

# General Conference

**GC(62)/COM.5/OR.3**

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## Sixty-second regular session

# Committee of the Whole

## Record of the Third Meeting

*Held at Headquarters, Vienna, on Tuesday, 18 September 2018, at 3.40 p.m.*

**Chair:** Mr GLENDER RIVAS (Mexico)

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<sup>1</sup> GC(62)/17.

**Abbreviations used in this record**

AdSec	Advisory Group on Nuclear Security
G-77	Group of Seventy-Seven
HEU	high enriched uranium
LEU	low enriched uranium
NSGC	Nuclear Security Guidance Committee
USA	United States of America

## **16. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed)**

(GC(62)/COM.5/L.2 and L.3)

1. The CHAIR noted with disappointment that his suggestion to prepare a paper combining the draft resolutions contained in documents GC(62)/COM.5/L.2 and GC(62)/COM.5/L.3 had been challenged due to differences of opinion that had arisen among the sponsors of the draft resolution contained in the latter document. He urged those concerned to consult among themselves and with the delegation of the Russian Federation before the Committee's next meeting, with a view to resolving the situation.

## **13. Nuclear security (resumed)**

(GC(62)/COM.5/L.12)

2. The representative of the UNITED STATES OF AMERICA said that, as requested at the Committee's previous meeting, the text of the two paragraphs he had proposed adding to the draft resolution contained in document GC(62)/COM.5/L.12 had been circulated informally in writing. Following informal discussions with the delegation of Canada, in particular, and others, the proposed additional preambular paragraph had been altered to read: "Acknowledging that nuclear security can contribute to the positive public perception of peaceful nuclear activities". Similarly, the proposed additional operative paragraph had been reworded to: "Requests the Secretariat to continue to strengthen its internal planning and results-based management of its nuclear security programme and improve, where appropriate, measures of effectiveness for its nuclear security programme, and to keep Member States informed on implementation and challenges in this regard, including through the preparation of the Programme and Budget".

3. The representative of SOUTH AFRICA requested additional time to consider the revised text.

4. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in line with suggestions made during informal discussions, he would prefer the words "to keep Member States informed on implementation" in the proposed operative paragraph to be changed to "to report on implementation". The word "report" was more formal and would allow for follow-up by Member States.

5. The representative of the UNITED STATES OF AMERICA expressed a strong preference for retaining the word "inform", which afforded the Agency more discretion as to how it would keep Member States abreast of matters concerning the implementation of its nuclear security programme.

6. The representative of INDIA, referring to the proposed additional preambular paragraph, said that positive perception of peaceful nuclear activities often stemmed from the activities themselves and the benefits they offered, not from nuclear security. In her view, the purpose of the draft resolution was to direct the Agency in its future work rather than to shape positive public opinion on nuclear activities. She therefore requested more time to consider the insertion of that paragraph.

7. The representative of SOUTH AFRICA said that, in line with her Government's long-held position on the importance of nuclear security for weaponized uses of nuclear energy, she would have preferred to see the word "comprehensive" inserted before "nuclear security" in the proposed additional

preambular paragraph; nonetheless, in the interest of keeping discussions on that issue brief, she would not insist on that addition. She had no objection to the proposed additional operative paragraph.

8. The representative of the UNITED KINGDOM, referring to the proposed additional preambular paragraph, expressed support for retaining the word “inform”, the sense of which was broader than “report”.

9. The representative of EGYPT said that he had no objection in principle to the link drawn in the proposed preambular paragraph between nuclear security and peaceful nuclear activities. Although much progress had been made in reaching agreement on the wording of that paragraph, particularly in terms of avoiding any implication that States’ enjoyment of the benefits of the peaceful uses of atomic energy was subject to any condition, it would be preferable to alter the words “public perception” to “national perception”.

10. The representative of SAUDI ARABIA, referring to the proposed new preambular paragraph, said that certain aspects of nuclear security were not matters of public knowledge. Using the phrase “public perception” therefore seemed illogical in that context. The proposed additional operative paragraph was also problematic: the wording had micromanagement connotations.

11. The representative of UKRAINE, noting that his country’s positive experience of conducting public awareness activities confirmed that nuclear security helped to improve public perceptions, expressed full support for the proposed preambular paragraph. With regard to the additional operative paragraph proposed, the word “inform” would be preferable to “report”: the latter would entail establishing a reporting schedule, and reports might proliferate unnecessarily.

12. The representatives of the UNITED ARAB EMIRATES and JAPAN expressed support for the two proposed paragraphs as read out by the representative of the USA.

13. The representative of BRAZIL, while expressing a preference for the version of the additional preambular paragraph originally proposed by the representative of the USA, said that he could accept the current wording; however, he would welcome the insertion of the word “comprehensive” before “nuclear security”, as suggested by the representative of South Africa.

14. The representative of PAKISTAN, echoing the comments of the representative of Egypt, suggested that the words “at the national level” be added after “positive public perception”.

15. The representative of the RUSSIAN FEDERATION said that further efforts and creative solutions would be needed in order to achieve consensus on the proposed new preambular paragraph. In contrast, the likelihood of reaching consensus on the additional operative paragraph seemed more positive. It was essential for Member States to place their trust in the Secretariat and to avoid micromanaging its work. The Agency, for its part, had a responsibility to improve its planning culture and develop clear criteria which Member States could use to assess its work. If the Secretariat were to be requested to report on its efforts in that regard, it would also be necessary to ensure appropriate follow-up. To that end, he suggested altering “Member States” to “Policy-Making Organs” in the paragraph in question.

16. The representative of ALGERIA suggested changing “can” to “may” in the proposed preambular paragraph.

17. The representative of the UNITED STATES OF AMERICA welcomed that suggestion but expressed concern at the proposed addition of the term “comprehensive” before “nuclear security”. As for the proposal put forward by the representative of Pakistan, the insertion of “at the national level” following the word “perception” would be acceptable, but it might be more straightforward simply to alter the words “the positive public perception” to “positive perception”. Agreement on how to word the

proposed preambular paragraph seemed close; with regard to the proposed operative paragraph, however, the main issue seemed to be not how it was drafted but whether it should be included at all.

18. The representative of INDIA said that the proposed additional preambular paragraph was acceptable with the various amendments suggested.

19. The CHAIR requested the representative of the USA to produce a consolidated text for informal circulation, incorporating the amendments proposed, with a view to facilitating agreement on the two new paragraphs.

## **15. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed)** (GC(62)/COM.5/L.13 and Corr.1)

20. The representative of NIGERIA, introducing the draft resolution contained in document GC(62)/COM.5/L.13 and Corr.1 ("A. Non power nuclear applications. 1. General") on behalf of the G-77 and China, said that although preparatory discussions had revealed a generally strong basis for consensus, diverging views had been expressed on paragraph (h), with some calling for its deletion. The G-77 and China urged all Member States to take into account the great importance they attached to the draft resolution and requested that consideration be given to deleting only the words "as guidance and input in this respect", rather than the entire paragraph; alternatively, the wording could be altered to reflect the relevant part of paragraph (f) of resolution GC(61)/RES/10, on strengthening the Agency's technical cooperation activities.

21. The representative of NORWAY, speaking also on behalf of Australia and the Netherlands, welcomed the manner in which preparatory discussions on the draft resolution had been handled but expressed concerns regarding paragraphs (nn), (oo), 19 and 20. Minimizing the use of HEU in civilian applications contributed to improving nuclear security and reducing proliferation risks; at the same time, medical radioisotopes were critical to a number of medical applications. Those priorities were not mutually exclusive on economic, technical or any other grounds. The Agency had significant experience in assisting Member States, upon request, to establish non-HEU-based production capabilities for medical radioisotopes, particularly molybdenum-99, and to adapt existing production capabilities to use non-HEU-based methods, with clear guidance from the General Conference in its resolutions on nuclear applications. The wording of the current draft resolution suggested that the endeavour had become economically and technologically less feasible over the previous year, which was not the case. The draft resolution should provide clear guidance and encouragement to the Agency and Member States to continue on the path of HEU-minimization set out by producers on all continents, in developed and developing countries. The weakening of references to HEU-minimization, both in general and with respect to the production of medical radioisotopes, was disappointing; with great reluctance, however, Australia, the Netherlands and Norway would agree to the text submitted.

22. The representative of BELGIUM, speaking also on behalf of France and Germany and emphasizing the importance of nuclear security, said that Belgium, France and Germany had extensive experience in improving the security of their molybdenum-99 production facilities and converting production processes without compromising nuclear safety or disrupting supply. While conversion to LEU-based production methods was technically feasible in some cases, its economic impact on the entire supply chain demanded careful assessment, particularly in terms of nuclear waste production, capacity and yield problems, and drug regulatory requirements. Without careful planning and execution,

there could be major consequences for the affordability of medical isotopes and molybdenum-99 more generally. Efforts to minimize HEU use, while undoubtedly important, must be grounded in reality. The wording of the draft resolution, in particular the inclusion of the words “[where/when] technically and economically feasible” in paragraphs (nn) and 20, was intended to reflect that concern.

23. The representative of NIGERIA, speaking on behalf of the G-77 and China, expressed appreciation to the delegations of Australia, the Netherlands and Norway for their understanding and cooperation, and to all those who had worked constructively to prepare the draft resolution. While it had proved impossible to incorporate certain proposals made by the delegation of the Russian Federation, their engagement was nonetheless welcome.

24. The representative of the RUSSIAN FEDERATION, referring to paragraph (h) of the draft resolution, expressed support for the suggestion that it should be based on paragraph (f) of resolution GC(61)/RES/11. Specifically, it could be altered to read: “Recalling the Agency’s relevant strategy for the coming years relating, inter alia, to non-power nuclear applications, which was taken note of by the Board of Governors”. With that amendment, he would be in a position to agree to the text of the draft resolution.

25. The representative of MALAYSIA, speaking as the core drafter together with India of the draft resolution, said that a series of informal consultations had been held with the Secretariat. The draft, which was based on the General Conference’s previous resolution on the subject (GC(61)/RES/10, section A.1) had been updated in the light of its constructive comments and input, and the paragraphs had been rearranged in accordance with their thematic content. Consultations had been held with Member States in an amicable and cooperative manner, and would continue on paragraphs still pending agreement.

26. The representative of the UNITED STATES OF AMERICA, emphasizing the importance of the draft resolution, said that the wording used in paragraph (h) replicated that used in paragraph (c) of resolution GC(61)/RES/11. His country was willing to support the deletion of the words “as guidance and input in this respect”, as suggested by the representative of Nigeria, if such an amendment had the potential to result in consensus.

27. The representative of the RUSSIAN FEDERATION said that his delegation had unfortunately overlooked the wording of paragraph (c) of resolution GC(61)/RES/11 during the Committee’s deliberations the previous year because of the many other issues being addressed at the time. Although the concept of a medium-term strategy for the Agency was not new, the most recent attempts to reach agreement in the Board of Governors on such a document, following consultations, had proved unsuccessful. The Medium Term Strategy 2018–2023 was a purely internal Secretariat document. It had not been approved by the Agency’s Policy-Making Organs: the Board had simply taken note of it. Accordingly, the wording of a similar paragraph in resolution GC(61)/RES/10 had been amended, and paragraph (h) of the draft resolution under consideration should be amended likewise.

28. The representative of NIGERIA requested, on behalf of the G-77 and China, that the meeting be suspended with a view to negotiating a solution.

**The meeting was suspended at 4.45 p.m. and resumed at 5.10 p.m.**

29. The representative of NIGERIA said he hoped that consensus could be achieved on the following amended version of paragraph (h): “Noting the Medium Term Strategy as noted by the Board of Governors”.

30. The representative of the UNITED STATES OF AMERICA said that his country greatly valued the Medium-Term Strategy; however, in view of the importance of the draft resolution, he was willing

to join the consensus. It was to be hoped that the proposed wording would become a durable compromise.

31. The CHAIR took it that the Committee agreed to recommend to the General Conference that it adopt the draft resolution contained in document GC(62)/COM.5/L.13 and Corr.1, as amended.

32. It was so decided.

### **13. Nuclear security (resumed)** (GC(62)/COM.5/L.12)

33. The representative of the UNITED STATES OF AMERICA said that, following informal consultations, the latest version of the proposed additional preambular paragraph would be circulated informally in writing. Work on that paragraph and the proposed additional operative paragraph would continue in the hope of reaching consensus the following day.

34. The representative of the ISLAMIC REPUBLIC OF IRAN suggested changing the order of the three phrases contained in paragraph (e) so that it would read: “Acknowledging that science, technology and engineering present opportunities to enhance nuclear security and stressing the need to address current and evolving challenges to nuclear security, while reaffirming that the responsibility for nuclear security within a State rests entirely with that State”. Following informal discussions of the suggestion he had made at the Committee’s previous meeting to amend paragraph 14, he proposed that the closing phrase of that paragraph should be altered to read: “and requests the continued assistance of the Secretariat to enable representatives of all Member States to participate in the work of the NSGC”. The proposed amendment was based on paragraph 12 of resolution GC(61)/RES/9.

35. The CHAIR took it that the Committee agreed to those amendments.

36. It was so agreed.

37. The representative of PAKISTAN reiterated the suggestion he had made at the Committee’s previous meeting to delete paragraph 16. AdSec was tasked with offering advice to the Director General, who could exercise his discretion in deciding whether or not to accept its recommendations.

38. The representative of FRANCE, speaking on behalf of the sponsors of the draft resolution, said that many other Member States apparently shared the concerns of Pakistan regarding paragraph 16. The sponsors were therefore willing to agree to its deletion.

39. The representative of the NETHERLANDS proposed that paragraph (t), which also referred to AdSec’s work, should likewise be deleted.

40. The CHAIR took it that the Committee agreed to delete paragraphs (t) and 16 of the draft resolution.

41. It was so agreed.

**The meeting rose at 5.40 p.m.**