

# General Conference

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## Committee of the Whole

### Record of the Third Meeting

*Held at the Austria Center, Vienna, on Wednesday, 19 September 2007, at 10.10 a.m.*

**Chairperson:** Ms. FEROUKHI (Algeria)

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<sup>1</sup> GC(51)/COM.5/1.

**Abbreviations used in this record:**

Assistance Convention	Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency
Early Notification Convention	Convention on Early Notification of a Nuclear Accident
ENATOM	Emergency Notification and Assistance Technical Operations Manual
INPRO	International Project on Innovative Nuclear Reactors and Fuel Cycles
OSPAR Convention	Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic

## **18. Strengthening the Agency's activities related to nuclear science, technology and applications (continued)** (GC(51)/COM.5/L. 4 and L.5)

1. The CHAIRPERSON invited the Committee to resume consideration of the draft resolutions contained in documents GC(51)/COM.5/L.4 and L.5, which had been introduced the previous day.
2. She said, after the representative of PAKISTAN had re-introduced the draft resolution entitled "Support to the African Union's Pan African Tsetse and Trypanosomosis Eradication Campaign (AU-PATTEC)" in document GC(51)/COM.5/L.4, that, there being no Committee members wishing to comment on it, she assumed that the Committee wished to recommend its adoption by the General Conference.
3. It was so agreed.
4. The CHAIRPERSON called for comments on the draft resolution entitled "Use of isotope hydrology for water resources management" in document GC(51)/COM.5/L.5.
5. The representative of BRAZIL proposed the insertion of ", including" before "in arid and semi-arid" in paragraph 1(c). His country, which attached great importance to nuclear applications in the management of water resources, was — together with Argentina, Paraguay and Uruguay — engaged in a project, supported by the Agency, for protecting and sustainably developing the Guarani Aquifer, which was not in an arid or a semi-arid area.
6. The representative of INDIA asked whether the proposed insertion would create any problems for the Secretariat.
7. The PROGRAMME COORDINATOR, DEPARTMENT OF NUCLEAR SCIENCES AND APPLICATIONS said that it would not.
8. The CHAIRPERSON took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(51)/COM.5/L.5 with the insertion of ", including" in paragraph 1(c).
9. It was so agreed.

## **15. Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management (resumed)** (GC(51)/COM.5/L.11)

10. The representative of AUSTRALIA, adding to the comments made by him the previous day when introducing the draft resolution contained in document GC(51)/COM.5/L.11, proposed that the phrase in paragraph 67 beginning "calls for its publication" be amended to read: "calls for it to be

made available". It should be for the Secretariat to decide on the best way of making the report in question available.

11. The representative of the UNITED STATES OF AMERICA proposed amending paragraph 58 to read "Requests the Secretariat, in collaboration with Member States and relevant international organizations, including the National Competent Authorities Coordinating Group (NCACG), to continue the implementation of the International Action Plan ... (2004-2009), urges Member States to contribute to the implementation of the Action Plan, and requests the Secretariat to continue its support for the activities of the NCACG".

12. The representative of the UNITED KINGDOM proposed the insertion of the word "justifiable" between "continuous" and "improvement of the safety standards" in paragraph 16.

13. The representative of JAPAN, referring to paragraph 13, said that her delegation was looking forward to receiving more information about the "20/20 review".

14. The CHAIRPERSON said that the Deputy Director General for Management would provide more information shortly.

15. The representative of IRELAND proposed the insertion, after paragraph 44, of a paragraph reading "Welcomes the commitment of the contracting parties to the Oslo-Paris Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) to ensure that discharges, emissions and losses of radioactive substances are reduced by the year 2020 to levels where the additional concentrations in the marine environment above historic levels, resulting from such discharges, emissions and losses, are close to zero".

16. The representative of FRANCE said that the OSPAR Convention was a regional convention and, in his view, therefore not very relevant in the context of the draft resolution now under consideration.

17. The representative of BELGIUM, having expressed support for the draft resolution, said that his delegation would welcome information about the proposals, mentioned in paragraph 60, for enhancing the effectiveness of the international frameworks for emergency preparedness and response, as paragraph (m) already referred to the need for the establishment of mechanisms to ensure effective and sustainable implementation of the Early Notification Convention, the Assistance Convention and the International Action Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies. There had been much discussion of the possible development of a code of conduct relating to emergency preparedness and response.

18. Referring to operative paragraph 65, he said that it was unclear what "relevant information" the sponsors of the draft resolution had in mind and in what context "the consent of the States concerned", became relevant.

19. The representative of IRELAND said that the Nuclear Safety Review for the Year 2007 referred — in section K.1 — to the OSPAR Convention, to which, as far as he could recall, there were 15 contracting parties: Belgium, France, Iceland, Luxembourg, Norway, Spain, Switzerland, Denmark, Finland, Germany, Ireland, the Netherlands, Portugal, Sweden and the United Kingdom.

20. The representative of AUSTRALIA said that his delegation could accept the changes to paragraph 58 proposed by the representative of the United States of America.

21. His delegation would welcome the insertion of "justifiable" in paragraph 16 proposed by the representative of the United Kingdom.

22. With regard to the comments made by the representative of Belgium on paragraph 60, although the discussion of the possible development of a code of conduct relating to emergency preparedness and response had not led to a consensus, it had become clear that there were a number of changes that could be made to Agency documents such as ENATOM in order to enhance the effectiveness of the international frameworks for emergency preparedness and response. Such changes might usefully reflect the progress made in increasing the applicability of the safety requirements document entitled “Preparedness and Response for a Nuclear or Radiological Emergency” (GS-R-2).

23. With regard to the comment made by the representative of Belgium on paragraph 65, he would be interested to hear the Secretariat's views.

24. The representative of ARGENTINA said that his delegation, which had co-sponsored the draft resolution, supported the insertion of “justifiable” in paragraph 16 proposed by the representative of the United Kingdom. It was particularly important that the changes to be made to the BSS — the revisions of which was referred to in paragraph 17 — be justifiable.

25. Regarding the additional paragraph proposed by the representative of Ireland, although his country believed in the principles underlying the OSPAR Convention, that convention was a regional one unrelated to the interests of some Member States. His delegation had a problem with accepting the inclusion in the draft resolution of a reference to a convention to which Argentina was not a contracting party, even if 15 Member States were contracting parties.

26. The representative of DENMARK expressed support for the additional paragraph proposed by the representative of Ireland.

27. The DIRECTOR OF THE DIVISION OF RADIATION, TRANSPORT AND WASTE SAFETY, referring to the comment made by the representative of Belgium about paragraph 65, said that earlier in 2007, during a meeting on the Code of Conduct on the Safety and Security of Radioactive Sources, most Member State representatives had expressed the view that there was a need for better understanding of how to use the Guidance on the Import and Export of Radioactive Sources. It had been suggested during that meeting that procedures be developed for and training be organized in the use of the Guidance.

28. The representative of JAPAN expressed support for the views of the representatives of France and Argentina regarding the additional paragraph proposed by the representative of Ireland.

29. The representative of the UNITED KINGDOM, noting that her country was one of the contracting parties to the OSPAR Convention, said that her delegation would understand it if other Member States did not wish to “welcome” the commitment of contracting parties to a convention which they had not signed. As a compromise, perhaps the General Conference could “note” the commitment of the contracting parties to the OSPAR Convention.

30. The representative of AUSTRALIA said that, if the commitment of the contracting parties to the OSPAR Convention was merely to be “noted”, that should perhaps be done in a preambular paragraph.

31. The CHAIRPERSON welcomed the Deputy Director General for Management and invited him to provide more information about the “20/20 review”.

32. The DEPUTY DIRECTOR GENERAL FOR MANAGEMENT said that the purpose of the “20/20 review” was to determine the demands likely to be made of the Agency in the year 2020.

33. In the aftermath of the 2008 budget discussions and the special meeting of the Board in July 2007, the Director General had concluded that the Secretariat needed to take a long look into the

future in terms of programmes and related costs. A number of essential investments, chiefly in equipment and refurbishing, had been identified, but the Director General had decided that it was time to undertake a thorough review of the various programme areas.

34. The Secretariat was currently considering what the probable geopolitical situation in 2020 would mean in terms of the demands then made of the Agency. It hoped to complete the review by the end of 2007 or early in 2008.

35. The report of the Secretariat, running to about 20 pages and with the Secretariat's forecast of those demands and the related costs, would be submitted to a high-level panel — including, it was hoped, representatives of the world of finance — the composition of which would probably be announced by the Director General at the end of 2007 or the beginning of 2008. That panel's recommendations regarding funding mechanisms and fund-raising activities would be presented to the Board at its meetings in June 2008. The Secretariat's plan was that the Board would be presented with a package comprising its own report to the high-level panel and the panel's recommendations.

36. The representative of JAPAN asked, with reference to paragraph 13 of the draft resolution, whether it would be possible for the Secretariat to provide the Board in March 2008 with a separate report dealing only with safety issues.

37. The DEPUTY DIRECTOR GENERAL FOR MANAGEMENT said that much of the work being done on the “20/20 review” could be channelled into the production of such a separate report, but there would be some additional cost.

38. The representative of NORWAY, while welcoming the “20/20 review”, said that his delegation very much wanted the Secretariat to provide the Board with a comprehensive report on “the adequacy and predictability of resources for the Agency's nuclear safety programme” by March 2008.

39. The representative of ARGENTINA, expressing support for the comments made by the representative of Norway, said that the Agency had clear statutory obligations regarding nuclear safety and, if it was to retain its credibility in a very sensitive area, needed to take measures commensurate with those obligations.

40. The resources being provided by a number of Member States in cash and in kind for nuclear safety-related activities were substantial, and his delegation hoped that the report requested in paragraph 13 would include information about the in-kind resources.

41. The representative of CANADA asked whether the Secretariat would consult with Member States before its “20/20 review” report and the panel's recommendations were presented to the Board in June 2008.

42. The DEPUTY DIRECTOR GENERAL FOR MANAGEMENT said that the Secretariat's intention was to keep the Chairman of the Board apprised of the progress being made in the “20/20 review” process.

43. The representative of CHINA requested that further consideration of the draft resolution be deferred.

44. The CHAIRPERSON proposed that the Committee revert to the draft resolution at a later meeting.

45. It was so agreed.

## 24. Personnel

### (a) Staffing of the Agency's Secretariat (GC(51)/COM.5/L.10)

46. The representative of the PHILIPPINES, introducing the draft resolution contained in document GC(51)/COM.5/L.10, drew particular attention to paragraph (d), which reflected the fact that the Secretariat was in a position to take advantage of staff movements in order to implement both the draft resolution and General Conference resolutions on staffing of the Secretariat adopted in recent years.

47. Referring to paragraph 6, about the activation of the liaison officers designated as points of contact in Member States, he said that most applicants for Secretariat positions became aware of vacancies through the Agency's website. There was clearly room for more action on the part of governments in publicizing vacancies in the Secretariat.

48. Of the Agency's Member States, 42 were currently not represented in the Secretariat. The Group of 77 and China looked forward to more intensive consultations with the Secretariat through points of contact in Member States or through Member States' representatives in Vienna, as appropriate.

49. The representative of the UNITED STATES OF AMERICA suggested that in paragraph 2 the words "within available resources" be changed to "subject to the availability of resources", to reflect more accurately the budgetary constraints under which the Secretariat operated.

50. The representative of the PHILIPPINES said that the words "within available resources" had been agreed upon after much discussion at the forty-ninth session of the Conference, since when there had been no significant change in the Agency's financial status, which might improve following completion of the "20/20 review". His delegation would like those words to be retained.

51. The representative of the UNITED STATES OF AMERICA said that it was often a good idea to retain language which had previously been agreed upon. However, paragraph 5 of General Conference resolution GC(49)/RES/16.A, which was in other respects identical to paragraph 7 of the draft resolution under consideration, continued after the words "are under-represented" with the words "and the number of positions by which each region is short of achieving the pro forma guidelines". His delegation would like those words to be added to paragraph 7 of the draft resolution.

52. The representative of the PHILIPPINES requested a definition of the term 'pro forma guidelines'.

53. The DEPUTY DIRECTOR GENERAL FOR MANAGEMENT, referring to the suggestion made regarding paragraph 2, said that the Secretariat's practice was to interpret "within available resources" as meaning "subject to the availability of resources", which implied that the requested additional action would be taken only if the necessary additional resources became available.

54. Sub-paragraph (4) of operative paragraph 2 referred to the organization of recruitment and/or information events organized in Member States. Such events could be organized by the Secretariat only if the host countries financed them, since no resources were allocated for them in the Regular Budget. The Secretariat hoped that such events would continue to be financed by Member States.

55. With regard to paragraph 7, the Secretariat tended to avoid mentioning which geographic regions were under-represented. It was due to the under-representation of the United States of America and Japan that North America and the Far East, respectively, were under-represented relative to the total of Regular Budget contributions received from those two regions.

56. With regard to the term “pro forma guidelines”, unlike the secretariats of some other international organizations the Agency's Secretariat had never employed a quota system when hiring staff; its decisions were based on applicants’ “efficiency, technical competence, and integrity” as called for in Article VII.D of the Statute. Once a pool of suitable applicants had been identified using those criteria, geographical distribution and the Regular Budget contributions made by each applicant’s country of nationality were also taken into consideration. The financial contribution of each country was the only measure which could be used in establishing an indicative figure for how many persons from each country should be employed in the Secretariat. If the number of staff members from a particular country was less than half the indicative figure, that country was considered to be under-represented.

57. The representative of the PHILIPPINES, calling for the retention of the words “within available resources” in paragraph 2 of the draft resolution, said that “available resources” could be interpreted as including possible voluntary contributions from Member States which the Secretariat could use in taking the action requested in sub-paragraph (4).

58. With regard to paragraph 7, the problem of unrepresented Member States should be addressed before that of under-represented Member States, since most of the former were developing countries. It was to be hoped that the delegations of the United States of America and Japan would be flexible vis-à-vis the position of unrepresented developing Member States.

59. That having been said, he could accept the addition to paragraph 7 sought by the representative of the United States of America provided that it was changed so as to include a reference to the Secretariat’s “indicative figures”.

60. The representative of the UNITED STATES OF AMERICA, having agreed to the retention of “within available resources” in paragraph 2, requested more time in which to consider the comment just made by the representative of the Philippines regarding paragraph 7.

61. The CHAIRPERSON requested the representatives of the Philippines and the United States of America to hold informal consultations with a view to reaching agreement on paragraph 7.

**(b) Women in the Secretariat**  
(GC(51)/COM.5/L.9)

62. The representative of MALAYSIA, introducing the draft resolution contained in document GC(51)/COM.5/L.9, proposed the addition of the words “as well as unrepresented and under-represented Member States” after “especially from developing Member States” in paragraph 2.

63. The CHAIRPERSON, noting that no other Committee members wished to take the floor, assumed that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(51)/COM.5/L.9, with the proposed addition.

64. It was so agreed.



## **18. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)** (GC(51)/COM.5/L.13)

65. The representative of the RUSSIAN FEDERATION, introducing the draft resolution entitled "Agency activities in the development of innovative nuclear technology" in document GC(51)/COM.5/L.13, drew particular attention to paragraph (d), which referred to the Declaration on Nuclear Energy and Non-proliferation Joint Actions by the Russian Federation and the United States of America of 3 July 2007 and to the Global Nuclear Energy Partnership, and said that the draft resolution highlighted the wide support which INPRO enjoyed.

66. The representative of NEW ZEALAND, supported by the representatives of AUSTRIA, NORWAY and DENMARK, suggested that the words "including extending the global reach of nuclear energy, safety, proliferation resistance and other security issues" be deleted from paragraph 10.

67. The representatives of the UNITED STATES OF AMERICA and BELGIUM expressed strong support for the draft resolution.

68. The representative of INDIA, while expressing support for the draft resolution, said that his delegation nevertheless had difficulties with paragraph (d) which it would like to discuss informally with the delegation of the Russian Federation.

**The meeting rose at 12.10 p.m.**