

IAEA Board of Governors

Record of the 8th Meeting of the Advisory Committee on Safeguards and
Verification within the Framework of the IAEA Statute
GOV/COM.25/OR.8

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

Review and improvement of the effectiveness and efficiency of the safeguards system: Recommendations to be considered by the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute to further improve the effectiveness and efficiency of the safeguards system (1) (Cuba)

Review and improvement of the effectiveness and efficiency of the safeguards system: Recommendations to be considered by the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute to further improve the effectiveness and efficiency of the safeguards system (2) (Cuba)

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

Record of the 8th Meeting

Held at Headquarters, Vienna, on Tuesday, 26 September 2006, at 10.40 a.m.

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¹ GOV/COM.25/8.

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)
Ms. WILKINSON DE VEXINA	Argentina
Mr. BEVEN	Australia
Mr. STELZER	Austria
Mr. BAZOBERRY	Bolivia
Ms. RICHTER RIBEIRO MOURA	Brazil
Mr. WOOD	Canada
Mr. LAGOS KOLLER	Chile
Mr. LI Sen	China
Ms. QUINTERO CORREA	Colombia
Ms. GOICOCHEA ESTENOZ	Cuba
Mr. KHALIL	Egypt
Ms. KAUPPI	Finland
Mr. ALBERT	France
Mr. SANDTNER	Germany
Ms. BALANOU	Greece
Mr. PATEL	India
Mr. HISWARA	Indonesia
Mr. SUMI	Japan
Mr. KIM Sung-Hwan	Korea, Republic of
Mr. MILAD	Libyan Arab Jamahiriya
Mr. ELOUMNI	Morocco
Ms. SEKSE	Norway
Mr. BILAL	Pakistan
Mr. SERGEEV	Russian Federation
Mr. KRIŽ	Slovenia
Mr. WRIGHT	South Africa
Ms. EIBORN	Sweden
Ms. ABDUL-RAHIM	Syrian Arab Republic
Mr. ARTHAKAIVALVATEE	Thailand
Mr. TULEY	United Kingdom of Great Britain and Northern Ireland
Ms. HILLIARD	United States of America
Mr. ELBARADEI	Director General
Mr. ANING	Secretary of the Committee

Representatives of the following Member States also attended the meeting:

Algeria, Belgium, Czech Republic, Denmark, Estonia, Islamic Republic of Iran, Israel, Italy, Malaysia, Mexico, New Zealand, Philippines, Poland, Singapore, Slovakia, Spain, Switzerland, Tunisia, Turkey, Ukraine, Venezuela, Bolivarian Republic of.

Abbreviations used in this record:

EFTA	European Free Trade Association
GRULAC	Latin American and Caribbean Group
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
NWAL	Network of Analytical Laboratories
NWFZ	nuclear-weapon-free zone
SAL	Safeguards Analytical Laboratory
SQP	small quantities protocol
SSAC	State system of accounting for and control of nuclear material
Tlatelolco Treaty	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

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

– **Adoption of the agenda**
(GOV/COM.25/7/Rev.1)

1. The CHAIRPERSON, having welcomed all present, said she assumed that the Committee wished to adopt the provisional agenda set out in document GOV/COM.25/7/Rev.1.
2. The agenda was adopted.

– **Review and improvement of the effectiveness and efficiency of the safeguards system**

– **Recommendations to be considered by the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute to further improve the effectiveness and efficiency of the safeguards system**
(2006/Note 45 and 2006/Note 53)

3. The CHAIRPERSON recalled that on 15 September the Secretariat had held a briefing on the information contained in 2006/Note 45.

4. The representative of CUBA, speaking on behalf of NAM, said that NAM attached great importance to all General Conference and Board of Governors resolutions and decisions aimed at strengthening the safeguards system. Their implementation was essential to the effectiveness and efficiency of the safeguards system and its functioning in a balanced manner.

5. NAM was still waiting for the Secretariat to provide the Committee with a comprehensive compilation of those resolutions and decisions together with an evaluation of their implementation status. With such an evaluation, the Committee would be in a better position to analyse the loopholes in the safeguards system.

6. The recommendations in 2006/Note 45 required further examination in capitals, particularly with regard to the legal and financial implications that they might have for developing countries.

7. Meanwhile, the Committee could perhaps start discussing those recommendations which were related to the expansion of the Agency's technical capabilities, bearing in mind the understanding — reflected in 2006/Note 45 — that their implementation would not increase the Agency's existing legal authority or impose additional legal, technical or financial obligations on States. At its current session, the Committee might focus mainly on the recommendations relating to the analysis of environmental samples. In that regard, NAM continued to believe that the Agency should help interested developing Member States to develop environmental sample analysis capabilities of their own. Such capacity-building measures might lead to an increase in the number of qualified laboratories in the Agency's NWAL.

8. NAM continued to believe that nuclear non-proliferation efforts, including safeguards and verification activities, should go hand in hand with parallel efforts to achieve nuclear disarmament. In that connection, NAM remained deeply concerned about the slow pace of progress towards nuclear

disarmament, which continued to be its highest priority. It was particularly concerned about the lack of progress as regards elimination of the nuclear arsenals of the nuclear-weapon States.

9. The representative of FINLAND, 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, and Serbia, the EFTA countries Iceland and Norway, members of the European Economic Area, and Ukraine and the Republic of Moldova aligned themselves with the statement which she was about to make.

10. The European Union would comment on some of the Secretariat recommendations in 2006/Note 45 which, in its view, merited early consideration. It looked forward to taking up other recommendations as the Committee's work progressed.

11. For the European Union, the universalization and full implementation of comprehensive safeguards agreements and additional protocols was a matter of the highest priority, since that would significantly strengthen the effectiveness and improve the efficiency of the safeguards system. The European Union welcomed the increase in the number of States with both a comprehensive safeguards agreement and an additional protocol in force, but it regretted the fact that more than 100 States had not yet brought an additional protocol into force. It therefore fully supported recommendations 1 and 6 in 2006/Note 45.

12. With regard to recommendation 4, the European Union, which noted that the list of equipment and non-nuclear material upon which Annex II to the Model Additional Protocol had been based had been updated six times since the Board had approved the Model Additional Protocol in 1997, believed that the Board should consider establishing an open-ended working group at an appropriate time to review Annex II, taking into account advances in technology and other relevant factors. The timing of the review should be chosen carefully, as such a large number of States had not yet brought an additional protocol into force.

13. With regard to recommendation 10, the European Union, which was very concerned about the illicit trade in nuclear equipment and technology, considered it important that all States cooperate fully in identifying the sources and the supply routes.

14. Expressing support for recommendation 11, she said that several laboratories in Member States of the European Union and also the European Commission's Joint Research Centre were currently part of the NWAL. The European Union welcomed the efforts being made by the Secretariat to prioritize environmental sampling activities and speed up the analysis of environmental samples.

15. As regards the recommendations relating to the expansion of the Agency's technical capabilities, further prioritization and a further assessment of future needs might be necessary. The European Union noted that implementation of most of the recommendations would have little or no impact on the Regular Budget, as it would rely on voluntary funding.

16. The representative of ARGENTINA said that GRULAC had joined in the consensus to establish the Committee on the understanding that progress would be made as regards all three pillars of the NPT — cooperation, disarmament and non-proliferation. On that understanding it stood ready to work constructively towards attainment of the Committee's objectives.

17. In GRULAC's view, it was important to avoid creating new financial obligations for developing countries in connection with the financing of the Committee's work and the implementation of its recommendations.

18. The Committee should endeavour to help increase not only the effectiveness but also the efficiency of safeguards. In that connection, GRULAC considered it important that more training and assistance be provided in support of the establishment and strengthening of SSACs in interested countries.

19. The Committee should initially focus on those recommendations which were aimed at strengthening the Agency's technical capabilities — namely, the ones contained in part C of 2006/Note 45.

20. The representative of BRAZIL said that, as a State party to the Tlatelolco Treaty and the NPT, her country was firmly committed to nuclear disarmament, to the promotion of the peaceful uses of nuclear energy and to nuclear non-proliferation, and it had joined in the consensus to establish the Committee on the understanding that progress would be made with regard to all three of those major objectives.

21. At the previous meeting of the Committee, it had been agreed that the Secretariat would rearrange the recommendations in 2006/Note 23 into three categories: those which were based on existing legal obligations, those which would require further legal authority on the part of the Agency and those which would strengthen the Agency's technical capabilities. In 2006/Note 45, however, the first category included recommendations based on legally binding instruments in connection with the NPT and recommendations based on instruments of a voluntary nature such as the Model Additional Protocol. Moreover, the second category was entitled “Recommendations regarding voluntary actions”, whereas it should be entitled “Recommendations which would require further legal authority on the part of the Agency”. As for the third category, the idea had been to refer to the ‘strengthening’ of the Agency's technical capabilities, not to their ‘expansion’, which might have legal implications for safeguards agreements in force.

22. The representative of the SYRIAN ARAB REPUBLIC said that her country, which attached great importance to the Committee's deliberations, hoped that all participants in those deliberations would act with transparency and objectivity, so that the Committee might arrive at consistent recommendations which did not have an adverse impact on Member States, particularly the developing countries among them, account being taken of Article IV of the NPT, which enshrined the right of all States to benefit from the utilization of nuclear energy for peaceful purposes.

23. To help ensure that the Committee's work was successful, there was a need to focus on how to implement the resolutions and decisions of the General Conference and the Board of Governors on increasing the effectiveness and efficiency of the safeguards system everywhere with a view to achieving a world free of nuclear weapons.

24. In that context, her country was pleased that five States had succeeded in establishing a NWFZ in central Asia. The establishment of that NWFZ should encourage Israel to accede to the NPT, submit all of its nuclear facilities to Agency safeguards and work towards the establishment of a NWFZ in the Middle East. In that connection, her country would welcome revival of the 2002 “Arab Initiative”, which remained on the table.

25. As regards the recommendations in 2006/Note 45, some of those based on legally binding instruments and some of those regarding voluntary actions were repetitive. The recommendations regarding the Agency's technical capabilities would have to be carefully reviewed in Damascus, and further clarification from the Secretariat would be required as to their financial and strategic implications. For that reason, her delegation would like the Committee to defer any decision on the recommendations in the third category.

26. The representative of JAPAN said that the recommendations in 2006/Note 45 should be prioritized, those relating to the detection of undeclared activities being assigned high priority. As to the recommendations regarding voluntary actions, care should be taken to ensure that such actions did not have a negative impact on future Regular Budgets.

27. With regard to recommendation 2, his delegation would welcome an explanation of the justification for the phrase “so the impact on States is likely to be minimal” in paragraph 12.

28. As regards recommendation 3, in Japan’s view, States with a comprehensive safeguards agreement and an additional protocol in force were already “providing information on their past nuclear activities” as such information could be obtained through environmental sampling and through complementary access. A sentence to that effect should have been included in one of the paragraphs relating to that recommendation.

29. In recommendation 5, it would be preferable to use the word “encourage” instead of “call upon” as the recommendation related to States’ voluntary commitments. In that connection, his delegation continued to believe that the question of reporting on separated neptunium and americium was not relevant to the current discussion on strengthening the safeguards system.

30. With regard to recommendations 7 and 8, he recalled the comment on them which he had made during the Committee’s previous session² and said that their purpose might be to prevent clandestine procurement networks from emerging but the effective implementation of measures already provided for would ensure that such networks did not emerge. Such measures included verification of the absence of undeclared activities through the complementary access provided for by additional protocols, and the introduction of export controls to prevent the acquisition of sensitive equipment and technologies by clandestine procurement networks.

31. As to recommendation 9, his delegation would welcome clarification of what was stated in paragraph 38.

32. Japan would like the urgency and the likely effectiveness of the actions envisaged in recommendations 15 and 18 to be clarified in future discussions among experts.

33. The representative of the REPUBLIC OF KOREA said that, as a first step, the Committee should agree on those measures regarding which consensus could easily be reached. For example, recommendation 1 was surely uncontroversial.

34. His delegation attached great importance to the Agency’s environmental sampling capabilities and therefore supported recommendations 11 and 12.

35. His delegation, which supported recommendation 4, shared the Secretariat’s view that updating Annexes I and II to the Model Additional Protocol was indispensable for greater availability of safeguards-relevant information.

36. His delegation was in favour of the recommendations relating to the development of the Agency’s satellite imagery capabilities and believed that they should be early priorities for Committee consideration.

37. The representative of the RUSSIAN FEDERATION expressed support for recommendations 1 and 6.

² See GOV/COM.25/OR.5, para. 23.

38. As to recommendation 3, in his delegation's view the idea of the Board's requesting States to provide information on their past nuclear activities should be examined with specific circumstances in mind, such as the Agency's investigation into the nuclear programme of the Islamic Republic of Iran. Under normal circumstances, there was no need for such information to be provided.

39. As to the idea of amending Annexes I and II to the Model Additional Protocol (recommendation 4), his delegation believed that at present it was more important to focus on achieving universal application of the Model Additional Protocol than on making changes to it.

40. Additional work was required on the idea of requesting States to provide the Agency with information regarding the disposition of sensitive equipment and components from decommissioned facilities and with access to locations where such equipment and components had been stored and/or destroyed (recommendations 7 to 9). It should be borne in mind that such information might be confidential.

41. His delegation had no objection to the idea of expanding the NWAL (recommendations 11 and 12).

42. The representative of GERMANY said that his delegation understood from the Secretariat briefing held on 15 September that the recommendations in 2006/Note 45 constituted the complete set of recommendations submitted for consideration by the Committee during its two-year mandate.

43. His delegation had repeatedly underlined the importance of universalizing the safeguards system, in order to increase both its effectiveness and its cost-efficiency. It therefore supported recommendation 1. As indicated in the Forward to the Model Additional Protocol, however, universalization required the ratification of additional protocols not only by non-nuclear-weapon States but also by the nuclear-weapon States.

44. His delegation continued to believe that the safeguards system could be significantly strengthened by revitalization of the instrument of special inspections, which was now somewhat rusty. Special inspections could adequately meet the specific requirements of a given situation without major administrative, financial and manpower implications.

45. Referring to recommendation 2, he said that, although it was stated in paragraph 11 of 2006/Note 45 that "This interpretation [of paragraph 38 of INFCIRC/153] would be equally relevant to States with or without additional protocols", the Secretariat had, during the 15 September briefing, explained that, owing to Article 2.a.(vii) of the Model Additional Protocol, that recommendation was not relevant to States with additional protocols in force. In his delegation's view, Article 2.a.(vii) covered the legitimate interests regarding the de-exemption of previously exempted nuclear material. The problem had been discussed in Committee 24, where it had been generally felt that Article 2.a.(vii) offered an appropriate solution. Moreover, Article 2.a.(vii) covered the case of de-exemption when safeguards had been terminated pursuant to paragraph 11 of document INFCIRC/153.

46. Regarding recommendation 3, he drew attention to paragraph 13 of 2006/Note 45, where it was stated that "the Agency may require information on a State's past nuclear activities", and to paragraph 14, where it was stated that "the Board endorsed this measure as being within the existing legal authority of INFCIRC/153". If the Secretariat believed that it already had sufficient authority, what was the Committee supposed to recommend?

47. While it was reassuring to learn from paragraph 17 of 2006/Note 45 that the Agency did not request information on States' past nuclear activities "in a mechanistic manner", there were cases where the Agency's understanding of what constituted "a mechanistic manner" differed considerably from his country's understanding. Moreover, according to Article 4.a of the Model Additional

Protocol, the Agency had a legal obligation not to proceed “mechanistically or systematically” in the case of States with additional protocols in force. So, not requesting information “in a mechanistic manner” was not an act of generosity on the Agency’s part. Furthermore, paragraph 53 of INFCIRC/153 stated that “The Agreement should provide that the records shall be retained for at least five years.” How did the Secretariat interpret that ‘five-year rule’?

48. Regarding recommendation 4, Germany was not currently able to agree to the establishment of an open-ended working group to review Annexes I and II to the Model Additional Protocol, for three reasons. Firstly, the most pressing issue was universalization of the safeguards system so as to include — inter alia — all the nuclear-weapon States, and his country wished to see more progress in that regard before a discussion of new, more or less detailed measures; secondly, universalization of the safeguards system would not be furthered by the continuous addition of new control measures, as many States would be reluctant to submit themselves to a constantly changing mechanism, so more use should be made of the already existing instrument of special inspections; and thirdly, no further committee should be established until Committee 25 had finished its work, as committees, once established, were very difficult to wind up.

49. As to recommendations 5–10, “Recommendations Regarding Voluntary Actions”, it should be borne in mind that voluntary actions, when agreed to, did not become obligatory actions. Also, cost-effectiveness considerations were particularly important in the case of voluntary actions. Moreover, States might be willing to go along with one, two or even three voluntary actions, but their willingness would decline as the number of voluntary actions increased, so his delegation believed that the Secretariat should reconsider the envisaged voluntary actions and reduce their number.

50. With regard to recommendations 11 and 12, his country remained unconvinced that the steady increase in environmental sampling was really necessary. Also, it was important to remember that the task of laboratories was to carry out research — they should be used for routine sample analysis only to a limited extent.

51. Regarding satellite imagery, in order to carry out its important tasks the Agency should as a general rule possess — or have access to — the necessary technical means in conformity with its priorities and within its budgetary limits. Member States should be ready to cooperate with the Agency in matters of satellite imagery by, for example, providing the Agency with timely access to accurate regional and local weather forecast systems, as envisaged in recommendation 15.

52. A legal aspect of the use of satellite imagery by the Agency was whether, in the Secretariat’s view, satellite images were freely accessible open-source material or subject to certain legal restrictions. States being monitored intensively from the sky might have a legitimate interest in receiving advance notice of the reasons for the satellite monitoring — or at least ex-post information about the results.

53. The representative of EGYPT, having thanked the Chairperson for the consultations which she had held during recent months, said that his country was prepared to help in arriving at agreement on the recommendations which the Committee might make to the Board.

54. All resolutions and decisions of the General Conference and the Board regarding safeguards and verification were an integral part of the safeguards system, whose effectiveness depended on full implementation of those resolutions and decisions. His country, which was looking forward to seeing a comprehensive compilation of those resolutions and decisions with an evaluation of their implementation status, was particularly interested in the implementation status of those relating to the Middle East. The credibility of the safeguards system and of any effort to strengthen it depended directly on equal priority being accorded to all the resolutions and decisions.

55. His country attached great importance to balancing the responsibilities of all States and striking a balance between the obligations of non-nuclear-weapon States and those of the nuclear-weapon States. The main loophole in the safeguards system was not an inability to monitor the activities of non-nuclear-weapon States party to non-proliferation instruments. The safeguards system should be strengthened through its universalization in all regions and the development of effective measures to prevent transfers of nuclear technology and materials for military purposes.

56. There was insufficient information in 2006/Note 45 about the legal, financial and administrative implications of some envisaged recommendations, and insufficient account was taken of the complexity of the set of voluntary and obligatory procedures which might result. There was a need to develop a framework for the deliberations of the Committee and to strike a balance between safeguards effectiveness and efficiency. It was unreasonable to impose additional obligations on countries which had concluded comprehensive safeguards agreements and were implementing them in good faith.

57. That having been said, Egypt was prepared to consider recommendations 11–18 and believed that they should be implemented with the consent of the countries concerned.

58. The representative of SWITZERLAND* said he hoped that on the basis of 2006/Note 45 the Committee would be able to structure its future work and begin substantive discussions on the Secretariat's recommendations.

59. With a view to facilitating the submission of an initial interim report by the Committee to the Board, he proposed that, as a first step, the recommendations in 2006/Note 45 be classified as follows: (i) recommendations that might be forwarded to the Board as they stood or with only minor editorial changes; (ii) recommendations that needed substantive discussion in the Committee or in a working group; and recommendations of insufficient importance to warrant consideration by the Committee. As a second step, Member States could inform the Secretariat of their views regarding the recommendations that were considered to need substantive discussion.

60. His delegation could see no problems arising in connection with recommendations 1 and 2 and believed that they could be placed in the first category.

61. Recommendation 3 in its present general form was not acceptable to his delegation, which would really like it to be dropped. However, his delegation was prepared to enter into a substantive discussion of it in the Committee, so it should be placed in the second category.

62. Regarding recommendation 4, his delegation continued to be of the view that work on amending Annexes I and II to the Model Additional Protocol should not be undertaken before fulfilment of the obligations arising out of additional protocols had become a routine procedure for the majority of States. In its view, recommendation 4 should be placed in the second or third category, with the clear understanding that the issue might be a long-term one of low priority for the Committee.

63. Regarding recommendation 5, his delegation continued to believe that the Agency should strive to make the most thorough use of the measures provided for by comprehensive safeguards agreements and additional protocols before calling for additional measures, even if they were voluntary in nature. In its view, recommendation 5 should be treated in the same way as recommendation 4.

64. While it was clearly important to promote the conclusion of additional protocols, recommendation 6 was, in his delegation's view, insufficiently concrete and should therefore be placed in the third category. However, his delegation would have no difficulties with a more concrete version of that recommendation being placed in the first category.

65. Recommendations 7–9 related to requests that the Agency, in his delegation's view, was already entitled to make pursuant to additional protocols, although a special procedure was needed. Consequently, his delegation believed that those recommendations would have significance only for States without additional protocols in force and that the focus should be on the universalization of additional protocols, with those recommendations placed in the second category.

66. Recommendation 10 created difficulties for his country, particularly as regards the provision of information on export denials. His delegation would — as in the case of recommendation 3 — really like recommendation 10 to be dropped but was prepared to enter into a substantive discussion of it in the Committee.

67. Although generally in favour of expanding the Agency's technical capabilities, his country believed that recommendations 11–18 involved issues which would have to be discussed in detail in the Committee. In its view, therefore, those recommendations should be placed in the second category.

68. The representative of CANADA said that his country continued to attach considerable importance to the Committee and remained committed to its objective of strengthening the effectiveness of the safeguards system. The previous week, in resolution GC(50)/RES/14, the General Conference had acknowledged the work of the Committee and had expressed appreciation of the Secretariat's efforts in support of that work. It was now necessary to ensure that the Committee met the expectations both of the Board and of the General Conference by producing substantive results. However, none of the previous three sessions of the Committee had led to an agreement on a work plan, and, with the initial two-year mandate of the Committee at almost the half-way mark, failure to develop a work plan during the current session might jeopardize the Committee's credibility.

69. The objective of the current session should therefore be to establish a way forward, and with that in mind his delegation believed that priority consideration should be given to recommendations 1 and 6, which were the most straightforward. By starting with those two recommendations, the Committee might begin building the political commitment that it would require later in order to take more ambitious actions. In that connection, he had been favourably impressed by the two-step approach outlined by the representative of Switzerland.

70. The purpose of strengthening the safeguards system should be to increase the Agency's ability to draw meaningful conclusions not only about the correctness but also about the completeness of States' declarations. When the Committee had been established, his delegation had expected that it would develop recommendations designed to increase the Agency's ability to draw such conclusions. Unfortunately, little progress had been made. Given the great efforts of the Secretariat, the responsibility for that situation lay with Member States represented in the Committee, particularly those which lacked the political will to join in strengthening the effectiveness of the safeguards system.

71. Canada was prepared to work with the Secretariat and with other Member States on the recommendations in 2006/Note 45. However, progress would be impossible if the Committee could not move forward on even the simplest recommendations during the current session. The Committee should take an initial step by agreeing to submit recommendations 1 and 6 to the Board for its approval.

72. The representative of the ISLAMIC REPUBLIC OF IRAN* said that the issue of strengthening the safeguards system was directly related to the issue of the national security of Member States, and it therefore needed to be considered with great care, account being taken of all the legal, technical and financial aspects and of the possible political impact of any recommendations made by the Committee.

73. There were still more than 100 States without additional protocols in force, despite the fact that the Board had approved the Model Additional Protocol almost a decade previously. Moreover, it took a long time for legally binding instruments to prove their effectiveness by being widely implemented — especially ones which, like additional protocols, were directly related to national and global security. It was therefore premature to take steps going beyond those provided for in additional protocols, the experience of implementing which was still very limited. Once additional protocols were being implemented in most States, it might be possible to propose ways of eliminating shortcomings.

74. His country, which had joined the consensus in favour of establishing the Committee after having expressed the views which he had just reiterated and its understanding that the Committee's establishment would impose no additional legal or financial obligation on Member States, believed that the Committee should bear in mind the principle of a balance between the effectiveness and the efficiency of the safeguards system. Moreover, the taking of hasty decisions in the Committee — and even the holding of frequent meetings — would create difficulties for developing countries, as national authorities required sufficient time to thoroughly review any envisaged recommendations.

75. His country was of the view that, at present, the Committee should focus exclusively on the recommendations in 2006/Note 45 relating to the analysis of environmental samples, as the other recommendations required further consideration in capitals. At the same time, as all the recommendations were interrelated, none of them should be submitted to the Board prior to the completion of the Committee's work.

76. The Committee would be successful only if it worked within the framework of the Agency's Statute and in a completely impartial manner. Any reference to a particular situation or to a particular Member State would jeopardize the cooperative working environment in the Committee, and his delegation therefore advocated caution in that respect.

77. The representative of CHINA said that his country remained committed to participating constructively in the work of the Committee and that the recommendations in 2006/Note 45 provided a sound basis for that work.

78. The safeguards system could be further strengthened through the full exercise by the Agency of its existing authority, and particularly the full exploitation of the possibilities offered by comprehensive safeguards agreements and additional protocols. China therefore welcomed the efforts being made to promote the conclusion of comprehensive safeguards agreements and additional protocols and endorsed the Secretariat's recommendations relating to those efforts.

79. In the face of new challenges, it was important that States cooperate with the Agency by providing more information, pursuant to additional protocols, revised SQPs and other instruments.

80. His country was in favour of expanding the Agency's technical capabilities in areas such as environmental sampling and the analysis of satellite images. At the same time, it believed that the Secretariat should do its utmost to make full use of the Agency's existing technical capabilities, in consultation with Member States. It would like to see Member States in a position to do so providing more technical and financial support and more training.

81. The representative of the LIBYAN ARAB JAMAHIRIYA, expressing support for an expansion of the Agency's technical capabilities, said that an increase in the number of qualified analytical laboratories in developing Member States would permit the more expeditious analysis of environmental samples.

82. His country, which had ratified the additional protocol to its comprehensive safeguards agreement in July 2006, was concerned about the fact that Israel had still not subjected all its nuclear

facilities to international safeguards. The international community should urge Israel to accede to the NPT.

83. The representative of the UNITED STATES OF AMERICA said that, with just over one year left until the initial mandate of the Committee expired, there was little time to achieve consensus on sound proposals for increasing the Agency's ability to detect undeclared nuclear facilities, material and activities. However, the recommendations in 2006/Note 45 could serve as the basis for such proposals.

84. In the light of positive statements made during the Committee's current meeting, her delegation believed that consensus would be achieved, and it looked forward to constructive dialogue to that end during the coming year both in the Committee and in informal consultations.

85. In her delegation's view, progress could be made in promoting the universal conclusion of comprehensive safeguards agreement, encouraging and enabling States to fulfil all their existing legal obligations and voluntary commitments, and increasing the Agency's ability to apply effective safeguards, with the establishment of an open-ended group of experts to review the Model Additional Protocol and consider possible amendments to it.

86. The representative of FRANCE, thanking the Secretariat for the 15 September briefing, expressed hope that the briefing had provided Committee members with the clarifications sought by them.

87. His country, which was ready to accept some of the recommendations in 2006/Note 45 as they stood, hoped that the Committee would now move forward and consider all of the recommendations before it with a view to determining on which ones consensus could be reached.

88. The representative of ARGENTINA said that, before the adoption of additional measures to strengthen the safeguards system, the Agency should draw on the lessons learned from implementing the safeguards system in its present form and do so within the framework of its existing legal authority. It would be wrong to go along with isolated recommendations that implied a reinterpretation of existing legal provisions or the acceptance of new voluntary measures.

89. For the great majority of States, the strengthened safeguards system already provided the necessary assurances regarding the completeness and correctness of their declarations, and the focus should therefore be on obtaining more experience of implementing the system and then analysing that experience in a comprehensive review.

90. Commenting on recommendation 3 in 2006/Note 45, she said that information on past nuclear activities was relevant only in so far as it had a bearing on current nuclear activities and that any verification of such information should not be automatic or systematic. In that regard, her delegation had noted what was stated in paragraph 17 of 2006/Note 45.

91. Her delegation could go along with recommendations 4 and 5. As regards recommendation 6, however, while not objecting to States party to the NPT being encouraged to conclude comprehensive safeguards agreements, her delegation was unhappy about the idea of all States being encouraged to conclude additional protocols, the conclusion of which was a voluntary act. Perhaps the recommendation could be divided into two, one relating to comprehensive safeguards agreements and the other — with a different formulation — to additional protocols.

92. With regard to recommendations 7, 8 and 9, she said that the provision of information and access by a State should not be expected to take place in a systematic manner, but voluntarily in response to a specific request made by the Agency in the course of a State-level evaluation and in accordance with previously agreed procedures.

93. As regards recommendation 10, there should be no expectation that the provision of information would be routine. Requests for information should be made by the Agency only in the light of data pointing to a need for that information, and care should be taken to protect technically and commercially sensitive information. Also, a State should not be expected to provide information relating to clandestine activities that was difficult for it to obtain.

94. The recommendations in part C of 2006/Note 45 related to very expensive technology, and it was important that their implementation not lead to an increase in the financial burden on Member States. However, Argentina was prepared to consider those recommendations — particularly recommendations 13, 15, 17 and 18.

95. The representative of COLOMBIA said that her country, which remained committed to the global disarmament and non-proliferation regime, welcomed the Agency's verification activities and was in favour of the safeguards system being strengthened.

96. With regard to the recommendations contained in part A of 2006/Note 45, Colombia advocated universalization of the NPT and compliance with its requirements, including the requirement that States party to the NPT conclude comprehensive safeguards agreements with the Agency. Moreover, it had signed an additional protocol to its comprehensive safeguards agreement and was currently taking the necessary steps for its ratification. Her delegation therefore endorsed recommendation 1, hoping that its implementation would increase not only the effectiveness but also the efficiency of the safeguards system. Her delegation also endorsed recommendations 2 and 3, which it considered to be in line with safeguards-related decisions of the Board and the General Conference.

97. As regards recommendation 4, it should be borne in mind that many States had not yet concluded additional protocols. Moreover, would changes in Annexes I and II to the Model Additional Protocol be welcomed by States that had already concluded or were in the process of ratifying additional protocols? Ideally, any changes in Annexes I and II should be such as to encourage the conclusion of additional protocols.

98. With regard to part B of 2006/Note 45, the implementation of recommendations 5, 7, 8 and 9 would be useful. However, her delegation attached great importance to the voluntary nature of the actions involved and to the Agency's respecting the confidentiality of the sensitive information provided by States.

99. Her delegation endorsed recommendation 6 as its implementation would promote the universalization of integrated safeguards.

100. Regarding recommendation 10, Colombia continued to be concerned about the existence of extensive covert networks engaged in supplying sensitive nuclear technology and believed that all States should work together in combating their illegal operations. Accordingly, her delegation endorsed that recommendation, while emphasizing the importance of the voluntary nature of the envisaged actions and the importance of respecting the confidentiality of the information provided.

101. With regard to part C, it was important to expand the technical capabilities of the Agency, the only international organization with authority and competence in the safeguards area, and her country would like to see Member States in a position to do so supporting an expansion. Accordingly, her delegation endorsed recommendation 11. It also endorsed recommendation 12, but only on the understanding that the equipment and human resource requirements would be met from extrabudgetary funds. On no account could her delegation go along with a Regular Budget increase for that purpose.

102. Her delegation was prepared to consider recommendations 13 to 17 also on the understanding that the envisaged actions would be financed from extrabudgetary funds.

103. In her delegation's view, consideration of recommendation 18 should be delayed, as its implementation would have an impact on the Agency's Regular Budget.

104. Colombia was prepared to help strengthen the safeguards system, but it could not accept additional financial obligations. Although extrabudgetary funding was being proposed in connection with most of the recommendations in 2006/Note 45, it was not clear how that funding would be obtained. Before a decision to implement a recommendation was taken, clear information should be available on how the implementation of the recommendation was to be funded.

105. Moreover, every recommendation to the Board should be agreed upon by consensus in the Committee before being submitted. It was not worth proposing additional measures that would not be accepted by all Member States. The safeguards system — and also the capacity to meet the challenges arising from the risk of proliferation (both horizontal and vertical), the risk of nuclear terrorism and the existence of illicit networks — could be strengthened only when all States were within the system, applied all the measures constituting it and complied with all the relevant decisions of the Agency's policy-making organs. New measures without universal support would not have a significant impact.

106. In that connection, a review of the implementation of the safeguards-related resolutions and decisions of the Board and the General Conference would provide the Committee with information about shortcomings of the safeguards system as it stood, which should be strengthened before additional measures were introduced.

107. The representative of AUSTRIA said that his delegation would like the recommendations in 2006/Note 45 to be used as a work plan. Some recommendations could be adopted quickly, whereas others would need considerable discussion. Since not much substantive progress had been made in the Committee so far, a detailed review of each recommendation in turn should be started as soon as possible.

108. Expressing support for recommendations 1 and 6, he recalled that each year for several years, in its resolution on strengthening the effectiveness and improving the efficiency safeguards system, the General Conference had been urging all States which had yet to bring into force comprehensive safeguards to do so as soon as possible and requesting all concerned States and parties to safeguards agreements, including nuclear-weapon States, that had not yet done so to promptly sign additional protocols and to bring them into force as soon as possible, in conformity with their national legislation. In his delegation's view, recommendations 1 and 6 could be adopted immediately.

109. Expressing strong support for recommendation 4, he said that his delegation, which was grateful for the examples given by the Secretariat of possible amendments to Annexes I and II to the Model Additional Protocol, believed that Annex II should definitely be reviewed and was fully prepared to consider proposals for amending Annex I.

110. Without appropriate updating, Annex II might well become difficult to use. Advances in technology might require the addition of items, but frequently only clarifications regarding existing items were required. A review might even lead to the deletion of outdated items. For States that based their export controls on current lists, it was not ideal to be working with lists that were becoming more and more different from one another. The Secretariat might receive additional protocol declarations on items that did not appear in Annex II and be unable to process the information in the appropriate way.

111. Expressing support for recommendation 10, he said that the arrangements entered into by a State and the Secretariat for the provision of information were not made known to other States. Also, the scope of the information to be provided was not standardized — States were simply requested to provide as much pertinent information as they could, and taking maximum advantage of their cooperation required careful judgement.

112. Expressing support for the enhancement of SAL's ability to analyse environmental samples, he said that SAL was also playing an important role in the field of nuclear material analysis and its high level of competence in that field should be maintained. His delegation was looking forward to the workshop to be held by SAL at the end of November on current and future analytical requirements for safeguards.

113. The staff of SAL required very specific qualifications, but 2006/Note 45 did not mention the problems created in that connection by the Secretariat's rotation policy.

114. Regarding recommendations 7–9, it might be more acceptable to Member States if their scope were limited to sensitive equipment and components relevant to activities listed in Annex I to the Model Additional Protocol.

115. The representative of BRAZIL suggested that recommendation 1 be divided into two recommendations, one relating to the States party to the NPT which had not yet concluded comprehensive safeguards agreements and the second relating to the obligations arising out of safeguards agreements and additional protocols.

116. As regards additional protocols, her delegation was of the view that no decisions potentially affecting their status should be taken outside the framework of the NPT Review Conference.

117. Regarding recommendation 3, her delegation would appreciate receiving an exact definition of "past nuclear activities". On the assumption that paragraph 13 of 2006/Note 45 provided an exhaustive description of the information on a State's past nuclear activities which would be required, her delegation continued to believe that the on-site verification of such information should be conducted in strict conformity with the provisions of the safeguards agreement in force between that State and the Agency.

118. Expressing support for recommendation 4, she thanked the Secretariat for the information provided in paragraphs 20 and 21 of 2006/Note 45.

119. Regarding recommendations 7, 8 and 9, she requested clarification of the phrase "sensitive equipment and components".

120. As regards recommendation 11, Brazil was still interested in some of its laboratories being included in the NWAL — not only for the analysis of environmental samples, but also for nuclear material analysis. In order to speed up the acquisition of environmental sample analysis results, the Secretariat should perhaps consider — inter alia — the increased use of composite samples.

121. With regard to recommendation 13, Brazil was in favour of the provision of more specialized training for the Agency's satellite imagery analysts, so that the Agency might become self-sufficient in the field of satellite imagery analysis.

122. Brazil was ready to support recommendation 14 on the understanding that it would be implemented strictly in conformity with the safeguards agreement in force between individual States and the Agency.

123. As regards recommendations 13–18, although the satellite images analysed by the Agency might come from open sources, the Agency should treat them as confidential. Her delegation supported the comments made by the representative of Germany in that respect.

124. Lastly, no recommendation should be submitted to the Board until consensus on it had been reached in the Committee.

125. The representative of AUSTRALIA said that his delegation, which was generally supportive of all the recommendations in 2006/Note 45, believed that the Committee should first focus on those capable of attracting an early consensus. It agreed with the representative of Canada that recommendations 1 and 6 were the most straightforward.

126. Given the fact that 32 States party to the NPT had not yet concluded comprehensive safeguards agreements, the wording of recommendation 1 seemed too weak. It was not enough for the Board merely to “encourage” those States to conclude such agreements when they had a legal obligation to do so regardless of the difficulties involved.

127. Australia had always supported the idea — reflected in recommendation 2 — that exempted nuclear material which was to undergo any form of processing should be de-exempted beforehand.

128. Since Australia believed that voluntary commitments should be fulfilled in their entirety, his delegation endorsed recommendation 5 in principle. However, it had doubts about the appropriateness of the voluntary reporting arrangements for neptunium and americium and believed that they were being applied too widely. The States of real concern were non-nuclear-weapon States with large reprocessing plants.

129. As regards recommendations 7–9, his delegation would welcome clarification of the phrase “sensitive equipment and components”.

130. Expressing support for recommendation 6, he said that Australia was already conducting activities of the type envisaged in that recommendation. In July, it had hosted a seminar for the Asia-Pacific region on the multilateral verification of nuclear non-proliferation undertakings.

131. As regards recommendation 10, his country’s support for it was based on the assumption that confidential information would be appropriately protected.

132. As regards recommendation 15, his delegation did not understand why the information available in — for example — Internet-based weather forecasts was apparently considered unsatisfactory.

133. The CHAIRPERSON, having thanked Committee members for their constructive comments, suggested that the Committee now consider the recommendations in 2006/Note 45 in informal session.

134. The representative of CUBA, speaking on behalf of NAM, said that NAM would have no objection to the Committee’s meeting in informal session. At the same time, she recalled NAM’s suggestion that the Committee start discussing those recommendations which were related to the expansion of the Agency’s technical capabilities.

135. The representative of the ISLAMIC REPUBLIC OF IRAN*, expressing support for the intervention of the representative of Cuba, said that due attention should be paid to the views of NAM.

136. In order to make progress, the Committee should first focus on those recommendations which were less controversial — namely, those related to the Agency’s technical capabilities.

137. The representative of CUBA said that, if the Committee decided to consider all the recommendations in 2006/Note 45, the members of NAM would of course listen to the comments made on parts A and B of that note, but they were in a position to discuss only part C.

138. The representative of BRAZIL said that her delegation was in favour of the Committee’s starting with a discussion of part C, in formal or informal session.

139. The representative of GERMANY said that his delegation had no objection to the idea of the Committee’s meeting in informal session. However, it would first like to hear the Secretariat’s responses to the questions that had been asked during the current meeting.

140. The CHAIRPERSON proposed that the Committee begin by discussing part C of 2006/Note 45 in informal session once the Secretariat had responded to the questions which had been asked by Committee members.

141. It was so agreed.

The meeting rose at 12.50 p.m.³

³ The meeting reconvened at 3 p.m. in informal session.