

**PREPARATORY MEETING
FOR THE CONFERENCE TO CONSIDER AND ADOPT PROPOSED AMENDMENTS TO
THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL**

4 – 7 APRIL 2005

REPORT OF THE PREPARATORY MEETING

1. The Preparatory Meeting for the Conference to consider and adopt proposed amendments to the Convention on the Physical Protection of Nuclear Material (the Convention) was held at the Headquarters of the International Atomic Energy Agency (IAEA) in Vienna, from 4 to 7 April 2005. 58 Parties to the Convention (including EURATOM) participated in the Preparatory Meeting, namely: Algeria, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxemburg, Mexico, Morocco, Netherlands, New Zealand, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom and United States of America. A List of Participants is enclosed as Annex 1.
2. In opening the meeting Mr. Johan Rautenbach, Legal Adviser of the IAEA welcomed the participants to the meeting and briefly recalled the history of the efforts to strengthen the Convention. He further reminded the participants of the documents circulated to all Parties to the Convention, in preparation of the Diplomatic Conference, to be held at IAEA Headquarters, from 4 to 8 July 2005.
3. The Legal Adviser then outlined some of the specific issues to be discussed during the meeting, as reflected in the draft Provisional Agenda of the meeting and as had been outlined in an informal briefing session for the Parties to the Convention, which was held at IAEA Headquarters on 11 March 2005. In particular, he drew attention to a number of issues contained in the draft Provisional Rules of Procedure, which required the particular attention of the meeting, such as the rules on the officers and the observers at the Diplomatic Conference and the rules concerning the quorum of, and voting, by Parties to the Convention at, the Diplomatic Conference.
4. Subsequently, Professor Alec Baer, Switzerland was elected as the Chairman of the meeting.
5. The Provisional Agenda of the meeting was adopted without change.

A. Provisional Rules of Procedure for the Diplomatic Conference

6. The meeting then considered the draft Provisional Rules of Procedure for the Diplomatic Conference, as well as a note prepared for the meeting by the Secretariat, concerning possible amendments to certain provisions of the draft Provisional Rules of Procedure. Subject to minor changes, agreement was reached on most of the rules, as prepared by the Secretariat. Discussion took place, however, in particular on the following issues:

i. Rules 6, 7 and 8: Observers

7. Regarding the participation of States, which are not Party to the Convention, the meeting agreed that such States shall be invited to attend the Conference as Observer and to participate without the right to vote in the deliberations of the Plenary. The meeting also agreed that such States may attend the Committee of the Whole and may only make oral statements at the invitation of the presiding office and with the consent of the Committee.
8. The meeting further agreed to allow for participation without the right to vote only in the Plenary sessions of the Diplomatic Conference for representatives of the United Nations, the specialized agencies and the IAEA and of other intergovernmental organizations. Any request for participation by a non-governmental organization shall be referred by the Secretary General to the Conference for its decision.

ii. Rule 15: Bureau

9. It was agreed, after some discussion, that despite Rule 11 of the draft Provisional Rules of Procedure, the Vice-Chairperson of the Committee of the Whole should remain a full member of the Bureau.

iii. Rule 16: Committee of the Whole, and Rule 17: Drafting Committee

10. The meeting agreed to amend Rules 16 and 17 to provide for the automatic establishment of the Committee of the Whole and the Drafting Committee, respectively upon the adoption of the Rules of Procedure by the Diplomatic Conference.

iv. Rule 25: Quorum, Rule 36: Reconsideration of proposals and amendments, and Rule 39: Majority required

11. The meeting noted that Article 20, paragraph 1 of the Convention provides that amendments to the Convention shall be adopted by a two-thirds majority of all States Parties to the Convention and that accordingly the quorum for any decision to be taken on the Basic Proposal should not be less than the majority required to adopt the Basic Proposal or any part thereof or amendment thereto. Rule 25 of the draft Provisional Rules of Procedure was changed to reflect the foregoing.
12. In addition, it was agreed to amend Rule 36 of the draft Provisional Rules of Procedure so that the decision for the Conference to reconsider an adopted or rejected proposed amendment, requires a two-thirds majority of all Parties to the Convention.
13. Finally, Rule 39 was amended to reflect the requirement that any decision on the Basic Proposal as set out in Rule 19 or any part thereof, as well as any decision on the adoption of any amendment to the Basic Proposal requires a two-thirds majority of all Parties to the Convention and not just those “present and voting”. At the same time, it was decided that for the adoption of the Final Act of the Conference a simple majority would suffice.

v. Rule 44: Explanation of vote

14. Recognizing the importance of having statements after voting properly reflected in the proceedings of the Conference, the meeting agreed to amend Rule 44 so that each Party to the Convention shall be entitled to explain its vote regardless of whether that State was the proposer of a particular proposal or amendment.

vi. *Rule 52: Languages of records and important documents*

15. Having been advised that there would be no additional cost associated with the provision of summary records for the meetings of the Committee of the Whole, the meeting agreed to amend Rule 52 to provide for summary records to be produced for both Plenary sessions and the Committee of the Whole of the Conference.
16. The draft Provisional Rules of Procedure for the Diplomatic Conference as agreed by the meeting will be circulated to all Parties to the Convention by the Secretariat.

B. Draft Provisional Agenda of the Diplomatic Conference

17. Recognising the importance of the proposal circulated by the Secretariat in a Note Verbale of 25 January 2005, the meeting agreed to introduce a new Agenda item 7 on “Introduction of the proposed amendments to the Convention on the Physical Protection of Nuclear Material”, Under this Agenda item the Basic Proposal as well as the proposal circulated by the Secretariat in the Note Verbale dated 25 January 2005 would be introduced. Thereafter, should the Conference so decide, the proposal circulated on 25 January 2005 would be incorporated into the Basic Proposal. In this context, the meeting expressed its strong and unambiguous support for the proposal circulated by the Secretariat in the Note Verbale of 25 January 2005.
18. The amended draft Provisional Agenda of the Diplomatic Conference is enclosed as Annex 2 to this report.

C. Consideration of Officers for the Diplomatic Conference

19. Following the introduction of this agenda item by the Chairman, Parties to the Convention agreed to consult on the names of the officers required for the Diplomatic Conference under Rule 10 of the draft Provisional Rules of Procedure for the Diplomatic Conference.

D. Any other business

20. The Secretariat drew attention to the availability of financial support for certain Parties to the Convention to allow them to participate in the Diplomatic Conference. Requests for financial assistance should be submitted to the Secretariat (attention Ms. C. Vilaplana, Division of Conference and Document Services (e-mail C.Vilaplana@iaea.org)) without delay so as to enable it to make the necessary arrangements.

7 April 2005