

# General Conference

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## Fifty-eighth regular session

# Plenary

## Record of the Ninth Meeting

*Held at Headquarters, Vienna, on Friday, 26 September 2014, at 4.35 p.m.*

**President:** Mr AZEEZ (Sri Lanka)

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## Contents

Item of the agenda <sup>1</sup>	Paragraphs
– Oral report by the Chairperson of the Committee of the Whole on the following items:	1–6
– Nuclear security	4
– Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process	5–6
18 Implementation of the NPT safeguards agreement between the Agency and the Democratic People’s Republic of Korea	7–23
– Oral report by the Chairperson of the Committee of the Whole on the following item:	24–45
– Strengthening the effectiveness and improving the efficiency of Agency safeguards	26–45

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<sup>1</sup> GC(58)/22.

## Contents (continued)

		Paragraphs
24	Report on contributions pledged to the Technical Cooperation Fund for 2015	46–47
–	Closing of the session	48–60

**Abbreviations used in this record:**

DPRK	Democratic People's Republic of Korea
GRULAC	Latin American and Caribbean Group
NAM	Non-Aligned Movement



## – **Oral report by the Chairperson of the Committee of the Whole**

1. Mr STUART (Australia), Chairperson of the Committee of the Whole, presented the outcome of the Committee's deliberations on agenda items 14 and 21.

2. Under item 14, "Nuclear security", the Committee recommended that the Conference adopt the draft resolution set out in document GC(58)/L.8.

3. Under item 21, "Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process", the importance of maintaining and promoting the efficiency and effectiveness of the Agency's decision making processes and strengthening the Agency and its governing bodies had been highlighted. The importance of the direct engagement and participation of all Member States in the decision making process on issues related to the Agency's work had been emphasized by some Member States. The relevance and importance of the process currently under way for the early ratification of the amendment of Article VI of the Agency's Statute had been referred to in that context. The importance of respect for the decisions and respective mandates of the Agency's policy-making organs had been emphasized. The necessity for the continuation of common efforts by all Member States and the Secretariat to strengthen the Agency and achieve mutual interests had also been emphasized. The need for the Agency to promote the efficiency of its working methods and adapt the application of procedures of its bodies to take advantage of advanced technologies, especially with regard to the use of electronic voting, had also been raised by some Member States. The Secretariat had been requested to continue examining that matter. Several Member States had expressed their desire that consultations on the issue continue with a view to it remaining on the agenda of the General Conference.

### **Nuclear security** (agenda item 14)

4. As recommended by the Committee of the Whole, the draft resolution contained in document GC(58)/L.8 was adopted.

### **Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process** (agenda item 21)

5. The PRESIDENT took it that the General Conference wished to take note of the report of the Chairperson of the Committee of the Whole.

6. It was so decided.

## **18. Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea** (GC(58)21; GC(58)/L.6 and Add.1)

7. Mr BAILEY (Canada) said that the draft resolution contained in document GC(58)/L.6 — submitted by Australia, Canada, France, Germany, Japan, the Republic of Korea, the United Kingdom and the United States of America — had been developed in consultation with China and the Russian Federation. Since its circulation, it had been co-sponsored by some 50 additional Member States.

8. The draft resolution was based on resolution GC(57)/RES/14 and reiterated concerns about actions taken by the DPRK which posed serious challenges to the nuclear non-proliferation and disarmament regime, as well as to peace and security.

9. Given the support expressed by the five Agency Member States involved in the Six-Party Talks and the wide co-sponsorship, it was hoped that the draft resolution could be adopted by consensus.

10. Mr MARSÁN AGUILERA (Cuba) said that the issue of the implementation of safeguards in the DPRK should be addressed and resolved through dialogue and negotiation. Cuba firmly supported nuclear disarmament as a matter of utmost priority and advocated the urgent and full elimination and permanent prohibition of all nuclear weapons, the mere existence of which posed a serious threat to humankind. In that connection, he reiterated his country's deep concern regarding the lack of substantial progress made towards nuclear disarmament.

11. Cuba supported the total denuclearization of the Korean Peninsula and welcomed all meaningful steps taken towards that end. Only through diplomacy and dialogue would it be possible to find a long-term solution to the issue. Cuba supported the peaceful reunification of the Korean Peninsula without foreign interference, with respect for sovereign integrity and in strict compliance with the principle of the non-use and non-threat of force.

12. The PRESIDENT took it that the General Conference wished to adopt the draft resolution set out in document GC(58)/L.6 without a vote.

13. It was so decided.

14. Ms KENNEDY (United States of America) said that her country welcomed the unanimous adoption of the resolution on the implementation of safeguards in the DPRK and extended special thanks to Canada for helping to forge such a strong resolution reflecting collective concerns regarding the growing nuclear threat posed by the DPRK. The resolution addressed serious concerns raised by recent developments, including the DPRK's statement threatening the possibility of a new form of nuclear test, and the restart of the 5 MW(e) reactor at Yongbyon. That was a significant and troubling step backwards, marking the resumption of the DPRK's plutonium programme and thereby reversing years of diplomatic progress towards curtailing the country's nuclear arsenal and the operation and expansion of the uranium enrichment facility at Yongbyon. Given the likelihood of additional and unidentified nuclear facilities, the resolution stressed the importance of a complete understanding of the DPRK's entire nuclear programme, which was essential for that country's complete, verifiable and irreversible denuclearization.

15. Underlying the recent developments was the DPRK's policy of building nuclear forces as a strategic priority, which was contrary to its denuclearization commitments. The DPRK must realign its national priorities and recommit in word and deed to objectives consistent with the 19 September 2005 Joint Statement of the Six-Party Talks.

16. The adoption of the resolution reaffirmed the international community's overwhelming support for the Agency's essential role in the verifiable denuclearization of the DPRK. The United States joined the call for the Agency and General Conference to remain seized of the matter. With the resolution, the international community was sending a clear message that it would not turn a blind eye to the DPRK's nuclear activities, which threatened common peace and security and seriously undermined the non-proliferation objectives to which the General Conference was dedicated.

17. Mr SONG Young-wan (Republic of Korea) said that his country, which welcomed the unanimous adoption of the resolution set out in document GC(58)/L.6, hoped that the DPRK would take heed of that clear and unified message from the international community, demanding the denuclearization of the DPRK.

18. The resolution made clear that the DPRK's three nuclear tests were flagrant violations of its international obligations and commitments, threatening the peace and security of the region and beyond, and undermining the foundations of the global nuclear non-proliferation regime.

19. The DPRK's nuclear programme remained a matter of serious concern. Its ongoing nuclear activities, including the restart of the 5 MW(e) reactor and the operation, extension and further renovation of the uranium enrichment facility, were in clear violation of the relevant United Nations Security Council resolutions. Furthermore, earlier that year, the DPRK had threatened the international community by announcing that it would conduct a new form of nuclear test for bolstering up its nuclear deterrence. Such actions must be halted immediately and such threats could not be tolerated.

20. The resolution stressed that the resumption of the Six-Party Talks should contribute to substantive progress towards the complete, verifiable and irreversible denuclearization of the DPRK. However, dialogue should not provide a means for that country to gain more time and resources to advance, rather than abandon, its nuclear arsenal. The DPRK must demonstrate its sincerity by complying with its commitments and obligations under the September 2005 Joint Statement of the Six-Party Talks and relevant Security Council resolutions.

21. Overall, the resolution just adopted explicitly showed the path that the DPRK should take: namely, to become a responsible member of the international community by discarding its nuclear ambitions, and abandoning its nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner.

22. To achieve the shared objective of the denuclearization of the DPRK, the international community needed to send a clear message to Pyongyang. The Republic of Korea would continue cooperating with other nations to encourage the DPRK leadership to choose the right path.

23. The Republic of Korea urged the DPRK to come into full compliance with the NPT and cooperate promptly with the Agency in the full and effective implementation of comprehensive safeguards, including by allowing the Agency to establish a long-term presence in the DPRK to verify and monitor the cessation and abandonment of all nuclear activities.

**The meeting was suspended at 5.00 p.m. and resumed at 8.10 p.m.**

## **– Oral report by the Chairperson of the Committee of the Whole**

24. Mr STUART (Australia), Chairperson of the Committee of the Whole, presented the outcome of the Committee of the Whole's deliberations on agenda item 17, "Strengthening the effectiveness and improving the efficiency of Agency safeguards". Although there had been broad agreement on most of the draft resolution contained in document GC(58)/COM.5/L.2/Rev.4, there was one paragraph on which some delegations had expressed concerns, preventing consensus from being achieved.

25. He expressed appreciation to Ms Algabre of the Philippines, who had served as Vice-Chair, the members of the Committee for their cooperative spirit, and the staff of the Secretariat and all others who had contributed to the Committee's work.

**– Strengthening the effectiveness and improving the efficiency of Agency safeguards (agenda item 17)**

26. The PRESIDENT drew attention to the draft resolution set out in document GC(58)/COM.5/L.2/Rev.4.

27. Mr RASHID (Pakistan) requested that paragraph 7 of the draft resolution be put to the vote.

28. The PRESIDENT invited the Conference to vote on paragraph 7 of the draft resolution by show of hands.

29. There were 106 votes in favour and 1 against, with 4 abstentions. The paragraph was adopted.

30. Mr MISRA (India), speaking in explanation of vote, said that his country, as a founder member of the Agency, had consistently supported all the Agency's activities within the framework of its Statute. It attached great importance to the Agency's safeguards work, in particular, and had contributed to improving safeguards effectiveness and efficiency. Accordingly, India would have liked to see the draft resolution set out in document GC(58)/COM.5/L.2/Rev.4 adopted by consensus. It had striven hard to that end in the Committee of the Whole, making suggestions concerning paragraph 7, but its suggestions had regrettably not been accepted. India had therefore been left with no option but to abstain in the vote on that paragraph.

31. Mr RASHID (Pakistan), speaking in explanation of vote, said that his country's support for Agency safeguards was evident from its implementation of all its safeguards obligations and its cooperation with the Agency. Pakistan believed that the role of safeguards was to provide a framework for cooperation in the peaceful applications of nuclear energy without discrimination and unaffected by strategic or political considerations.

32. His country had been constrained to vote for the deletion of paragraph 7 of the draft resolution set out in document GC(58)/COM.5/L.2/Rev.4 because the sponsors had failed to keep the draft text consistent with the Agency's Statute, which took account of the different safeguards obligations of different Member States. The draft resolution instead urged all States to enter into a particular type of safeguards agreement, adherence to which was not a legal obligation of all Member States as the Statute did not prescribe any particular safeguards model as the only standard for verification activities.

33. Pakistan's vote reflected its commitment to uphold the Statute in letter and spirit. His country would continue to support the Agency's verification activities, consistent with the framework provided for in the Statute.

34. Mr NAJAFI (Islamic Republic of Iran), said that his country supported the universal application of safeguards and expressed regret that some had voted differently when it came to the matter of safeguards in the Middle East.

35. With regard to the promotion of the efficiency and effectiveness of the Agency's decision making process, he noted that advances in technology might be employed to improve the efficiency of the General Conference's work. He therefore urged the General Conference to give serious consideration to adopting electronic voting mechanisms.

36. The PRESIDENT said that consideration of paragraph 7 of the draft resolution set out in document GC(58)/COM.5/L.2/Rev.4 had been concluded. He took it that the Conference wished to adopt the draft resolution as a whole.

37. It was so decided.

38. Ms KENNEDY (United States of America), referring to the implementation of safeguards at nuclear facilities in Ukraine, said that her country did not recognize the Russian Federation's illegal attempt to annex Crimea, which remained part of the territory of Ukraine and subject to Ukrainian



jurisdiction. The United States took note of Ukraine's request to the Director General that the Agency not take action that would appear to recognize the Russian Federation's illegal attempt to annex Crimea, and appreciated the Director General's statement that the Agency would continue to implement safeguards in accordance with its Statute and international law.

39. Ms LE JEUNE D'ALLEGEEERSHECQUE (United Kingdom) said that her country remained firmly committed to Ukraine's sovereignty, independence and territorial integrity. She therefore welcomed the Agency's position of continuing to implement safeguards in accordance with its Statute and international law.

40. Mr BAILEY (Canada) said that the resolution just adopted represented a positive outcome. He thanked the European Union for its leadership and all delegations who had contributed to work on the text. The application of safeguards in Ukraine had been raised within the Agency earlier in 2014, at which time the Director General had made it clear that the Secretariat would continue to implement safeguards in accordance with the Agency's Statute and international law. Canada strongly supported the territorial integrity and sovereignty of Ukraine and applauded and supported the Director General's approach.

41. Mr BERDENNIKOV (Russian Federation), responding to the statements made by the representatives of the United States of America, the United Kingdom and Canada, expressed surprise that they had chosen such a late hour to raise the issue. He recalled that his country, acting in a spirit of openness and cooperation, had informed the Secretariat of the status of nuclear facilities in the Republic of Crimea and Sevastopol and had included them in the list of peaceful nuclear facilities at which Agency safeguards could be applied in accordance with the agreement in force between the Russian Federation and the Agency. The situation was therefore fully in line with international law.

42. The recognition or non-recognition by particular countries of the current status of the Republic of Crimea and Sevastopol as subjects of the Russian Federation was a question which fell well outside the Agency's competence. On the other hand, a matter that fell squarely within its competence was the fact that the United States had nuclear weapons deployed around Europe in countries that had no nuclear weapons of their own. That fact had interesting implications for Agency assurances that all nuclear material in such countries was for peaceful purposes.

43. Mr KASIANOV (Ukraine) said that, by adopting resolution A/RES/68/262 on 27 March 2014, the United Nations General Assembly had reaffirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders. It had also called on all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol. Attempts by the Russian Federation to take control of nuclear material and facilities located on the temporarily occupied territory of Ukraine in the Autonomous Republic of Crimea and the city of Sevastopol contradicted the norms of international law and the Agency's Statute. Ukraine retained jurisdiction over all nuclear facilities and materials, including the research reactor and other nuclear facilities at the Sevastopol National University of Nuclear Energy and Industry, which were the property of Ukraine even though they were located on territory temporarily occupied by the Russian Federation. The provisions of the Agreement between Ukraine and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons remained fully effective and applied to nuclear facilities and material in Ukraine, including those located on the temporarily occupied territory. Attempts by the Russian Federation to extend its jurisdiction to Ukrainian nuclear facilities and materials located on such territory were therefore null and void.

44. Mr BERDENNIKOV (Russian Federation) said that the representative of Ukraine had merely repeated fabrications of the previous day, to which the Russian Federation had responded at that time.

45. The PRESIDENT said that the General Conference had dealt with all the items referred to the Committee of the Whole. He expressed his sincere appreciation to the Chairperson of the Committee for his skilful guidance of the Committee's deliberations, and to the Vice-Chair.

## **24. Report on contributions pledged to the Technical Cooperation Fund for 2015** (GC(58)/20/Rev.1)

46. The PRESIDENT said that document GC(58)/20/Rev.1 contained details of the pledges of contributions to the Technical Cooperation Fund for 2015 which Member States had made to the Director General by 6.30 p.m. on 25 September 2014. By that time, Member States had pledged a total of €15 055 566, or 22% of the target for 2015, an increase of 7% over the previous year. Since that document had been sent for printing, further Member States had communicated pledges to the Director General as follows (in euro equivalent): Albania — €6980; Burkina Faso — €2094; China — €3 458 440; Democratic Republic of the Congo — €2094; Luxembourg — €54 442; Malta — €10 470; Montenegro — € 490; and the Philippines — €103 300. That brought the total pledged so far by 84 Member States to €18 696 876, or 27% of the target: a record number of States and a record amount as of the end of the General Conference. Those records, combined with the fact that 17 Member States had pledged that had not done so the previous year, demonstrated the momentum that had been building throughout 2014.

47. He urged all Member States that had not yet made pledges for 2015 to do so as soon as possible and all Member States to pay their full target shares at the earliest opportunity, so that the Secretariat could submit to the Technical Assistance and Cooperation Committee in November a proposed technical cooperation programme for 2015, based on the level of pledges received, and thereafter implement the programme without hindrance or uncertainty.

### **— Closing of the session**

48. The PRESIDENT said that the current session of the General Conference had been well attended by high-level representatives of Member States, including one deputy prime minister and 25 ministers. During the general debate, 126 delegates had taken the floor.

49. Mr SEOKOLO (South Africa) congratulated the President on his stewardship of the General Conference and on continuing the good work begun in previous years with respect to time management.

50. Mr AL-SALLOUM (Saudi Arabia) expressed appreciation for the objectivity with which the President had conducted the Conference's deliberations.

51. Mr NAJAFI (Islamic Republic of Iran), speaking on behalf of NAM, thanked the President for his diplomatic skills and professional leadership, which had guided the fifty-eighth session of the General Conference to a successful conclusion.

52. Mr FORMICA (Italy), speaking on behalf of the European Union, commended the President on having steered the fifty-eighth session of the General Conference so successfully.

53. Mr NOGUÉS ZUBIZARRETA (Paraguay), speaking on behalf of GRULAC, congratulated the President on guiding the General Conference through its work.
54. Mr MARUTA (Namibia), speaking on behalf of the African Group, applauded the effective and efficient way in which the President had fulfilled his role.
55. The PRESIDENT said that it had been an honour and privilege for him to serve as President of the General Conference during its fifty-eighth session.
56. He thanked all delegates for their cooperation, which had enabled a number of problems to be dealt with successfully.
57. On behalf of the General Conference, he thanked the Director General and his staff — including the interpreters, the translators, the précis-writers, the members of the Conference Services Section, the members of the Secretariat of the Policy-Making Organs, the officers in charge of the speakers' list, the printers, and the officers in charge of documents control and distribution.
58. On behalf of the Conference, he thanked the Austrian authorities and the city of Vienna for their traditional hospitality during the week.
59. In accordance with Rule 48 of the Rules of Procedure of the General Conference, he invited the Conference to observe one minute of silence dedicated to prayer or meditation.

**All present rose and stood in silence for one minute.**

60. The PRESIDENT declared the fifty-eighth regular session of the General Conference closed.

**The meeting rose at 8.55 p.m.**