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**Fifty-sixth regular session**

## Committee of the Whole

### Record of the Tenth Meeting

*Held at the Austria Center, Vienna, on Friday, 21 September 2012, at 4.45 p.m.*

**Chairman:** Mr SHUKRI (Saudi Arabia)

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<sup>1</sup> GC(56)/19.



#### **14. Nuclear security (resumed)** (GC(56)/COM.5/L.4/Rev.4)

1. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(56)/COM.5/L.4/Rev.4, which had been the subject of extensive negotiations.
2. It was so agreed.

#### **15. Strengthening of the Agency's technical cooperation activities (resumed)** (GC(56)/COM.5/L.5/Rev.2)

3. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(56)/COM.5/L.5/Rev.2, which had also been the subject of extensive negotiations.
4. It was so agreed.

#### **17. Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol (resumed)** (GC(56)/COM.5/L.3/Rev.1 and 2)

5. The CHAIRMAN asked the representative of the United Kingdom to introduce, on behalf of the sponsors, the draft resolution contained in document GC(56)/COM.5/L.3/Rev.2.
6. The representative of the UNITED KINGDOM said that the sponsors had, in the light of comments to the effect that the draft resolution contained in document GC(56)/COM.5/L.3/Rev.1 was not as balanced as resolution GC(54)/RES/11, inserted in the draft resolution all the paragraphs of resolution GC(54)/RES/11 which delegations had requested.
7. The title of the draft resolution contained in document GC(56)/COM.5/L.3/Rev.2 — [hereinafter referred to as “draft resolution L.3/Rev.2”] — was the same as that of resolution GC(54)/RES/11.
8. The draft resolution contained in document GC(56)/COM.5/L.3/Rev.1 — [hereinafter referred to as “draft resolution L.3/Rev.1”] — had two paragraph (a)s. Only the second paragraph (a) had been retained — without “[Reaffirming]”.
9. Paragraph (a)bis and paragraph (a)ter in draft resolution L.3/Rev.1 had been deleted.

10. Regarding paragraph (b), the suggestions that “and nuclear disarmament” and “regime” be inserted had not been accepted.
11. Regarding paragraph (c), the suggestion that “and independent” be inserted had been accepted.
12. All four paragraphs with the designation “(c)bis” in draft resolution L.3/Rev.1 had been deleted, because the sponsors had felt that there was little prospect of a consensus being reached on any of them.
13. Regarding paragraph (e), the proposal that the phrase “with due consideration of” be replaced by “in accordance with” had been accepted.
14. Paragraph (e)bis in draft resolution L.3/Rev.1 was paragraph (f) in draft resolution L.3/Rev.2. Paragraph (e)ter had been deleted.
15. Paragraph (k)bis in draft resolution L.3/Rev.1, introduced with a view to the achievement of a consensus on the issue of State-level approaches to safeguards, had been accepted. It replaced paragraphs (l) to (n) of that draft resolution.
16. Paragraph (p)bis in draft resolution L.3/Rev.1, identical with paragraph (p) of resolution GC(54)/RES/11, was paragraph (p) in draft resolution L.3/Rev.2.
17. Regarding paragraph (q), the proposed changes had not been accepted.
18. Paragraph (q)bis in draft resolution L.3/Rev.1, identical with paragraph (q) of resolution GC(54)/RES/11, was paragraph (r) in draft resolution L.3/Rev.2.
19. Paragraph (r)bis in draft resolution L.3/Rev.1, identical with paragraph (t) of resolution GC(54)/RES/11, was paragraph (t) in draft resolution L.3/Rev.2.
20. Paragraph (r)ter in draft resolution L.3/Rev.1, which was — without “[strengthening]” — identical with paragraph (u) of resolution GC(54)/RES/11, was paragraph (u) in draft resolution L.3/Rev.2. The suggestion that “maintaining and observing fully” be replaced by “strengthening” had not been accepted.
21. Regarding paragraph 3, the proposed addition of “in accordance with relevant safeguards agreements” had not been accepted.
22. Regarding paragraph 4, the proposed addition of “, and the Secretariat’s obligation to implement safeguards in strict accordance with relevant safeguards agreements” had not been accepted.
23. Paragraph 6 in draft resolution L.3/Rev.2 was identical with paragraph 3 of resolution GC(54)/RES/11.
24. Paragraph 16 in draft resolution L.3/Rev.2 was identical with paragraph 25 of resolution GC(54)/RES/11 except that “,notably Japan,” in paragraph 25 had been deleted because the delegation of Japan had requested that deletion in 2011 and the sponsors had assumed that it would wish that deletion to be made also in 2012; the date of the Agency’s updated plan of action had been changed from September 2010 to September 2012.
25. Paragraph 16bis in draft resolution L.3/Rev.1, identical with paragraph 13 of resolution GC(54)/RES/11, was paragraph 17 in draft resolution L.3/Rev.2.
26. Recognizing the concerns of some delegations, the sponsors had deleted paragraphs 19 and 20 in draft resolution L.3/Rev.1.
27. Paragraph 21 in draft resolution L.3/Rev.1 was paragraph 22 in draft resolution L.3/Rev.2.

28. Paragraph 23 in draft resolution L.3/Rev.2 was identical with paragraph 26 of resolution GC(54)/RES/11.
29. Paragraph 23 in draft resolution L.3/Rev.1 had been replaced by paragraph 23(ter) — paragraph 21 in draft resolution L.3/Rev.2.
30. Paragraph 23bis in draft resolution L.3/Rev.1 had become paragraph 20 in draft resolution L.3/Rev.2, after the deletion of “[58]”.
31. Regarding paragraph 25 in draft resolution L.3/Rev.1, the sponsors had replaced it by paragraph 21 of resolution GC(54)/RES/11, which was paragraph 25 in draft resolution L.3/Rev.2.
32. Regarding paragraph 27 in draft resolution L.3/Rev.1 and paragraph 27 in draft resolution L.3/Rev.2, which were identical, the term “classified safeguards information” appeared four times. In the original version of that paragraph (in the draft resolution contained in document GC(56)/COM.5/L.3), the term “safeguards confidential information” had been used three times. The term “safeguards confidential information” covered only one category of “classified safeguards information”.
33. The sponsors had not accepted any of the proposed changes to paragraph 28 in draft resolution L.3/Rev.1, which remained identical with paragraph 27 of resolution GC(54)/RES/11.
34. The sponsors had not accepted the proposed change to paragraph 29 in draft resolution L.3/Rev.1, which, as paragraph 30 in draft resolution L.3/Rev.2, was identical (except for updating) with paragraph 31 of resolution GC(54)/RES/11.
35. Paragraphs 30 to 32 in resolution L.3/Rev.1 had not been accepted.
36. Paragraph 33 in resolution L.3/Rev.1 — paragraph 29 in resolution L.3/Rev. 2 — was identical with paragraph 30 of resolution GC(54)/RES/11.
37. The CHAIRMAN urged delegations to confine themselves to raising only their main points of concern regarding the draft resolution contained in document GC(56)/COM.5/L.3/Rev.2 and not to engage in a drafting exercise.
38. The representative of the ISLAMIC REPUBLIC OF IRAN said it was unfortunate that the proposals made by his delegation had not been taken into account by the sponsors.
39. His delegation’s main points of concern were the following:
  - The sponsors had refused to include the words “and nuclear disarmament” after “nuclear non-proliferation” in paragraph (b), despite the fact that, pursuant to Article III.B.1 of the Statute, the Agency had a role to play in connection with the establishment of “safeguarded worldwide disarmament” and the fact that the Agency had been requested by two nuclear-weapon States to monitor weapon-usable materials declared by them to be excess to military needs;
  - Regarding paragraph (k), his delegation had repeatedly stressed that decisions about “further strengthening the effectiveness and improving the efficiency of Agency safeguards” were a matter for the General Conference rather than the Board of Governors, in which only 35 Member States were represented. It would have preferred the deletion of paragraph (k), but could go along with the retention of that paragraph if the words “the Board of Governors” were replaced by “the General Conference”;
  - With regard to paragraph 20, his delegation was firmly opposed to the concept of “a State-level approach”. Pursuant to the Statute, the Agency’s safeguards should be

nuclear-materials-driven, whereas State-level approaches were based on information-driven safeguards.

40. The representative of AUSTRALIA, speaking on a point of order, asked whether the representative of the Islamic Republic of Iran was making drafting proposals.

41. The representative of the ISLAMIC REPUBLIC OF IRAN said that he was not making drafting proposals; he was simply mentioning some of his delegation's main points of concern. He therefore did not understand the purpose of the point of order.

42. The representative of BRAZIL said that, in a spirit of consensus, his delegation would go along with the draft resolution contained in document GC(56)/COM.5/L.3/Rev.2, even though it was not ideal.

43. The representative of PAKISTAN, referring to paragraph 6 of the draft resolution, said that his delegation was disappointed at the inclusion of the wording of paragraph 3 of resolution GC(54)/RES/11 in the text now before the Committee. Paragraph 6 was inconsistent with the Statute.

44. The representative of INDIA, likewise referring to paragraph 6, said that his delegation would like to join a consensus in favour of the draft resolution. If the word "relevant" were inserted between "urges all" and "States", his delegation could join such a consensus.

45. The representative of CHILE said that his delegation, which greatly appreciated the flexibility shown by the sponsors of the draft resolution, could accept the text now before the Committee.

46. The representative of ARGENTINA said that her delegation was grateful to the sponsors of the draft resolution for being flexible and addressing most of Argentina's concerns.

47. The representative of COSTA RICA said that her delegation could accept the draft text now before the Committee.

48. The representative of EGYPT, supported by the representative of the ISLAMIC REPUBLIC OF IRAN, recalled that delegations had been urged by the Chairman not to engage in a drafting exercise and asked the Chairman to clarify what exactly the Committee was doing at the present stage.

49. The CHAIRMAN said that the Committee was listening to the concerns of certain delegations with a view to the achievement of consensus language; it was not conducting a drafting exercise.

50. The representative of the ISLAMIC REPUBLIC OF IRAN proposed that, once those concerns had been expressed, the meeting be suspended so that the sponsors of the draft resolution might produce a further revised version, in the light of which the Committee could consider whether those concerns had been taken into account.

51. The representative of EGYPT asked the Chairman what the Committee should do after delegations had expressed their concerns.

52. The CHAIRMAN asked the sponsors of the draft resolution whether they would like the meeting to be suspended for informal consultations.

53. The representative of the UNITED KINGDOM said that the sponsors would not like the meeting to be suspended.

54. Referring to the comments made by the representative of the Islamic Republic of Iran about paragraph (b) of the draft resolution, he said that the Secretariat had repeatedly indicated that the Agency had no role to play in the area of nuclear disarmament; also, no international treaty on nuclear

disarmament had yet been concluded. Thus, the sponsors of the draft resolution did not consider that the inclusion of the words “and nuclear disarmament” in paragraph (b) would be appropriate.

55. Regarding paragraph (k), the sponsors did not consider that the General Conference was the appropriate body for taking decisions about “further strengthening the effectiveness and improving the efficiency of Agency safeguards”.

56. Regarding paragraph 20, where the expression “a State-level approach” appeared, it was essentially the result of combining paragraphs 18 and 19 of resolution GC(54)/RES/11.

57. Regarding the suggestion that the word “relevant” be inserted between “urges all” and “States” in paragraph 6, similar suggestions had often been made unsuccessfully in the past, and the sponsors believed that there would be considerable opposition to it at the current session of the General Conference.

58. The representative of the ISLAMIC REPUBLIC OF IRAN said that language used in past resolutions did not necessarily have to be retained. If such language was wrong, it should be changed.

59. With regard to in paragraph (b) of the draft resolution, Article III.B.1 of the Statute made it clear that nuclear disarmament came within the Agency’s purview, and it was not for the Secretariat to say whether the Agency had a role to play in the area of nuclear disarmament.

60. With regard to paragraph (k), the General Conference, as the Agency’s highest authority, took decisions every year aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards. He therefore failed to understand why there was a problem with replacing the words “Board of Governors” by “General Conference”.

61. The representative of CUBA said that his delegation regretted the fact that the amendment proposals of some delegations had not received the consideration that they deserved. In particular, there was no justification for the decision of the sponsors not to include the words “and nuclear disarmament” in paragraph (b).

62. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA said that his delegation believed that the Agency should play an active role in the area of nuclear disarmament.

63. The representative of the SYRIAN ARAB REPUBLIC, having thanked the sponsors of the draft resolution for their flexibility, said that her delegation would welcome the deletion of paragraphs 20 and 21.

64. The representative of the UNITED STATES OF AMERICA said that draft resolution L.3/Rev.2 was not ideal. However, he felt that the Committee should recommend its adoption as it stood.

65. The representative of the RUSSIAN FEDERATION said that the draft resolution represented the outcome of a major effort and should be recommended for adoption. The Committee was at present simply wasting time.

66. The representative of NEW ZEALAND said that her delegation would have welcomed a stronger resolution. However, the draft text now before the Committee was balanced and fair, and she hoped that the Committee would recommend its adoption as it stood.

67. The representative of the ISLAMIC REPUBLIC OF IRAN said he did not agree that the Committee was wasting time.

68. The sponsors had rejected all of the numerous amendment proposals submitted by his delegation, which had been ignored during the informal consultations. Earlier during the current meeting he had, in a constructive spirit, raised just three of his delegation’s major concerns, but none

of them had been accommodated. His delegation was therefore unable to accept draft resolution L.3/Rev.2.

69. The representative of AUSTRALIA said that his delegation favoured adoption of the draft resolution even though it lacked some elements to which his delegation was strongly attached.

70. The CHAIRMAN said that the Committee was clearly unable to recommend the draft resolution for adoption by the General Conference. He would report that, although broad agreement had been reached on most of the draft resolution contained in document GC(56)/COM.5/L.3/Rev/2, there were a few paragraphs on which some delegations had expressed concern, which had prevented consensus from being achieved.

71. It was so agreed.

## **21. Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process**

(GC(56)/1/Add.2)

72. The representative of the ISLAMIC REPUBLIC OF IRAN said that there was an urgent need to engage in a comprehensive discussion on ways and means of promoting the efficiency and effectiveness of the Agency's decision-making process and ensuring that it corresponded to global realities.

73. The Agency was based, according to Article IV.C of the Statute, on the principle of the sovereign equality of Member States, which should all enjoy the rights and benefits resulting from membership. Fundamental structural changes in international relations had taken place in recent decades, especially within the global community of States engaged in peaceful uses of nuclear energy. All Member States should be directly involved in the process of decision-making on fundamental issues related to the Agency's work or having an impact on their sovereign rights.

74. An open-ended consultative group should be established to discuss the issue and make appropriate recommendations for consideration by the General Conference. A draft resolution to that effect had been prepared for the General Conference. However, its sponsors had decided not to submit it at the current session so that all Member States might have ample time to consider it prior to its being discussed, at the next session.

75. The representative of CUBA said that his delegation attached great importance to the agenda item now under consideration, which had been proposed by the Islamic Republic of Iran.

76. The increase in the membership of the Agency to 152 Member States underscored the need for more democratic and participatory discussions on highly sensitive issues with implications for the national security of Member States. The recent politicization of such issues was regrettable. It was essential to strengthen the decision-making bodies of the Agency and to achieve the requisite balance between the Agency's different statutory activities. It was particularly important to promote the efficiency and effectiveness of the Agency's decision-making process and to ensure that all Member States participated in it on an equal footing.

77. The membership and functions of the Board of Governors should be reviewed as a matter of urgency in order to ensure that the decisions taken within the Agency framework were based on a real consensus reflecting the legitimate interests of all Member States.



78. The credibility of the Agency was undermined by those who sought to bring pressure to bear on its activities, especially in the area of verification.

79. Cuba therefore proposed the establishment at the earliest opportunity of an open-ended working group to identify and recommend practical action for promoting the efficiency and effectiveness of the Agency's decision-making process.

80. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA said that his delegation supported the idea of establishing an open-ended consultative group on promotion of the efficiency and effectiveness of the Agency's decision-making process, for the reasons stated by the representatives of the Islamic Republic of Iran and Cuba.

81. The representative of EGYPT said that her delegation looked forward to an objective discussion of the issue of promoting the efficiency and effectiveness of the Agency's decision-making process at the next session of the General Conference.

82. The representative of LEBANON thanked the Islamic Republic of Iran for its initiative and expressed the hope that Member States would reflect on the issue so that a consensus could be reached at the next session of the General Conference on the best way forward.

83. The representative of the SYRIAN ARAB REPUBLIC said that her delegation, which attached great importance to the goal of ensuring that decisions were taken within the Agency framework in a truly professional manner, without politicization and external pressure, was in favour of the establishment of an open-ended consultative group as proposed by the representative of the Islamic Republic of Iran.

84. The representative of PAKISTAN said that any initiative aimed at enhancing the effectiveness and efficiency of the Agency merited serious consideration.

85. The representative of CANADA recalled that in 1999 the General Conference had adopted a resolution amending Article VI of the Statute, so as to provide for an increase in the number of Board members. In order to enter into force, the amendment had to be accepted by two-thirds of the Agency's Member States. Every other year, the General Conference encouraged all Member States which had not yet accepted the amendment to do so as soon as possible in accordance with their respective constitutional requirements, so that the amendment might enter into force.

86. The entry into force of the amendment would be very conducive to promoting the efficiency and effectiveness of the Agency's decision-making process.

87. The representative of the UNITED STATES OF AMERICA, endorsing the comments made by the representative of Canada, said that the proposal of agenda item 21 had been a further attempt to politicize the discussions of the General Conference and shift its focus away from the Agency's technical activities. It ran counter to the idea of promoting the efficiency and effectiveness of the Agency's decision-making process.

88. The representative of AUSTRALIA, endorsing the comments made by the representatives of Canada and the United States of America, said that the General Conference should concentrate on strengthening the Agency's technical activities and not dwell on issues that might divert its attention from that goal.

89. The representative of the ISLAMIC REPUBLIC OF IRAN said that a strong focus on "Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process" would help to accelerate the entry into force of the amendment to Article VI.

90. The Member States that had supported the inclusion of the issue as an item on the General Conference's agenda were not attempting to politicize the General Conference's discussions and — as he had said earlier — they had refrained from submitting the draft resolution prepared by them at the current session of the General Conference in order that all Member States might have ample time to consider it prior to its being discussed, at the next session.

91. The representative of the CZECH REPUBLIC said that Member States that were not members of the Board of Governors were entitled to participate in the proceedings of the Board under Rule 50 of the Board's Rules of Procedure.

92. The Czech Republic, which had accepted the amendment to Article VI of the Statute, would like to see many more Member States following suit.

93. The representative of the UNITED KINGDOM said that his country would also like to see many more Member States accepting the amendment to Article VI in accordance with their respective constitutional processes.

94. The representative of NEW ZEALAND said that the Board of Governors worked efficiently, with non-members able to make their views known pursuant to Rule 50 of the Board's Rules of Procedure, and there was no need for an open-ended consultative group on promoting the efficiency and effectiveness of the Agency's decision-making process.

95. At the same time, her delegation hoped that the amendment to Article VI of the Statute would enter into force soon.

96. The representative of the NETHERLANDS said his country, which had accepted the amendment to Article VI of the Statute in 2002, would also like to see many more Member States accepting it.

97. The representative of FRANCE said that the operating procedures of the Board of Governors were satisfactory. At the same time, her delegation would like to see many more Member States accepting the amendment to Article VI of the Statute.

98. The representative of TURKEY, noting that the representative of the Islamic Republic of Iran was not calling for a decision on the issue at the current session of the General Conference, said he failed to understand why so much time was being spent on comments regarding that issue.

99. The representative of CYPRUS said that his country had accepted the amendment to Article VI of the Statute in February 2012 and would like to see many more Member States accepting it.

100. The representative of MALAYSIA expressed support for the establishment of a consultative group to identify ways and means of strengthening the Agency's decision-making process.

101. The CHAIRMAN said that the importance of maintaining and promoting the efficiency and effectiveness of the Agency's decision-making processes had been highlighted in the Committee's discussion. The relevance and importance of the process currently under way for the early ratification of the amendment to Article VI of the Statute had been referred to in that context. The importance of respect for the decisions of the Agency's policy-making organs and the need to avoid politicization of the Agency had been emphasized. Several members had expressed their desire to continue consultations on the issue with a view to its consideration at the next (2013) regular session of the General Conference.

102. He would report orally to the General Conference on the outcome of the Committee's deliberations.

**The meeting rose at 6.05 p.m.**