

General Conference

GC(65)/OR.9

Issued: November 2021

General Distribution

Original: English

Sixty-fifth regular session

Plenary

Record of the Ninth Meeting

Held at Headquarters, Vienna, on Wednesday, 22 September 2021, at 5.20 p.m.¹

President: Mr MARAFI (Kuwait)

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¹ In view of the COVID-19 pandemic, the Conference decided that delegations so wishing could attend in a virtual manner using the Interprefy IT platform or make their statements by means of a pre-recorded video.

² GC(65)/25

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Abbreviations used in this record

A/CPPNM	Amendment to the Convention on the Physical Protection of Nuclear Material
AFRA	African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology
COVID-19	coronavirus disease 2019
CPPNM	Convention on the Physical Protection of Nuclear Material
CSA	comprehensive safeguards agreement
IT	information technology
MOU	memorandum of understanding
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NSF	Nuclear Security Fund
Pelindaba Treaty	African Nuclear-Weapon-Free Zone Treaty
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
USA	United States of America

7. General debate and Annual Report for 2020 (continued) (GC(65)/5)

1. Mr BAALIOUAMER (African Commission on Nuclear Energy), recalling the opening for signature of the Pelindaba Treaty 25 years previously, said that activities had been carried out to fully integrate the safe, secure and peaceful uses of nuclear energy into the African Union Commission's programmes, in particular through the African Union's specialized technical committees and its other organs.

2. Currently more than 12 African Member States were considering the inclusion of nuclear power in their energy mix. Supported by the Department for Nuclear Energy, AFCONE had organized events on the safe and secure development of nuclear power programmes for clean energy development, climate change mitigation and the establishment of a regulatory framework in Africa; effective stakeholder engagement; and national leadership requirements for nuclear power programmes.

3. With regard to health, AFCONE had organized an important meeting on the use of nuclear technology to fight cancer. In view of the critical situation in Africa, the meeting had brought together African decision makers to prioritize cancer control, in line with the Africa Health Strategy 2016–2030, and to implement the urgent recommendations of regional and international organizations.

4. Having been developing the conditions required for the peaceful uses of nuclear energy, AFCONE had designated two African Collaborating Centres in the fields of nuclear safety and security and nuclear safeguards.

5. Capacity building in nuclear science and technology was a cross-cutting priority for many African Member States. In March 2021, AFCONE had organized a meeting in which the Agency, AFRA, the Forum of Nuclear Regulatory Bodies in Africa and regional experts had recommended the establishment of a specialized institute of nuclear science and technology at the Pan African University to centralize and optimize the use of resources.

6. AFCONE was continuing to develop and formalize its cooperation framework with several partners to strengthen its compliance and contribute to the global nuclear disarmament and non-proliferation regime in coordination with other NWFZs. In that context, his organization had signed a practical arrangement with the Comprehensive Nuclear-Test-Ban Treaty Organization in July 2021 and would soon sign an MOU with the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

7. His organization fully supported UN efforts to establish a zone free of nuclear and all other weapons of mass destruction in the Middle East, pursuant to the resolution adopted at the 1995 NPT Review Conference. Establishing other NWFZs, in particular in the Middle East, would strengthen security in States party to the Pelindaba Treaty.

8. Noting the forthcoming NPT Review Conference, he recalled the inalienable right of States Parties to use nuclear energy for peaceful purposes, under the Treaty. AFCONE called on those States to provide greater international support, in particular to African countries, in line with recent recommendations. Such nuclear applications were urgently needed in cancer treatment, a regional priority which was highly reliant on cost-effective radiation technology.

9. Lastly, he noted that the adoption of the AFCONE mid-term strategic plan 2021–2025 and the flagship projects, along with a review of the regional progress achieved, would take place during the upcoming 5th Conference of the States Parties to the Pelindaba Treaty at the Pan African Parliament in Johannesburg from 21 to 22 October 2021.

10. Mr SADLEIR (Australia), speaking also on behalf of the UK and the USA and exercising his right of reply, said that the three countries had recently announced an 18-month consultation process aimed at identifying an optimal pathway for Australia to acquire nuclear-powered submarines armed with conventional weapons. Such cooperation, which was possible through the existing close ties between the three States and their unequivocal commitment to nuclear non-proliferation, had the core objective of identifying parameters which reinforced his country's exemplary non-proliferation credentials and the group's long-standing and unwavering commitment to the nuclear non-proliferation regime.

11. The trilateral cooperation would be fully consistent with each State's respective non-proliferation obligations. As publicly reported by the Director General the previous week, the Agency had been informed of the plans at an early stage and would continue to engage with the three countries in line with its statutory mandate. Welcoming the Agency's engagement, he said that the group was fully committed to maintaining high standards of safety and security to provide the necessary international assurances and would engage fully with the Agency over the consultation period.

12. Australia would remain fully committed to its non-nuclear-weapon status in full compliance with its obligations under the NPT.

– Oral report of the Chair of the Committee of the Whole

13. Mr BILODEAU (Canada), Chair of the Committee of the Whole, reported on the outcome of the Committee's deliberations on agenda items 10, 11, 13, 14, 15, 16, 17, 18, 19, 23, 24, 25, 26 and 27.

14. Under item 10, "The Agency's Financial Statements for 2020", the Committee recommended that the Conference adopt the draft resolution set out in document GC(65)/4, entitled "The Agency's Financial Statements for 2020".

15. Under item 11, "The Agency's Programme and Budget for 2022–2023", the Committee recommended that the Conference approve Regular Budget figures for 2022 of €393 323 122 for the operational portion and €6 102 000 for the capital portion and, accordingly, that it adopt draft resolution A, "Regular Budget Appropriations for 2022", set out in document GC(65)/2; that the Conference approve a target for voluntary contributions to the Technical Cooperation Fund for 2022 of €91 075 000 and, accordingly, that it adopt draft resolution B, "Technical Cooperation Fund Allocation for 2022", set out in document GC(65)/2; and that the Conference approve the level of the Working Capital Fund for 2022 at €15 210 000 and, accordingly, that it adopt draft resolution C, "Working Capital Fund for 2022", set out in document GC(65)/2

16. Under item 13, "Amendment to Article XIV.A of the Statute", the Committee recommended that the Conference adopt the draft decision set out in document GC(65)/L.3.

17. Under item 14, "Scale of assessment of Member States' contributions towards the Regular Budget for 2022", the Committee recommended that the Conference adopt the draft resolution appearing on page 3 of document GC(65)/8.

18. Under item 15, “Nuclear and radiation safety”, the Committee recommended that the Conference adopt the draft resolution set out in document GC(65)/L.4.

19. Under item 16, “Nuclear security”, the Committee recommended that the Conference adopt the draft resolution set out in document GC(65)/L.5.

20. Under item 17, “Strengthening of the Agency’s technical cooperation activities”, the Committee recommended that the Conference adopt draft resolution A, “Strengthening the Agency’s technical cooperation activities”, and draft resolution B, “Programme of Action for Cancer Therapy”, set out in document GC(65)/L.6.

21. Under item 18, “Strengthening the Agency’s activities related to nuclear science, technology and applications”, the Committee recommended that the Conference adopt draft resolution A, “Non-power nuclear applications”, draft resolution B, “Nuclear power applications”, and draft resolution C, “Nuclear knowledge management”, set out in document GC(65)/L.7.

22. Under item 19, “Strengthening the effectiveness and improving the efficiency of Agency safeguards”, the Committee recommended that the Conference adopt the draft resolution set out in document GC(65)/L.8.

23. Under item 23, “Promotion of efficiency and effectiveness of the IAEA decision making process”, the importance of maintaining and promoting the efficiency and effectiveness of the Agency’s decision-making processes and strengthening the Agency and its governing bodies had been highlighted. The expansion of the membership of the Board of Governors, enhancing the role and authority of both the General Conference and the Board, and the importance of maintaining an appropriate balance between the two bodies had also 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 under way for the timely ratification of the amendment to Article VI of the Agency’s Statute had been referred to, and some views and suggestions had been expressed in that context. The possible use of electronic voting in the proceedings of the General Conference — following the example of the UN General Assembly — had also been raised.

24. Under item 24, “Restoration of the sovereign equality of all IAEA members”, some members had emphasized the sovereign equality of all IAEA members and, in particular the sovereign right to be elected to serve on the Board of Governors, which they had been unable to exercise as they had not been part of one of the informal regional groups. They had emphasized that the IAEA Statute did not define the composition of the eight regional areas nor membership affiliation for new Member States of the Agency. They had stated that a key element of the Amendment to Article VI of the Agency’s Statute, which was still far from entering into force, was the adoption of a list of all Member States of the Agency in which each Member State was allocated to one of the areas, and they had affirmed the sovereign right of every Member State on the basis of its geographical location to instantly join one of the eight areas. Some Member States had emphasized the importance of the timely ratification of the Amendment to Article VI. Some had called on members of existing groups and some had requested the assistance of the Secretariat in the framing of solutions to address that issue. They had stated their intention to introduce a resolution on the matter in the near future.

25. Under item 25, “Amendment of Article VI of the Statute”, the Committee recommended that the Conference adopt the draft decision set out in document GC(65)/L.9.

26. Under item 26, “Personnel”, the Committee recommended that the Conference adopt draft resolution A, “Staffing of the Agency’s Secretariat”, and draft resolution B, “Women in the Secretariat”, set out in document GC(65)/L.10.

27. Under item 27, “Elections to the Agency’s Staff Pension Committee”, the Committee recommended that Ms Lynn Hartery of the delegation of Canada and Mr Gustavo Adolfo Sancho Viquez of the delegation of Costa Rica be elected as alternate members of the Agency’s Staff Pension Committee.

28. The PRESIDENT thanked the Chair and the Vice-Chair of the Committee of the Whole for their work.

10. The Agency’s Financial Statements for 2020

29. As recommended by the Committee of the Whole, the draft resolution set out in document GC(65)/4 was adopted.

11. The Agency’s Programme and Budget for 2022–2023

30. As recommended by the Committee of the Whole, draft resolutions A, B and C set out in document GC(65)/2 were adopted.

13. Amendment to Article XIV.A of the Statute

31. As recommended by the Committee of the Whole, the draft decision set out in document GC(65)/L.3 was adopted.

14. Scale of assessment of Member States’ contributions towards the Regular Budget for 2022

32. As recommended by the Committee of the Whole, the draft resolution on page 3 of document GC(65)/8 was adopted.

15. Nuclear and radiation safety

33. As recommended by the Committee of the Whole, the draft resolution set out in document GC(65)/L.4 was adopted.

16. Nuclear security

(GC(65)/10 and Mod.1; GC(65)/24)

34. The PRESIDENT drew attention to the draft resolution contained in document GC(65)/L.5, the adoption of which had been recommended by the Committee of the Whole.

35. Mr BONO (United States of America) said that, while the draft resolution reflected the commitment of all Member States to the highest levels of nuclear security, he hoped that the following year's resolution would favour a more forward-leaning approach, allowing Member States to advance their collective priorities.

36. The Nuclear Security Report 2021 clearly demonstrated the progress of the Division of Nuclear Security in implementing its nuclear security programme and the Agency's resilience and adaptability in the face of a global pandemic. Moreover, with regard to the Nuclear Security Plan 2022–2025, the USA was grateful to the Secretariat for resolving the comments in a balanced and transparent way, despite challenging circumstances.

37. The Agency's nuclear security activities were a critical element of its assistance to Member States and contributed to its broader role of supporting the peaceful uses of nuclear energy and technologies. Together, the Nuclear Security Report, the Nuclear Security Plan and the resolution exemplified the Agency's important role in coordinating efforts to strengthen global nuclear security, enabled by the support of Member States and by sustainable funding through the NSF and the Regular Budget.

38. Noting with satisfaction the A/CPPNM Conference in March 2022, he encouraged all parties to participate fully, including by delivering national statements that addressed the Convention's adequacy in the light of the "then prevailing situation" to achieve a satisfactory conclusion. The USA continued to call on all States that had not yet done so to sign and ratify the Amendment to the CPPNM and the International Convention for the Suppression of Acts of Nuclear Terrorism. Adherence to universal conventions and other non-binding instruments, such as the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary guidance, was vital to ensure that there were no safe havens for those seeking to steal nuclear and other radioactive material, threaten and sabotage nuclear facilities or cause physical and psychological harm.

39. Mr ROUZBAHANI (Islamic Republic of Iran) said that the history of the Middle East was full of evidence of vicious terrorist acts committed by the Israeli regime against nuclear facilities under Agency safeguards. Given Israel's non-compliance with its international obligations, the inaction of international organizations and the disregard of States purportedly concerned about the safety and security of nuclear installations, such acts had practically become commonplace.

40. It had become clear that the Israeli regime would stop at nothing and did not consider itself bound by any international rules or regulations. Israel's actions were a gross violation of Article 2 (4) of the UN Charter and such acts necessitated an appropriate response from the international community. The UN General Assembly had clearly stated in its resolutions, including resolution A/RES/38/9, that such a military attack constituted a violation of the UN Charter. In addition, the General Conference had stated in several decisions and resolutions that any armed attack on or threat against nuclear facilities devoted to peaceful purposes ran contrary to international law and that all armed attacks against nuclear installations devoted to peaceful purposes should be explicitly prohibited.

41. As the first step towards prohibiting attacks against nuclear installations, Iran had put forward a unanimously adopted resolution — GC(XXIX)/RES/444 of 1985 — on the prohibition of armed attacks against nuclear installations devoted to peaceful purposes, whether under construction or in operation. As stated in its second operative paragraph, any armed attack on and threat against nuclear facilities

devoted to peaceful purposes constituted a violation of the principles of the UN Charter, international law and the Agency's Statute.

42. Furthermore, in resolution GC(XXXI)/RES/475 of 1987, the General Conference had expressed serious concerns that an armed attack on a nuclear installation could result in radioactive releases with grave consequences within and beyond the boundaries of the State which had been attacked. Likewise, in resolution GC(XXXIV)/RES/533 of 1990, it had recognized that an armed attack on a safeguarded nuclear facility — in operation or under construction — would create a situation in which the UN Security Council would have to act immediately in accordance with the provisions of the UN Charter.

43. As stated in decision GC(53)DEC/13, adopted on 18 September 2009, the General Conference had considered an agenda item entitled "Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction" and had noted resolutions GC(XXIX)/RES/444 and GC(XXXIV)/RES/533. Member States had recognized the importance attached to safety, security and physical protection of nuclear material and nuclear facilities and, in that regard, had expressed their views on the importance they attached to the protection of nuclear installations.

44. The inaction of the United Nations and the Agency and the impunity with which the Israeli regime had been allowed to commit its crimes had, regrettably, emboldened it. It had continued, and had even ramped up, its aggressions in flagrant violation of the most fundamental principles of international law, including those enshrined in the UN Charter.

45. Iran looked forward to effective preventive measures being taken by the Agency and its peace-seeking Member States in response to the Israeli regime's ruthless remarks. It was of vital importance that the Agency resolved the matter immediately, not only to safeguard its nuclear installations but to maintain its credibility. In view of the extraordinary circumstances in which the current General Conference was being held and the subsequent lack of substantive discussions, his delegation was prepared to join the consensus on the understanding that the matter be included in the following year's General Conference resolution and its related agenda item.

46. Mr MANUKYAN (Armenia) said that his country highly valued the Agency's central role in strengthening the global nuclear security framework and assisting States to establish and maintain effective and sustainable nuclear security regimes.

47. His country appreciated the efforts of the Secretariat, in particular the Department of Nuclear Safety and Security and its Division of Nuclear Security, to skilfully steer consultations on the Nuclear Security Plan 2022–2025, which would guide the Agency and Member States over the coming years.

48. As 2021 marked the fifth anniversary of the entry into force of the Amendment to the CPPNM in Armenia, he appreciated and supported the Secretariat's efforts to prepare for the forthcoming conference in March 2022 and looked forward to participating in it.

49. Armenia welcomed the Agency's initiative to establish the Nuclear Security Training and Demonstration Centre at Seibersdorf, which would complement the activities of national Nuclear Security Support Centres. Faced with new and existing nuclear security threats, Armenia had been strengthening its nuclear security regime and highly appreciated the assistance provided by partner countries and the Agency.

50. The fundamental principle that the responsibility for nuclear security within a State rested entirely with that State was the cornerstone of national nuclear security. To strengthen nuclear security worldwide, all States must enhance their cooperation. Mindful of emerging nuclear security threats, he called on Member States to collectively ensure that such threats were never repeated nor acted upon. In that context, Armenia looked forward to continued cooperation with Member States and international institutions.

51. Mr BULYCHEV (Russian Federation) said that his country was grateful to the Secretariat for its work in nuclear security, despite the challenging global epidemiological situation. As the situation improved, he hoped that more projects could be implemented, assured by voluntary contributions to the NSF. To that end, his Government would continue to make such voluntary contributions.

52. The Russian Federation agreed with the fundamental principle, cited in the Nuclear Security Report 2021 and the Nuclear Security Plan 2022–2025, that the responsibility for nuclear security within a State rested entirely with that State. In other words, every State had the sovereign right to determine the scope of its national systems and security measures and the levels of protection required.

53. As the most authoritative and technically competent international organization in its field, the Agency had a central role to play in coordinating international cooperation on nuclear security. Such cooperation, however, must under no circumstances lead to the disclosure of sensitive information about national security systems. For that reason, proposals to establish international reporting mechanisms and the process of organizing review missions must be approached with caution. Furthermore, any external assistance must be provided to States at their request.

54. In closing, as already voiced by others, he called on those States which had not yet done so to sign and bring into force the Amendment to the CPPNM and the International Convention for the Suppression of Acts of Nuclear Terrorism.

55. The PRESIDENT took it that the General Conference wished to adopt the draft resolution contained in document GC(65)/L.5.

56. It was so decided.

17. Strengthening of the Agency's technical cooperation activities

57. As recommended by the Committee of the Whole, the draft resolutions set out in document GC(65)/L.6 were adopted.

18. Strengthening the Agency's activities related to nuclear science, technology and applications

58. As recommended by the Committee of the Whole, the draft resolutions set out in document GC(65)/L.7 were adopted.

19. Strengthening the effectiveness and improving the efficiency of Agency safeguards

(GC(65)/16)

59. The PRESIDENT drew attention to the draft resolution contained in document GC(65)/L.8, the adoption of which had been recommended by the Committee of the Whole.

60. Mr NUSBAUM (Israel) said that his country wholeheartedly supported improvement of the effectiveness and efficiency of Agency safeguards. His country noted with regret, however, that operative paragraph 7 contained language which did not allay the concerns expressed by some Member States. Achieving universal application of comprehensive safeguards was contingent on international obligations which each State took upon itself and was therefore beyond the scope of the Agency's mandate.

61. The PRESIDENT took it that the General Conference wished to adopt the draft resolution contained in document GC(65)/L.8.

62. It was so decided.

63. Mr SAEED (Pakistan), explaining his country's understanding of operative paragraph 7, said that Pakistan supported all Agency activities conducted in accordance with the Agency's Statute. His country's support for Agency safeguards was evident from its implementation of its safeguards obligations with respect to all its civilian nuclear facilities and from its cooperation with the Agency. In his country's view, the purpose of safeguards was to provide a framework for cooperation in the peaceful applications of nuclear energy without discrimination and unaffected by strategic or political considerations.

64. The Agency's Statute took account of the different safeguards obligations of Member States and did not accord universality to any particular model, including the CSA. The paragraph introducing the operative section of the resolution stipulated that the operative paragraphs must be implemented "consistent with the respective safeguards undertakings of Member States". For that reason, Pakistan believed that operative paragraph 7 applied only to States that had undertaken obligations to sign CSAs.

65. Pakistan would continue its support for, and cooperation with, the Agency's verification activities, consistent with the framework provided for in the Statute.

23. Promotion of Efficiency and Effectiveness of the IAEA Decision Making Process

66. The PRESIDENT took it that the Conference wished to take note of the report by the Chair of the Committee of the Whole on the agenda item in question.

67. It was so decided.

24. Restoration of the sovereign equality of all IAEA members

68. The PRESIDENT took it that the Conference wished to take note of the report by the Chair of the Committee of the Whole on the agenda item in question.

69. It was so decided.

25. Amendment of Article VI of the Statute

70. As recommended by the Committee of the Whole, the draft decision set out in document GC(65)/L.9 was adopted.

26. Personnel

71. As recommended by the Committee of the Whole, the draft resolution set out in document GC(65)/L.10 was adopted.

27. Elections to the Agency's Staff Pension Committee

72. As recommended by the Committee of the Whole, Ms Hartery of Canada and Mr Sancho Víquez of Costa Rica were elected as alternate members to represent the General Conference on the Agency's Staff Pension Committee.

73. The PRESIDENT said that the General Conference had completed consideration of all matters referred to the Committee of the Whole.

The meeting rose at 6.20 p.m.