 and China, said that the three texts for consideration were the result of an extensive consultation process among Member States, both within and outside the Group. Consensus had first been sought among G-77 members and China, after which the draft resolutions had been circulated to other Member States and consultations held.

38. The representative of NAMIBIA, introducing the draft resolution contained in document GC(63)/COM.5/L.1 ("A. Non power nuclear applications. 2. Support to the African Union's Pan African Tsetse and Trypanosomosis Eradication Campaign (AU-PATTEC)"), expressed appreciation to Member States for their constructive spirit, flexibility and support during the informal consultations on the draft resolution, the aim of which was to eradicate the tsetse population and tsetse-borne trypanosomosis by creating sustainable tsetse-free areas through various techniques and reclaiming infested land. Africa attached great importance to the draft resolution, as the use of such techniques would ensure that reclaimed areas could be sustainably exploited to ensure food security and alleviate poverty.

39. The representative of NIGERIA, expressing full support for the draft resolution, said that problems related to the tsetse population and tsetse-borne trypanosomosis represented one of the greatest constraints on social and economic development in Africa, affecting both people and livestock. The draft resolution reflected the strong desire of the African Group and the G-77 for Agency support in that regard. Welcoming the assistance previously provided, in particular the signing of practical arrangements between the African Union Commission and the Agency earlier in 2019, his country looked forward to the implementation of those arrangements and the draft resolution.

40. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(63)/COM.5/L.1.

41. It was so decided.

42. The representative of INDIA, introducing the draft resolution contained in document GC(63)/COM.5/L.2 ("A. Non power nuclear applications. 3. Use of isotope hydrology for water

resources management”), said that the text used was that of resolution GC(62)/RES/9, streamlined and adapted to reflect technical updates. Additional text had been included on the Global Network of Isotopes in Precipitation and the Global Network of Isotopes in Rivers, which were used for the assessment of water resources; the role of isotope hydrology in assessing the environmental impact of mining; and the use of isotopes for pollution studies. The draft resolution was the result of transparent consultations open to all Member States and reflected all comments and observations made.

43. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(63)/COM.5/L.2.

44. It was so decided.

45. The representative of SOUTH AFRICA, introducing the draft resolution contained in document GC(63)/COM.5/L.3 (“A. Non power nuclear applications. 4. Renovation of the Agency’s Nuclear Application Laboratories at Seibersdorf”), said that the draft resolution had taken on particular significance in view of resolution GC(63)/RES/1, pursuant to which the new Flexible Modular Laboratory, built under the ReNuAL project, would be renamed after the late Director General, Mr Yukiya Amano. The draft resolution under consideration had been discussed by all Member States in the true Vienna spirit. As one of the co-chairs of the Friends of ReNuAL, South Africa noted that the ReNuAL and ReNuAL+ projects had led to major achievements as a result of Member States’ willingness to fund the modernization and renovation of the Seibersdorf laboratories.

46. The representative of the RUSSIAN FEDERATION, expressing gratitude to Germany and South Africa, the co-chairs of the Friends of ReNuAL, requested that his country be added to the list of sponsors of the draft resolution.

47. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(63)/COM.5/L.3.

48. It was so decided.

18. Strengthening the effectiveness and improving the efficiency of Agency safeguards

(GC(63)/13; GC(63)/COM.5/L.8 and Add.1 to 5)

49. The representative of AUSTRIA, introducing the draft resolution set out in document GC(63)/COM.5/L.8, said that negotiations on the text had been coordinated by her delegation and that of Romania. After a series of open-ended meetings at which proposals made by various Member States had failed to garner sufficient support, it had been informally agreed to base the draft resolution on resolution GC(62)/RES/10, with only technical updates. The resulting text appeared to command consensus, and the flexibility of all delegations in reaching that agreement was much appreciated.

50. The representative of INDIA, reiterating his Government’s long-standing position on the substance of paragraph 7 of the draft text, said that Agency safeguards should apply universally to all Member States and other relevant parties in accordance with their respective legal obligations. In the interests of consensus, India was willing to proceed on the basis of the current wording but would deliver a statement on the issue when the draft resolution was presented to the General Conference for adoption.

51. The representative of PAKISTAN, referring to paragraph 7 of the draft resolution, said that Agency safeguards should be applied in accordance with the respective obligations of Member States

and in strict accordance with the Agency's Statute. In line with the practice of recent years, Pakistan would not block consensus on the draft text but would also deliver a statement on the issue when the draft resolution was presented to the General Conference for adoption.

52. The representative of the RUSSIAN FEDERATION, thanking those who had coordinated work on the draft resolution for their professional and constructive approach, said that the text, which enjoyed broad support, was based on the delicately balanced wording of resolution GC(62)/RES/10 and demonstrated Member States' support for the direction being taken by the new leadership of the Department of Safeguards to eliminate certain flaws in the safeguards system and enhance its effectiveness and efficiency. Paragraph 30 of the draft resolution requested that the Board be kept fully informed of progress in reforming the safeguards system. The experience gained and lessons learned from implementing the SLA should enable the Secretariat to thoroughly overhaul its new procedures, particularly with regard to the gathering and handling of all safeguards-relevant information available to the Agency, although what constituted such information had yet to be determined. Such steps would be particularly important in extending the scope of the SLA and applying it to countries without an additional protocol. The Secretariat should provide regular progress reports to the Policy-Making Organs.

53. The representative of the ISLAMIC REPUBLIC OF IRAN, welcoming the flexibility shown on all sides in negotiating the draft resolution and reaching agreement on purely technical updates, said that paragraph (i) of the text reflected a broad interpretation of CSA implementation that was inconsistent with Member States' rights and obligations under their CSAs and might result in the scope of Agency safeguards under CSAs being modified. A statement would be made to that effect when the draft resolution was presented to the General Conference for adoption.

54. The CHAIR took it that the Committee wished to recommend that the General Conference adopt the draft resolution set out in document GC(63)/COM.5/L.8.

55. It was so decided.

56. The representative of JAPAN, expressing appreciation for the drafters' work on the text, said that he had hoped to see promotion of the additional protocol reflected in the draft resolution. After careful consideration, however, and in the interest of compromise, he had chosen not to make a specific proposal. As preparations intensified for the 2020 NPT Review Conference, all relevant Member States should make every effort to exchange views on the additional protocol and safeguards issues in general.

57. The representative of the NETHERLANDS, welcoming consensus on the draft resolution, emphasized the need to address the potential inability of the Agency's budget to keep pace with increasing demands for safeguards activities in the long term. At an early stage of informal negotiations on the draft resolution, the Netherlands had withdrawn a proposal on the issue, judging that it would not have been widely supported and could have resulted in difficult discussions on balancing funding for promotional and non-promotional activities. Political views on nuclear power generation differed significantly, but the undoubted expansion of the sector would see a growing need for safeguards and associated cost increases. The topic required urgent consideration.

58. The representative of the RUSSIAN FEDERATION said that his Government had consistently supported the central role of the Agency's Policy-Making Organs and Member States in strengthening the safeguards system. For six years, his delegation had been suggesting ideas and initiatives to that end. It stood ready to engage in dialogue with all interested parties and was prepared for difficult discussions.

The meeting rose at 5.20 p.m.