
Fifty-third regular session

Committee of the Whole

Record of the Eighth Meeting

Held at Headquarters, Vienna, on Friday, 18 September 2009, at 10.15 a.m.

Chairman: Mr SMITH (United Kingdom)

Contents

Item of the agenda ¹	Paragraphs
25 Elections to the Agency's Staff Pension Committee	1–4
26 Personnel	5–14
(a) Staffing of the Agency's Secretariat	5–7
(b) Women in the Secretariat	8–14
23 Amendment to Article VI of the Statute	15–18
16 Nuclear security — measures to protect against nuclear terrorism <i>(resumed)</i>	19–52
18 Strengthening the Agency's activities related to nuclear science, technology and applications <i>(resumed)</i>	53–56

¹ GC(53)/COM.5/1.

25. Elections to the Agency's Staff Pension Committee

1. The CHAIRMAN recalled that the General Conference was represented on the Staff Pension Committee by two members and two alternate members.
2. A vacancy existed for one alternate position and, following consultations, he had been asked to propose that Ms El Abdaoui of the delegation of Morocco be elected as an alternate member to fill it.
3. He took it that the Committee wished to recommend to the General Conference that Ms El Abdaoui of the delegation of Morocco be elected as an alternate member to represent the General Conference on the Agency's Staff Pension Committee.
4. It was so agreed.

26. Personnel

(a) Staffing of the Agency's Secretariat

(GC(53)/14 and Corr.1, GC(53)/COM.5/L.13)

5. The representative of EGYPT introduced the draft resolution contained in document GC(53)/COM.5/L.13, which had been submitted on behalf of the Group of 77 and China, and expressed the hope that it would be adopted as it stood.
6. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(53)/COM.5/L.13.
7. It was so agreed.

(b) Women in the Secretariat

(GC(53)/15 and GC(53)/COM.5/L.15)

8. The representative of EGYPT introduced the draft resolution contained in document GC(53)/COM.5/L.15, which had been submitted on behalf of the Group of 77 and China, and expressed the hope that it would be adopted as it stood.
9. The representative of SUDAN proposed that in paragraph 1 "including in senior policy-level and decision-making posts" be amended to read "especially in senior policy-level and decision-making posts".
10. She also proposed the deletion in paragraph 2 of the words "as well as unrepresented and under-represented Member States".
11. The representative of CANADA, supported by the representative of JAPAN, endorsed her first proposal but opposed her second one.
12. The representative of SUDAN withdrew her second proposal.

13. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(53)/COM.5/L.15 with “including” replaced by “especially” in paragraph 1.

14. It was so agreed.

23. Amendment to Article VI of the Statute (GC(53)/10 and Mod.1, GC(53)/32)

15. The CHAIRMAN said that in 2007 the General Conference had requested the Director General to submit to it at its 2009 regular session a report on the progress made towards the entry into force of the amendment to Article VI of the Statute; that report was contained in document GC(53)/10 and Mod.1.

16. Document GC(53)/32 contained the text of the General Conference’s 2007 decision on the subject, updated for the current year.

17. He asked the Committee whether it wished to recommend that text to the General Conference as a decision to be taken at the fifty-third regular session of the General Conference.

18. It was so agreed.

16. Nuclear security — measures to protect against nuclear terrorism (resumed) (GC(53)/COM.5/L.8/Rev.2)

19. The CHAIRMAN, drawing attention to document GC(53)/COM.5/L.8/Rev.2, he said that it reflected the Committee’s discussion of the draft resolution contained in document GC(53)/COM.5/L.8 up to and including paragraph 10.

20. At the end of its fifth meeting, the Committee had been considering paragraph 11, which it had agreed to revisit at a later stage.

21. The representative of FRANCE, referring to paragraph 13, said that, as he had indicated during the Committee’s third meeting, “107 Member States” should now read “108 Member States”.

22. The CHAIRMAN took it that the Committee wished to note that change.

23. It was so agreed.

24. The representative of PAKISTAN, referring to paragraph 14, proposed the deletion of the phrase “including through the establishment of national nuclear material databases”, on the grounds that the extent to which the Agency depended on national nuclear material databases in the field of nuclear forensics was unclear.

25. The representative of FRANCE said that in cases of trafficking in nuclear and other radioactive materials it would be useful if the Agency were able to put questions related to the field of nuclear

forensics to Member States, which would often find it easier to answer such questions if they had national nuclear material databases — the answers, of course, being provided voluntarily.

26. The representative of PAKISTAN — following comments by the representative of GERMANY and the DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY, said that he would prefer that the idea of encouraging Member States to establish nuclear material databases be expressed in a separate paragraph.

27. The CHAIRMAN suggested that paragraph 14 end with the words “the Agency’s activities in this field” and be followed by a paragraph reading “Encourages Member States that have not yet done so to establish national nuclear material databases”.

28. It was so agreed.

29. The representative of INDONESIA, referring to paragraph 17, proposed that the words “confidentiality of information relevant to nuclear security” be replaced by “confidentiality of all the Agency’s information relevant to the national security of Member States, including in the area of nuclear security”.

30. The representative of EGYPT proposed the deletion of “new” in the phrase “new confidentiality measures”.

31. The representative of FRANCE, noting that the draft resolution was on the subject of nuclear security, said that it was unclear what other aspects of Member States’ national security were implied in the formulation proposed by the representative of Indonesia.

32. The representative of the UNITED KINGDOM expressed support for the comment made by the representative of France.

33. The representative of INDONESIA said that the purpose of his proposal was to make it clear that the obligation of the Agency to ensure the confidentiality of information on nuclear security was only a part of its obligation to ensure the confidentiality of all information relating to the security of Member States.

34. The CHAIRMAN, supported by the representatives of the UNITED STATES OF AMERICA and AUSTRALIA, said that in his view the phrase “information relevant to nuclear security” was broad enough to encompass information that related to national security.

35. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY, responding to a question put by the representative of GERMANY, said that, within the framework of its confidentiality regime, the Secretariat was constantly applying procedures designed to protect confidential information, which existed in a number of areas, including technical areas and the area of personnel. Confidential information was broken down into two groups: information requiring a high level of protection and information that could be covered by normal procedures. The high level of protection applied in the area of nuclear security.

36. The representative of SOUTH AFRICA said that he understood the concerns of the representative of Indonesia about protecting information related to national security, but feared that, if the proposed amendment was adopted, it might imply that Member States were required to provide the Agency with information related to national security that was not relevant to nuclear security. He would prefer that the original wording be retained.

37. The CHAIRMAN drew attention to Article VII.F of the Statute, which stated that the Director General and the staff of the Agency “shall not disclose any industrial secret or other confidential

information coming to their knowledge by reason of their official duties for the Agency". In his view, that provision was an adequate one for protecting information related to national security.

38. The representative of INDONESIA said that, in view of the comments made by the Chairman and the Director of the Office of Nuclear Security, he wished to withdraw his proposal.

39. The representative of EGYPT suggested that the phrase "in conformity with the Agency's confidentiality regime" be inserted between "appropriate confidentiality measures" and "and to report".

40. The representative of INDONESIA and the DEPUTY DIRECTOR GENERAL FOR MANAGEMENT endorsed that proposal.

41. The CHAIRMAN — following comments by the representatives of FRANCE, EGYPT and INDONESIA — took it that the Committee wished paragraph 17 to be amended through the insertion of the phrase "in conformity with the Agency's confidentiality regime" between "appropriate confidentiality measures" and "and to report" and the deletion of the word "new" in the phrase "new confidentiality measures".

42. It was so agreed.

43. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph 19, said that the Agency was a technical body not involved in intelligence and police activities and therefore the phrase "and response to terrorist acts" should be deleted.

44. The representative of the UNITED STATES OF AMERICA endorsed the paragraph as drafted.

45. The representative of INDIA said that the Nuclear Security Plan 2010-2013 provided for all the activities covered in the paragraph. In his view, therefore, the words "including protection against nuclear and radiological terrorism and detection of and response to terrorist acts involving nuclear and other radioactive materials" could be deleted.

46. The representative of the ISLAMIC REPUBLIC OF IRAN agreed with the representative of India.

47. The representative of EGYPT suggested that the paragraph simply read "Invites the Director General to continue to implement the Nuclear Security Plan for 2010-2013".

48. The representative of JAPAN said it was true that all the activities covered in paragraph 19 were provided for in the Nuclear Security Plan 2010–2013, but that was all the more reason for mentioning them, since one of the purposes of adoption of the draft resolution was to make the public more aware of what the Agency was doing in the area of nuclear security.

49. The representative of EGYPT said that it was important to let the public know what the Agency was doing in the area of nuclear security, but that included many things besides helping to combat nuclear and radiological terrorism.

50. The CHAIRMAN — following comments by the representatives of BRAZIL, GERMANY, INDONESIA and FRANCE — took it that the Committee could go along with the deletion of the phrase "including protection against ... other radioactive materials".

51. It was so agreed.

52. The CHAIRMAN proposed that the Committee revert to the agenda item "Nuclear security — measures to protect against nuclear terrorism" at a later stage.

18. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed) (GC(53)/COM.5/L.14)

53. The CHAIRMAN recalled that during its seventh meeting the Committee had agreed on certain amendments to the draft resolution contained in document GC(53)/COM.5/L.14 (entitled "Small and medium-sized nuclear reactors — Development and deployment"), that he had proposed the deletion of the words "international and non-governmental" in paragraph 6 of that draft resolution and that the representative of the Islamic Republic of Iran had said that his delegation would consider the proposal and give an answer later.

54. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation could go along with the proposal.

55. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(53)/COM.5/L.14 with the amendments agreed on during the seventh meeting and with the deletion of the words "intergovernmental and non-governmental" before "organizations" in paragraph 6.

56. It was so agreed.

The meeting rose at 11.45 a.m.