

IAEA Board of Governors

Record of the 5th Meeting of the Advisory Committee on Safeguards and
Verification within the Framework of the IAEA Statute
GOV/COM.25/OR.5

(Click the link below to go directly to the NAM statement)

Review and improvement of the effectiveness and efficiency of the safeguards
system (Malaysia)

Board of Governors

GOV/COM.25/OR.5

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Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute

Record of the 5th Meeting

Held at Headquarters, on Monday, 8 May 2006, at 10.40 a.m.

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¹ GOV/COM.25/6.

Attendance

(The list below gives the name of the senior member of each delegation who attended the meeting, as well as that of any other member whose statement is summarized in this record.)

Ms. FEROUKHI		Chairperson (Algeria)
Mr. FASSIH	_____	Algeria
Ms. WILKINSON DE VEXINA		Argentina
Ms. STOKES	}	Australia
Mr. BEVEN		
Ms. CLAEYS		Belgium
Ms. RICHTER RIBEIRO MOURA		Brazil
Ms. GERVAIS-VIDRICAIRE		Canada
Mr. YANG Dazhu		China
Ms. QUINTERO CORREA		Colombia
Mr. CODORNIU PUJALS		Cuba
Mr. RAMZY	}	Egypt
Mr. EL DIN KHALIL		
Mr. DENIAU		France
Mr. HONSOWITZ	}	Germany
Mr. SANDTNER		
Mr. PAPADIMITROPOULOS		Greece
Mr. SHARMA		India
Mr. WIBOWO		Indonesia
Mr. AMANO	}	Japan
Mr. SUMI		
Mr. KIM Sung-Hwan		Korea, Republic of
Mr. TAJOURI		Libyan Arab Jamahiriya
Ms. VIKØY		Norway
Mr. BRAMÃO RAMOS		Portugal
Mr. BERDENNIKOV		Russian Federation
Ms. YEW		Singapore
Mr. TURNER		Slovakia
Mr. KRIŽ		Slovenia
Mr. WRIGHT		South Africa
Mr. PERERA		Sri Lanka
Ms. GUSTAFSSON		Sweden
Mr. OTHMAN		Syrian Arab Republic
Mr. JENKINS		United Kingdom of Great Britain and Northern Ireland
Mr. GLASS		United States of America
Ms. CALCINARI		Venezuela, Bolivarian Republic of
Mr. BAHRAN		Yemen
Mr. ANING	_____	Secretary of the Committee

Representatives of the following Member States also attended the meeting:

Afghanistan, Angola, Austria, Bulgaria, Burkina Faso, Czech Republic, Denmark, Estonia, Finland, Hungary, Islamic Republic of Iran, Iraq, Israel, Italy, Jordan, Kenya, Latvia, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Spain, Switzerland, Thailand, Tunisia, Turkey, Ukraine, Vietnam, Zimbabwe.

Abbreviations used in this record:

Committee 24	Committee on Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System
EFTA	European Free Trade Association
EU	European Union
Euratom	European Atomic Energy Community
NAM	Non-Aligned Movement
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
NSG	Nuclear Suppliers Group
NWAL	Network of Analytical Laboratories
PBC	Programme and Budget Committee
SAGSI	Standing Advisory Group on Safeguards Implementation
SAL	Safeguards Analytical Laboratory
SQP	small quantities protocol
SSAC	State system of accounting for and control of nuclear material
TACC	Technical Assistance and Cooperation Committee

* Speakers under Rule 50 of the Provisional Rules of Procedure are indicated by an asterisk.

– **Adoption of the agenda**
(GOV/COM.25/5/Rev.1)

1. The CHAIRPERSON, having welcomed all present, said that since the preceding meeting of the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute she had conducted informal consultations on 18 January 2006 with different groups and members on pertinent issues related to the Committee's work. In addition, on 4 May, a briefing by the Secretariat had been held on some of the issues currently before the Committee for discussion.
2. She assumed that the Committee wished to adopt the provisional agenda set out in document GOV/COM.25/5/Rev.1.
3. The agenda was adopted.

2. Funding of the Committee

4. The CHAIRPERSON said that during the session of the PBC the previous week, Member States had taken note of the suggestion made by the Secretariat that the meetings of the Policy-Making Organs could be funded from existing resources until the September 2006 session of the Board when, if necessary, the Secretariat would report to the Board with updated information on the funding situation. In light of that suggestion, she proposed that the Committee defer consideration of the agenda item until September, which would give the Committee more time to concentrate on the substantial issues before it.
5. She assumed that the Committee wished to defer consideration of agenda item 2 on funding of the Committee until September.
6. It was so agreed.

1. Review and improvement of the effectiveness and efficiency of the safeguards system

- (a) A report on the implementation of measures to improve the effectiveness and efficiency of the safeguards system**
(Note by the Secretariat 2006/Note 23 and Corr.1)

7. The representative of MALAYSIA*, speaking on behalf of NAM, called upon the Secretariat to pursue cost efficiency and to optimize the use of existing resources within Major Programme 4 in order to improve the safeguards system.
8. NAM took note from paragraph 23 of document 2006/Note 23 that as of March 2006 there were 75 States with additional protocols in force and that a majority of those States submitted their

declarations on time and in conformity with their obligations. NAM encouraged all States to fulfil their safeguards obligations. It was imperative to make a clear distinction between the legal obligations of Member States in that regard and their voluntary commitments, and to ensure that voluntary commitments were not turned into legal safeguards obligations. Member States should not be penalized for not adhering to their voluntary commitments.

9. Some Member States were providing relevant information to the Agency on a voluntary basis, which improved its knowledge of nuclear procurement and supply activities. The Agency was also using information obtained from a variety of sources, including non-safeguards databases of the Agency, open sources and third parties, as well as in-house and commercial satellite imagery, to strengthen safeguards. Due consideration should be given to the reliability of sources of information. The Secretariat should not use information from open sources or third parties — whether solicited or otherwise — to draw safeguards conclusions unless such information could be corroborated independently by the Agency in consultation with the State concerned.

10. The Agency, in using unannounced inspections, should make every effort to minimize any practical difficulties to facility operators and States, in conformity with the provisions of the comprehensive safeguards agreement.

11. With regard to visa requirements and especially multiple entry visas for inspectors, administrative and technical obstacles should not necessarily be interpreted by the Secretariat as a lack of cooperation on the part of Member States since the amendment of national legislation and immigration procedures could take a considerable amount of time.

12. Regarding complementary access under the additional protocol, NAM noted that the Agency, in most cases, had not encountered any major difficulties and had received good cooperation from State authorities and facility operators. Even though the purpose of complementary access was to determine the absence of undeclared material and activities, the protection of proprietary, commercially sensitive and national security information of Member States had to be taken duly into consideration. NAM stressed that Member States, in requesting managed access, were exercising their full rights in accordance with the provisions of relevant instruments.

13. The present environmental sampling technique had proven to be one of the most effective measures for detecting undeclared nuclear material and activities. NAM urged the Agency to assist interested Member States, in particular developing countries, to develop capabilities in environmental sample analysis technologies. That was a capacity-building measure which could contribute to expanding the Agency's analytical capabilities and lead to an increase in the number of qualified laboratories in the NWAL.

14. NAM noted the Secretariat's view, stated in paragraph 55, that additional technical measures needed to be developed to better address the detection of undeclared nuclear material and activities. It also noted that, of the 60 proposals submitted by Member States, 6 tasks for the development of equipment using novel detection techniques had been recommended for immediate development and evaluation. NAM requested the Secretariat to circulate more information on those 6 tasks to Member States, including the technical assessment and financial implications of the equipment and technical services required.

15. NAM commended the Agency for its effort to offer guidance and training on SSACs, particularly to States with small nuclear programmes that lacked financial or human resources, and for recently beginning to provide SSAC assessment services to those States. It looked forward to receiving additional information on the types of SSAC cooperation with the Agency.

16. With regard to paragraph 61, NAM requested more information from the Secretariat on the progress of and lessons learned by the Agency from the implementation of integrated safeguards in ten Member States.

17. NAM requested that the Secretariat provide the Committee with information on the gaps existing in the current safeguards system and on the implementation status of the various Board resolutions and decisions relating to strengthening the effectiveness and improving the efficiency of the safeguards system, as well as the resolutions and decisions of the General Conference on safeguards and verification, including information on any obstacles that were preventing their full implementation.

18. Full implementation of those resolutions and decisions was key to overall improvement of the effectiveness and efficiency of the safeguards system and NAM continued to attach high priority to a review of their implementation status. NAM would need more time to examine closely the legal, administrative and financial implications of the recommendations contained in document 2006/Note 23 before the Committee took a decision on them. It was premature to consider assuming additional obligations without evaluating the practical impact of previous measures that had been proposed for strengthening the safeguards system and before assessing whether those measures had contributed to enhancing the Agency's capability to fulfil its mandate.

19. NAM reiterated its principled position that efforts aimed at non-proliferation, including safeguards and verification, should go hand in hand with efforts aimed at nuclear disarmament. It remained deeply concerned over the slow pace of progress towards nuclear disarmament, which remained NAM's highest priority. In that context, it was also concerned about the lack of progress by the nuclear-weapon States toward eliminating their nuclear arsenals.

20. The representative of JAPAN said that document 2006/Note 23 provided a useful basis for discussion. Japan believed that the recommendations contained therein should be prioritized. Some of them were not relevant to States with additional protocols because those States were already implementing such recommendations.

21. Noting that his delegation's comments were preliminary and subject to change, he said it was important to make a distinction between legal obligation issues and voluntary commitment issues in the recommendations. Thus, the first half of Recommendation 1 should be combined with Recommendation 2 to form a single recommendation pertaining to legal obligation issues. If the content of the latter half of Recommendation 1 was kept, then an explanation would be needed as to why existing legal obligations were not enough to ensure a strong safeguards system. Reporting on separated neptunium and americium was not appropriate to any discussion on strengthening the safeguards system.

22. Referring to paragraph 65 of the report, he said Japan understood the importance of information on the locations and use of nuclear material which were exempted from safeguards under comprehensive safeguards agreements but which should be declared under Article 2.a of the additional protocol. However, if the interpretation mentioned in recommendation 3 became the Agency's view as supported by the Board, Japan believed it would have an impact on States both with and without additional protocols. It was therefore important to undertake further study of the implications of that interpretation on the safeguards system. In doing so, it should be borne in mind that the aim was to enhance the implementation of the safeguards system in States without additional protocols.

23. Although Japan understood that the purpose behind Recommendations 5 and 6 was to prevent clandestine procurement networks, it believed that effective implementation of existing measures was sufficient. That included verification of the absence of undeclared activities through complementary access under the additional protocol, and also export controls to prevent the transfer of sensitive

equipment and technologies to clandestine procurement networks. Effectively implemented, those measures made it impossible for clandestine procurement networks to exist. In that regard, States with additional protocols were already implementing those Recommendations.

24. With respect to Recommendation 7, which targeted States with additional protocols, Japan asked the Secretariat to provide a detailed explanation of the need for requesting spontaneous measures for additional access under Article 8 of the additional protocol.

25. Regarding Recommendation 8, his country did not consider it necessary to request Member States which had already ratified an additional protocol to provide further information beyond the legal obligations. With the application of the additional protocol, past nuclear activities could be traced by environmental sampling under complementary access.

26. As far as Recommendation 10 was concerned, Japan was making every effort to maintain its NWAL within the available resources.

27. While endorsing the view expressed in Recommendation 11 that the analysis capability of SAL was maintained and enhanced, Japan felt it essential to achieve that goal by prioritizing safeguards activities so that there was no ensuing increase in the overall safeguards budget.

28. The representative of the UNITED STATES OF AMERICA recalled that the Committee had been established to consider ways and means of strengthening the safeguards system and to advise the Board thereon. A strong Agency safeguards system facilitated peaceful nuclear applications, which were important to all.

29. The Committee should keep in mind two near-term objectives which would help to achieve the aforementioned longer-term goal, especially with respect to addressing the issue of undeclared activities. They were: to respond to the Director General's requests for assistance; and, to assist the Chairperson by agreeing on elements of a report for the June meetings of the Board of Governors. The PBC and the TACC reported to the Board meetings and so should the Advisory Committee on Safeguards and Verification.

30. The documentation provided by the Secretariat provided a good basis for understanding the current safeguards system and the strengthening measures adopted in the past. The Secretariat offered its views, based on experience, on areas where it felt it needed the assistance of Member States to do a better job to assure the international community that nuclear material was and remained in peaceful applications and to provide assurances about the absence of undeclared nuclear material and activities. It provided very specific recommendations which deserved serious consideration. While some might require additional information, others might be more appropriately addressed by existing mechanisms such as SAGSI or Member State Support Programmes. Some were not new and with further refinement they could form the basis for a recommendation to the June Board for action. His delegation looked forward to working over the coming two days to that end in the well established Vienna spirit of cooperation.

31. The Committee should not rule out following the practice of other bodies, such as the TACC and the PBC, which used a rapporteur to formulate a report for the Board of Governors.

32. The members of the Committee had a responsibility to themselves and to the Agency. The Committee relied on the Secretariat and its Director General to do the work it asked of them, and it was incumbent upon the Committee to give the Agency the tools it needed to do its job.

33. The representative of AUSTRIA*, speaking on behalf of the European Union, said that the acceding countries Bulgaria and Romania, the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries engaged in the Stabilisation and Association Process

and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, the EFTA country Iceland, members of the European Economic Area, as well as Ukraine and Moldova aligned themselves with his statement. He expressed regret that there was still no clear programme of work for the Committee. It was important to get down to substantive discussion as soon as possible and he thanked the Secretariat for the documents it had provided, which formed a good basis for moving forward.

34. The EU was generally supportive of a number of the recommendations contained in document 2006/Note 23, in particular Recommendations 1, 2 and 10. Some of the recommendations would best be examined further by experts, including those contained in document 2006/Note 24 on enhancing IAEA satellite imagery capabilities.

35. The EU commended the Secretariat's activities to facilitate the early conclusion of safeguards agreements and universalization of the additional protocol, for which broad support had been expressed at previous meetings of the Committee. Comprehensive safeguards agreements, together with additional protocols, constituted the current Agency verification standard, enabling it to provide credible assurance regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities. The universalization of the additional protocol by all States, regardless of their NPT status, would strengthen the international non-proliferation and disarmament regime and contribute to the security of all States.

36. The universalization of the additional protocol was a key component in the EU strategy against the proliferation of weapons of mass destruction. Through joint actions under the EU's Common Foreign and Security Policy in support of the Agency, the EU was providing legislative assistance for implementation of the additional protocol. The EU would welcome the further development of relevant programmes by the Agency in that respect.

37. Regarding funding of the Committee, he reiterated the EU's position that the costs of the Committee should be absorbed into the Regular Budget and he encouraged the Secretariat to make efforts to that end. The EU was pleased to note that the Committee's meetings would be funded from existing resources at least until the September Board.

38. The representative of GERMANY assumed that, as the Committee had not yet agreed on a work programme, the documentation submitted by the Secretariat for the current session, especially document 2006/Note 23, constituted the work programme for the time being. That document showed that the effectiveness and efficiency of the safeguards system had improved over the years. The Annex on page 20 summarized 18 obligatory and voluntary measures which had been introduced to strengthen the system.

39. The additional protocol was a powerful instrument, but with fewer than half the States expected to ratify the additional protocol having done so, the first priority was undoubtedly its universalization. Germany therefore fully supported Recommendation 2.

40. Safeguards obligations had to be fulfilled, and States should also respect all voluntary commitments they had entered into. Recommendation 1 should be applied to all types of safeguards agreements. In that context, the instrument of special inspections should be revisited with a view to applying them not as an extraordinary measure, but to the extent necessary in cases where intentional non-compliance by a State had been substantiated.

41. Clarification was needed in relation to Recommendation 3 and others about whether only comprehensive safeguards States were meant or also those with additional protocols.

42. Germany saw no real urgency in reviewing Annexes I and II of the Model Additional Protocol as proposed in Recommendation 4. For the time being, it was far more important to ratify the

additional protocol than to amend it. It should also not be forgotten that, for technical issues, SAGSI was available as an effective instrument for preparing the Committee's discussions.

43. Germany was open to discussing Recommendations 5 to 8. Recommendations 6 and 7 proposed additional access even to locations where sensitive components and equipment had been destroyed. In cases where former nuclear installations had been transformed years previously into public museums, it seemed unlikely that an inspection or complementary access brought any added value. The same argument applied to Recommendation 8. The purpose of the additional protocol was not to write a history of nuclear activities, but to establish a risk assessment of a given State.

44. Recommendation 9 contained a number of issues requiring detailed discussion. The export of specified equipment and non-nuclear material, for example, was already covered by Article 2.a(ix) of the Model Additional Protocol. Some other aspects were covered by the voluntary reporting system.

45. Recommendations 10 and 11 related to the very useful and effective instrument of environmental sampling. In that regard, Germany felt that the Secretariat should look into ways of reducing the number of samples processed in order to raise efficiency and not overburden the laboratories.

46. The representative of the RUSSIAN FEDERATION commended the material prepared by the Secretariat regarding measures to increase the effectiveness and efficiency of the safeguards system. The Secretariat had been right to focus the Committee's attention on three main areas: the conclusion and full implementation of existing safeguards instruments, the provision of information on nuclear technologies and the enhancement of technical capabilities.

47. The best way of improving the safeguards system was for all NPT non-nuclear-weapon States to implement comprehensive safeguards agreements in accordance with the Treaty and for all States to conclude additional protocols thereto. As followed from the Secretariat's statistics, the strengthened safeguards system was currently working at less than half its potential. Ways needed to be found to encourage NPT signatories to fulfil their legal obligations under the Treaty. Broader conclusion of additional protocols would be encouraged not only by States' recognition of the political significance of their universal application and their direct link with global and national security, but also by financial and economic incentives.

48. Russia endorsed the Secretariat's view that implementing the Plan of Action to Promote the Conclusion of Safeguards Agreements and Additional Protocols was useful. The outreach activities and other measures to clarify policy and the legal and technical aspects of the strengthened safeguards system carried out under the Plan helped ensure wider adherence to the stricter nuclear verification standard. Russia looked forward to an updated version of the Plan.

49. He echoed previous speakers in saying that the recommendations in document 2006/Note 23 deserved careful study, particularly with respect to their financial, administrative, legal and technical implications. That was particularly true of the recommendations concerning the fulfilment of legal obligations and voluntary commitments on reporting, the interpretation of legal instruments and the provision of various types of information to the Agency.

50. As far as enhancing the Agency's technical capabilities was concerned, that task was already largely being taken care of within the framework of nuclear verification R&D programmes. Increasing the SAL's capacity for processing and analysing environmental samples had already been discussed by Member State Support Programme coordinators in March 2006. The Secretariat's recommendations on that topic could be taken into consideration by Member States when establishing priorities for their respective Support Programmes.

51. The representative of ARGENTINA said that document 2006/Note 23 provided useful updated information on safeguards strengthening measures taken. She reiterated her delegation's view that it was premature to undertake any general review of safeguards, particularly comprehensive safeguards, without first of all agreeing on the mandate, terms of reference and scope of the Committee.
52. Recommendations for future measures should be based on a comprehensive analysis of the current effectiveness and efficiency of strengthened safeguards, their impact in terms of cost benefit, the role of the Agency and other organizations, and an analysis of the technical, legal, financial and political implications.
53. More attention should be devoted to furthering cooperation with national and regional SSACs so that their verification and controls results could be taken into account, as envisaged in document INFCIRC/153.
54. Although the Secretariat's experience would seem to show the limitations of voluntary reporting schemes, their contribution should not be disregarded as they had been approved to give the Agency a clearer overall picture.
55. Expanding the Agency's analytical and technical capabilities, as indicated in paragraph 34 of the document, made sense provided careful consideration was given to the reliability of open and other sources. Information obtained from third parties or open sources should always be used in a context of total transparency and not for the purpose of drawing safeguards conclusions.
56. Her delegation requested more information from the Secretariat on the criteria for the routine use of satellite images and the associated cost benefit, and also more details on the financing of Recommendations 10 and 11.
57. With respect to the provision of additional information on nuclear technologies, individual recommendations should not be adopted prior to comprehensive study of the need for them. Concerning Recommendations 4 to 9, there was not always a clear link between the information and safeguards and some might require technical, political or legal analysis.
58. It was important for the Committee not to allow efficiency to take second place to effectiveness in the consideration of strengthened safeguards.
59. The representative of CANADA, recalling resolution GC(41)/RES/16 which affirmed that measures to strengthen safeguards must be implemented rapidly and universally, said that simply having instruments such as the additional protocol to overcome weaknesses in the safeguards system was not enough; they must be used. Her country supported Recommendation 2 to encourage all States to sign and bring into force a comprehensive safeguards agreement and an additional protocol, and to cooperate with the Agency in pursuing the broader safeguards conclusion.
60. The safeguards system must adapt to new challenges. In doing so, it need not create new obligations or burdens for States, but might allow for the reallocation of resources to provide more effectively and efficiently the continued assurances for which safeguards were intended. The State-level approach was one such approach.
61. She underlined that the term "integrated", which was used frequently in document 2006/Note 23, referred to the need to combine appropriately the implementation of traditional comprehensive safeguards measures with the measures under the additional protocol in States for which the broader safeguards conclusion had been drawn. Confidence in that broader conclusion enabled safeguards resources to be reallocated and refocused.

62. While recognizing that a number of the Secretariat's recommendations required further clarification, Canada continued to support the work of the Committee. It might initiate a review of the annexes to the Model Additional Protocol to take into account developments in technology and the clandestine nuclear supply networks that had come to light in the years since its approval in 1997, and doing so should be a fairly straightforward task.

63. With regard to Recommendation 1, her delegation emphasized that legal obligations were binding for countries which had taken the sovereign decision to accept them and were not a matter of discretion.

64. The representative of COLOMBIA, having reiterated her country's firm commitment to global disarmament and the non-proliferation regime, said that progress was being made on ratifying Colombia's additional protocol.

65. Having taken note from paragraph 63 of the Secretariat's report that the full potential of the strengthened safeguards system could be realized only for States with safeguards agreements and additional protocols in force, she expressed her delegation's support for Recommendations 1, 2 and 3.

66. With regard to Recommendation 4, consideration should be given to the appropriateness of establishing a working group to advise the Board on amendment of the annexes to the Model Additional Protocol. Also, it was necessary to consider how the amendments would be received among States which had already acceded to that legal instrument and those in the process of ratifying it. Ideally, the amendments should act as an incentive for more States to sign an additional protocol.

67. The provision of additional information, like any other measure aimed at strengthening the safeguards system, required the broad support of the Member States if the objective was to be achieved. Her delegation could support Recommendation 4 on condition that recommendations for amendment were duly discussed with States which had signed an additional protocol, with those which were ratifying one and with those which had not yet expressed their intention to do so. That would ensure progress towards universalization of the additional protocol. The foregoing comments were without prejudice to those made by the representative of Malaysia on behalf of NAM regarding information from the Secretariat about existing gaps in the current safeguards system and the implementation status of the relevant Policy-Making Organ resolutions and decisions.

68. Her delegation supported Recommendations 5 to 8, but stressed the importance of ensuring the confidentiality of sensitive information.

69. Colombia, which shared international concerns about clandestine nuclear trade, fully endorsed the cooperation proposed in Recommendation 9.

70. Her delegation also supported Recommendation 10 on the understanding that maintaining, improving and expanding the number of qualified laboratories would be funded through voluntary contributions and not entail financial obligations for Member States. She requested further clarification from the Secretariat of the needs of the laboratories in the Agency's network.

71. More clarification was also required, regarding Recommendation 11, in terms of the proposed measures for enhancing SAL's capabilities for the processing and analysis of environmental samples, the costs thereby generated and the financing options, which — it was Colombia's understanding — would be based on voluntary contributions.

72. Colombia gave its general support for the Secretariat's recommendations, on condition that they would not generate additional expense or lead to any increase in the Regular Budget, and that the measures would be of a voluntary nature.

73. The representative of the REPUBLIC OF KOREA said that although the Committee's deliberations were moving steadily forward, progress was too slow and the results were disappointing. Given that almost one year had passed since its establishment, it was high time for the Committee to recommend to the Board an initial set of measures to strengthen the safeguards system in accordance with its mandate.

74. Each of the Secretariat's 11 recommendations in document 2006/Note 23 had merits, but it was not possible to do everything at once. Priority should be placed on issues on which consensus could be easily reached. He expressed the hope that the Committee would report to the June meetings of the Board of Governors on Recommendations 1 and 2, which aimed to universalize the comprehensive safeguards agreement and the additional protocol. That was the minimum required to maintain the momentum of the Committee's work.

75. In his delegation's view, the next priorities for the Committee were Recommendations 4, and then 10 and 11.

76. The representative of BRAZIL echoed the view of the representative of Argentina not only that it was premature to proceed to a new review of the safeguards system, especially in relation to INFCIRC/153-type agreements, but also that the current safeguards system should be analysed to assess the need for the recommendations and their legal, political and technical implications.

77. Paragraph 14 of document 2006/Note 23 mentioned the "cooperation of State safeguards authorities with the Agency" as one element on which the technical effectiveness of the safeguards system was based. Such cooperation was already defined in document INFCIRC/153 through the establishment of an SSAC. Cooperation to be extended by States should not go beyond the provisions of comprehensive safeguards agreements. On the other hand, it was important to emphasize the Agency's role in enhancing cooperation with States by making more efficient use of the resources of existing State and regional systems of accounting for and control of nuclear material.

78. Paragraph 19 mentioned "access, on request, to existing historical accounting and operating records predating the entry into force of the comprehensive safeguards agreement" as one of the additional elements of information which had been sought from States. Her country was of the view that the provision of information to the Agency should be done according to the provisions of document INFCIRC/153.

79. Turning to Recommendation 2, she said that efforts to strengthen the safeguards system must respect the safeguards agreements in force between Member States and the Agency and should not pose any additional burden on the majority of Member States, which were already fulfilling their safeguards commitments. It was inappropriate to ask States party to the NPT which abided by their safeguards agreements to undertake additional legal obligations while other countries with significant nuclear military programmes were not party to the NPT or could voluntarily choose what parts of their nuclear programmes would be subject to safeguards.

80. The status of comprehensive safeguards agreements and additional protocols was a matter to be decided by the NPT Review Conferences. The failure of the 2005 NPT Review Conference to achieve concrete results and of the High-level Plenary Meeting of the General Assembly in September 2005 to reach consensus on the final text on disarmament and non-proliferation, as well as the lasting impasse at the Conference on Disarmament in Geneva showed the difficulties in finding common ground to advance on both disarmament and non-proliferation. The international community should strive to achieve progress on both — intertwined — objectives. Focusing only on non-proliferation would not contribute to international efforts towards a more secure and peaceful world.

81. Her delegation requested more information on the status of additional protocols in countries with voluntary offer agreements and INFCIRC/66-type agreements. It also wished to know whether those States fell within the category of States with significant nuclear activities.

82. To assess the practical and legal implications of Recommendation 3, Brazil would appreciate further clarification on the exact definition of “nuclear activities”.

83. With regard to Recommendation 4, her country would welcome further information on the rationale for amending the annexes to the Model Additional Protocol.

84. With respect to Recommendation 8, a clear definition of “past nuclear activities” and an explanation of the specific reasons for a possible request for information were necessary. As a rule, information had to be provided to the Agency in accordance with the relevant provisions of document INFCIRC/153. Furthermore, Recommendation 8 would be better placed in section D.1 of the report than in section D.2.

85. Turning to Recommendation 9, she said that Article 2.a.(ix) of the Model Additional Protocol already covered the provision of information relating to the export of equipment and material. Further discussion was required on ways of enhancing the provision of information to solve inconsistencies. Moreover, Recommendation 9 did not properly reflect the voluntary basis of the provision of information, mentioned in paragraph 69.

86. As to Recommendation 10, she indicated that her delegation was ready to explore the possibility of Brazilian laboratories being included in the NWAL, not only for the analysis of environmental samples, but also for the destructive analysis of nuclear material. The Secretariat might consider adopting other methodologies for sample collection in order to speed up the analysis of environmental sampling results.

87. The representative of the LIBYAN ARAB JAMAHIRIYA said that the approach taken to improving the effectiveness and efficiency of the safeguards system should be based on recommendations to universalize comprehensive safeguards agreements so that all Member States submitted their nuclear facilities to the Agency’s verification system without discrimination. The most important step which needed to be taken, and before recommending any new measures, was to review the measures already in place to improve effectiveness and efficiency and to assess to what extent they had been successful, placing particular emphasis on the reports submitted to the Committee on the implementation of all the relevant decisions and resolutions adopted by the Board of Governors and the General Conference.

88. His delegation would appreciate more information from the Secretariat on the administrative and financial implications of the recommendations it had set out in document 2006/Note 23.

89. The Secretariat’s report and the recommendations therein placed too much emphasis on non-proliferation for non-nuclear-weapon States. Whilst Libya endorsed such work, equal importance should be attached to non-proliferation and disarmament measures for nuclear-weapon States, in accordance with Articles I and VI of the NPT. Furthermore, strengthening of the safeguards system should not infringe on the inalienable right of all States, and developing States in particular, to develop the peaceful uses of nuclear energy and technologies in accordance with Article IV of the NPT and the relevant Articles of the Statute.

90. His delegation endorsed the Secretariat's request, contained in Recommendation 10, that Member States contribute to enhancing the Agency’s NWAL, as such support was essential for developing countries in desperate need of experienced laboratories.

91. The representative of EGYPT said that the recommendations formulated by the Secretariat in document 2006/Note 23 on strengthening the safeguards system focused too much on non-nuclear-weapon States party to the NPT with comprehensive safeguards agreements and/or additional protocols thereto and failed to take sufficient account of the real threat of proliferation posed by countries which had not acceded to the aforementioned legal instruments. Since the Agency's Medium Term Strategy for 2006–2011 stated that one of the main aims of Major Programme 4 was to contribute as appropriate to nuclear arms control and reduction efforts, he expressed the hope that the Agency would make greater efforts in that regard.

92. The main gap in the current safeguards system was not so much any inability to monitor the activities of non-nuclear-weapon States which had acceded to the various non-proliferation instruments, as the constant development of nuclear technology for military purposes in nuclear-weapon States. Techniques and material were being transferred to States not party to the NPT which continued to implement an ambiguous policy with regard to their potential and intentions in the field of military nuclear applications. A radical and draconian approach was required to strengthening the safeguards system, and a concerted effort was needed to universalize the implementation of safeguards agreements to ensure that they covered all the regions and countries of the world. His delegation urged the Secretariat to provide recommendations on measures which could be taken by the nuclear-weapon States to strengthen and support the verification and non-proliferation regime.

93. The various resolutions adopted by the General Conference and the Board of Governors on comprehensive safeguards and verification were part and parcel of the current safeguards system and their implementation was absolutely essential to ensuring the balance and the effectiveness of the system. Document 2006/Note 23 did not take stock of the extent to which such decisions had been implemented. Nor did the annex to the document provide any more than a general and incomplete overview. His delegation requested the Secretariat to draw up a comprehensive review of the status of implementation, particularly for the Middle East.

94. The Egyptian delegation had reservations with regard to paragraph 64 of document 2006/Note 23 because it gave the impression that the conclusion of comprehensive safeguard agreements applied only to States party to the NPT. Operative paragraph 3 of resolution GC(49)/RES/13 expressly called for the universalization of comprehensive safeguard agreements, and the Secretariat should prepare a consolidated document spelling out all the efforts being made to implement the resolution, the extent to which they had been successful and any reasons preventing their implementation.

95. The Secretariat had indicated in its 4 May briefing that the majority of its proposals would not have any financial repercussions for the Agency and no legal consequences for Member States. His delegation considered such an opinion to be overly simplistic and that there would indeed be legal implications and that a considerable financial burden would be placed on States wishing to implement the new measures. The burden would be even heavier for developing countries, which were already endeavouring to implement the numerous and complex measures contained in the legal instruments to which they were acceding. He requested the Secretariat to draft a report on the feasibility and degree of effectiveness of its recommendations, indicating to what extent their implementation would achieve the expected results. The report should be prepared like the other reports presented to the Board before the adoption of the recommendations of the Committee 24 and of Programme 93+2, as referred to in paragraphs 4 and 6 of document 2006/Note 23.

96. His delegation underscored the principles which should be taken into account for strengthening the safeguards system and mutual confidence between Member States and the Secretariat: firstly, full transparency had to be observed with respect to information received by the Secretariat from a third party; secondly, the Secretariat should apply objective criteria when evaluating open source information so as to spare States the effort of explaining inaccurate information published in the press

or scientific journals; thirdly, it was important to evaluate the best way to improve the effective use of environmental samples and strengthen the capabilities of developing countries by setting up competent laboratories, and the Secretariat should rationalize the collection of samples and establish clear criteria to save time and financial resources; fourthly, there was a need to ensure a balance between the various obligations of the nuclear-weapon and non-nuclear-weapon Member States.

97. He assured the Secretariat of his delegation's cooperation in efforts to achieve satisfactory results reflecting the necessary balance between the interests of all Member States.

98. The representative of the SYRIAN ARAB REPUBLIC joined previous speakers in stressing the importance of due consideration of the legal, financial and technical implications of the Secretariat's recommendations.

99. Also, it was essential to distinguish between Member States' obligations under comprehensive safeguards agreements and their voluntary undertakings, which should not result in sanctions. Noting the increased international pressure and restrictions on non-nuclear-weapons States and the more stringent legal obligations being imposed on them, he pointed out that while all Arab States were party to the NPT and most had concluded comprehensive safeguards agreements, Israel — as the only country in the region with military nuclear capabilities — posed a threat not just to the Middle East but to international peace and security. Such a situation undermined the safeguards system which the Agency was seeking to strengthen. It was therefore important to focus efforts on universality of the NPT and the effectiveness of the safeguards system before applying further limitations to States which were already complying fully with their obligations. It made no sense that such States were being subjected to pressure and denied the right to uranium enrichment for peaceful purposes, whilst those which did not adhere to legal instruments and were not party to the NPT did not have to justify their nuclear arsenals.

100. His delegation was not in favour of the Agency acquiring information from open or third party sources and considered the Secretariat should verify all information in order to maintain credibility and ensure the required transparency.

101. Syria complied with paragraph 84 of its INFCIRC/153-type comprehensive safeguards agreement pertaining to unannounced inspections, but notification of the Agency's missions should be made in a timely manner in order to facilitate visa processing, thereby enabling Syria to grant free and immediate access for inspectors and their equipment.

102. It would be beneficial for the Agency to improve its capabilities in terms of environmental sampling, which was a useful tool for detecting undeclared nuclear activities. However, States must contribute to the establishment of laboratories in their own countries avoiding any financial implications for developing countries. Also, the results of such analyses should be checked in the appropriate manner.

103. The representative of FRANCE underlined the importance of the Agency's safeguards system and the need to improve it in order to respond to proliferation challenges. He expressed the hope that the Committee could make rapid progress in examining and implementing measures to universalize that system, enhance its effectiveness and strengthen the Agency's capabilities. His delegation welcomed the Secretariat's recommendations contained in document 2006/Note 23 and trusted that the Committee would be able to move quickly towards a decision on a number of them.

104. Recommendations 1 and 2, dealing with legal obligations and voluntary commitments and the conclusion of safeguards agreements and additional protocols, could be adopted forthwith. France had contributed, and would continue to contribute, to the Secretariat's efforts to facilitate the conclusion of those instruments. Also, Recommendation 3, on the reapplication of safeguards to previously

exempted material, constituted a concrete and logical improvement to the implementation of safeguards agreements.

105. With regard to enhancement of the Agency's technical capabilities, France supported Recommendation 10 on expanding the NWAL. However, improvement of the network could also be achieved by increasing the capabilities of individual laboratories. Also, it was important for the Agency to continue developing its capabilities in the use of satellite imagery and, in that context, he expressed support for Recommendations 1 to 5 contained in the document 2006/Note 24. Implementation of the recommendations concerning laboratories and satellite imagery would depend on the Secretariat and on Member State Support Programmes. France would continue supporting the Agency in that regard.

106. Other recommendations required some amendment. Updating the annexes to the Model Additional Protocol as proposed in Recommendation 4, for example, should be done within the framework of existing lists on exports of material and equipment to ensure the greatest possible consistency. Furthermore, the voluntary nature of the measure proposed in Recommendation 9 on the provision of information on exports should be more clearly delineated.

107. Recommendations of a technical nature required further information from the Secretariat or more detailed expert study. Recommendations 5 to 8 fell into that category and needed closer examination of their scope and implementation modalities.

108. Certain of the recommendations, notably Recommendation 11 in document 2006/Note 23 and Recommendation 6 in document 2006/Note 24, could have a significant impact on the Agency's resources and budgets and should therefore be studied on the basis of further details from the Secretariat concerning implementation costs.

109. The representative of AUSTRALIA welcomed the review of the Agency's safeguards system in document 2006/Note 23 and the recommendations for improvement thereof.

110. On the issue of reporting of neptunium and americium holdings and exports, the information received by the Agency had been less than satisfactory. He urged all States to provide such information if requested.

111. His delegation, having taken note of the information contained in paragraph 39 with regard to special inspections, considered that the Agency should make use of special inspection provisions in appropriate cases.

112. The problem of the NWAL and SAL not being able to keep pace with the number of environmental samples being collected might be due in part to rigid application of the seven-year rotation policy to SAL staff. A more flexible staffing policy, similar to that which had been in place for some years for safeguards inspectors, would enable retention and better management of key staff.

113. Australia looked forward with interest to the results of the six projects to develop and evaluate novel forensic and detection techniques referred to in paragraph 55.

114. It also looked forward to the successful conclusion of the new cooperation arrangements with Euratom mentioned in paragraph 59 such that there was no loss of safeguards effectiveness in the European Union while minimizing any potential increase in the Agency's workload and resource needs.

115. With regard to the implementation of integrated safeguards, he welcomed the information contained in paragraph 61 that they had to date been implemented in ten States.

116. Turning to the recommendations themselves, he expressed his country's support for Recommendations 1 to 7.

117. With regard to Recommendation 8, he understood that there was some discussion within the Secretariat and between some Member States as to whether there was an explicit requirement to report on past and completed nuclear activities. Some information on past activities was already required under both the comprehensive safeguards agreement and the additional protocol. However, in most cases such reporting would take place in response to queries from the Secretariat, probably related to the need to interpret environmental samples, such as baseline environmental samples. The adoption of Recommendation 8 would add weight to the Secretariat's efforts. In requesting and following up on such reporting, the Secretariat should continue to exercise sound judgement so as to manage appropriately the resource implications for itself and Member States.

118. With regard to Recommendation 9, paragraph 69 indicated that the term "specified equipment and non-nuclear material" referred to dual-use goods, such as those listed in the annex to document INFCIRC/254 Part 2 maintained by the NSG, in which Australia participated. Australia would be in a position to provide the Agency with such information, provided it was appropriately protected, ensuring the maintenance of privacy and commercial confidentiality.

119. While expansion of the NWAL, foreseen in Recommendation 10, could be a useful development, the Agency might face some practical problems. For example, current NWAL participants retained staff working on other substantial projects in addition to Agency-specific projects and were therefore able to provide the Agency with favourable terms. That might not be the case for any new NWAL participants. Consideration should therefore be given to more effective utilization of the existing NWAL system. His delegation requested further information from the Secretariat in that regard.

120. Since it was not clear what the specific needs of SAL were or what would constitute appropriate augmentation of its capabilities, he also requested further information from the Secretariat on the basis for Recommendation 11.

121. The representative of CUBA, noting that some of the recommendations contained in document 2006/Note 23 entailed new obligations, voluntary or otherwise, and had legal, political and economic implications for States, endorsed NAM's view that more time was needed for careful analysis of the true scope and impact of the recommendations before any decision was taken.

122. He expressed serious concern about Recommendation 4; it was premature to undertake a review of Annexes I and II to the Model Additional Protocol.

123. Also, Recommendation 9 had implications which went beyond the additional protocol and which were unacceptable to his delegation.

124. Strengthening of the safeguards regime could not be examined without also considering disarmament, since non-proliferation and disarmament were two sides of the same coin. Certainly, the Agency had a specific role to play as regards verification, but the little or no progress made on the issue of disarmament in other forums could not be ignored when considering whether to commit to new obligations.

125. The representative of SINGAPORE reaffirmed her country's commitment to supporting the Agency's verification role through a strengthened and robust safeguards system that would remain resilient and responsive to the ongoing challenges of proliferation. The Secretariat had provided some documentation on additional tools required to assist in providing credible assurances on safeguards. In considering the various recommendations proposed, the Committee should adopt a focused and selective approach, prioritizing the recommendations to be submitted to the Board on the basis of

feasibility of implementation, cost-benefit, and the possibility of their being implemented through other channels, such as Member State Support Programmes.

126. Safeguards agreements were the foundation of the Agency's verification role. The universalization of the comprehensive safeguards agreement and the additional protocol, called for by the Board of Governors and the General Conference, and the implementation of a modified SQP regime must remain a high priority. She expressed Singapore's continued support for the ongoing outreach efforts by the Agency and by Member States to that end and for the call for States to fulfil all their respective legal safeguards obligations. Singapore commended the Agency's role in providing the necessary technical assistance and training on SSACs to States with small or limited nuclear programmes. Effective implementation was best achieved through a two-way relationship, with the Agency and Member States working together to overcome obstacles to proper safeguards implementation. In addition, some Member States had undertaken voluntary commitments as a sign of transparency.

127. Apart from States fulfilling their commitments, there remained a need to address existing gaps and weaknesses in the safeguards system. Her delegation was generally supportive of improving the Secretariat's analytical capabilities to detect undeclared nuclear material and activities. It endorsed the Secretariat's Recommendation 10 to expand the number of qualified NWALs. A broader and more equitable representation of laboratories in developing countries, particularly those possessing known capabilities, should be encouraged.

128. The voluntary provision of information on the manufacture and export of, and trade in, selected dual-use equipment and non-nuclear material foreseen in Recommendation 9, merited further discussion, with due emphasis given to protecting the confidentiality of information. The known occurrence of clandestine nuclear procurement and the supply of sensitive nuclear technologies and information underlined the need for further work in that area.

129. The Secretariat's proposal to revise the annexes to the Model Additional Protocol, contained in Recommendation 4, would require thorough review before any decision was taken.

130. Singapore remained firmly committed to the two mutually reinforcing goals of having a strengthened, efficient and effective safeguards system which bolstered non-proliferation and contributed to building confidence, and of supporting the right of States to the peaceful uses of nuclear energy.

131. The representative of SWITZERLAND* commended the report contained in document 2006/Note 23, which explained Agency activities in a clear and comprehensive manner.

132. Switzerland fully supported strengthening the application of safeguards, but was convinced that the Agency should strive to make the most comprehensive and thorough use of existing measures and competencies under the comprehensive safeguards agreement and the additional protocol before introducing additional requirements and obligations, even if they were just on a voluntary basis. In that context, his delegation supported Recommendations 1 and 2 and urged all Member States to conclude and implement fully existing safeguards. Recommendation 3 on the reapplication of safeguards to previously exempted material, on the other hand, was not entirely clear and would probably give rise to reservations on his country's part.

133. Recommendations 4 to 9, dealing with additional information on nuclear technologies, were the most problematic, insofar as they exceeded States' commitments under their safeguards agreements and additional protocols. Signing and ratifying additional protocols and bilateral agreements was an ongoing process which, as yet, had not developed far. All States should provide the information required under existing obligations before any additional information was sought. Most of the States

with an additional protocol in force were inexperienced in providing information; Switzerland's additional protocol had entered into force on 1 February 2005 and lessons were still being learned and experience gained. It was not advisable, therefore, to contemplate the provision of additional information, including amendments to Annexes I and II of the Model Additional Protocol, before the application of obligations under safeguards agreements and additional protocols had become routine procedure for the majority of Member States.

134. Recommendations 10 and 11, on enhancing technical capabilities, would be very useful in strengthening measures to detect illicit activities and thereby prevent nuclear proliferation. Environmental sampling was an excellent tool for detecting undeclared nuclear activities and his delegation was prepared to consider an increase in analytical capacities, provided it was justified and could be arranged within the existing safeguards budget.

The meeting rose at 1.05 p.m.