



IAEA

60 Years

Atoms for Peace and Development

General Conference

GC(60)/OR.9

Issued: January 2017

General Distribution

Original: English

Sixtieth regular session

Plenary

Record of the Ninth Meeting

Held at Headquarters, Vienna, on Friday, 30 September 2016, at 10.10 a.m.

President: Dato' Adnan OTHMAN (Malaysia)

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¹ GC(60)/1 and Add.1 and Add.2.

Abbreviations used in this record:

ASEAN	Association of Southeast Asian Nations
CTBT	Comprehensive Nuclear-Test-Ban Treaty
DPRK	Democratic People's Republic of Korea
2005 Joint Convention	Joint Statement of the Fourth Round of the Six-Party Talks
MESA	Middle East and South Asia Group
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
SEAP	South East Asia and the Pacific Group
UNSC	United Nations Security Council

8. Election of Members to the Board of Governors (GC(60)/7)

1. The PRESIDENT said that a ballot must be held to fill one vacant seat to the Board of Governors for MESA and the “floating seat” for Africa, MESA, and SEAP, it being MESA’s turn to fill the floating seat.
2. Rules 83 to 85 of the Rules of Procedure, in particular Rule 84, applied in an election to fill vacant seats to the Board of Governors.
3. In accordance with Rule 79 of the Rules of Procedure, election of Members to the Board of Governors must be by secret ballot and there must be no nominations. He therefore assumed that all candidates for election had made their candidacies known to the other delegations.
4. In accordance with Rule 74 of the Rules of Procedure, explanations of vote would not be allowed before or after the vote.
5. The relevant provisions set out in Article XIX.A of the Statute governing voting rights of Member States applied.
6. Mr MISRA (India), speaking as the Chair of MESA, expressed regret that no consensus had been reached on the nominations. MESA had three candidates for the two vacancies: Iraq, Qatar and the United Arab Emirates. The United Arab Emirates was a candidate for the fixed seat and Qatar for the floating seat.
7. Mr AL-MANSOURI (Qatar) said that a large number of States had supported his country’s candidacy. As MESA had been unable to secure a consensus on the two candidacies, the Chair of MESA had been compelled to refer them to the General Conference.
8. His country attached great importance to membership of the Board of Governors and to the role it could play in promoting international and regional support for peaceful uses of nuclear energy, particularly in developing countries. His delegation had announced to the General Conference on the previous day that it was donating €300 000 for the ReNuAL project. He was confident that the Member States were fully aware of the positive and effective role that Qatar would play as a Member of the Board.
9. He announced that Qatar was a candidate for the floating seat and expressed the hope that all Member States would support its candidacy.
10. Mr ALSHAHMAN (Iraq) said that his country was contending with the fiercest terrorist onslaught in modern history but had nonetheless demonstrated the political will to support the NPT regime and all international instruments on disarmament. It had therefore submitted its candidacy for a seat on the Board of Governors for the MESA area. The Iraqi Government strongly believed in the exclusively technical nature of the Agency’s functions and therefore hoped that all Member States would abide by the principle of fair distribution of seats on the Board of Governors and ensure that they were not confined to a specific group of Member States.
11. The Iraqi Government had been confronting serious challenges to the country’s security and democracy since 2003. It had nevertheless strongly supported the NPT regime, and the Constitution adopted by a referendum in 2005 reflected the goal of promoting peaceful uses of nuclear energy.

Article 9, paragraph 1(E), of the Constitution stated that the Iraqi Government should respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production and non-use of nuclear, chemical and biological weapons, and should prohibit the use of associated equipment, material, technologies and delivery systems in the development, manufacture, production and use of such weapons. It therefore urged Member States to elect Iraq to the Board, since it had only once had that honour since 2003, namely from 2007 to 2009.

12. Iraq noted that candidacies had been declared for both the fixed and the floating seats, despite the stipulation in the Rules of Procedure that there must be no nominations. The principle of consensus had been undermined by the statement at the very last minute that specific candidates were standing for those seats.

13. Mr NAJAFI (Islamic Republic of Iran) said that his country, as a Member of MESA, strongly supported the principle of consensus but it was faced with a difficult situation because three neighbouring Muslim States were candidates for two seats. He wondered whether a State might, under the Rules of Procedure, be a candidate for both the floating seat and the fixed seat. If that were the case, it would set a precedent.

14. Mr MISRA (India) said that he had been informed earlier in the day by the Ambassador of the United Arab Emirates that his country was a candidate for the fixed seat only. The Ambassador of Qatar had stated that his country was a candidate for the floating seat only. There had been no time for MESA to discuss the matter. He wished to know whether the disclosure of such information constituted a procedural impropriety.

15. Ms JOHNSON (Director, Office of Legal Affairs) confirmed that, according to Rule 79 of the Rules of Procedure, there must be no nominations. Member States that were eligible to vote might therefore vote for any Member States that were eligible to occupy either of the two seats.

16. Mr VINHAS (Brazil) said that the statement of preferences by some delegations had been merely informal. Member States could officially vote for any candidate for either position.

17. Mr NAJAFI (Islamic Republic of Iran) said that the clarification rendered decision-making even more complicated. The Rules of Procedure had, in his view, been undermined. He asked whether names could be entered on the ballot paper without specifying which seat the Member States concerned should occupy.

18. Ms JOHNSON (Office of Legal Affairs) said that there had not been any official nominations. A Member State's expression of interest in a specific seat was not legally binding. Member States were required to vote for an eligible Member of MESA for the fixed seat. The floating seat was assigned to geographical areas referred to in Article VI.A.2(c) of the Statute and it was currently MESA's turn. Member States might therefore vote for any eligible Member of MESA or of the other areas for that seat.

19. Mr OYUGI (Kenya) enquired about the meaning of eligibility. It was unclear to him which States were eligible.

20. The PRESIDENT said that, according to Rule 85, votes for designated Members whose term of office would begin after the end of the 60th session of the General Conference would be invalid. As the designated Member State from MESA for 2016–2017 was India, a vote for India would be invalid. Votes for an elected Member of the Board from MESA whose term would not expire at the end of the 60th session would also be invalid. A vote for Pakistan would therefore be invalid. As votes for the outgoing Board Member from MESA would be invalid, a vote for Saudi Arabia would be invalid. Fixed seat votes for non-MESA Member States would be invalid and floating seat votes for Member States that were not from Africa, MESA or SEAP would be invalid.

21. Mr ALSHAHMAN (Iraq) said that it had been inappropriate, in his view, to notify the Chair of MESA of Member States' candidacy preferences at the last minute without giving MESA time to discuss the matter. The practice of offering guidance to voters was a breach of rules and standards.
22. Mr FERNANDEZ PALACIOS (Cuba) requested further clarification of the voting procedure.
23. Mr OYUGI (Kenya) said that it was now clear which votes would be invalid. However, it was still unclear which Member States were eligible.
24. Mr MISRA (India) said that he had informed the representative of Iraq by telephone that Qatar and the United Arab Emirates were candidates for the floating and fixed seats respectively. The representative had not filed an objection at that stage.
25. Mr PÉREZ ALVÁN (Peru) wished to know whether Member States would vote for both seats in a single ballot.
26. The PRESIDENT said that, according to Rule 84 of the Rules of Procedure, there would be a single ballot for all elective places to be filled. The ballot paper would specify the vacant places to be filled in the order in which they were referred to in Article VI.A.2 of the Statute. Accordingly, each Member State that was eligible to vote would receive one ballot paper specifying the two vacant seats in the following order: the fixed seat for MESA in accordance with Article VI.A.2(a) of the Statute; the floating seat for Africa, MESA or SEAP in accordance with Article VI.A.2(c) of the Statute.
27. Delegates were requested to indicate on the ballot paper their preference for one candidate for the fixed seat from among the eligible Member States in MESA and their preference for one candidate for the floating seat from among the eligible Member States in Africa, MESA or SEAP. It was currently MESA's turn to fill the seat. Delegates wishing to abstain should either leave a blank or, preferably, enter the word "abstention" for the seat on which they wish to abstain.
28. Mr ALSHAHMAN (Iraq) said that he had informed the Chair of MESA during the telephone conversation earlier that day of his opposition to the last-minute announcement by Qatar and the United Arab Emirates.
29. Mr NAJAFI (the Islamic Republic of Iran) requested clarification, as the situation was not comfortable for MESA Member States as to how the votes would be counted if a Member State wrote the name of one country in each of the two spaces on the ballot paper.
30. Ms JOHNSON (Director, Office of Legal Affairs) said that there would be two blank spaces for the Member States to complete on the ballot paper. One space would be for the MESA fixed seat and the second space would be for the floating seat which, due to rotation, was in the current year also to be filled by a Member State of MESA. Each Member State should vote for one State for the fixed seat and for one State for the floating seat. There was a required majority for each seat, which was determined by the number of valid votes cast and, if it was reached, the results would be announced immediately. If the required majority was not reached for either of the two seats, Rule 81 would apply and there would be a second ballot.
31. Mr MISRA (India) stated that the MESA Member States were Afghanistan, Bangladesh, Qatar, Kuwait, United Arab Emirates, Saudi Arabia, Pakistan, India, Syrian Arab Republic, Sri Lanka, Yemen, Jordan, Lebanon, the Islamic Republic of Iran, Iraq and Oman. He believed that the three Member States of MESA which were not eligible for either seat were India, Pakistan and Saudi Arabia.

32. Mr NAJAFI (Islamic Republic of Iran) requested further clarification on how the votes would be counted. Two different seats were being contested on a single ballot paper so it did not seem appropriate to have three candidates for the two seats. He agreed with the representative of Iraq that there should be a simple ballot in which the names were written down next to the appropriate seat. As there were two separate ballots, the Rules of Procedure were not being applied.

33. Ms JOHNSON (Director, Office of Legal Affairs) said that the procedure was correct under Rule 84 of the Rules of Procedure, and therefor would be a single ballot on which there would be two elective places and each Member State might vote for both seats.

34. The PRESIDENT repeated the voting procedure.

35. Mr ALSHAHMAN (Iraq) registered his objection to the way in which the procedure was being applied, for it went against due form.

36. A vote was taken by secret ballot.

37. At the invitation of the President, Ms Callesen (Denmark) and Mr Salcedo Teullet (Peru) acted as tellers.

38. The PRESIDENT proposed to consider item 18 while the vote was being counted.

18. Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea (GC(60)/L.5)

39. Mr BAILEY (Canada), introducing the draft resolution contained in document GC(60)/L.5, said that it had been drawn up in consultation with China and the Russian Federation and was being submitted on behalf of 63 Member States.

40. It built on the consensus resolution adopted by the General Conference in 2015 and reiterated concerns about the DPRK's actions that posed serious challenges both to the nuclear non-proliferation and disarmament regime and to international peace and security. It stated the desire for a diplomatic resolution to the DPRK nuclear issue so as to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula, condemned in the strongest terms the five nuclear tests conducted by the DPRK in violation and flagrant disregard of the relevant UNSC resolutions, called on the DPRK to refrain from conducting any further nuclear test, pursuant to the relevant UNSC resolutions, supported the Six-Party Talks as an effective mechanism for dealing with the DPRK nuclear issue, stressed the importance of the full implementation of the Joint Statement, reaffirmed that the DPRK could not have the status of a nuclear-weapon State in accordance with the NPT, called on the DPRK to comply fully with the NPT, deplored the DPRK's decision to cease all cooperation with the Agency and called on the DPRK to cooperate promptly with the Agency in implementing comprehensive safeguards fully and effectively.

41. The draft resolution was supported by the five Member States of the Agency that had participated in the Six-Party Talks and Canada hoped that it would be adopted by consensus, given the broad support shown by co-sponsorship. It thanked all delegations for their willingness to compromise and be flexible when drafting the resolution and said that the process had demonstrated that the Vienna spirit lived on in the Agency.

42. Mr ANDEREYA (Chile) said that Chile strongly condemned the nuclear tests and missile tests conducted in the DPRK in 2016 in flagrant violation of UNSC resolutions, and regarded them as acts of provocation that compromised international peace and security both in neighbouring countries and in Chile, which required stable and secure shipping routes to its main trading partners in Asia.

43. After each nuclear test since 2006, Chile had urged the DPRK to cease activities contrary to international law immediately, especially nuclear explosions and actions that violated international non-proliferation regulations and the mandate of the United Nations. It had called on the DPRK to honour its status as a non-nuclear-weapon State under the NPT, to place all of its nuclear installations under the Agency's safeguards and to ratify the CTBT as soon as possible.

44. Chile had repeatedly reaffirmed its commitment to the promotion of nuclear disarmament and non-proliferation through multilateral mechanisms and was therefore gravely concerned about the DPRK's nuclear weapons programme. It called on the DPRK to re-engage in dialogue as soon as possible for it was on a rudderless course at great social and humanitarian cost to its people. Its acts of provocation had only served to isolate and impoverish its people, as the lion's share of the Government's resources had been diverted to fund nuclear weapons and ballistic missiles.

45. After the 2014 Arria-Formula meeting on human rights in the DPRK and the Commission of Inquiry report of the Human Rights Council, Chile had proposed that a holistic approach be taken when evaluating the situation in the DPRK. It appealed for the resumption in good faith of discussions aimed at the complete and verifiable denuclearization of the DPRK, as security and development could be achieved in the country only when it had become a credible partner and had met its international obligations and commitments.

46. Mr DÄUBLE (Germany) said that his country condemned in the strongest possible terms the DPRK's nuclear test conducted in September 2016, the second in eight months, despite repeated calls on the DPRK to stop nuclear testing immediately and to comply fully with the relevant UNSC and IAEA resolutions and in blatant and unacceptable violation of international law. Germany fully shared the concern expressed by its partners, in particular by the DPRK's regional neighbours, and again called on the DPRK to refrain from conducting further provocative or UNSC-proscribed actions. It supported all efforts by the international community to implement stronger sanctions against the DPRK and welcomed a robust resolution sending an unequivocal message to the DPRK on the subject.

47. Ms ANGARA COLLINSON (Philippines) said that the impunity that had characterized the DPRK's actions in recent years and its total disregard for the international community's calls to stop its nuclear tests and to cease its nuclear weapons programme had caused deep and continuing concern to the Philippines and to ASEAN, the foreign ministers of which had expressed grave concern over the DPRK's fifth nuclear test on 9 September 2016, in violation of the relevant UNSC resolutions. The Philippines echoed ASEAN's affirmation of the importance of peace and security on the Korean Peninsula, its full support for the peaceful denuclearization of the Korean Peninsula and its call for the DPRK to comply fully with all relevant UNSC resolutions.

48. The Philippines urged all concerned to create a favourable political environment to facilitate the full and effective implementation of IAEA comprehensive safeguards, which had been impossible since 1994.

49. The Philippines commended the Agency for its efforts in continuing to monitor and verify the DPRK's nuclear programme and for maintaining its readiness to undertake comprehensive safeguards-related activities in that country. The Philippines announced its principled co-sponsorship of the draft resolution.

50. Mr SANTANA NÚÑEZ (Cuba) said that nuclear disarmament was a priority for achieving worldwide peace and security, while the very existence of nuclear weapons and the possible use or threat of use thereof were among the greatest threats to humankind. Nothing justified the existence of more than 15 000 nuclear weapons, capable of unacceptable humanitarian consequences on account of their immense and uncontrollable destructive capacity. The only alternative was to prohibit and eliminate them totally and irreversibly, under strict international verification.

51. Cuba rejected the improvement and modernization of existing nuclear weapons and the development of new types of nuclear weapons. It was opposed to all nuclear weapon tests, including those conducted by means of super-computers, subcritical tests and other sophisticated non-explosive methods.

52. Cuba supported the total denuclearization of the Korean Peninsula, without foreign interference, in circumstances ensuring respect for sovereign integrity and in strict compliance with the principle of the non-use and non-threat of the use of force.

53. Accordingly, Cuba called on all States to refrain from actions that did not contribute to the goal of denuclearization but, conversely, further complicated the tense situation on the peninsula, including the application of unilateral sanctions, the deployment of new types of weapons in the region and the conduct of military exercises involving nuclear submarines and strategic bombers.

54. Cuba was convinced that a peaceful solution through dialogue and negotiation was the only means of achieving peace and stability on the Korean Peninsula.

55. Mr FALCONI (France) said that his country strongly condemned the two nuclear tests conducted by the DPRK in 2016 as serious, irresponsible and destabilizing acts that severely threatened peace and security in Asia and worldwide. France called on the DPRK to stop its nuclear and missile activities immediately.

56. The proposed resolution highlighted the DPRK regime's particularly worrisome technological progress in its nuclear programme, in violation of UNSC resolutions. Owing to the speed of development of the DPRK's nuclear programme, the Agency must remain vigilant as the DPRK could still carry out a new nuclear test.

57. France stressed that it was unacceptable that the DPRK had conducted more than 20 ballistic missile launches in 2016 and, stressing that the DPRK's nuclear and missile programmes were intrinsically linked, called on all to be mindful of the issues and to condemn the DPRK's ballistic missile launches and nuclear tests systematically, as silence could lead to the normalization of proliferation.

58. It called for the Agency's inspectors to be allowed unconditionally to return, for it was imperative that the DPRK accept the goal of the complete, irreversible and verifiable dismantlement of its nuclear programme, which France regarded as a necessary condition for the resumption of the Six-Party Talks. It was also imperative that the Agency remain seized of the matter, otherwise it risked sending a message of impunity to proliferating States, thus weakening the non-proliferation regime.

59. The PRESIDENT asked the Conference whether it was ready to adopt the draft resolution contained in document GC(60)/L.5 without a vote.

60. The draft resolution contained in document GC(60)/L.5 was adopted.

61. Ms HOLGATE (United States of America) said that her country welcomed the unanimous adoption of the resolution and, highlighting the main operative points of the resolution, considered that

the Agency's work was not at an end, for it must match the unity of the resolution with concerted and resolute action to address the very real and growing threat posed by the DPRK's nuclear programme to common peace and security and to shared non-proliferation objectives. As long as the DPRK did not reaffirm serious and credible commitment to denuclearization, enhanced pressure remained essential to compel the DPRK to correct its course. All bore a collective responsibility to enforce UNSC resolution 2270 vigorously to curtail the means through which the DPRK sustained and advanced its pursuit of nuclear weapons and their means of delivery.

62. Mr ESTRADA ROMÁN (Nicaragua) said that the Government of Nicaragua, which conducted a policy of peace and solidarity and was committed to international law and to the right of the peoples of the world to live in peace, reiterated its firm commitment to peace, nuclear disarmament and complete disarmament. Nicaragua considered that nuclear testing contributed nothing to world peace, nor did it create the climate of dialogue and negotiation required for the peaceful settlement of disputes between States. Nicaragua had always condemned all nuclear testing by all nuclear-weapon States and urged States to cease both nuclear testing and participation in the nuclear arms race.

63. Nicaragua reiterated its urgent call for the denuclearization of the Korean Peninsula and for the nuclear military programmes to be abandoned completely, verifiably and irreversibly in accordance with the relevant UNSC resolutions. The Agency could also create the conditions for the resumption of the Six-Party Talks through dialogue.

64. It called for measures to be taken to ensure peace, stability and security in the region and observance of the principles and objectives of the United Nations, which would help to safeguard the interests of all parties on the basis of good neighbourliness.

65. Mr KITANO (Japan), welcoming the unanimous adoption of the resolution and thanking Canada for its leadership and tireless coordinating effort, said that Japan considered that, as a result of the DPRK's repeated nuclear tests and ballistic missile launches, the entire international community currently faced an unprecedented threat. The DPRK's nuclear and missile development seriously challenged the international nuclear non-proliferation regime and was totally unacceptable. Japan condemned it in the strongest terms.

66. Japan strongly urged the DPRK to refrain from further acts of provocation, to comply fully with the relevant UNSC resolutions and the 2005 Joint Statement and to return to compliance with the NPT and IAEA safeguards. Japan considered the resolution to be an important achievement, for it was important for the international community to unite in addressing the DPRK nuclear issue.

67. Japan appreciated the Agency's continued readiness to resume its activities in the DPRK and hoped that the Agency would continue to play an important role in resolving the DPRK nuclear issue.

68. Mr SONG Young-wan (Republic of Korea) said that his country welcomed the unanimous adoption of the resolution and hoped that the DPRK would heed that unified message from the international community, paving the way for its denuclearization. The resolution had been discussed under grave and unprecedented circumstances. The celebration of the 60th anniversary of the Agency had been marked by the conduct of two nuclear tests, the most recent just three weeks before the General Conference, and more than 20 ballistic missile launches in less than nine months.

69. The DPRK had made great strides in honing its nuclear weapons capability, despite the international community's denuclearization efforts and universal condemnation. Far from revealing any signs that the DPRK was abandoning its nuclear and ballistic missile programmes, the report had, rather, described troubling activities that had been prohibited under UNSC resolutions and could not at all be construed as peaceful owing to statements by the DPRK threatening violence and boasting of progress in nuclear warhead development, remilitarization and nuclear weapon delivery systems.

70. The DPRK's negative response to past diplomatic overtures underlined the need for a strong, resolute and coordinated response by the international community. The General Conference, representing the vast majority of UN Member States, had an important part to play and must therefore speak with one voice.

71. The Republic of Korea thanked the coordinators and participants for their constructive contributions and hard work that had resulted in a consensus resolution signalling clearly to the DPRK that the path to peace, stability and prosperity hinged on its willingness to demonstrate sincerity towards denuclearization.

72. The unanimity of Member States showed that they were serious in calling on the DPRK to honour its commitment to denuclearization. The Republic of Korea called on the DPRK to comply fully with all of its obligations under relevant UNSC resolutions and cooperate promptly with the Agency in implementing comprehensive safeguards fully and effectively.

73. Until such time as the Agency could resume monitoring and verification activities in the DPRK, the Republic of Korea would work with its partners to maintain vigilance and coordinate a constructive response to the DPRK nuclear issue with a view to its peaceful resolution.

The meeting was suspended at 12.05 p.m. and resumed at 12.40 p.m.

8. Election of Members to the Board of Governors (resumed) (GC(60)/7)

74. The PRESIDENT announced the result of the ballot for the fixed seat for MESA to the Conference.

75. In the election of one Member for the fixed seat for MESA, the result of the vote was as follows:

<u>Ballot papers returned:</u>	136
<u>Invalid votes:</u>	0
<u>Abstentions:</u>	14
<u>Valid votes:</u>	122
<u>Required majority:</u>	62

Votes obtained

United Arab Emirates:	96
Qatar:	13
Iraq:	11
Islamic Republic of Iran:	1
Kuwait:	1

76. Having obtained the required majority, the United Arab Emirates was duly elected for the fixed seat for MESA.

77. The PRESIDENT announced the result of the ballot for the floating seat to the Conference.

78. In the election of one Member for the “floating seat”, the result of the vote was as follows:

Ballot papers returned: 136

Invalid votes: 0

Abstentions: 14

Valid votes: 122

Required majority: 62

Votes obtained

Qatar: 96

Iraq: 13

United Arab Emirates: 12

Sri Lanka: 1

79. Having obtained the required majority, Qatar was duly elected for the floating seat.

80. The PRESIDENT announced that the United Arab Emirates and Qatar would hold office until the end of the 62nd session of the General Conference.

81. Mr NAJAFI (Islamic Republic of Iran) said that the Islamic Republic of Iran hoped that MESA would in future achieve a consensus so that such a situation would not arise again in the Board. Iran thanked the delegation that had cast a vote in favour of Iran’s election for the fixed seat.

The meeting rose at 12.45 p.m.