



Statement delivered by the Delegation of the Republic of Azerbaijan, on behalf of the Non-Aligned Movement on the “Safeguards Implementation Report for 2019”

BOARD OF GOVERNORS: 17 JUNE 2020.

Madam Chair,

1. On behalf of the Vienna Chapter of the Non-Aligned Movement (NAM), I would like to thank the Secretariat for preparing the Safeguards Implementation Report (SIR) for 2019 contained in Document GOV/2020/9 and for its subsequent technical briefing.

2. Before expressing its comments on the SIR for 2019, NAM would like to reiterate its principled positions on the matter:

a. NAM affirms that the IAEA is the sole competent authority for verification of compliance with the obligations under the respective safeguards agreements of the Member States; and remains the most appropriate multilateral forum to address nuclear verification and safeguards issues.

b. While NAM is fully aware of the importance of nuclear safeguards, it opposes any attempts that aim to reverse the order of priorities of the Agency by giving primacy to safeguards considerations in a manner that leads to the restriction of the promotional role of the Agency.

c. While recognizing that the purpose of safeguards activities is to verify peaceful uses of nuclear material and guard against nuclear proliferation, NAM would like to emphasize that the efforts of the international community aimed at nuclear disarmament should be parallel to simultaneous efforts aimed at nuclear non-proliferation.

d. NAM reaffirms that a clear distinction has to be made between the legal obligations of Member States under their respective safeguards agreements and their voluntary undertakings, in order

to ensure that such voluntary undertakings are not turned into legal safeguards obligations.

e. NAM stresses that all Members of the IAEA should respect its Statute. Nothing should be done to undermine the authority of the IAEA in this regard. Any undue



pressure or interference in the Agency's activities, especially its verification process, which could jeopardize the efficiency and credibility of the Agency, should be avoided.

f. NAM further reaffirms that Member States that have concerns regarding the implementation of safeguards agreements by other Member States should direct such concerns along with supporting evidence and information to the IAEA, to consider, investigate, draw conclusions and decide on necessary actions in accordance with its Statute.

g. NAM attaches great importance to SIR, which annually summarizes the results of the verification activities of the Agency. NAM would like to underscore that it represents the assessment of the Secretariat on the implementation of safeguards agreements in Members States. NAM is of the view that the SIR should be designed and prepared in a manner that would allow the views of the concerned Member States to be reflected in order to have a more factual, balanced and comprehensive report.

h. Bearing in mind the need to protect safeguards confidential information and that the Agency has the main responsibility in this area, NAM emphasizes its view that the leakage of such information should be prevented by the Agency, and in the event of such incidents, the Agency should undertake adequate corrective measures.

3. NAM recalls that the Medium Term Strategy of the Agency for 2018-2023 sets out as one of its strategic objectives, the objective of "Delivering effective and efficient Agency safeguards", that stated "Deter the proliferation of nuclear weapons by detecting early the misuse of nuclear material or technology and by providing credible assurances that States are honouring their safeguards obligations, and assist with other verification tasks as requested by States and approved by the Board of Governors", whereby it stipulated that the Agency must remain ready to -inter alia-:

a. "Continue to independently and objectively implement effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards agreements".



b. "Assist, in accordance with its Statute, with verification tasks under nuclear disarmament or arms control agreements that it may be requested to carry out by the States parties to such agreements".

4. Considering the sensitivity of safeguards activities, and the importance of preserving the credibility of the Agency's regime for protecting safeguards confidential information:

a. NAM recalls:

- that the General Conference in its resolution GC(63)/RES/11 "urges the Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information" and

- that the Board previously requested the Director General "to continue to review and update the established procedures for the protection of safeguards confidential information, and to inform the Board periodically on the implementation of the regime for the protection of such information."

b. NAM also recalls the statement by the Secretariat in 2010/Note 47 that "regardless of the category of employment, all individuals employed by the Agency, including all Cost-Free Experts (CFEs), are required to conclude confidentiality undertakings upon commencing work with the Agency", and that "access to safeguards confidential information is limited to staff members, and only those CFEs who are employed under a Type A arrangement". Accordingly, NAM encourages the continued observation of such measures.

5. NAM commends the efforts made by the Secretariat in presenting more details regarding the verification activities carried out by the Agency in each Member State, preparing a breakdown of the cost of safeguards implementation on a State-by-State basis, as well as indicating the aggregate figures and percentages related to the implementation of each type of safeguards agreement as a whole, including the total amount of nuclear material under safeguards, the total Agency verification effort and the total estimated cost of safeguards. NAM calls upon the Secretariat to continue to do so in future reports.



6. NAM would like to reiterate that given the ongoing budgetary constraints, NAM considers it imperative that the safeguards system becomes not simply effective, but efficient as well. However, NAM believes that any attempt to improve effectiveness and efficiency of IAEA safeguards should be made in a transparent manner, through comprehensive consultations with Member States and by taking into account their views and concerns.

7. NAM supports, in principle, the IAEA safeguards implementation and other verification activities in an effective, efficient, and comprehensive manner in accordance with legal obligations under the safeguards agreements in force and emphasizes that the development and implementation of State Level Concept should not alter, modify, add or subtract rights and obligations on part of the Member States or the Agency. In this regard NAM takes note with appreciation the important assurances contained in the supplementary document to the Report on the Conceptualization and Development of Safeguards Implementation at the State Level (GOV/2014/41), and its Corrigenda, as well as in the statements by the Director General and the Secretariat as noted by the Board of Governors in its September 2014 session including inter alia:

- the State-level concept (SLC) does not, and will not, entail the introduction of any additional rights or obligations on the part of either States or the Agency, nor does it involve any modification in the interpretation of existing rights and obligations;
- the SLC is applicable to all States, but strictly within the scope of each individual State's safeguards agreement(s);
- the SLC is not a substitute for the Additional Protocol and is not designed as a means for the Agency to obtain from a State without an Additional Protocol the information and access provided for in the Additional Protocol;
- the development and implementation of State-level approaches requires close consultation with the State and/or regional authority, particularly in the implementation of in-field safeguards measures;



- safeguards-relevant information is only used for the purpose of safeguards implementation pursuant to the safeguards agreement in force with a particular State - and not beyond it.

8. NAM, furthermore, encourages the Secretariat to continue to engage in open and active dialogue with Member States on safeguards matters including SLC, to issue periodic update reports on these matters, and to keep the Board of Governors informed of progress made in the development and implementation of safeguards in the context of the SLC.

9. NAM also notes that the development and implementation of State-level approaches requires close consultation and coordination with the State and/or regional authority, and agreement by the State concerned on practical arrangements for effective implementation of all safeguards measures identified for use in the field if not already in place.

10. NAM shares the view, expressed in the SIR, that State Systems of Accounting for and Control of nuclear material (SSAC) are fundamental to the effective and efficient implementation of safeguards, and notes with appreciation the actions taken by the Secretariat during 2019 in order to assist Member States in establishing and strengthening their SSACs. NAM calls on the Secretariat to intensify its efforts in this regard given that as of the end of 2019, in the Agency's view, many States with safeguards agreements in force did not have effective SSACs.

11. Considering the difficulties faced by the Secretariat in analyzing environmental samples and noting the completion of Enhancing Capabilities of the Safeguards Analytical Services (ECAS) in December 2015, NAM renews its call upon the Agency to assist interested Member States particularly developing countries, to develop in-house capabilities in the relevant technologies. This capacity-building measure may contribute to expanding the Agency's analytical capabilities and thus increase the number of qualified Network of Analytical Laboratories (NWALs) and would enhance efficiency regarding the analysis of environmental samples.

Thank you, Madam Chair.