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International Atomic Energy Agency

BOARD OF GOVERNORS

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PROPOSAL FOR THE DERESTRICTION OF BOARD DOCUMENTS

1. The purpose of this document is to seek the Board's approval of a proposal for derestricting documents of the Board and its Committees^{1/} when two years have elapsed after their being issued by the Secretariat.

The distribution and categorization of Board documents

2. The documents of the Board, the Technical Assistance and Co-operation Committee and the Administrative and Budgetary Committee^{2/} are distributed to all Member States, to the United Nations, to some of the specialized agencies within the United Nations system and to certain intergovernmental organizations (for example, the European Union, the League of Arab States and the Organisation for Economic Co-operation and Development). They are categorized as restricted documents, being marked "**RESTRICTED Distr.**" and "**For official use only**". These terms have never been defined and are subject to differing interpretation.^{3/}

^{1/} The Committees established by the Board since the inception of the Agency are listed, together with information on their documents, in Annex 1.

^{2/} The documents in question are issued in the "GOV/...", "GOV/INF/...", "GOV/OR....", "GOV/DECISIONS...", "GOV/DEC/INDEX...", "GOV/COM.8/...", "GOV/COM.9/...", "GOV/COM.8/OR....", "GOV/COM.9/OR...." and "GOV/DOCS/..." series.

^{3/} See paragraph 5 below.

3. The practice regarding the distribution and categorization of these documents has evolved on the basis of Rule 16 of the Board's Provisional Rules of Procedure and decision 138 (see Annex 2) taken by the Board on 19 March 1958 in the light of Rule 21.^{4/} At that time, and for some years afterwards, the practice was more restrictive than it is now (for example, some Board and Committee documents, marked "**PARTICIPANTS only**", were not made available to all Member States). Liberalization of the practice took place, in the interest of greater transparency regarding the Agency's work, more or less in parallel with liberalization of the rules and practice regarding attendance at and participation in meetings of the Board and its Committees.

Grounds for derestricting Board documents

4. The Secretariat believes that, although all Board documents should be restricted documents when they are issued and for some time afterwards, in the interest of still greater transparency most should ultimately be derestricted and be available to persons (for example, historians and journalists) and institutions (for example, research institutes and specialized libraries) interested in the work of the Agency - in the same way as, say, General Conference documents, the distribution of which is "**GENERAL**" (i.e. in addition to the distribution indicated in para. 2 above for Board documents, the documents of the General Conference are made available to any requesting person or institution and distributed to repository libraries).

5. Besides advancing considerations of transparency, the Secretariat would point out that Member States decide individually how they will interpret the phrase "**For official use only**" and that the competent authorities in different Member States, when circulating Board documents within the country in accordance with national criteria, no doubt exercise different

^{4/} Rule 21 of the Board's Provisional Rules of Procedure reads as follows: "The Board may decide to hold meetings in private or public. In the absence of a decision to hold public meetings, meetings shall be private." In a series of decisions, the Board has reaffirmed the right of all Member States of the Agency to follow the work of the Board and its Committees and to participate actively in their deliberations. To this end, Rule 50 of the Board's Provisional Rules of Procedure has been applied in a liberal manner and the physical arrangements in the Boardroom have been improved so as to facilitate the participation of Member States which are not currently members of the Board. Also, Member States which are not currently members of the Board are now afforded an opportunity to have their views taken into account in the formulation of the recommendations and drafting of the reports of the Board's two main Committees (see paras 80-85 of GOV/OR. 690 and paras 2-6 of GOV/OR. 738).

degrees of restrictiveness.^{5/} Similarly, access to Board documents in the libraries of the United Nations and specialized agencies and of other organizations to which they are distributed are governed by the applicable rules of those organizations.

Grounds for not derestricting certain Board documents

6. There are some Board documents which the Board may not wish to see derestricted on the grounds - for example - that the document relates to deliberations of the Board in closed session (for example, the documents - summary records - relating to the Board meetings in February 1993 on the DPRK nuclear issue^{6/}), that the subject-matter of the document is sensitive, that the document contains confidential data/information or that there is a legal impediment to derestriction. One sensitive document is the annual Safeguards Implementation Report, regarding which, however, the views of Board members are divided. In this connection, it should be emphasized that the Board is free to maintain the restriction on particular documents as it deems fit.^{7/}

Transparency within the United Nations system

7. The trend within the United Nations system generally, as within the Agency (see para. 3 above), is towards greater transparency, and the general practice in the United Nations and its specialized agencies is to make documents comparable to the documents of the Board and its Committees widely available unless there are compelling reasons for not doing so. For example, most Security Council documents - including decisions, resolutions,

^{5/} The general practice of the Secretariat when it receives a request from a person or institution for access to a Board document is to refer that person or institution to the competent authority in the Member State of which that person is a national or where that institution is located. In other words, the Secretariat leaves it to the competent authority in that Member State to decide whether the requested document should be made available or withheld.

^{6/} See the last page of GOV/OR.798/Part I.

^{7/} In June 1995, the Board authorized only the Executive Summary of the Safeguards Implementation Report for 1994 to be released for publication, and even then with some changes in form and content - in particular, with changes ensuring that there would be no reference to the Safeguards Implementation Report in the published version of the Executive Summary, which should be an independent document with an appropriate title (see paras 157-159 of GOV/OR.869).

presidential statements, reports submitted by the Secretary-General, circular letters from Member States and provisional agendas - have "General distribution" and the documents of the World Health Organization's Executive Board are categorized as "General".

The derestriction proposal

8. In the light of the foregoing, it is proposed that, with the exception of the annual Safeguards Implementation Report, documents relating to deliberations of the Board in closed session, documents to whose distribution there is a legal impediment and any other documents specified by the Board, documents of the Board and its Committees be derestricted two years after the year in which they were issued, all such documents issued in or before 1993 being derestricted with immediate effect, all such documents issued in 1994 being derestricted with effect from 1 January 1997, etc. It is further proposed that documents subject to the exception provided for earlier in this paragraph be derestricted by the Board at a later date if the Board decides, in the light of information provided by the Secretariat, that the grounds for maintenance of the restriction no longer exist.

9. Subject to paragraph 8 above, the documents derestricted with immediate effect would be all documents issued in or before 1993 in the "GOV/...", "GOV/INF/...", "GOV/OR....", "GOV/DEC/...", "GOV/DEC/INDEX/..." and "GOV/DOCS/..." series and all documents issued in or before 1993 for the Committees listed in Annex 1. Member States would be notified by the Secretariat early in 1997 of the documents - issued in 1994 - which had been derestricted and a similar procedure would be followed in subsequent years.

RECOMMENDED ACTION BY THE BOARD

10. It is recommended that the Board approve the proposal for derestricting Board documents which is set out in paragraphs 8 and 9 above.

**THE COMMITTEES ESTABLISHED BY THE BOARD
SINCE THE INCEPTION OF THE AGENCY**

Committee number	Committee title	Committee documents	Document classification
1	Com. to Advise the Director General on Negotiations with Specialized Agencies	GOV/COM.1/1 to 18 GOV/COM.1/OR.1 to 10	"PARTICIPANTS only"
2	Com. to Advise the Director General on Permanent Headquarters	GOV/COM.2/1 to 6 GOV/COM.2/OR.1 and 2	"PARTICIPANTS only"
3	Com. on the Programme and Budget for 1959	GOV/COM.3/1	"PARTICIPANTS only"
4	Com. on the Agency's Second Report to the United Nations General Assembly	GOV/COM.4/1 to 3	"PARTICIPANTS only"
5	Com. on Agreements for the Supply of Fissionable, Source and Other Materials	GOV/COM.5/1 to 22 GOV/COM.5/OR.1 to 10	"PARTICIPANTS only"
6	Ad hoc Committee on Rules Regarding the Acceptance of Voluntary Contributions to the General Fund and the Acceptance of Services, Equipment and Facilities	GOV/COM.6/1 to 31 GOV/COM.6/OR.1 to 42	"PARTICIPANTS only"
7	Com. on Non-Governmental Organizations	GOV/COM.7/1 to 45 GOV/COM.7/OR.1 to 10	"PARTICIPANTS only"
8	Technical Assistance [and Co-operation] Committee	GOV/COM.8/1 et seq. GOV/COM.8/OR.1 et seq.	"RESTRICTED Distr." * "For official use only"
9	Administrative and Budgetary Committee	GOV/COM.9/1 et seq. GOV/COM.9/OR.83 et seq.	"RESTRICTED Distr." * "For official use only"
10	Ad hoc Committee on the Agency's Privileges and Immunities	GOV/COM.10/1 to 13 GOV/COM.10/OR.1 to 5	"PARTICIPANTS only"
11	Ad hoc Committee on Appraisals	GOV/COM.11/1 and 2	"PARTICIPANTS only"

* Originally "PARTICIPANTS only".

Committee number	Committee title	Committee documents	Document classification
12	Special Working Group of Expert Representatives on Safeguards	GOV/COM.12/1 to 7	"PARTICIPANTS only"
13	Ad hoc Committee on the Agency's Inspectors	GOV/COM.13/1 to 14	"PARTICIPANTS only"
14	Working Group to Review the Agency's Safeguards System	GOV/COM.14/1 to 23 GOV/COM.14/OR.1 to 32	"PARTICIPANTS only"
15	Working Group on the Extension of the Agency's Safeguards System (1965) to Reprocessing Plants	GOV/COM.15/1 to 6 GOV/COM.15/OR.1	"PARTICIPANTS only"
16	Com. of the Whole on Emergency Assistance in the Event of Nuclear Radiation Accidents	GOV/COM.16/1 to 10 GOV/COM.16/OR.1 to 5	"PARTICIPANTS only"
17	Ad hoc Committee of the Whole to Review the Agency's Activities	GOV/COM.17/1 to 4 GOV/COM.17/OR.1 to 5	"PARTICIPANTS only"
18	Working Group on the Extension of the Agency's Safeguards System to Plants for Processing or Fabricating Nuclear Materials	GOV/COM.18/1 to 12 GOV/COM.18/OR.1 to 8	"PARTICIPANTS only"
19	Com. of the Whole on the Tentative Programme and Budget Proposals	GOV/COM.19/1 and 2	"PARTICIPANTS only"
20	Ad hoc Committee of the Whole to Review Article VI of the Statute	GOV/COM.20/1 to 19 GOV/COM.20/OR.1 to 7	"RESTRICTED Distr."
21	Ad hoc Committee on the Use of Nuclear Explosions for Peaceful Purposes	GOV/COM.21/1 to 3 GOV/COM.21/OR.1	"RESTRICTED Distr."
22	Safeguards Committee (1970)	GOV/COM.22/1 to 172 GOV/COM.22/OR.1 to 82	"RESTRICTED Distr."
23	Ad hoc Committee on Nuclear Explosions for Peaceful Purposes	GOV/COM.23/1 to 32 GOV/COM.23/OR.1 to 42	"RESTRICTED Distr." "For official use only"
-	Committee on Assurances of Supply	CAS/	"PARTICIPANTS only" "For official use only"

BOARD DECISION 138

THE DISTRIBUTION OF THE BOARD'S DOCUMENTS

The Board of Governors,

(a) Recalling the steps it took in its resolution of 24 October 1957 to enable all Members of the Agency to follow its work; and

(b) Noting that the experience the Secretariat has now acquired of implementing that resolution indicates that some modification of its provisions would be desirable;

1. Decides to substitute the following for paragraph 1(b) of its resolution of 24 October 1957:

"(b) That all the Board's documents with the exception of its provisional official records and papers specifically marked for limited circulation shall normally also be circulated without delay to Members of the Agency not represented on the Board;

"(c) That the number of copies automatically distributed to Members not represented on the Board shall be limited to two, with the proviso that upon request the Secretariat may increase that distribution to a maximum of eight copies per Member;

"(d) That the Board's documents are circulated to Members of the Agency for their official use only, and shall be so marked; and

"(e) That the distribution of the Board's documents to specialized agencies and other organizations shall be in the discretion of the Director General; and"

2. Requests the Director General to reserve sets of the Board's documents for States that will in future become Members of the Agency, on the understanding:

(a) That Member States could obtain back copies of the Board's documents on request; and

(b) That the term "the Board's documents" would include the provisional agenda, but that the Secretariat had some discretion in applying the term to other papers.

[The resolution of 24 October 1957 as thus amended reads as follows:

ARRANGEMENTS TO ENABLE ALL MEMBERS OF THE AGENCY
TO FOLLOW THE WORK OF THE BOARD

The Board of Governors,

- (a) Noting Rule 21 of its Provisional Rules of Procedure and
- (b) Recognizing the interest taken by all Member States in the work of the Board,
 - 1. Resolves, except in so far as the Board shall decide otherwise,
 - (a) That all Member States not Members of the Board shall be permitted to send one accredited representative to attend meetings of the Board, but who shall not have the right to participate in the debates;
 - (b) That all the Board's documents with the exception of its provisional official records and papers specifically marked for limited circulation shall normally also be circulated without delay to Members of the Agency not represented on the Board;
 - (c) That the number of copies automatically distributed to Members not represented on the Board shall be limited to two, with the proviso that upon request the Secretariat may increase that distribution to a maximum of eight copies per Member;
 - (d) That the Board's documents are circulated to Members of the Agency for their official use only, and shall be so marked; and
 - (e) That the distribution of the Board's documents to specialized agencies and other organizations shall be in the discretion of the Director General; and
 - 2. Requests the Director General to take the necessary measures to implement this resolution.]