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**Fifty-eighth regular session**

## Committee of the Whole

### Record of the Seventh Meeting

*Held at Headquarters, Vienna on Friday, 26 September 2014, at 10.15 a.m.*

**Chair:** Mr STUART (Australia)

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<sup>1</sup> GC(58)/22.



## **14. Nuclear security (continued)** **(GC(58)/COM.5/L.3/Rev.2)**

1. The representative of the NETHERLANDS said that, following extensive consultations, agreement had been reached on the last outstanding issues.
2. Reverting to the language in paragraph 12 of the corresponding resolution adopted in 2013 had made possible retention of the same wording for draft paragraphs (m) and (n), including the reference to the Nuclear Security Summits, as that used in paragraphs (k) and (l) of the 2013 resolution.
3. The new paragraph 12 of the draft resolution was virtually identical to paragraph 12 of the 2013 resolution, with one small change: in the second line, the words “coordinated role” had been replaced by “coordinating role”.
4. That morning, a suggestion had been received to insert the word “nationally” after “secured and accounted for” in paragraph (g). Following consultations with Member States, it had been agreed that it would be more appropriate to insert the words “and in” after “accounted for by”, since “nationally” usually referred to safeguards, whereas accounting in a security context was carried out at the level of the facility.
5. With those changes, she hoped that the draft resolution, as amended, could be adopted by consensus.
6. The representative of the ISLAMIC REPUBLIC OF IRAN said that the principle of inclusiveness, as clearly reflected in the draft resolution for activities related to nuclear security, should be strictly respected. Incorporating elements of exclusiveness undermined the draft resolution as a whole. He also maintained that his delegation’s proposal to highlight the danger of a terrorist attack on a nuclear facility was of relevance to the draft resolution. Given the importance of nuclear security issues for Iran, however, his delegation was prepared to withdraw its proposal and to join the consensus on the draft resolution, while reserving the right to make proposals in 2015.
7. The representative of the RUSSIAN FEDERATION said that, the day before, a correction had been made by one of the sponsors of the draft resolution which involved inserting the words “at nuclear facilities” in paragraph (q). In the 2013 resolution, the words “of nuclear facilities” had been included at the end of the corresponding clause, paragraph (o). His delegation assumed that the issue was of a purely technical nature and that the words “of nuclear facilities” could be placed at the end, as in the 2013 resolution.
8. The representative of INDIA said that, having consulted his capital, he was prepared to support the current text of the draft resolution.
9. The representative of the NETHERLANDS said that there appeared to be no opposition to reverting to the wording in paragraph (o) of the 2013 resolution.
10. The CHAIR 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.3/Rev.2, as orally amended.
11. It was so agreed.

12. The CHAIRPERSON said that the Committee had thus completed its consideration of agenda item 14.

## **17. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed)** (GC(58)/COM.5/L.2/Rev.1)

13. The representative of AUSTRIA said that extensive open-ended consultations had continued until midnight the previous day. New wording had been proposed in a number of paragraphs and still needed to be discussed. As consultations were continuing, more time was needed, and he therefore conveyed the sponsors' request that the Committee also meet that afternoon.

14. The representative of the RUSSIAN FEDERATION said, with the concurrence of the representatives of the ISLAMIC REPUBLIC OF IRAN and BRAZIL, that consultations should continue on an open-ended basis so that all interested delegations could take part. He asked the representative of Austria to indicate when the next round of consultations would be held and in what format. His delegation was prepared to participate either in the context of the Committee of the Whole or in a smaller group.

15. The representative of AUSTRIA said that all interested delegations were welcome to take part in the consultations.

16. The CHAIR said that the Committee would return to item 17 later.

## **21. Promotion of efficiency and effectiveness of the IAEA decision-making process** (GC(58)/1/Add.2)

17. The representative of the ISLAMIC REPUBLIC OF IRAN said that the Agency's decision-making process had remained unchanged for over 50 years, and it needed to be brought into line with present global realities.

18. Article IV.C of the Agency's Statute guaranteed the rights and benefits of membership for all sovereign Member States, and there had been fundamental structural changes in international relations in recent decades, particularly within the global community engaged in the peaceful use of nuclear energy.

19. All Member States should participate directly in the taking of decisions regarding all fundamental issues related to the Agency's work or having an impact on States' sovereign rights.

20. Although the General Conference represented all Member States, it was not the main policymaking body of the Agency, as was the corresponding body in other international organizations; most of the issues that it discussed had been agreed upon in advance by the Board of Governors.

21. The balance of power between the two bodies should be reviewed, and the composition of the Board should be reconsidered with a view to putting an end to the self-perpetuating, quasi-permanent membership of certain States with advanced levels of nuclear technology.

22. All Member States should have an opportunity to be elected to the Board on a regional basis. The amendment of Article VI adopted in 1999 had been a positive step, but, owing to various political and regional issues, it had not yet entered into force. An open-ended working group should be set up to consider the issue and make recommendations to the General Conference.

23. His delegation also submitted a proposal on improving the system of voting in the General Conference with a new method that was more efficient in terms of both time and cost. Electronic voting was widely used by international organizations, including the UN General Assembly and its Committees in New York, and other bodies in Geneva, such as the Human Rights Council.

24. By adjusting Rule 72 of the rules of procedure, on the lines followed by the General Assembly, Member States could reduce costs and make more time available for substantive issues. The proposed amendment would not change the substance of the General Conference's rules of procedure and would merely facilitate the use of electronic devices for voting. Iran therefore encouraged all delegations to support its proposal and looked forward to hearing their views and comments.

25. The representative of the NETHERLANDS, supported by the representative of NEW ZEALAND, requested a suspension so that delegations could familiarize themselves with the content of the document concerned.

**The meeting was suspended at 10.50 a.m. and resumed at 11.05 a.m.**

26. The representative of CUBA welcomed the inclusion of the item on the agenda of the General Conference. The Agency's membership continued to grow, its work had become more complicated and diversified, and it must therefore adapt to the current internal and international situation: hence his delegation stressed the need to strengthen the effectiveness and efficiency of the decision-making process of the Agency's Policy-Making Organs. Topics of relevance for all Member States must be examined in a broader, more democratic and participatory manner, with the aim of ensuring a proper balance between the various statutory activities and between the powers and functions of the General Conference and the Board.

27. As the supreme legislative body in which all Member States participated on an equal footing, the General Conference should be strengthened. The Board's composition, membership and functions should also be examined in depth.

28. Decisions on issues of relevance to all Member States and with important implications for international peace and security should be taken in the framework of the General Conference through a process involving open, transparent and inclusive consultations and negotiations. That would help preserve the Agency's credibility and the effectiveness of its decisions and ensure that the opinion of all Member States was respected.

29. Unfortunately, on numerous occasions the Board's consideration of certain topics had been marred by lack of transparency and politicization, thereby dangerously distorting the Agency's fundamental technical role in the area of nuclear verification.

30. For the above reasons, the item should be included on the Board's agenda on a permanent basis.

31. The representative of PAKISTAN recalled that the item under consideration had been on the agenda since 2012, but no action had been taken. That suggested that the views expressed concerning the powers of the General Conference were justified. The item was important and relevant and should

not be reduced to a once-a-year ritual; it needed extensive and exhaustive consideration. His delegation stood ready to participate in the proposed process.

32. The representative of LEBANON supported the proposal by the Islamic Republic of Iran. It should be ascertained whether the Agency's decision-making process and mechanisms were in line with changes and innovations internationally and whether they fulfilled the mandate for which they had originally been set up. That was evidence of its vitality, and his delegation was in favour of the Agency making that effort. Irrespective of what the General Conference decided, Member States must clearly delineate the goals and lines of discussion and, in view of the sensitivity and nature of the issues to be discussed, the process must be given sufficient time so that all Member States could take part in the discussion.

33. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA supported the initiative of the Islamic Republic of Iran. There was a need to strengthen the General Conference, and the issue of the peaceful uses of nuclear energy should be addressed as broadly and inclusively as possible. The role of the General Conference as the Agency's main decision-making body should be protected.

34. His delegation noted with concern that the manner in which the Board was currently composed brought with it certain numerical privileges. Certain Member States with permanent membership dominated the decision-making process, in particular when it came to voting. The principle of balanced geographical representation should prevail in such an important decision-making body.

35. His agreed with others on the need to improve the efficiency and effectiveness of the Agency's decision-making process. The issue should remain on the General Conference's agenda.

36. The representative of CANADA, welcoming the initiative of the Islamic Republic of Iran, said that the entry into force of the 1999 amendment of Article VI would go a long way towards addressing the concerns raised by Iran and give all Member States an enhanced opportunity to serve on the Board. His country had ratified the amendment 14 years previously and regretted that, owing to various political and regional issues, it had not yet entered into force. While Canada encouraged all Member States to ratify the amendment without delay, it noted that Rule 50 of the Board's Provisional Rules of Procedure allowed Member States not currently Board members to share their views at Board meetings.

37. When the Statute had been drawn up, considerable care had been taken to ensure the correct balance of responsibilities between the General Conference and the Board of Governors. He pointed out that the principle of giving weighted consideration to certain characteristics of States was applied in determining the composition of governing bodies of other international organizations.

38. While the idea of an electronic voting system was an interesting one, roll-call votes were rarely used in the Agency. As the Agency aimed to take decisions by consensus, he questioned the wisdom of spending time and money on a system for a procedure that the Agency would prefer not to use.

39. The representative of the UNITED KINGDOM thanked the delegation of Iran for raising an issue of interest of all Member States. Noting that her country had already ratified the 1999 amendment of Article VI, she encouraged all Member States to do likewise to enable the Amendment to enter into force. Although the week of the General Conference was insufficient for a discussion of all the important issues before the Agency, all Member States had ample opportunity to state their views in the Board, as those not currently Board members were able to take the floor under Rule 50 of the Board's Provisional Rules of Procedure. It was not necessary to set up a further body to discuss the issues.

40. Her delegation agreed that any system that could reduce the time required for a vote should be duly considered on the basis of an analysis of cost and benefit.

41. The representative of FRANCE, thanking the delegation of Iran for proposing the supplementary agenda item, said that his country had ratified the 1999 amendment of Article VI of the Statute in May 2001 and supported the Director General's efforts to promote its ratification by all Member States.

42. On the issue of the Board's representativeness and the proposal to widen its membership, his delegation believed that well established procedures were already in place to ensure the effectiveness of the Board's operation. He agreed with the representative of the United Kingdom that the roles of the Board and the General Conference were well balanced: that balance had been struck when the Statute had been negotiated. The Board met on a number of occasions over the year and Member States not currently members of the Board were entitled to state their views under Rule 50 of the Board's Provisional Rules of Procedure.

43. Although a roll-call vote took time, it was secure and only used on an exceptional basis. The introduction of an electronic voting system might even encourage recourse to voting, which would be politically undesirable.

44. He did not consider that the item should remain on the provisional agenda of the General Conference.

45. The representative of NEW ZEALAND, thanking the representative of Iran for raising the issue, said that her delegation was satisfied with the balance of responsibilities between the Board and the General Conference. New Zealand was not currently a member of the Board, but still had ample opportunity to participate in the Board's regular discussions under Rule 50 of the Provisional Rules of Procedure. She agreed, however, that the entry into force of the 1999 amendment of Article VI would provide for expanded Board membership, and give newer members of the Agency the opportunity to play a greater role in the Board's decision making.

46. Although the introduction of an electronic voting system would save time, there was an associated cost, and she wondered therefore whether it could be shared by the other Vienna-based organizations. It would be premature to establish a working group at the present juncture.

47. The representative of the NETHERLANDS urged all Member States to ratify the 1999 amendment of Article VI so that it might enter into force. Although the Netherlands had not served on the Board for the past two years, it had not experienced any lack of transparency. It had still been able to participate fully in the Board's deliberations and make statements under Rule 50 of the Board's Provisional Rules of Procedure.

48. Agreeing that an electronic voting system would speed up the voting process, he requested more information on its cost from the Secretariat. Should such a system be implemented, serious consideration should be given to limiting the number or duration of statements concerning the draft resolutions being introduced. It was not necessary to establish a working group at the current stage.

49. The representative of AUSTRALIA, thanking the delegation of Iran for raising the important issue, said that Australia was open to improving the efficiency and effectiveness of the Agency's existing mechanisms, as the need arose, including consideration of electronic voting. To that end, Member States should work effectively with one another and with the Secretariat, rather than establish new working groups. He agreed that the Board, which met four times a year, was an appropriate vehicle by which Member States could inform the Secretariat of their views.

50. The representative of GERMANY, also thanking the delegation of Iran for its initiative, said that his country had already ratified the 1999 amendment of Article VI and encouraged all other Member States to do likewise. The Board was the appropriate forum for Member States to convey their views to the Secretariat since an annual one week meeting of the General Conference was insufficient for that purpose. The procedure for the rotation of Board membership within regional groups worked well, and Member States that were not currently Board members were able to contribute to the Board's discussions in an inclusive and transparent manner under Rule 50 of the Board's Provisional Rules of Procedure.

51. The introduction of an electronic voting system required careful consideration, but there was as yet no need for the establishment of a working group.

52. The representative of EGYPT said that more time was required to discuss the issue, which was important to all Member States of the Agency, and suggested that consultations should be held before the next session of the General Conference with a view to developing specific proposals.

53. The representative of POLAND, conveying thanks to the delegation of Iran for raising the important issue, said that one session of the General Conference and a number of rounds of Board meetings during the year was a system that worked. The Board of Governors was an appropriate vehicle for Member States to express their views to the Secretariat, and the entry into force of the 1999 amendment of Article VI of the Statute would help to enhance efficiency.

54. Although the advantages and disadvantages of an electronic voting system should be considered further, the establishment of a working group was not, in his delegation's view, the best approach.

55. The representative of ISRAEL associated himself with the comments of the representative of Canada, and noted that his country had ratified the 1999 amendment of Article VI in December 2013.

56. The representative of SLOVENIA thanked the delegation of Iran for its initiative. His country had held the chairmanship of the Board at the time of the adoption of the 1999 amendment of Article VI, and called on all Member States, including Iran, to ratify that amendment with a view to its entry into force.

57. It was important that Rule 50 of the Board's Provisional Rules of Procedure, which gave all Member States the opportunity to make their voices heard, remain unchanged.

58. The issue of electronic voting required further study, but not within the framework of a working group. Particular consideration should be given to the need to preserve, as much as possible, the spirit of consensus that prevailed at the Agency and cost, since the money could be used in other areas, such as technical cooperation.

59. The representative of COLOMBIA, thanking the delegation of Iran for its initiative, said that consultations on the important issue should continue intersessionally as there was insufficient time to discuss it thoroughly at the current session of the General Conference. Her delegation believed that the introduction of an electronic voting system should be considered in terms of cost and frequency of use.

60. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in his experience, the electronic voting used at the United Nations in New York was secure. Noting that his delegation had not requested the establishment of a working group to consider the issue of electronic voting, he said that it would, however, be useful for the Secretariat to work with the secretariats of other Vienna-based organizations to consider the cost and benefit of such a voting system and report thereon to the General Conference at its next regular session.

61. While his country fully respected the provisions of the Statute, that document had been negotiated more than fifty years previously, and countries' level of advancement had changed considerably since then. He pointed out that reform was an issue also being discussed in other international organizations.

62. The 1999 amendment of Article VI of the Statute had been a positive step but, owing to various political and regional issues, it was not likely to enter into force.

63. The CHAIR said that he intended to report to the Plenary in the following terms on the Committee's discussion: Under item 21 on promotion of efficiency and effectiveness of the IAEA decision-making process, attention had been drawn to the importance of maintaining and promoting the efficiency and effectiveness of the Agency's decision-making processes and strengthening the Agency and its governing bodies.

64. The need to expand the Board's membership and to enhance the role and authority of the General Conference and the importance of maintaining an appropriate balance between the two bodies had been underlined by several members.

65. The importance of the direct engagement and participation of all Member States in the decision-making process on issues related to the Agency's work had been emphasized by some members.

66. The relevance and importance of the process currently under way for the early ratification of the amendment of Article VI of the Agency's Statute had also been raised in that context. The importance of respect for the decisions and respective mandates of the Agency's Policy-Making Organs had been emphasized.

67. The necessity for the continuation of joint efforts by all Member States, together with the Secretariat, to strengthen the Agency and achieve mutual interests had also been emphasized.

68. The need for the Agency to promote the efficiency of its working methods and adapt the application of procedures of its bodies to take advantage of advanced technologies, in particular with regard to the use of electronic voting, had also been raised by some members, and the Secretariat had been requested to continue to examine that matter. Some members had expressed their desire to continue the consideration of the issue and to keep it as an item on the agenda of the General Conference.

**The meeting was suspended at 11.55 a.m. and resumed at 12.40 p.m.**

## **17. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed)** (GC(58)/COM.5/L.2/Rev.2)

69. The representative of AUSTRIA introduced a new version of the relevant draft resolution, GC(58)/COM.5/L.2/Rev.2, which had been prepared in the course of informal consultations.

70. She said that provisions about the State-level concept had been moved from the preambular to the operative part of the draft, with the addition of assurances about the concept contained in the statements by the Director General and the Secretariat which had been noted by the Board of Governors in September 2014.

71. A new paragraph (h) had been added, reading: “Noting that, in implementing safeguards, the Agency makes every effort to ensure efficiency, without compromising effectiveness,”.

72. A new paragraph (s) had been added, reading: “Recognizing that effective and efficient safeguards implementation requires a cooperative effort between the Agency and States, and that the Secretariat will continue to engage in open dialogue on safeguards matters with States to increase transparency and build confidence and to interact with them on the implementation of safeguards,”.

73. Paragraph (t) had been shortened from the version in paragraph (u) of document GC(58)/COM.5/L.2/Rev.1 and now read: “Noting that the Supplementary Document to the Report on the Conceptualization and Development of Safeguards Implementation at the State Level (GOV/2014/41), together with its Corrigenda, is the reference point and is part of the continuing process of consultations,”. The rest of the paragraph had been moved to the operative part.

74. A new paragraph 5 had been added, reading: “Recognizes the importance of the Agency continuing to implement safeguards in accordance with the rights and obligations under the respective safeguards agreements between States and the Agency;”.

**The meeting was suspended at 12.55 p.m. and resumed at 1 p.m.**

75. The representatives of AUSTRIA continued their introduction of the new version of the draft resolution. In paragraph 23, the word “considered” had been replaced by “taken note of”. The wording of paragraph 24 had been amended to read: “... 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 ...”. Four new bullet points had been added to that paragraph, to read:

“• The 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;

“• The development and implementation of State-level approaches requires close consultation with the State and/or regional authority concerned;”.

76. A new paragraph 25 had been added, reading: “Notes that, on the basis of GOV/2014/41 and its Corrigenda, the Secretariat will keep the Board of Governors informed of progress made in the development of the SLC;”.

77. Paragraph 26 (paragraph 24 of document GC(58)/COM.5/L.2/Rev.1) had been amended to read: “... dialogue with Member States on safeguards matters, and to issue periodic update reports as the Agency and Member States gain further implementation experience;”.

78. Lastly, a new paragraph 27 had been added, to read: “Notes the statement of the Director General that the focus of the Agency for the immediate future is on updating existing State-level approaches for 53 States under integrated safeguards and that State-level approaches will be progressively developed and implemented for other States;”.

79. The sponsors believed that the revised draft was a concise, substantive text which should be acceptable to all. However, in view of the concerns about the consultations expressed by some delegations, further informal discussions, open to all, would begin immediately.

80. The representative of the RUSSIAN FEDERATION said that, although the revised draft resolution might well reflect the comments made by the sponsors, it did not, regrettably, reflect the views which his own delegation had expressed over the previous few days, or the amendments it had suggested. His delegation would gladly participate in further informal consultations.

**The meeting rose at 1.10 p.m.**