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COMMITTEE OF THE WHOLE

RECORD OF THE SIXTH MEETING

Held at the Austria Center Vienna
on Thursday, 19 September 2002, at 3.00 p.m.

Chairman: Mr. MOLTENI (Argentina)

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[*] GC(46)/19.

The composition of delegations attending the session is given in document GC(46)/INF/8/Rev.1.

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STRENGTHENING OF THE AGENCY'S TECHNICAL CO-OPERATION ACTIVITIES
(resumed)
(GC(46)/COM.5/L.3)

1. The CHAIRMAN said it was his understanding that at the Committee's third meeting there had been agreement that preambular paragraph (i) of the draft resolution contained in document GC(46)/COM.5/L.3 should be aligned with the first preambular paragraph of the draft resolution on page 2 of document GC(46)/7/Mod.1. He invited the Committee to focus now on those paragraphs which had been commented on but regarding which agreement had not yet been reached: preambular paragraphs (d), (f), (j), (k) and (n) and operative paragraphs 4 and 8.
2. The representative of AUSTRALIA said that, in the light of informal consultations, her delegation wished to suggest that preambular paragraph (d) be amended to read: "... the peaceful uses of atomic energy and its practical applications will substantially contribute ...".
3. The representative of the UNITED STATES OF AMERICA suggested that preambular paragraph (f) be amended to read: "... increasing energy requirements in a number of countries and the need for sustainable development, including climate protection".
4. The representative of AUSTRALIA suggested that preambular paragraph (j) be amended to read: "... in a timely manner and welcoming the initial results of the rate of attainment mechanism as established by resolution GC(44)/RES/8, but recognizing ...".
5. The representative of the NETHERLANDS recalled that, during the Committee's second meeting, he had said that the phrase "an appropriate balance between the promotional activities and the other statutory activities of the Agency" in preambular paragraph (k) was unhelpful and that, during the third meeting, he had said that, if that paragraph was to be retained, at least "an appropriate balance" should be replaced by "a more appropriate balance". His delegation realized that the issue was a sensitive one, however, and would not oppose a consensus in favour of retaining the paragraph as it stood.
6. The representative of INDIA thanked the representative of the Netherlands for his constructive attitude.
7. The representative of MALAYSIA suggested that in preambular paragraph (n) the reference to document GOV/INF/824 be deleted and that operative paragraph 5 be amended to read: "... to continue to further refine the Technical Co-operation Strategy 2002 Review (GOV/INF/2002/8) ...".
8. The representative of JAPAN suggested that operative paragraph 4 be divided into two paragraphs, the first reading "Urges Member States to pay in full and on time their voluntary contributions to the TCF" and the second reading "Recalls the obligation of recipient Member States to pay assessed programme costs (APCs) and requests those recipient Member States which are in arrears to meet this obligation".

9. The representative of GERMANY referring to operative paragraph 8, said that his delegation still had serious difficulties with the phrase “as an essential option”.

10. The representative of the PHILIPPINES said that during the informal consultations it had been suggested that in operative paragraph 8 the words “technical co-operation” be added between “potential” and “projects”. He did not think that the sponsors of the draft resolution would have any problems with that addition.

11. The representative of PAKISTAN, supported by the representative of AUSTRIA, said that, as operative paragraph 8 contained a request to the Director General, it should not be loaded with Member States’ opinions about the role of nuclear power; the phrase “as an essential option” should be deleted.

12. The CHAIRMAN took it that the Committee wished to recommend to the General Conference, for adoption, the draft resolution contained in document GC(46)/COM.5/L.3, with preambular paragraphs (d), (f), (i), (j) and (n) and operative paragraphs 4, 5 and 8 as amended during the discussion.

13. It was so agreed.

ELECTIONS TO THE AGENCY’S STAFF PENSION COMMITTEE

14. The CHAIRMAN recalled that the General Conference was represented on the Agency’s Staff Pension Committee by two members and two alternates. At present, the members were Mr. Herrera Andrade of Mexico and Mr. Raja Adnan of Malaysia, and the alternates were Ms. Cliff of the United Kingdom and Mr. Thema of South Africa. Mr. Herrera Andrade and Ms. Cliff were no longer available to serve on the Committee. Following consultations, Mr. Thema would take up the vacant post of member. It had been proposed that Mr. Kirwan of Ireland and Mr. Pelaez of Argentina be elected as alternate members.

15. He took it that the Committee wished to recommend to the General Conference that Mr. Kirwan and Mr. Pelaez be elected as alternate members to represent it on the Agency’s Staff Pension Committee.

16. It was so agreed.

STRENGTHENING THE AGENCY’S ACTIVITIES RELATED TO NUCLEAR SCIENCE, TECHNOLOGY AND APPLICATIONS (resumed) (GC(46)/COM.5/L.12/Rev.1)

17. The representative of AUSTRALIA suggested the insertion of “science” in preambular paragraph (f), which would then read: “... the important role of science, technology and engineering ...”.

18. Regarding operative paragraph 2, she suggested amending the last part to read: “... through co-ordinated research and development within the Agency and between the Agency and Member States and through direct assistance”.

19. Regarding operative paragraph 5, she suggested the addition of “and nuclear security” after: “ ... for enhancing nuclear safety”.

20. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE suggested that in operative paragraph 7 the phrase “within available resources” be replaced by “subject to the availability of resources”.

21. The CHAIRMAN took it that the Committee wished to recommend to the General Conference the adoption of the draft resolution contained in document GC(46)/COM.5/L.12/Rev.1 with the suggested amendments.

22. It was so agreed.

NUCLEAR SECURITY - PROGRESS ON MEASURES TO PROTECT AGAINST
NUCLEAR TERRORISM (resumed)
(GC(46)/COM.5/L.11)

23. The representative of FRANCE, recalling the suggestion made by the representative of Brazil for amending preambular paragraph (k), proposed that the paragraph be amended to read “Recalling that other international agreements, negotiated under the auspices of the Agency, are relevant to nuclear security ... against the threat of nuclear terrorism, including: the Convention on Early Notification of a Nuclear Accident ...” and that the additional preambular paragraph read “Noting also the contribution of Agency safeguards agreements and additional protocols to preventing illicit trafficking, deterring and detecting diversion of nuclear materials”.

24. The representative of PERU recalled his suggestion that the words “the transport of nuclear materials” be inserted in preambular paragraph (d).

25. The representative of FRANCE said that in his view the concern of the representative of Peru was covered by the phrase “the security of nuclear materials”.

26. The representative of PERU said that in his view the transport of nuclear materials deserved special mention. After all, in section 8.1.1 of document INFCIRC/225/Rev.4 (“The Physical Protection of Nuclear Material and Nuclear Facilities) it was stated that “The *transport* of nuclear material is probably the operation most vulnerable to an attempted act of *unauthorized removal* of nuclear material or *sabotage*.”

27. The representative of GERMANY said that in his view the issue of the transport of nuclear materials was best dealt with under the agenda item “Measures to strengthen international co-operation in nuclear, radiation, transport and waste safety”.

28. The representative of the RUSSIAN FEDERATION, recalling his delegation’s suggestion that operative paragraph 11 be amended to read “... to prepare an agreed well-defined amendment ...”, said that his delegation could go along with the wording “... to prepare a generally agreeable well-defined amendment ...” suggested by the representative of Germany.

29. Regarding the suggestion made by the representative of Peru, he recalled that the issue of the transport of nuclear materials was currently being examined in the open-ended group chaired by the delegate of Australia, Ambassador Hughes.
30. The representative of JAPAN endorsed the comments of the representatives of Germany and the Russian Federation regarding the suggestion made by the representative of Peru.
31. The representative of PERU said that the open-ended group was focusing on safety - not security - in the transport of nuclear materials. His delegation wanted to see in the draft resolution now under consideration in the Committee a reference to security in the transport of such materials.
32. The representative of the UNITED KINGDOM, having expressed support for the remarks made by the representatives of Germany and the Russian Federation regarding the suggestion made by the representative of Peru, recalled that the open-ended group of legal and technical experts mentioned in operative paragraph 11 of the draft resolution under consideration had been convened for the purpose of preparing “a draft of a well-defined amendment ...”. In his delegation’s view, the General Conference should not try to change the group’s mandate by adopting a resolution that spoke of “an agreed well-defined amendment” or “a generally agreeable well-defined amendment”.
33. The representative of IRELAND, expressing support for the suggestion made by the representative of Peru, said that the issue of possible terrorist attacks on ships transporting nuclear materials had so far not been addressed in the group chaired by the delegate of Australia.
34. The representative of the LIBYAN ARAB JAMAHIRIYA said that in his view the additional paragraph suggested by him related to an issue which did come within the purview of the Agency. In order not to hamper the process of consensus-building with regard to the draft resolution under consideration, however, he would not press his suggestion.
35. The representative of CANADA, endorsing the comments made by the representatives of Germany and the Russian Federation with regard to the suggestion made by the representative of Peru, said that in her view the words “the security of nuclear materials” covered the security of such materials when they were being transported as well as in other situations.
36. The representative of CHILE, expressing support for the suggestion made by the representative of Peru, said that ships transporting nuclear materials were vulnerable to attack not only by other ships, but also from the air. from the land and even from under water.
37. The representative of AUSTRALIA said that her delegation shared the view of the representative of Canada.
38. The representative of PERU said that he would not stand in the way of a consensus on the draft resolution by pressing his suggestion.

39. The representative of the RUSSIAN FEDERATION, referring to operative paragraph 11, said that his delegation took the point made by the representative of the United Kingdom regarding the mandate of the open-ended group mentioned in that paragraph. Perhaps the paragraph could be amended to read "... and calls for the early finalization of the negotiations on such a generally agreed amendment".

40. The representative of GERMANY said that, in the light of the comment made by the representative of the United Kingdom regarding the open-ended group's mandate, he would prefer operative paragraph 11 to remain unchanged.

41. The representative of the RUSSIAN FEDERATION said that, while convinced that its latest suggestion for amending operative paragraph 11 would not give rise to any problems, his delegation did not wish to block a consensus on the draft resolution.

42. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(46)/COM.5/L.11 with the amendments accepted during its discussion.

43. It was so agreed.

44. The representative of YEMEN said that his delegation would have liked the phrase "elements of terror" to be retained in preambular paragraph (f) as - unlike the phrase "acts of terror" - it included the concept of threats to use radioactive sources for terrorist purposes.

45. The representative of the NETHERLANDS thanked the representative of Yemen for his support and understanding during the preparation of the draft resolution contained in document GC(46)/COM.5/L.11.

The meeting was suspended at 4.40 p.m. and resumed at 6.05 p.m.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF
THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL ADDITIONAL
PROTOCOL (resumed)
(GC(46)/COM.5/L.7)

46. Mr. DI SAPIA (Italy) said that the open-ended working group which had met under his chairmanship had had extremely fruitful negotiations on the draft resolution contained in document GC(46)/COM.5/L.7. Having chaired similar groups at the General Conference's 2000 and 2001 sessions, he was in a position to say that there had been a real increase in the desire of Member States' representatives to arrive at a consensus.

47. However, agreement had not been reached on part of the resulting text. Given the flexibility shown by everyone who had participated in the group's negotiations, he nevertheless hoped that a consensus would ultimately be forthcoming.

48. The CHAIRMAN, on behalf of the Committee, thanked Mr. Di Sapia for his efforts in chairing the group.

49. The representative of JAPAN, complimenting Mr Di Sapia on his efforts, said that all who had participated in the negotiations had worked very hard to narrow the gap and that they were very close to a consensus.

The meeting rose at 6.10 p.m.