

IAEA General Conference

Committee of the Whole

Record of the Eighth Meeting

GOV(48)/COM.5/OR.8

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Safeguards

Balance Between Rights and Obligations of Member States

General Conference

GC(48)/COM.5/OR.8

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Committee of the Whole

Record of the Eighth Meeting

Held at the Austria Center Vienna on Friday, 24 September 2004, at 5 p.m.

Chairman: Mr. OTHMAN (Syrian Arab Republic)

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The composition of delegations attending the session is given in document GC(48)/INF/16/Rev.1.

[*] GC(48)/25.

Abbreviations used in this record:

NAM	Non-Aligned Movement
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15. Strengthening of the Agency's technical cooperation activities (resumed) (GC(48)/COM.5/L.1)

1. The representative of ALGERIA, speaking on behalf of the Group of 77 and China, thanked those delegations which had been involved in the consultations on the draft resolution contained in document GC(48)/COM.5/L.1.

2. In the consultations it had been agreed as follows:

- after preambular paragraph (j), the insertion of a paragraph reading “Recognizing that the TCF target should be set at an adequate and realistic level,”;
- after preambular paragraph (l), the insertion of a paragraph reading “Recalling the obligation of Member States in regard to NPCs,”;
- in preambular paragraph (m), the replacement of “Expressing concern about” by “Taking note of”;
- after preambular paragraph (m), the insertion of a paragraph reading “Recalling that the financing of technical cooperation should be in line with the concept of “shared responsibility” and all members share a common responsibility towards financing and enhancing the technical cooperation activities of the Agency,”;
- after preambular paragraph (n), the insertion of a paragraph reading “Recognizing in this context the necessity for the Secretariat strictly to apply the due account mechanism to Member States,”;
- the rewording of preambular paragraph (p) to read “Emphasizing the continuing need to provide adequate financing for the Technical Cooperation Programme and at the same time to ensure an appropriate balance between the promotional and other statutory activities of the Agency,”;
- the addition at the end of operative paragraph 5 of the words “and that, in the event of a failure to pay any second instalment falling due during a biennium, a project in the next biennium would be changed from core to footnote-a/ funding”; and
- after operative paragraph 7, the insertion of a paragraph reading: “Requests the Secretariat to continue its efforts to improve the effectiveness and efficiency of technical cooperation management,”.

3. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(48)/COM.5/L.1 with the changes read out by the representative of Algeria.

4. It was so agreed.

17. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (resumed) (GC(48)/COM.5/L.10/Rev.1)

5. The CHAIRMAN recalled that the Committee had, during its third meeting, established a working group under the chairmanship of Ambassador Grönberg of Finland to consider the draft resolution contained in document GC(48)/COM.5/L.10. He invited Ambassador Grönberg to introduce the draft resolution contained in document GC(48)/COM.5/L.10/Rev.1.

6. The CHAIRMAN OF THE WORKING GROUP thanked those delegations which had participated in the negotiations on the draft resolution for their patience and cooperation. There were only two paragraphs — preambular paragraph (d bis) and operative paragraph 3 — regarding which a few delegations had problems.

7. The representative of MALAYSIA, speaking on behalf of the Non-Aligned Movement (NAM), said that NAM would agree to the deletion of preambular paragraph (d bis) if the sponsors of the draft resolution would agree to make a statement in Plenary, after the adoption of the draft resolution, to the effect that they were fully aware of the need to respect the principles that all safeguards-related issues should be resolved on the basis of the Statute and of the rights and obligations of States under relevant treaties and safeguards agreements.

8. The representative of the NETHERLANDS said that, while the sponsors were willing to address NAM's concerns, it was inappropriate for NAM to dictate the words they should use; they would certainly not use in Plenary phraseology which they had rejected in the working group. The sponsors were prepared to state in Plenary that they recognized the importance of the provisions of the Statute, but they would prefer to choose their own phraseology.

9. The representative of ARGENTINA, referring to preambular paragraph (n), said that he did not think that mention should have been made there of "the seminar on Multilateral Verification ... the Agency's Safeguards System held in Vienna (November 2003)", since Member States appeared to have been given no information about that seminar.

10. The CHAIRMAN said that the Director General had denied having expressed the view attributed to him in operative paragraph 7 and had proposed the deletion either of the words "the Director General's view" or of the words "taking into full account advances in technological techniques".

11. The representative of BRAZIL said he found it puzzling that the Director General should suggest that the Agency's verification system was not credible. Brazil firmly believed in that system, and his delegation would be happy if operative paragraph 7 were deleted.

12. The representative of ALGERIA said that her delegation would also be happy if the paragraph were deleted. It was the views of Member States — not of the Director General — that should be reflected in General Conference resolutions.

13. The representative of the SYRIAN ARAB REPUBLIC, supported by the representatives of INDIA and the PHILIPPINES, said that if the words "the Director General's view" in operative paragraph 7 were to be deleted, she would prefer the entire paragraph to be deleted.

14. The representative of the NETHERLANDS requested a suspension of the meeting for negotiations.

The meeting was suspended at 5.50 p.m. and resumed at 6.25 p.m.

15. The CHAIRMAN read out the following wording for operative paragraph 7: “Bearing in mind the Director General’s view that for the Agency, within its mandate, to fulfil its verification responsibilities in a credible manner, the verification system has to be further developed, underlines the need to take into full account advances in verification techniques”.

16. He took it that the wording was acceptable to the Committee.

17. It was so agreed.

18. The representative of MALAYSIA, speaking on behalf of NAM, suggested that preambular paragraph (d bis) be deleted.

19. The CHAIRMAN assumed that the Committee agreed to the deletion of preambular paragraph (d bis).

20. It was so agreed.

21. The representative of PAKISTAN said his delegation could not accept operative paragraph 3 as it failed to take account of the different safeguards obligations of different Member States.

22. The CHAIRMAN said that he would report to the General Conference that there was agreement in the Committee on the draft resolution contained in document GC(48)/COM.5/L.10/Rev.1 with the exception of one operative paragraph.

23. It was so agreed.

24. The representative of BRAZIL said he hoped that operative paragraph 7, with the formulation “Bearing in mind the Director General’s view”, would not set a precedent; it was for Member States to state their views, in their own words, in General Conference resolutions.

The meeting rose at 6.35 p.m.