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Committee of the Whole

Record of the Sixth Meeting

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Chairman: Mr. SHANNON (Australia)

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The composition of delegations attending the session is given in document GC(50)/INF/8/Rev.1.

¹ GC(50)/21.

Abbreviations used in this record:

APCs	assessed programme costs
AU-PATTEC	African Union's Pan African Tsetse and Trypanosomosis Eradication Campaign
NPCs	national participation costs
PACT	Programme of Action for Cancer Therapy
SIT	sterile insect technique
TCF	Technical Cooperation Fund

16. Strengthening of the Agency's technical cooperation activities (resumed) (GC(50)/COM.5/L.6/Rev.1)

1. The representative of MOROCCO, speaking on behalf of the Group of 77 and China, introduced the draft resolution contained in document GC(50)/COM.5/L.6/Rev.1 and pointed out that the changes vis-à-vis the draft resolution contained in document GC(50)/COM.5/L.6 were clearly marked.
2. Referring to preambular paragraph (ee) and operative paragraph 18, which related to the Chernobyl accident, he said that their inclusion in the draft resolution — at the request of the delegation of Belarus — should not be taken as a precedent. General Conference resolutions were primarily intended to provide overall policy guidance, rather than reflecting issues mainly of concern to just a few Member States.
3. The representative of the NETHERLANDS suggested the addition at the end of preambular paragraph (s) of a phrase reading “... and looking forward to a review of the mechanism in the light of the comments by the External Auditor contained in the Agency's Accounts for 2005 (GC(50)/8)” .
4. He recalled that the previous day he had suggested the addition of an operative paragraph reading “Requests the Secretariat to release estimated implementation rates between technical cooperation reports”. The suggested paragraph could perhaps be inserted into the draft resolution after operative paragraph 12.
5. The representative of GERMANY expressed reservations about the phrase “and also the progressive decrease in the real value of the TCF due to inflation” in preambular paragraph (k). It should not be assumed that the real value of the TCF would decrease.
6. Operative paragraph 2 still contained the phrase “including the possibility of funding the TCF through the Regular Budget”. In his delegation’s view, that phrase should be deleted.
7. The representative of AUSTRIA, noting that operative paragraph 14 still contained the phrase “sustainable energy mix”, suggested that it be replaced by the phrase “energy security strategy”.
8. The representative of AUSTRALIA said that his delegation shared the reservations expressed by the representative of Germany about the phrase “and also the progressive decrease in the real value of the TCF due to inflation” in preambular paragraph (k).
9. The representative of the RUSSIAN FEDERATION said that her delegation also believed that the reference to the possibility of funding the TCF through the Regular Budget should be deleted.
10. The representative of JAPAN, calling for the deletion of the phrase “and also the progressive decrease in the real value of the TCF due to inflation” in preambular paragraph (k), said that the issue was adequately covered in the next preambular paragraph, which referred to “the price adjustment factor in the corresponding years”.
11. His delegation would like the reference to possible Regular Budget funding of the TCF in operative paragraph 2 to be deleted and the phrase “in accordance with the Financial Regulations and Rules” to be added at the end of that paragraph.

12. The representative of FRANCE agreed that the reference to “the progressive decrease in the real value of the TCF” in preambular paragraph (k) should be deleted.

13. Referring to preambular paragraph (p), she suggested the addition of “, as achieving such improved burden-sharing is central to reconfirming the commitment of Member States to the Agency’s TC programme”. That wording was similar to wording in paragraph 6 of the report of the Co-Chairs of the Working Group on Technical Cooperation Fund Targets and Indicative Planning Figures.

14. Her delegation would like the phrase “sustainable energy mix” to be retained in operative paragraph 14 and the word “sustainable” to be retained in preambular paragraph (aa) and operative paragraph 18. Also, it would like the word “great” to be reinstated before “potential of nuclear power” in preambular paragraph (g).

15. The representative of the REPUBLIC OF KOREA said the reference to the possibility of funding the TCF through the Regular Budget in operative paragraph 2 should be deleted. The word “sustainable” should be retained wherever it occurred.

16. The representative of the UNITED STATES OF AMERICA suggested that the last phrase of preambular paragraph (k) be deleted so that the paragraph ended “... an adequate and realistic level”.

17. He suggested that preambular paragraph (n) be amended to read: “... recognizing that Member States’ national financial regulations and budgetary cycles may have different fiscal schedules”.

18. His delegation did not agree that the Secretariat should explore the possibility of funding the TCF through the Regular Budget. It would like to see operative paragraph 2 deleted or — perhaps — amended to read “... to explore innovative means to ensure that...”.

19. The representative of FRANCE expressed support for the suggestion made by the representative of the United States of America regarding preambular paragraph (n) and suggested the addition of the words “the need to take account of the fact” after “recognizing”.

20. The representative of the UNITED KINGDOM expressed support for the proposal made by the representative of the United States of America regarding preambular paragraph (k).

21. He suggested that paragraph 9 be amended to read “... the possibility of paying NPCs in kind where practicable ...”.

22. The representative of MOROCCO, speaking on behalf of the Group of 77 and China, said that the following wording for the end of preambular paragraph (k) would be acceptable to the Group: “... the growing needs of Member States and also the inflation factor”.

23. He said that the Group could go along with the second part of preambular paragraph (n) being amended to read “... recognizing the need to take into account the fact that budgetary cycles have different fiscal schedules”.

24. Accepting the proposal made by the representative of the Netherlands with regard to preambular paragraph (s), he suggested that the additional phrase be expanded to read “... and looking forward to a review ... (GC(50)/8) and Member States’ concerns”.

25. As regards operative paragraph 2, he said that the Group could agree to the deletion of the phrase “, including the possibility of funding the TCF through the Regular Budget,” if the rest of the paragraph remained unaltered.

26. He suggested that the phrase “and regional cooperative agreements” be inserted after “within relevant regions” in operative paragraph 4.

27. The Group had no objection to the suggestion made by the representative of the Netherlands regarding an additional paragraph, about estimated implementation rates, provided that the Secretariat could go along with it.

28. The Group could not accept the proposed deletion of the phrase “sustainable energy mix” in operative paragraph 14 or the proposed deletion of the word “sustainable” in preambular paragraph (aa) and operative paragraph 18. He recalled that the phrase “sustainable energy mix” had appeared the previous year in operative paragraph 11 of resolution GC(49)/RES/11.

29. The HEAD OF THE CONCEPTS AND PLANNING SECTION, DEPARTMENT OF TECHNICAL COOPERATION, referring to the idea of adding a paragraph about estimated implementation rates, suggested that the paragraph read “Requests the Secretariat to report to Member States on technical cooperation programme implementation at mid-year each year”. The Secretariat would report on programme performance in general, not on implementation rates alone, and each mid-year report would coincide with the traditional annual report on technical cooperation during the previous year.

30. The representatives of the NETHERLANDS and MOROCCO expressed support for that suggestion.

31. The representative of JAPAN, having expressed appreciation of the flexibility shown by the Group of 77 and China, said that his delegation still had concerns regarding preambular paragraph (k), in which the Group wished to include a reference to “the inflation factor”.

32. As regards operative paragraph 2, the purpose of the addition of the words “in accordance with the Financial Regulations and Rules” which he had suggested was to limit the means which the Secretariat was being requested to explore.

33. With regard to operative paragraph 9, he said that, during the negotiations two years previously over replacing APCs with NPCs, the possibility of charging NPCs in the case of regional projects had been considered and that any reference to the possibility of paying NPCs in kind should therefore be accompanied by a reference to the possibility of charging NPCs in the case of regional projects.

34. He reiterated his suggestions, made the previous day, for adding at the end of operative paragraph 7 a phrase about the setting of technical cooperation programme priorities and for adding an operative paragraph about — inter alia — the Secretariat’s giving priority to projects likely to produce positive results and taking account of Member States’ payment records as regards the TCF, NPCs and APCs.

35. The representative of INDIA, supported by the representatives of the PHILIPPINES and MOROCCO, said that, since the debate during the June 2006 session of the Board on the question of charging NPCs in the case of regional projects had been inconclusive, his delegation could not go along with the inclusion in operative paragraph 9 of a reference to the possibility of charging NPCs in the case of such projects.

36. The representative of the ISLAMIC REPUBLIC OF IRAN, having expressed support for the statement made by the representative of India, said that the Secretariat already did enough as regards setting programme priorities and prioritizing projects in the technical cooperation area.

The meeting was suspended at 5.25 p.m. and resumed at 6 p.m.

37. The representative of MOROCCO, responding to comments made, agreed that in preambular paragraph (k) the phrase “and also the progressive decrease of ... inflation” should simply be deleted and not replaced by the words “and also the inflation factor”.

38. The Group of 77 and China could accept the addition of the phrase “, as achieving such improved burden-sharing is central to reconfirming the commitment of Member States to the Agency’s TC programme” at the end of preambular paragraph (p).

39. As regards operative paragraph 2, the Group of 77 and China could go along with the deletion of “all” in the phrase “to explore all means”.

40. He suggested inserting the words “and practicability” between “the possibility” and “of paying NPCs in kind” in operative paragraph 9.

41. For the envisaged additional paragraph to be inserted after operative paragraph 12 he proposed the wording “Requests the Secretariat to explore ways of giving an update on the progress of TC programme implementation in between annual TC reports”.

42. Lastly, he suggested that the words “with well-defined outcomes” be inserted after “the development of effective programmes” in operative paragraph 14.

43. The representative of CANADA, referring to the phrase “e.g. training, experts and equipment” in operative paragraph 12, said that — as he had indicated during the Committee’s fourth meeting — his delegation would like it to be expanded so as to include the idea of the equipment supply meeting international standards.

44. The representative of MOROCCO said that he did not see any need to expand that phrase in the manner envisaged by the representative of Canada.

45. The representative of ALGERIA suggested — following comments by the representatives of the SYRIAN ARAB REPUBLIC, CANADA, MOROCCO and AUSTRALIA and the CHAIRMAN — that the phrase “and requests also that the supply of equipment to Member States meet international quality standards” be added at the end of operative paragraph 12.

46. The representatives of CANADA and the SYRIAN ARAB REPUBLIC agreed to his suggestion.

47. The representative of the UNITED KINGDOM suggested that the word “needs” in preambular paragraph (k) be replaced by “requests”.

48. The representative of MOROCCO said that he could not go along with that suggestion.

49. The representative of AUSTRIA, referring to operative paragraph 14, said that it was true that the words “sustainable energy mix” had appeared in resolution GC(49)/RES/11. At the Conference’s current session, however, a draft resolution very supportive of nuclear power had been submitted, and his delegation was concerned about the possibility of an automatic link being made between nuclear power and the concept of energy sustainability in future resolutions. His delegation would therefore still like the word “sustainable” in operative paragraph 14 to be deleted.

50. The representative of INDIA said that he would like the word “sustainable” to be retained.

51. The CHAIRMAN proposed that the Committee recommend to the General Conference that it adopt the draft resolution contained in document GC(50)/COM.5/L.6/Rev.1: with the phrase “and also the progressive decrease ... inflation” in preambular paragraph (k) deleted; with the second part of preambular paragraph (n) amended to read “and recognizing the need to take into account the fact that Member States’ national financial regulations and budgeting cycles have different fiscal schedules”; with the phrase “, as achieving such improved burden-sharing is central to reconfirming the commitment of Member States to the Agency’s TC programme” added at the end of preambular paragraph (p); with the phrase “and looking forward to a review of the mechanism in the light of the

comments by the External Auditor contained in the Agency's accounts for 2005 (GC(50)/8) and Member States' concerns" added at the end of preambular paragraph (s); with operative paragraph 2 amended to read "Requests the Secretariat to explore means to ensure that..."; with "and regional cooperative agreements" added after "within relevant regions" in operative paragraph 4; with "and practicability" inserted after "the possibility" in operative paragraph 9; with the phrase "and requests also that the supply of equipment to Member States meet international quality standards" added at the end of operative paragraph 12; with a paragraph reading "Requests the Secretariat to explore ways of giving an update on the progress of TC implementation in between annual TC reports" inserted after operative paragraph 12; and with the words "with well-defined outcomes" inserted after "effective programmes" in operative paragraph 14.

52. It was so agreed.

The meeting was suspended at 6.20 p.m. and resumed at 8.45 p.m.

22. Amendment to Article VI of the Statute (GC(50)/7)

53. The CHAIRMAN recalled that the item was on the agenda for the current session of the General Conference pursuant to decision GC(49)/DEC/12, by which the Conference had encouraged "all Member States which have not done so to accept the amendment as soon as possible in accordance with their respective constitutional processes". A draft decision for the current session had been circulated by the Secretariat.

54. The representative of ALGERIA, calling on the Committee to recommend adoption of the draft decision, said that his delegation would have preferred the Conference to adopt a draft resolution.

55. The purpose of the amendment to Article VI was to achieve a more equitable representation of Member States in the Board of Governors and thereby increase the effectiveness of the Agency. His delegation hoped, therefore, that the draft decision would receive very broad support.

56. The representative of the REPUBLIC OF KOREA, expressing support for the draft decision, said it was regrettable that only one Member State had accepted the amendment to Article VI of the Statute during the past year. His country would like to see all Member States that had not yet done so accepting the amendment.

57. The representative of MOROCCO, recalling that a former ambassador of his country in Vienna had played an important part in the Conference's approval of the amendment, said that his delegation was sorry that there appeared to be insufficient support for the adoption of a draft resolution.

58. The slowness of the progress towards the amendment's entry into force was very regrettable, and the language of the draft decision was weak, but his delegation hoped that the General Conference would adopt the draft decision — and that many Member States would subsequently act on it.

59. The representative of PAKISTAN, expressing support for the statements made by the representatives of Algeria and Morocco, said that his country had already ratified the amendment.

60. The representative of AUSTRIA informed the Committee that his country would be depositing its instrument of acceptance of the amendment to Article VI shortly.

61. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft decision circulated by the Secretariat.

62. It was so agreed.

23. Elections to the Agency's Staff Pension Committee

63. The CHAIRMAN recalled that the General Conference was represented in the Committee by two members and two alternates. At present, vacancies existed for the two alternate positions.

64. Following consultations, he had been asked to propose that Ms. Mohamed Khairullah of Malaysia and Ms. Preston of the United Kingdom be elected as alternate members, thus filling the vacancies.

65. He took it that the Committee wished to recommend to the General Conference that it elect Ms. Mohamed Khairullah and Ms. Preston be elected as alternate members to represent it in the Agency's Staff Pension Committee.

66. It was so agreed.

18. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (resumed) (GC(50)/COM.5/L.1/Rev.2)

67. The CHAIRMAN invited Mr. Lundby of the Norwegian delegation to report on the outcome of the deliberations of the working group which he had chaired.

68. Mr. LUNDBY (Norway), introducing the draft resolution contained in document GC(50)/COM.5/L.1/Rev.1, said that consensus had been reached on all of it in the working group with the exception of operational paragraph 3.

69. Drawing attention to the title, he said that it should read "Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System and Application of the Model Additional Protocol"; the amended version of the document would be circulated shortly as document GC(50)/COM.5/Rev.2.

70. He thanked the members of the working group for the constructive spirit displayed by them and expressed hope that the draft resolution would receive wide support.

71. The representative of INDIA said that his delegation was grateful for the constructive spirit displayed in the working group. However, not all of India's concerns had been accommodated, and his delegation had reservations with regard to operative paragraph 3 and could therefore not support the draft resolution.

72. The representative of PAKISTAN, having thanked Mr. Lundby for his leadership, said that his delegation too had reservations with regard to operative paragraph 3 of the draft resolution.

73. The CHAIRMAN took it that the Committee wished him to report to the General Conference that agreement had been reached on the draft resolution contained in document GC(50)/COM.5/L.1/Rev.2 with the exception of one operative paragraph, on which some delegations had expressed reservations.

74. It was so agreed.

17. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed) (GC(50)/COM.5/L.7/Rev.2, GC(50)/COM.5/L.3/Rev.1)

75. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(50)/COM.5/L.7/Rev.2, which included texts relating to SIT and AU-PATTEC (already recommended for adoption) and a text relating to PACT.

76. It was so agreed.

77. The CHAIRMAN, drawing attention to the draft resolution contained in document GC(50)/COM.5/L.3/Rev.1 and entitled "Nuclear power applications", invited Mr. Beven of the Australian delegation to report on the deliberations of the working group which had been examining it under his chairmanship.

78. Mr. BEVEN (Australia) said that the working group, where deliberations were taking place in a constructive spirit, had reached a general agreement on the preambular part of the draft resolution. However, differing views persisted with regard to operative paragraphs 1, 2 and 5.

79. The CHAIRMAN suggested that the Committee reconvene once the working group's deliberations had been concluded.

80. It was so agreed.

The meeting rose at 9.20 p.m.