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**FORTY-FOURTH (2000) REGULAR SESSION**

**COMMITTEE OF THE WHOLE**

RECORD OF THE THIRD MEETING

Held at the Austria Center Vienna  
on Wednesday, 20 September 2000, at 10.40 a.m.

Chairman: Mr. GREGORIC (Slovenia)

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[\*] GC(44)/21.

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The composition of delegations attending the session is given in document GC(44)/INF/18/Rev.2.

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MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR,  
RADIATION AND WASTE SAFETY (resumed)

- DRAFT RESOLUTION ON THE CONVENTION ON EARLY NOTIFICATION OF  
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NUCLEAR ACCIDENT AND THE CONVENTION ON ASSISTANCE IN THE  
CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY  
(GC(44)/COM.5/L.16)

1. The representative of NORWAY, introducing the draft resolution, said that in the sponsors' view the time had come to review the manner in which the two conventions had been implemented and to look for possible improvements, particularly in the response capabilities of States Parties, the Agency and the other international organizations concerned.
2. Further efforts on the Agency's part to co-ordinate international response and to promote regional co-operation would, in the sponsors' view, make the response of States Parties more effective and efficient.
3. The sponsors hoped that many Member States would play an active part in the meeting planned for 2001 on the further development of international response to nuclear or radiation accidents.
4. The representative of UKRAINE, referring to operative paragraph 4 of the draft resolution, said that it would be very useful for countries to discuss lessons learned from nuclear accidents and radiological emergencies at the forty-sixth regular session of the General Conference.
5. The representative of PERU said that, following a radiological accident the previous year, her country had received valuable assistance not only from the Agency's Secretariat but also from France.
6. The CHAIRMAN proposed that the Committee recommend to the General Conference that it adopt the draft resolution.
7. It was so agreed.

MEASURES AGAINST ILLICIT TRAFFICKING IN NUCLEAR MATERIALS AND  
OTHER RADIOACTIVE SOURCES  
(GC(44)/15, GC(44)/COM.5/L.11)

8. The representative of FRANCE, introducing the draft resolution on behalf of the European Union, said that it was very similar to resolution GC(43)/RES/18 adopted in 1999, but drew attention to two new paragraphs - preambular paragraph (e) and operative paragraph 5.
9. The representatives of CHINA and the RUSSIAN FEDERATION expressed support for the draft resolution.

10. The representative of TURKEY said that radiation sources used in industry, medicine and research were more subject to illicit trafficking than nuclear materials. In his delegation's view, that situation was due partly to the lack of effective systems for the registration of such sources by manufacturers, exporters, importers and end-users. He accordingly proposed the addition between operative paragraphs 4 and 5 of a paragraph on the following lines: "Calls upon all States to implement effective registration systems for all kinds of exported/imported radiation sources and to make their records available, upon request, to the Agency".
11. The representative of FRANCE, supported by the representative of GERMANY, said that the proposal made by the representative of Turkey was a substantive one which should perhaps have been made before the current meeting of the Committee.
12. The representative of CANADA said that the commercial implications of the proposal would have to be considered.
13. The representative of GREECE said that the financial implications for the Agency of maintaining a database with the records made available by States would also have to be considered.
14. The representative of SLOVAKIA said he had difficulty especially with the idea of States making their records available to the Agency.
15. The representative of PAKISTAN said that in his delegation's view the problem of illicit trafficking in radiation sources could be resolved through effective controls and proper accounting within individual States. However, international co-ordination of the efforts of individual States might be useful.
16. The representative of JAPAN, having expressed support for the draft resolution, suggested that the word "basic" be deleted before "safety standards" in operative paragraph 5.
17. His delegation was now in a position to support the draft resolution on education and training in radiation protection and nuclear safety and waste management recommended the previous day for adoption by the General Conference.
18. The representative of the UNITED STATES OF AMERICA said his delegation had problems with the idea of a system for the registration of radiation source exports.
19. The HEAD OF THE OFFICE OF PHYSICAL PROTECTION AND MATERIAL SECURITY, responding to statements made by the representatives of UKRAINE and AUSTRIA, said that the handling of records made available by States pursuant to the additional paragraph proposed by the representative of Turkey would probably not have significant financial implications for the Secretariat.
20. The representative of ISRAEL said that the revised Recommendations for the Physical Protection of Nuclear Materials and Nuclear Facilities - referred to in preambular paragraph (d) - envisaged a number of measures which had not yet been agreed upon; perhaps

one should replace “are now being implemented” in that paragraph by “are now being examined”.

21. With regard to operative paragraph 7, he proposed the insertion before the words “to develop” of the phrase “in concurrence with Member States”.

22. The representative of EGYPT - supported by the representatives of the LIBYAN ARAB JAMAHIRIYA, the SYRIAN ARAB REPUBLIC and the ISLAMIC REPUBLIC OF IRAN - said that, as the question whether there was a need to revise the Convention on the Physical Protection of Nuclear Material was still being discussed, perhaps the words “Calls upon” in operative paragraph 5 were too strong; he proposed that they be replaced by “Invites”.

23. The representative of INDIA expressed support for the proposals made by the representatives of Israel and Egypt.

24. The representative of FRANCE, responding to the proposal made by the representative of Israel with regard to preambular paragraph (d), suggested that “are now being implemented” be replaced by “are now starting to be implemented on a voluntary basis by some Member States”.

25. As to the proposal made by the representative of Israel with regard to operative paragraph 7, he considered “in concurrence with Member States” to be too strong; he would prefer “in consultation with Member States”.

26. He would also prefer “Calls upon” to be retained in operative paragraph 5.

27. The representative of UKRAINE said that in his delegation’s view States which had not yet acceded to the Convention on the Physical Protection of Nuclear Materials should be “called upon” to accede to it and also to participate in any revision process.

28. The representative of ISRAEL, responding to the suggestion made by the representative of France with regard to preambular paragraph (d), proposed that “are now being implemented” be replaced by “are now under consideration and that some Member States have started to implement them on a voluntary basis”.

29. As to operative paragraph 7, he could go along with the formulation “in consultation and co-ordination with Member States”.

30. The representative of EGYPT said he would still prefer “Invites” to “Calls upon” in operative paragraph 5.

31. The CHAIRMAN said that the proposal made by the representative of Turkey had so far received no support. Perhaps the representative of Turkey would agree to withdraw it.

32. The representative of TURKEY agreed to withdraw his proposal.

33. The representative of FRANCE said that the sponsors of the draft resolution could go along with the proposal made by the representative of Israel regarding preambular paragraph (d) and with the insertion of “in consultation and co-ordination with Member States” before “to develop” in operative paragraph 7.

34. The representative of MEXICO pointed to an apparent inconsistency in the language of the draft resolution; the title and preambular paragraph (a) referred to “nuclear materials and other radioactive sources”, but operative paragraphs 5 and 6 referred to “nuclear and other radioactive materials” and operative paragraph 9 to “nuclear materials and other radioactive materials”.

35. The representative of FRANCE said that there was indeed an inconsistency, which should be put right.

36. The CHAIRMAN suggested that the phrase “nuclear materials and other radioactive sources” be used throughout the draft resolution. He also suggested that “Calls upon” be replaced by “Appeals to” in operative paragraph 5. The proposed insertion in operative paragraph 7 of the words “in consultation and co-ordination with Member States” appeared to be acceptable, as did the replacement of “are now being implemented” in preambular paragraph (d) by “are now under consideration and that some Member States have started to implement them on a voluntary basis”.

37. He took it that the Committee wished to recommend the draft resolution with those changes for adoption by the General Conference.

38. It was so agreed.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL PROTOCOL (GC(44)/12, GC(44)/COM.5/L.10)

39. The representative of FRANCE, introducing the draft resolution in document GC(44)/COM.5/L.10 on behalf of the European Union, said that it had been based as far as possible on resolution GC(43)/RES/17 adopted in 1999, but reflected developments of the past year - particularly the results of the 2000 NPT Review Conference and the progress made towards the establishment of an integrated safeguards system.

40. The representative of JAPAN proposed the addition of the following preambular paragraph:

“Recalling that the Final Declaration of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons recommended that the Director General of the IAEA and the IAEA Member States consider ways and means, which could include a possible plan of action, to promote and facilitate the conclusion and entry into force of safeguards agreements and Additional Protocols”.

41. He also proposed that operative paragraph 14 of the draft resolution be replaced by the following paragraph:

“14. Recommends that the Director General and Member States implement the following plan of action, subject to the availability of resources, so that Additional Protocols can be brought into force for a majority of States and for almost all States with nuclear facilities by 2003:

- (i) Strengthened efforts by the Director General to conclude Additional Protocols, especially with those States having substantial nuclear activities under their jurisdiction,
- (ii) Increased bilateral consultations among Member States at both the technical and the political level, with a view to promoting the domestic process to conclude Additional Protocols,
- (iii) Assistance by Member States to other States by providing their knowledge and technical expertise necessary to conclude and implement Additional Protocols,
- (iv) Reinforced co-ordination between Member States and the IAEA Secretariat in their efforts to promote the conclusion of Additional Protocols, and
- (v) Consideration by Member States, subject to progress made under (i) to (iv), of the possibility of holding an international conference, at an appropriate time, with a view to promoting the protocols;”.

42. The representatives of AUSTRALIA and UKRAINE expressed support for the proposals made by the representative of Japan.

43. The representative of FRANCE, speaking on behalf of the European Union, said that the proposals made by the representative of Japan were completely acceptable to the sponsors of the draft resolution.

44. The representative of the REPUBLIC OF KOREA expressed support for the proposals made by the representative of Japan - and particularly for the envisaged time frame.

45. The representative of CROATIA said that the Protocol additional to his country's safeguards agreement with the Agency had already entered into force.

46. The representative of ISRAEL called for time in which to thoroughly consider the proposals made by the representative of Japan.

47. With regard to the draft resolution, he proposed that the phrase “as consistent with their respective safeguards undertakings” be inserted after the words “all the information” in operative paragraph 5, that the words “and safeguards undertakings” be inserted at the end of operative paragraph 8, that the phrase “provided this is consistent with their respective

safeguards undertakings” be added at the end of operative paragraph 12, and that the word “acceptable” be inserted before “ways and means”, the phrase “which could include a possible plan of action” be deleted and the words “where applicable” be inserted after “entry into force” in operative paragraph 14.

48. The representative of INDIA welcomed the proposals made by the representative of Israel.

49. His delegation would like the draft resolution to reflect also the thrust of what the External Auditor had stated about safeguards in his report on the audit of the Agency’s accounts for 1999 and the point made by the Director General regarding the development of innovative proliferation-resistant reactors in his introductory statement to the Board at its meetings the previous week.

50. The representative of PAKISTAN said that the draft resolution did not properly take into account the delicate balance between the Agency’s promotional and regulatory activities or the current insistence of some Member States on zero real budgetary growth.

51. He proposed that operative paragraph 1 be amended to read: “Calls on all Member States to give their full and continuing political and technical support, within available resources, to the Agency in order to ensure that the Agency is able to meet its safeguards responsibilities” and that the words “in the concerned States” be inserted after “the implementation” in operative paragraph 2.

52. Noting that operative paragraph 3 spoke of “the conceptualization and development of integrated safeguards approaches”, whereas operative paragraph 2 of resolution GC(43)/RES/17 had spoken of the Secretariat’s efforts “to conceptualize and develop an integrated and cost-effective safeguards system”, he called for the insertion of “and cost-effective” after “integrated”. He also called for the insertion of “in consultation with the Board of Governors” after “developing” in operative paragraph 3.

53. He proposed that: in operative paragraph 4, the word “concerned” be inserted after “nuclear material and activities in a”; in operative paragraph 7, the words “Parties to the NPT” be inserted after “non-nuclear-weapon States”; and in operative paragraph 14, the word “concerned” be inserted before “Member States” - with the incorporation also of the changes proposed by the representative of Israel.

54. If operative paragraph 14 was to be replaced by the operative paragraph proposed by the representative of Japan, his delegation would like the words “parties to comprehensive safeguards agreements” to be inserted after “almost all States” in the latter text. It would also like the word “concerned” to be inserted after “especially with those” in sub-paragraph (i) and the words “as appropriate” to be added to the end of sub-paragraph (iii).

55. The representative of the UNITED STATES OF AMERICA, referring to paragraph 4, proposed the insertion of the words “the non-diversion of declared nuclear material and of”



after “a credible assurance of” and the insertion of the words “nuclear material” before “verification effort”.

56. The representative of PERU, having stated that a Protocol additional to her country’s safeguards agreement with the Agency had been signed on 22 March 2000 and that a regional seminar designed to promote the Model Additional Protocol was to be held in Lima in 2001, suggested that the words “and regional” be inserted before “consultations” in sub-paragraph (ii) of the operative paragraph proposed by the representative of Japan.<sup>1</sup>

57. The representative of UKRAINE, supported by the representative of POLAND, said he was not in favour of amending operative paragraph 1 of the draft resolution in the manner proposed by the representative of Pakistan. The Agency would need the full and continuing financial support of Member States.

58. The representative of FRANCE endorsed the comments made by the representatives of Ukraine and Poland.

59. With regard to the changes in operative paragraphs 5, 8 and 12 proposed by the representative of Israel, he said that he was rather surprised by them as those paragraphs were identical with or very similar to operative paragraphs of resolution GC(43)/RES/17, which had been adopted by consensus the previous year.

60. He questioned the need for the insertion of “concerned” and “Parties to the NPT” as proposed by the representative of Pakistan.

61. He could go along with the insertion of “and cost-effective” in operative paragraph 3 and would welcome the insertion of “the non-diversion of declared nuclear material and of” in operative paragraph 4.

62. The representative of ISRAEL said that some of his proposals for change had been prompted by the final document of the 2000 NPT Review Conference.

63. The representative of the RUSSIAN FEDERATION said that her delegation had no problems with the draft resolution or with the amendments proposed by the representative of Japan, except for the 2003 deadline envisaged in the proposed amended version of operative paragraph 14. For many Member States, the entry into force of Additional Protocols was a complex process involving legal, technical and financial aspects.

64. She proposed the addition of an operative paragraph along the following lines: “Requests the Secretariat to consider technological measures for strengthening the effectiveness and improving the efficiency of the Agency’s safeguards system”.

65. The representative of BRAZIL endorsed the idea of adding the words “and cost-effective” in operative paragraph 3 of the draft resolution.

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<sup>1</sup> The paragraphs proposed by the representative of Japan, with the addition of “and regional”, were subsequently reproduced in document GC(44)/COM.5/L.20.

66. With regard to the amendments proposed by the representative of Japan, he felt that it might be premature to spell out the details of a plan of action so soon after the 2000 NPT Review Conference.

67. The representative of JAPAN said it was well understood that the position of those States which were not Parties to the NPT differed from that of the States which were Parties. There was accordingly - as indicated by the representative of France - no need to insert "concerned", "Parties to the NPT" and "parties to comprehensive safeguards agreements" as proposed by the representative of Pakistan.

68. The question of how to incorporate the additional operative paragraph proposed by the representative of the Russian Federation would require some thought.

69. As to the remarks made by the representative of Brazil about the envisaged plan of action, what his delegation was proposing was fairly modest given the fact that more than three years had elapsed since the adoption of the Model Additional Protocol.

The meeting rose at 1.05 p.m.