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Chair: Mr GLENDER RIVAS (Mexico)

Contents

Item of the agenda ¹	Paragraphs
13 Nuclear security (<i>continued</i>)	1–18
20 Promotion of efficiency and effectiveness of the IAEA decision-making process	19–28
21 Elections to the Agency's Staff Pension Committee	29–31
16 Strengthening the effectiveness and improving the efficiency of Agency safeguards (<i>resumed</i>)	32–34
13 Nuclear security (<i>resumed</i>)	35–37
16 Strengthening the effectiveness and improving the efficiency of Agency safeguards (<i>resumed</i>)	38–44

¹ GC(62)/17.

Abbreviations used in this record

EU	European Union
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
USA	United States of America

13. Nuclear Security (continued) (GC(62)/COM.5/L.12/Rev.1)

1. The CHAIR drew attention to a revised version of the draft resolution on nuclear security, contained in document GC(62)/COM.5/L.12/Rev.1.
2. The representative of the UNITED KINGDOM, reporting on informal consultations held, said that agreement had been reached on all issues apart from the two additional paragraphs proposed by the delegation of the USA, which required further work.
3. The representative of the UNITED STATES OF AMERICA said that agreement appeared close on the proposed new preambular paragraph. Informal consultations on the proposed new operative paragraph were continuing.
4. The representative of INDONESIA, referring to his country's long-standing position on the scope of nuclear security, said that it would have been desirable to include a reference to the comprehensive nature of nuclear security in the new preambular paragraph. However, in view of the wording of paragraph 7, which remained identical to that agreed the previous year, and the fact that the reference to the public perception of nuclear security appeared in the preambular part of the draft resolution, he could accept the wording of the new preambular paragraph as previously proposed by the representative of the USA.
5. The representative of NIGERIA emphasized that nuclear security must be maintained at all facilities and locations where nuclear materials were held or used and should apply to both peaceful and non-peaceful uses of nuclear energy. He would also have preferred a reference to the comprehensive nature of nuclear security to have been included in the new preambular paragraph, but a compromise might be reached by amending the phrase "peaceful nuclear activities" to "nuclear activities".
6. The representative of NEW ZEALAND stressed the importance of the reference made in paragraph 7 of the draft resolution to ensuring that measures to strengthen nuclear security did not hamper international cooperation in the field of peaceful nuclear activities, the benefits of which all were entitled to enjoy; with that right, however, came responsibilities, and it was the responsibility of States to ensure that all nuclear activities were covered by nuclear security. Nevertheless, he was satisfied with the reference in paragraph (d) to comprehensive nuclear security and could therefore accept the proposed wording of the new preambular paragraph.
7. The representative of the ISLAMIC REPUBLIC OF IRAN said that nuclear security should apply to all nuclear activities, but in the interests of consensus, and in view of the flexibility shown by other parties, he could agree to the wording of the proposed new preambular paragraph that had resulted from the informal consultations held. Referring to paragraph (e) of the draft resolution, he pointed out that the amendment proposed by his delegation at the Committee's previous meeting and agreed by consensus had not been reflected in the revised version of the text.
8. The CHAIR said that the necessary alteration would be made in a subsequent version of the draft resolution.
9. The representative of MEXICO commended the efforts being made to find a mutually agreeable solution and expressed the hope that consensus would be reached as soon as possible.

10. The representative of SWITZERLAND said that his country attached great importance to the comprehensive nature of nuclear security, which should apply to all nuclear activities.

11. The representative of CUBA, echoing that remark, said that she would also have preferred the new preambular paragraph to have included a reference to comprehensive nuclear security but that, in the interests of consensus, she could accept the text as it stood.

12. The representative of BRAZIL expressed appreciation for the flexibility demonstrated during the discussions. While his delegation would accept the proposed wording of the new preambular paragraph, it did not fully reflect its interests, and he encouraged the Committee to consider including a reference to the comprehensive nature of nuclear security in future General Conference resolutions on the issue, given the great importance that Member States attached to the concept.

13. The CHAIR invited interested parties to continue their informal consultations on the two proposed additional paragraphs.

The meeting was suspended at 10.40 a.m. and resumed at 11.20 a.m.

14. The representative of the UNITED STATES OF AMERICA said that, after further informal consultations, the proposed new preambular paragraph read: “Acknowledging that nuclear security may contribute to the positive perception, at the national level, of peaceful nuclear activities”. In his view the text represented a good compromise, and he hoped that consensus could be achieved at the present meeting.

15. The representative of the ISLAMIC REPUBLIC OF IRAN said that a decision should be taken on both proposed additional paragraphs at the same time.

16. The CHAIR asked the representative of the Islamic Republic of Iran to reconsider.

17. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had demonstrated a great deal of flexibility but that all of its proposals had been rejected. It was now down to others to show equal flexibility in order to achieve consensus. He had agreed not to include in the proposed new operative paragraph a reference to the need for the Secretariat to report formally on the implementation of the measures requested, but that paragraph should reflect the idea of overall oversight by Member States.

18. The CHAIR appealed to all interested parties to work on the issue and reach a compromise as soon as possible.

20. Promotion of efficiency and effectiveness of the IAEA decision-making process

(GC(62)/1/Add.3)

19. The representative of the ISLAMIC REPUBLIC OF IRAN, noting that his delegation had been requesting the inclusion of the item on the agenda of the General Conference for six years, said that promoting the effectiveness and efficiency of the Agency’s decision-making process in a fair and balanced manner was of high importance for Member States. It was crucial for the Agency to ensure that it was in step with global realities and with the fundamental changes in international relations of recent decades, particularly within the global nuclear community engaged in the peaceful uses of nuclear energy.

20. Under Article IV.C of its Statute, the Agency was based on the principle of the sovereign equality of its Members. Consideration must be given to how all Member States could be directly engaged in the process of taking decisions on issues fundamental to the work of the Agency, given that some such decisions were taken by the Board of Governors and not all were adopted by consensus. The mandate and composition of the Board should be reviewed, and decisions that could affect the sovereign rights, national security, membership status or interests of Member States in the uses of atomic energy for peaceful purposes should be taken exclusively and unanimously by the General Conference. Regrettably, the General Conference, while consisting of representatives of all of the Agency's Members, was not the Agency's highest policy-making body. Given that the General Conference represented all Member States, while membership of the Board of Governors was limited, the balance of powers between the two bodies was inappropriate: most of the issues that the General Conference was able to discuss and on which it could make recommendations were subject to prior recommendation by the Board. The efficiency of the General Conference could be improved by reconsidering the balance between the two bodies.

21. Given the limited and unequal geographical representation of Member States on the Board, the size and composition of the Board's membership should also be reconsidered. The 1999 adoption of an amendment to Article VI of the Statute, as set out in resolution GC(43)/RES/19, had been a positive step, but, owing to various political and regional issues, the amendment appeared unlikely to enter into force. Member States needed to find a more workable, innovative solution and should consider setting up a mechanism to include those that had been unfairly deprived of Board membership for years or even decades. In addition, the composition of certain regional groups had for some considerable time restricted their own members' opportunities for Board membership. The Agency and the regional groups needed to establish a fair, logical and efficient arrangement to ensure that no Member States were unjustly deprived of the equal opportunities they should enjoy. An open-ended consultative group of Member States should be set up to discuss proposals and make appropriate recommendations for consideration by the General Conference.

22. Bearing in mind the need to promote efficiency and effectiveness and the opportunities presented by advanced technologies, he urged all Member States to work with the Secretariat to strengthen the Agency and promote transparency. The General Conference should consider adopting electronic voting, which was widely used in other forums, including the United Nations General Assembly, by amending Rule 72 of its Rules of Procedure. Doing so would mean less time spent on procedural matters, freeing up time for substantive issues.

23. The representative of the UNITED KINGDOM said that his country attached great importance to promoting effectiveness and efficiency within the Agency. While the Board functioned effectively as the Agency's highest policy-making body, he agreed that its composition could be updated; however, establishing an open-ended consultative group to consider the matter would run the risk of undermining the Board's role and operation. Recalling that his Government had ratified the amendment to Article VI of the Statute in 2001, he encouraged other Member States, including the Islamic Republic of Iran, to follow suit. All Member States should be able to participate in the work of the Board, yet it was notable that the opportunity to take up membership of that body had not been afforded to Israel.

24. The representative of CUBA said that her country was in favour of greater democratization of the United Nations system. She therefore welcomed the inclusion of the item on the agenda of the General Conference. The effectiveness and efficiency of the Agency's decision-making process was an important issue and should begin with a review of the functioning and structure of its PMO. An appropriate balance must be struck among the Agency's statutory activities. To that end, it was essential to strengthen the role of the General Conference, as the supreme decision-making body and an essentially democratic institution in which all Member States participated. The Agency should fully respect the opinions of all its Members, and its decisions, which had implications for the international

community, should be taken by the General Conference. She expressed support for the proposal to introduce digital voting.

25. The representative of AUSTRALIA expressed support for the comments made by the representative of the United Kingdom, adding that there was no need to alter the balance of powers between the General Conference and the Board of Governors.

26. The representative of FRANCE, echoing those remarks, said that the PMO functioned effectively. It was Member States' responsibility to ensure that they remained as effective as possible. In that respect, France had ratified the amendment to Article VI of the Statute and called on all other Member States to do the same. Furthermore, Rule 50 of the Provisional Rules of Procedure of the Board of Governors allowed everyone to participate in debates in an open and inclusive manner.

27. The representative of the ISLAMIC REPUBLIC OF IRAN said that there appeared to be agreement on the need to promote the efficiency and effectiveness of the General Conference and the Agency. Consideration should be given to establishing a consultative group to work on the issue.

28. The CHAIR said that he would report to the General Conference that, under item 20 of the agenda, the importance of maintaining and promoting the efficiency and effectiveness of the Agency's decision-making process and strengthening the Agency and its governing bodies had been highlighted. The need to expand the Board's membership and to enhance the role and authority of the General Conference and the Board and the importance of maintaining an appropriate balance between the two bodies had been underlined. 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. The relevance and importance of the process currently under way for the timely ratification of the amendment to Article VI of the Statute had been raised, and some views and suggestions had been expressed in that context. The issue of the use of electronic voting by the General Conference, following the example of the United Nations General Assembly, had also been raised by some members.

21. Elections to the Agency's Staff Pension Committee

29. The CHAIR recalled that the General Conference was represented on the Agency's Staff Pension Committee by two members and two alternates. As a result of the departure of one of the Committee's serving members, in accordance with the Committee's Rules of Procedure, one new member must be elected by the General Conference. Following consultations, it had been proposed that Mr Venince Allen Carillo of the delegation of the Philippines be elected as alternate member.

30. He took it that the Committee wished to recommend to the General Conference that Mr Venince Allen Carillo be elected as alternate member to represent the General Conference on the Agency's Staff Pension Committee.

31. It was so decided.

16. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed) (GC(62)/COM.5/L.2 and L.3)

32. The representative of the RUSSIAN FEDERATION said that he appreciated the Chair's efforts to facilitate a compromise on the two draft resolutions submitted on safeguards. His delegation's draft resolution, which was contained in document GC(62)/COM.5/L.2 and had been submitted first, remained before the Committee. He stood ready to engage in discussions on the way forward with any interested parties, either within the Committee or informally.

33. The representative of the UNITED KINGDOM, emphasizing that the EU sponsors of the draft resolution contained in document GC(62)/COM.5/L.3 were of one mind in terms of how to proceed, welcomed the willingness of the delegation of the Russian Federation to engage in discussions. He expressed the hope that informal consultations on the substance of the draft resolution could begin later that day.

34. The CHAIR invited those concerned to discuss how best to proceed with a view to reaching agreement.

The meeting was suspended at 12 noon and resumed at 12.05 p.m.

13. Nuclear Security (resumed) (GC(62)/COM.5/L.12/Rev.1)

35. The CHAIR asked whether progress had been made towards resolving the outstanding issues on the draft resolution contained in document GC(62)/COM.5/L.12/Rev.1.

36. The representative of the UNITED STATES OF AMERICA replied that informal consultations had proved fruitful but that more time would be required to finalize matters.

37. The CHAIR invited those involved in the informal consultations to continue their work.

16. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed) (GC(62)/COM.5/L.2 and L.3)

38. The representative of PAKISTAN said that he was keen to participate in informal consultations on the substance of the draft resolution on safeguards and asked to be kept informed of when such consultations might be held.

39. The CHAIR said that the procedural issues surrounding the submission of two draft resolutions on the same subject would need to be resolved before discussions of substance could begin.

40. The representative of the NETHERLANDS expressed the view that resolving the procedural question might necessitate some discussion of issues of substance in so far as they related to the reasons for the submission of two separate draft resolutions.

41. The representatives of CANADA and the UNITED STATES OF AMERICA expressed their willingness to engage in further discussions on how to proceed.

42. The representative of the RUSSIAN FEDERATION said that informal consultations on the substance of the draft resolution should not be convened until the Committee had resolved the procedural issue.

43. The representative of the UNITED KINGDOM welcomed the willingness of the representative of Pakistan and others to take part in substantive discussions and expressed the hope that all interested parties would be given the opportunity to do so.

44. The CHAIR said that, once a decision had been reached on which text to use as a basis for discussion, he intended to begin consideration of that text within the Committee. Informal consultations could then be held on any issues on which there was clear disagreement. In the meantime, he invited all interested delegations to continue discussing informally how best to proceed.

The meeting rose at 12.30 p.m.