

General Conference

GC(53)/GEN/OR.1

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Fifty-third regular session

General Committee

Record of the First Meeting

Held at Headquarters, Vienna, on Monday, 14 September 2009, at 2.20 p.m.

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¹ GC(53)/24.

Attendance

Chairman

Ms MACMILLAN (New Zealand), President of the General Conference

Members

Ms RASI (Finland), Vice-President of the General Conference

Mr SOLTANIEH, representing Mr SALEHI (Islamic Republic of Iran), Vice-President of the General Conference

Mr ENKHTSAIKHAN, representing Mr SODNOM (Mongolia), Vice-President of the General Conference

Mr GARCÍA REVILLA (Peru), Vice-President of the General Conference

Mr SERGEEV, representing Mr KIRIENKO (Russian Federation), Vice-President of the General Conference

Mr TAN (Singapore), Vice-President of the General Conference

Mr OMER (Sudan), Vice-President of the General Conference

Mr PYATT, representing Mr CHU (United States of America), Vice-President of the General Conference

Mr SMITH (United Kingdom of Great Britain and Northern Ireland), Chairman of the Committee of the Whole

Mr MACKAY, representing Mr ALEINIK (Belarus), Additional Member

Mr BARRETT (Canada), Additional Member

Mr FERNÁNDEZ RONDÓN (Cuba), Additional Member

Mr GHISI, representing Mr SCOTTI (Italy), Additional Member

Mr EL-KHOURY (Lebanon), Additional Member

Chairperson of the Board of Governors

Ms FEROUKHI (Algeria)

Secretariat

Mr RAUTENBACH, Director, Office of Legal Affairs

Mr ANING, Secretary of the Committee

– **Adoption of the agenda for the meeting**
(GC(53)/GEN/1)

1. The CHAIRPERSON said that, in conducting the Committee's business, she intended to follow the established practice whereby its meetings were private but representatives of Member States which had requested the inclusion of an item in the agenda were entitled, pursuant to Rule 43 of the Rules of Procedure, to attend relevant meetings and to participate, without vote, in the discussion of their request. Representatives of other Member States could also attend the Committee's meetings and participate in discussions as decided by the Committee.
2. The proposed agenda for the meeting contained the two traditional sub-items under the item "Arrangements for the Conference", namely "Adoption of the agenda and allocation of items for initial discussion" and "Closing date of the session and opening date of the next session".
3. The agenda was adopted.

5. Arrangements for the Conference

(a) Adoption of the agenda and allocation of items for initial discussion
(GC(53)/1 and Corr.1, and Add.1 to 3)

4. The CHAIRPERSON invited the Committee to consider the provisional agenda for the Conference (GC(53)/1 and Corr.1) and the supplementary items proposed for inclusion in the agenda (GC(53)/1/Add.1 and 2). Document GC(53)/1/Add.3 contained a list of the supplementary items. She reminded the Committee that it was considering only the question of whether or not to recommend the inclusion of the items, their allocation for initial discussion and the suggested order of discussion. In accordance with Rule 42 of the Rules of Procedure, members of the Committee were not to engage in a discussion of the substance of any item, except in so far as that was relevant to the question of whether to recommend that item's inclusion in the agenda.
5. Mr PYATT (United States of America), referring to the proposed supplementary item entitled "Israeli nuclear capabilities" (GC(53)/1/Add.1), said that the inclusion of an additional item in the agenda that singled out any one country was not a useful way to achieve progress in issues related to the Middle East. His Government strongly supported a consensus approach to those issues and it hoped that consultations in the course of the General Conference would facilitate such a consensus. His delegation would therefore not object to the inclusion of the item in the agenda.
6. Mr OMER (Sudan), supported by Mr EL-KHOURY (Lebanon), expressed support for the inclusion of the item in question. He pointed out that the issue was of great relevance and had been considered by the General Conference on several occasions. The matter had long been pending and should be considered at the earliest opportunity.
7. Mr BARRETT (Canada), supported by Ms RASI (Finland), said that his country strongly supported having one single item to cover all issues pertaining to the Middle East. The existing item on the application of IAEA safeguards in the Middle East was more than adequate for that purpose.

8. Mr FERNÁNDEZ RONDÓN (Cuba) lent his delegation's full support to the request for inclusion of the supplementary item in question, which was of great relevance to many Member States.

9. Mr GHISI (Italy) expressed support for the position that there should be a single item dealing with subjects relating to the Middle East. However, in a spirit of compromise, his delegation would not object to the inclusion of the supplementary item in question in the agenda.

10. Mr SOLTANIEH (Islamic Republic of Iran) said his delegation supported the inclusion of the item in question.

11. Mr ENKHASAIKHAN (Mongolia) expressed support for the right of every Member State to propose the inclusion of items in the agenda for the General Conference, as long as they were relevant to the activities of the Agency. His country therefore supported the inclusion of the supplementary item in question.

12. Mr PYATT (United States of America), referring to the proposed supplementary item entitled "Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction" (GC(53)/1/Add.2), said that his Government was firmly committed to restoring the climate of consensus within the Agency and supported a focus on the organization's core technical mandates. Inclusion of the proposed item, rather than advancing those goals, might exacerbate political tensions within the Agency and among Member States. While strongly agreeing with the principle of protection of peaceful nuclear installations from armed attacks, his country was concerned by the potential political agenda underlying the proposal. Furthermore, the proposed item would be the third dealing with issues related to the Middle East and would appear to single out one country among Member States. Recalling relevant General Conference resolutions, he said that the Agency might not be the appropriate venue to address issues that touched on peace and security. Bearing in mind the overarching goal — to restore a climate of dialogue, his delegation would nevertheless not block the inclusion of the item. Still, it might be unwise to discuss a resolution on such a serious matter at short notice and he urged careful consideration of the proposal.

13. Mr SOLTANIEH (Islamic Republic of Iran), welcoming the prevailing spirit of consensus among members, pointed out that the supplementary item proposed in document GC(53)/1/Add.2 did not single out any specific region. It addressed the protection of nuclear installations anywhere in the world. The General Conference had already adopted a resolution on the issue in question at its thirty-fourth regular session (GC(XXXIV)/RES/533) and his country hoped that the same constructive approach would be taken to the current proposal.

14. Mr BARRETT (Canada) said that the inclusion of the supplementary item proposed in document GC(53)/1/Add.2 might put at risk the consensus sought by the Conference. While the principle of protection of nuclear installations was important, the Agency was not the right forum for discussing those issues.

15. Mr PYATT (United States of America) asked whether the Committee was entitled to amend the title of the proposed item, in which case he would suggest inserting a reference to the peaceful purpose of the nuclear facilities to be protected, in line with the wording of previous resolutions.

16. Mr RAUTENBACH (Director of the Office of Legal Affairs) said that the Committee was free to amend the title of the proposed item and recommend its inclusion, as amended, to the Plenary.

17. Mr GHISI (Italy) said that, while his country had no objection to the title, any issues not already covered under existing items should be dealt with in a different forum, for example the United Nations Security Council. While not wishing to obstruct consensus, his delegation therefore could not support the inclusion of the proposed item in the agenda.

18. Mr SOLTANIEH (Islamic Republic of Iran) said that his country's original intention had been to refer to all nuclear installations, peaceful or otherwise, since damage to any nuclear installation would release harmful radiation into the environment. However, the possibility of limiting the resolution to peaceful nuclear installations only had been raised by other members of the Non-Aligned Movement during negotiations on a future draft resolution. For that reason, and in the interests of consensus, his country could accept the insertion of the word "peaceful" before "nuclear installations".

19. Mr PYATT (United States of America) suggested the title "Protection of nuclear installations devoted to peaceful purposes from armed attacks", which had been used for resolution GC(XXVII)/RES/407, adopted by the General Conference at its twenty-seventh regular session in 1983.

20. Mr RAUTENBACH (Director of the Office of Legal Affairs) noted that four resolutions had been adopted on the issue in question in the 1980s and early 1990s: resolution GC(XXVII)/RES/407, adopted after a vote at the twenty-seventh regular session in 1983; resolution GC(XXIX)/RES/444, adopted without a vote at the twenty-ninth regular session in 1985; resolution GC(XXXI)/RES/475, adopted without a vote at the thirty-first regular session in 1987; and resolution GC(XXXIV)/RES/533, adopted after a vote at the thirty-fourth regular session in 1990. The title of resolution GC(XXIX)/RES/444 referred to "nuclear installations devoted to peaceful purposes", while that of resolution GC(XXXI)/RES/475 referred simply to "nuclear installations".

21. Mr SOLTANIEH (Islamic Republic of Iran) suggested that the title of the most recent resolution, i.e. resolution GC(XXXIV)/RES/533, should be used: "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation".

22. Mr BARRETT (Canada) suggested that, since there was no clear agreement on any of the proposed amendments to the title, the original title should be retained, namely "Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction".

23. It was so agreed.

24. The CHAIRPERSON said that, taking into consideration the reservations expressed, she took it that the Committee wished to recommend to the General Conference that the agenda for the current session should consist of all the items listed in documents GC(53)/1 and Corr. 1, and Add.1 and 2.

25. It was so decided.

26. The CHAIRPERSON invited the Committee to consider the allocation of items for initial discussion and the order of discussion suggested in documents GC(53)/1 and Add.1 and 2.

27. Mr PYATT (United States of America), supported by Mr TAN (Singapore), suggested that, since the issue of prevention of armed attacks on nuclear installations had given rise to some debate even during the procedural discussion which had just taken place, it should be considered later in the session than suggested in order to leave more time for informal consultations. He suggested that the item should be placed after the current item 22 of the agenda.

28. It was so agreed.

29. The CHAIRPERSON said that, if there were no objections, she would take it that the Committee wished to recommend to the General Conference the allocation of agenda items for initial discussion and the order of discussion suggested in documents GC(53)/1 and Add.1 and 2, as amended by the Committee.

30. It was so decided.

(b) Closing date of the session and opening date of the next session

31. The CHAIRPERSON said that the number of speakers registering to speak in the general debate was one of the main factors influencing the length of the session. Over 90 delegations had registered to speak so far. The cooperation and goodwill of all delegations would be required if the Conference was to finish its work on schedule. She was sure that the Chairman of the Committee of the Whole would do his best to ensure that the Committee finished its work by Friday afternoon at the latest. If there were no objections, she would take it that the Committee wished to recommend to the General Conference a closing date for the current session of Friday, 18 September 2009.

32. It was so decided.

33. The CHAIRPERSON said that, if there were no objections, she would take it that the Committee wished to recommend to the General Conference an opening date for the next regular session of Monday, 20 September 2010.

34. It was so decided.

The meeting rose at 3.10 p.m.