

# General Conference

**GC(66)/COM.5/OR.3**

Issued: December 2022

**General Distribution**

Original: English

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**Sixty-sixth regular session**

## Committee of the Whole

### Record of the Third Meeting

*Held at Headquarters, Vienna, on Tuesday, 27 September 2022, at 3.10 p.m.*

**Chair:** Mr BENGU (South Africa)

**Later:** Ms CALLESEN (Denmark)

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<sup>1</sup> GC(66)/COM.5/1

### **Abbreviations used in this record**

ABACC	Brazilian–Argentine Agency for Accounting and Control of Nuclear Materials
CSA	comprehensive safeguards agreement
G-77	Group of 77
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
R&D	research and development
UAE	United Arab Emirates
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
USA	United States of America

## **16. Strengthening the Agency's activities related to nuclear science, technology and applications (continued)**

(GC(66)/9, GC(66)/INF/4 and GC(66)/COM.5/L.5, L.6, L.7, L.8, L.9, L.10, L.11, L.12 and L.13)

1. The representative of INDONESIA, speaking on behalf of the Group of 77 and China, introduced the draft resolution contained in GC(66)/COM.5/L.13 (“A. Non-power nuclear applications. 8. Strengthening the support to Member States in food and agriculture”). He thanked the other authors, China and South Africa, and all delegations from the Group for their collaboration, and the Secretariat for its support.
2. The draft resolution contained factual and technical updates, covering the achievements of projects and activities relating to food and agriculture, such as those concerning mutation breeding, research on animal diseases, including in relation to food security, assistance delivered to Member States, numbers of Member States participating in networks for R&D, and stakeholder engagement in new activities. The draft resolution supported the continuation of the Agency's work in food and agriculture so as to deliver benefits to all Member States, especially in terms of underpinning efforts to achieve food and agriculture goals.
3. On the basis of discussions within the Group and with the Secretariat, he proposed changing “27 Eastern European countries” to “27 European Member States” in paragraph (q).
4. The representative of the RUSSIAN FEDERATION said that he would appreciate clarification concerning the proposed change; it was his understanding that it was in fact Eastern European countries to which reference was being made.
5. The representative of INDONESIA said that some countries' representatives had noted that not all the countries concerned were in Eastern Europe. The proposal had been discussed with the Secretariat, which had proposed the new wording.
6. The representative of SOUTH AFRICA said that, as the group included countries in Central Europe, the wording “27 Eastern European countries” would be factually incorrect.
7. The representative of the RUSSIAN FEDERATION said that, as the Secretariat had apparently proposed the correction, he called on it to provide the Committee with a list of the countries referred to.
8. The DEPARTMENTAL PROGRAMME COORDINATOR OF THE DEPARTMENT OF NUCLEAR SCIENCES AND APPLICATIONS, after consultations with colleagues, said that the paragraph referred to the following 27 countries: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, the Republic of Moldova, Montenegro, Macedonia, Romania, the Russian Federation, Serbia, Slovakia, Tajikistan, Türkiye, Turkmenistan, Ukraine and Uzbekistan.
9. The representative of the RUSSIAN FEDERATION, noting the mention of Cyprus, Malta and Uzbekistan, among others, agreed that the countries could not be described as “Eastern European”. It would be more accurate to refer to European and Central Asian Member States instead.
10. The CHAIR took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(66)/COM.5/L.13, as amended.

11. It was so decided.

12. The representative of FRANCE, introducing the draft resolution contained in document GC(66)/COM.5/L.5 (“B. Nuclear power applications” and “C. Nuclear knowledge management”), said that five consultation meetings had been held in recent weeks to discuss the text. A number of amendments had been made to the General Conference’s previous resolution on the subject (GC(65)/RES/11), on which the text was based.

13. She explained that editorial improvements and technical updates had been applied and that substantial changes had been made to take into account new Agency activities related to nuclear power. Thanking the Secretariat and all the Member States that had participated constructively, she said that consensus had been achieved but concerns had been raised regarding one paragraph.

14. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had concerns with regard to paragraph 10 of part B.1. The wording needed improving further to ensure that all Member States would have the opportunity to participate in the fifth International Ministerial Conference on Nuclear Power in the 21st Century, to be held in Washington DC. He proposed replacing the words “to which all Member States have been invited” with the words “and emphasizes the importance of an inclusive approach to allow participation by all interested Member States”.

15. The representative of the UNITED STATES OF AMERICA said that the Agency had invited all Member States to the conference and her country was fully committed to fulfilling all its obligations in accordance with its HGA. The USA preferred the existing language, which was a good compromise between the wording in the previous year’s General Conference resolution and the proposal put forward by the representative of Iran. The latter seemed to impose additional obligations on the Agency to ensure the participation of all Member States and was not agreeable to her delegation.

16. The USA could, however, agree to the proposed change provided that the word “allow” was not used, as that word implied obligations incumbent on the Agency and host Government that did not fall within the scope of conference planning and management; nor was any such obligation part of any HGA, such as that for the conference under discussion. The draft resolution should not suggest changes or additions to the Agency’s conference planning and management services or to the HGA.

17. The representative of the ISLAMIC REPUBLIC OF IRAN said that changing “allow” would not serve the purpose, as that word was essential for ensuring that Member States would be enabled to participate.

18. He noted Decision 9/2, agreed at the ninth session of the Conference of the States Parties to the UN Convention against Corruption: “The Conference of the States Parties to the United Nations Convention against Corruption, recalling General Assembly resolution 47/202 A of 22 December 1992 on the pattern of conferences, taking into consideration rules 3 and 6 of its rules of procedure, welcoming the offer by the Government of the United States of America to act as host to the tenth session of the Conference, and acknowledging the firm commitment of the United States to ensuring an inclusive session of the Conference of the States Parties for all States parties to the United Nations Convention against Corruption in the spirit of equality and non-discrimination, to facilitating the participation of States parties’ representatives [...]”.

19. He proposed using some of that language in the paragraph, and called for more flexibility to ensure that all Member States had equal opportunities to participate in the fifth International Ministerial Conference.

20. The representative of the RUSSIAN FEDERATION said that it made sense to change the wording as proposed by the representative of Iran — his own country had just experienced such difficulties with the UN General Assembly. Moreover, he understood the significance of the word “allow”. Without that

word, the paragraph would not speak to the central problem that could face Member States, namely concerning the issuance of visas to all members of national delegations participating in UN conferences, including those of the Agency.

21. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA said that she backed the proposal put forward by the representative of Iran, as delegates of some countries had experienced difficulties in participating in certain meetings. The wording proposed by the representative of Iran had been used in other resolutions in other forums and accepted by all countries.

22. The representative of the UNITED KINGDOM, supported by the representative of the UNITED STATES OF AMERICA, proposed using the word “facilitate” rather than “allow”, as it more accurately reflected what the Agency could actually do.

23. The representative of FRANCE said that she supported the proposal made by the representative of the UK, as it struck a balance between the concerns expressed by the representatives of Iran, the Russian Federation and Venezuela and what the Agency was able to do from a legal viewpoint.

24. The representative of NORWAY said that he supported “facilitate”, as “facilitating” appeared in the decision quoted by the representative of Iran. There was no need to add a significant amount of text; using the original proposal put forward by the representative of Iran but replacing “allow” with “facilitate” was a flexible approach that he hoped could command consensus.

25. The representative of the ISLAMIC REPUBLIC OF IRAN said that, as the issue was highly important for his country, he would have to consult his national authorities before agreeing to a new wording.

26. The representative of the UNITED ARAB EMIRATES, referring to paragraph 9 of part B.1, proposed adding “and COP28, to be held in the United Arab Emirates in 2023” after the words “COP27, to be held in November 2022 in Sharm El Sheikh, Egypt”.

27. The representative of the ISLAMIC REPUBLIC OF IRAN said that, if the addition proposed by the representative of the UAE were to be accepted, the same issue would arise as with paragraph 10. He was therefore not ready to accept the proposal.

28. The representative of the UNITED KINGDOM, supported by the representatives of EGYPT, MOROCCO and SAUDI ARABIA, said that he agreed to the purely factual addition proposed by the representative of the UAE, which concerned a different organization and had nothing to do with paragraph 10.

29. The representative of SINGAPORE, expressing his support for the proposals to use the word “facilitate” and to add a reference to COP28, suggested addressing Iran’s concerns relating to inclusive participation in a new stand-alone paragraph.

30. The representative of the ISLAMIC REPUBLIC OF IRAN said that, while he appreciated the proposal, he was unable to accept it. The reason for his own proposal for paragraph 10 was that some countries had hosted events in an inclusive manner and some had not. He wanted to be certain that Member States that volunteered to host international conferences would guarantee an inclusive approach and ensure that all Member States were allowed to participate.

31. The representative of CANADA said that the Secretariat could neither “allow” nor prohibit the participation of a Member State. The proposed word “facilitate” was suitable, but adding a stand-alone paragraph on such issues would not be appropriate.

32. Supported by the representative of the UNITED KINGDOM, she said that, if the Committee could not reach an agreement on the wording of paragraph 10, the previous year’s language could be reinstated.

33. The representative of the ISLAMIC REPUBLIC OF IRAN said that he was not willing to reinstate the previous year's language, since it was important to reflect his country's concerns relating to inclusivity.

34. The representative of FRANCE, stressing that they referred to two quite different conferences, said that her delegation preferred to keep paragraphs 9 and 10 as they stood. Moreover, it was not the practice for such resolutions to make specific references to particular Member States. She could, however, support the proposal to replicate the wording from the previous year's resolution, which should be acceptable to all.

35. In response to a question from the representative of the ISLAMIC REPUBLIC OF IRAN, the representative of the UNITED ARAB EMIRATES specified that COP28 was scheduled to take place in November 2023.

36. The representative of the ISLAMIC REPUBLIC OF IRAN, noting that COP28 was scheduled to take place after the sixty-seventh regular session of the General Conference, proposed not referring to it in the 2022 resolution but waiting until 2023.

37. The representative of the UNITED ARAB EMIRATES said that his proposal simply reflected the fact that the UAE would be hosting COP28 in 2023 — in November of that year to be precise. Unless the representative of Iran could provide a serious reason as to why the reference should not be included in the text in question, he could not agree to its omission.

38. The representative of the ISLAMIC REPUBLIC OF IRAN said that when a ministerial conference had been held in Abu Dhabi in 2016 it had not been inclusive — the Iranian delegation had been unable to participate because the host country had not issued visas. As with paragraph 10, Iran wanted to ensure that all countries volunteering to host an international conference took an inclusive approach.

39. The representative of the UNITED ARAB EMIRATES said that the situation regarding the 2016 conference, which was not connected to the proposal under discussion, had been properly explained and it made no sense to reopen the issue. Invitations had been sent to all Member States, including Iran, and visa issues had been handled bilaterally between States and the host country. The UAE had fulfilled its HGA with the Agency and the conference had been a success. Iran — not the UAE — had made a decision regarding its participation.

40. The representative of EGYPT said that, as paragraph 9 encouraged the Agency to prepare to participate in COP28 — not an Agency event — the comments of the representative of Iran were not pertinent. Furthermore, it was the Agency's practice, once the timing of a conference had been decided, to include a reference to it in a resolution. As COP28 had been scheduled for some time, it was correct to refer to it as well as COP27.

41. The representative of the RUSSIAN FEDERATION said that, as paragraph 9 concerned the Secretariat's efforts, the proposed addition could be probably be accepted. In that case, however, somewhat stronger language would be appropriate when referring to Agency events. Regarding paragraph 10, he therefore proposed "enable" instead of "allow" or "facilitate" — that word was stronger than "facilitate" and would better address the problems encountered in the past by a number of countries, including his own.

42. The representative of the PHILIPPINES recalled that the Director General had already started preparing for the Agency's participation in COP28. She proposed adding "inclusive" before "preparations" in paragraph 9, when adding a reference to COP28.

43. The representative of EGYPT said that, since the Agency — a mere participant — was not responsible for organizing COP28, there was no added value in inserting the word “inclusive”.
44. The CHAIR asked the Committee whether it agreed to including in paragraph 9 the proposed wording “and COP28 to be held in the United Arab Emirates in November 2023”, without adding the word “inclusive”.
45. The representative of the NETHERLANDS, supported by the representative of GERMANY, said that she could accept the proposed wording for paragraph 9.
46. The representative of the ISLAMIC REPUBLIC OF IRAN said that paragraphs 9 and 10 were linked. He fully understood that paragraph 9 concerned the Secretariat’s efforts, but his country was unable to encourage the Secretariat to prepare for or participate in a meeting that might not be inclusive. That was how paragraph 9 was linked to paragraph 10, even though the two paragraphs referred to different events.
47. He could accept the proposal by the representative of the Russian Federation to use the word “enable” in paragraph 10. But only if acceptable language could be found in that paragraph to ensure that all Member States respected inclusivity would it be possible to agree to the proposed version of paragraph 9.
48. The representative of the UNITED ARAB EMIRATES took the opportunity to thank the Iranian Government for voicing in public its support for the hosting of UNFCCC Conferences of the Parties by Egypt and his country.
49. The representative of FRANCE said that she supported the proposed change to paragraph 9. However, paragraphs 9 and 10 had nothing to do with each other and must be addressed separately. The Agency was a participant in the conference mentioned in paragraph 9, not its organizer.
50. The representative of the UNITED KINGDOM, echoing the words of the representative of France, said that the language in paragraph 10 was almost identical to wording recently accepted in another international forum without objections from Iran.
51. The CHAIR asked the representative of the USA whether she could accept the proposal to use the word “enable” in paragraph 10.
52. The representative of the UNITED STATES OF AMERICA said that the word “enable” carried the same connotations as the word “allow” and was therefore not acceptable to her delegation. The word “facilitate”, as proposed by the representative of the UK, would be preferable.
53. Responding to a question from the CHAIR as to whether there were any other outstanding issues to discuss, the representative of FRANCE said that a consensus had been reached on all parts of the draft resolution other than paragraphs 9 and 10 of Part B.1.
54. In response, the representative of the ISLAMIC REPUBLIC OF IRAN said that he wished to flag his delegation’s concerns at the addition in paragraph 1 of Part B.3 of wording referring to indigenous engagement.
55. Turning back to paragraph 10, Part B.1, the representative of the RUSSIAN FEDERATION suggested that a creative solution lay in finding a compromise within the Committee to overcome differences with regard to the words “facilitate” and “enable”.
56. The representative of SINGAPORE, supported by the representative of the UNITED KINGDOM, proposed that the final clause of paragraph 10, Part B.1, be amended to read “and emphasizes the

importance of inclusive participation by all interested Member States”, to reflect the importance of inclusivity.

57. The representative of the RUSSIAN FEDERATION said that, as he understood it, the concerns expressed by the representative of Iran in relation to paragraph 10 related to the fact that national delegations were not always able to travel to and fully participate in events. Therefore, the wording “inclusive participation of delegations of all interested Member States” — or “inclusive representation of interested Member States” — would better address the issue of inclusivity.

58. The representative of the UNITED STATES OF AMERICA said that she was willing to accept the wording “and emphasizes the importance of inclusive participation of delegations of interested Member States”, as proposed by the representative of the Russian Federation, but could not accept the term “inclusive representation”.

59. The representative of the ISLAMIC REPUBLIC OF IRAN said that the expression “inclusive participation” was unclear to him. Instead, the paragraph should refer to an “inclusive approach”, as he had originally proposed.

60. The representative of the UNITED KINGDOM said that the wording proposed by the Russian Federation was acceptable — and seemed to be close to what the Iranian delegation had requested. It was important to reach a swift solution; the only viable alternative, as had been recalled by the representative of Canada, was to revert to the 2021 language.

61. The representative of the UNITED STATES OF AMERICA said that, in a spirit of consensus, she could accept Iran’s proposal. The wording could be amended to read, “and emphasizes the importance of an inclusive approach to participation of interested Member States”.

62. The representative of the ISLAMIC REPUBLIC OF IRAN agreed to the proposed wording but requested that the word “all” be inserted before “interested Member States”.

63. The CHAIR took it that the proposed language was acceptable to the Committee. He asked the representative of Iran whether he could accept the wording of paragraph 9, in view of the amendments made to paragraph 10.

64. The representative of the ISLAMIC REPUBLIC OF IRAN said that both paragraphs, as amended, were acceptable and expressed appreciation for the flexibility shown by other delegations.

65. The CHAIR, thanking delegations for their flexibility, took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(66)/COM.5/L.5, as amended.

66. It was so decided.

67. The representative of PAKISTAN, speaking on behalf of the G-77 and China, thanked all Member States for their constructive engagement, which had helped to improve all the draft resolutions tabled under agenda item 16. He expressed appreciation to all countries that had sponsored the texts and encouraged others to do the same. Lastly, he thanked the Chair and Vice-Chair for facilitating, with great skill and patience, the Committee’s discussions.



## **17. Strengthening the effectiveness and improving the efficiency of Agency safeguards**

(GC(66)/13; GC(66)/COM.5/L.14; GC(66)/COM.5/L.18 and 19)

68. The CHAIR said that the Committee had before it a report by the Director General on strengthening the effectiveness and improving the efficiency of Agency safeguards, contained in document GC(66)/13, a draft resolution contained in document GC(66)/COM.5/L.14 and proposed amendments to that draft resolution, contained in documents GC(66)/COM.5/L.18 and 19.

69. The representative of AUSTRIA, speaking on behalf of the European Union and introducing the draft resolution contained in document GC(66)/COM.5/L.14, said that Georgia, Montenegro and Norway had decided to sponsor the text, and she invited other Member States to do the same.

70. Following several years of purely technical updates, the draft resolution before the Committee featured new language. Three rounds of very constructive open-ended consultations had been held, as a result of which it had been possible to submit a text that enjoyed broad support and should achieve consensus. She thanked all Member States that had contributed so constructively to the drafting process.

71. In closing, she pointed out that paragraph 11 of the draft resolution should have been deleted, as it duplicated paragraph 12.

72. The representative of CHINA introduced document GC(66)/COM.5/L.18, which contained her country's proposed amendments to the draft resolution and had been submitted in response to proposed amendments submitted by Australia, the UK and the USA and contained in document GC(66)/COM.5/L.19. Her country's proposals were intended to emphasize the important roles of the NPT and the CSA and to highlight the difference between so-called 'naval nuclear propulsion' activities under AUKUS, which involved the illegal transfer of nuclear material from nuclear-weapon States to a non-nuclear-weapon State, and indigenous naval nuclear propulsion initiatives. Her delegation would welcome views and comments on the text submitted.

73. The representative of AUSTRALIA, speaking also on behalf of the UK and the USA, introduced document GC(66)/COM.5/L.19, which contained those countries' proposed amendments to the draft resolution. The proposals aimed to reflect the broad interest among Member States in naval nuclear propulsion. He drew attention to a number of amendments made to the text following the most recent open-ended working group meeting and subsequent discussions with Member States.

74. Paragraph (l) bis stated that naval nuclear propulsion was "not prohibited" under the NPT, consistent with the views expressed by a number of Member States and with the Director General's most recent report to the Board. In addition, the final line of that paragraph had been amended in response to concerns raised during the discussions, to include the words "where applicable". Paragraph (l) ter had been deleted in its entirety and paragraph 36 bis shortened in an effort to streamline the text.

75. The CHAIR invited the Committee to comment on the proposals contained in documents GC(66)/COM.5/L.18 and L.19.

76. The representative of AUSTRALIA, speaking also on behalf of the UK and the USA, said that the proposals submitted by China constituted an unprecedented and deeply alarming attack on the independence of the Director General and the Secretariat. All Member States relied on an independent Secretariat that upheld the non-proliferation regime.

77. Referring to the proposed text regarding the application of Australia's CSA, he said that all Member States with CSAs should be alarmed by that attempt by one country to interpret or amend the CSA of another. Such conduct was inappropriate and would set a deeply troubling precedent.

78. The representative of the UNITED KINGDOM, also referring to the proposal to add new paragraphs submitted by China, said that the language contained in the proposed paragraph (a) bis was not acceptable; his country could not see the purpose of recalling the NPT, the CSA, including the modified Code 3.1, and the Statute. Furthermore, it was not clear what was meant by the phrase "overriding status of the NPT". He stressed that the NPT and the Statute were independent sources of international obligations of equivalent status and that neither had legal primacy. The Agency was not a party to the NPT, but had legal obligations under CSAs along with the States concerned. Those agreements were duly approved by the Board, and the Director General was empowered to implement them.

79. The proposed paragraph (h) bis was also unacceptable, since it implied that there were widespread doubts relating to the Director General's report on AUKUS and called into question the competence of the Secretariat in its engagement with the AUKUS countries. He stressed that cooperation between the Agency and Member States on safeguards issues was required under the CSA.

80. Referring to paragraph (h) ter, he stressed that no nuclear weapons material would be transferred to Australia under AUKUS and that all nuclear material would be in the form of completed, welded power units. AUKUS did not, and would never, involve the transfer of nuclear weapons material in breach of the NPT and Australia had made clear that it did not seek such weapons.

81. Turning to paragraph 5 bis, he said that any language that called into question the legitimacy or integrity of the Agency was unacceptable. Any statement in a General Conference resolution affirming that a report of the Director General was null and void would be extraordinary and hugely damaging to the Agency. The AUKUS countries were confident that the Director General and the Secretariat would implement safeguards in accordance with their mandates. In that regard, he said that the Director General was authorized to implement safeguards agreements approved by the Board.

82. Turning lastly to paragraph 5 ter, he said that the NPT did not prohibit naval nuclear propulsion and that the Director General had stated that such activities were foreseen by the relevant legal texts.

83. The representative of the NETHERLANDS expressed her delegation's concern in relation to China's proposals, which undermined the Director General's prerogatives and the mandate of the Agency. In particular, the proposed paragraph 5 bis calling for the Director General's report to be recognized as null and void was unacceptable. While acknowledging that the AUKUS issue was sensitive and needed to be discussed, she urged the Committee not to threaten the dignity of the Agency and the Director General in its discussions.

84. The representative of BRAZIL expressed his delegation's preference for a non-politicized discussion on the safeguards resolution on the basis of the text contained in document GC(66)/COM.5/L.14.

85. Given the fact that his country had begun negotiations with the Agency on special procedures for the verification of nuclear material for its own naval nuclear propulsion programme, his delegation did not favour any wording that called into question the legitimacy of naval nuclear propulsion.

86. With regard to the proposal by the AUKUS partners, he proposed that the reference to additional protocols should be deleted from paragraph (l) bis, as guidance on the negotiation of arrangements for naval propulsion was contained in CSAs. There was therefore no need to refer to additional protocols.

87. Turning to the proposal by China, he said that his delegation took issue with the addition of wording that called into question the legitimacy of the involvement of the Director General and the Secretariat in discussions on the basis of existing safeguards agreements, in particular CSAs. It also took issue with paragraph 5 bis, which characterized the Director General's report as null and void.

88. The representative of GERMANY said that her delegation did not consider the proposal by China to be in line with either the content of the NPT and the safeguards agreements or with what had been discussed at the most recent meetings of the Board of Governors. The Agency's factual and technical work as laid out in the Director General's report was of great value and any language that called that into question was to be avoided.

89. The representative of BELGIUM said that her delegation attached great importance to maintaining the integrity of the nuclear non-proliferation regime and believed that the Agency was the legitimate organization for implementing safeguards and engaging with Member States on all matters related to the implementation of safeguards agreements. For that reason, her delegation could not agree to any proposal that undermined the safeguards mandate of the Agency and that called into question the independence and authority of the Director General to engage with Member States on safeguards issues.

90. The representative of JAPAN reiterated her country's support for the work of the Director General and the Secretariat in accordance with the Agency's statutory mandate and within existing safeguards agreements. Undermining the work of the Secretariat that had been authorized by the Board would be detrimental to the Agency's credibility and integrity.

91. The representative of FRANCE said that there was no doubt that the Director General had a clear mandate. Any wording in a draft resolution calling into question the work done by the Director General and the Secretariat and questioning the Director General's authority was unprecedented and her delegation could not accept it.

92. The representative of the RUSSIAN FEDERATION said that the proposal by the AUKUS countries contained a number of claims that had yet to be backed by evidence, notably that naval nuclear propulsion could be pursued in a manner that was fully consistent with non-proliferation obligations. The General Conference could not give carte blanche to States that claimed that all their actions were in line with the NPT.

93. Furthermore, it remained unclear what steps the Director General and the Secretariat would take once they had concluded their discussions on the development and implementation of relevant safeguards and verification measures with interested parties.

94. Referring to paragraph 36 bis in the proposal by the AUKUS partners, he noted that the description of the role of nuclear powers — that they assisted other States in constructing naval nuclear propulsion — gave the impression that such nuclear cooperation was peaceful, when in actual fact it was being used for military purposes so as to create a global capacity for the projection of power. Moreover, the phrase “with a view to providing the highest possible confidence of non-diversion of nuclear material” seemed to mean that the AUKUS parties could not rule out the risk of diversion — which did not back up the claim that such activities were fully consistent with non-proliferation obligations.

95. For those reasons, his delegation did not believe that the proposal by the AUKUS partners should be taken as a working basis for efforts on naval nuclear propulsion.

96. The representative of COLOMBIA shared the concerns voiced about the amendments proposed by China, in particular regarding the legitimacy of the Secretariat and the Director General in relation to safeguards agreements and the assertion that the Director General's report was null and void. The

proposal did not unite the Member States, should not have been tabled and could not be supported by her delegation.

97. The representative of SWITZERLAND said that his delegation had difficulty in accepting wording that called into question the professionalism, objectivity and independence of the Director General and the Secretariat. It remained fully confident in the manner in which the Director General and the Secretariat had been handling the AUKUS issue.

98. The representative of INDIA said that there was no need to enter into a politicized discussion on AUKUS. The Agency was well within its mandate to hold technical discussions with the AUKUS parties, and Member States should refrain from calling into question the professionalism of the Director General. India appreciated the parties' commitment to ensuring the highest non-proliferation and safeguards standards. Furthermore, it was important to remember that the Agency had recognized that AUKUS was at an early stage and that precisely how it would develop had yet to be decided by the parties.

99. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation saw merit in the proposal by China and called for further discussions to be held on that basis.

100. The representative of ARGENTINA said that naval nuclear propulsion was not prohibited under the NPT. As a result of dialogue with the Secretariat, technical measures were required under the applicable safeguards agreements, including bilateral mechanisms. His delegation defended the technical role of the Agency and the Secretariat in that regard. Furthermore, it underlined the importance of CSAs and their provisions as a framework for any technical arrangements that might become necessary. His delegation could therefore support only wording that took those key factors into account.

101. The representative of NORWAY joined others in voicing full support for the work of the Director General and the Secretariat, which was well within the Agency's safeguards mandate. With regard to the proposal by China, he said that his delegation could not support a text that called into question the Agency's safeguards mandate and the work of the Director General and the Secretariat, which his country fully supported.

102. The representative of DENMARK joined in the expressions of support for the Agency and its safeguards mandate. She said that her delegation opposed any questioning of that mandate or anything that undermined the authority of the Secretariat or the Director General.

103. The representative of INDONESIA, noting that cooperation under AUKUS would set a precedent, said that the Agency played a very important role in engaging with the relevant Member States on the development and implementation of relevant safeguards and verification measures pursuant to CSAs. He highlighted the reference to the Director General's statement that naval nuclear propulsion was foreseen by the existing legal framework and that appropriate answers were needed to certain questions in order to protect the integrity of the non-proliferation regime.

104. The representative of GUATEMALA said that his delegation was deeply concerned about the Chinese proposal to introduce wording that could damage the credibility of the Agency — an organization that was needed more than ever. The work on AUKUS done by the Secretariat and the Director General had been impartial, dedicated and professional, and delegations should add to the draft resolution only wording that strengthened the nuclear safety, security and safeguards system, which underpinned the Agency.

105. The representative of ROMANIA, expressing support for the professionalism and independence of the Secretariat, said that her delegation did not wish to embark on a path that would undermine the Agency's mandate.

106. The representative of the UNITED ARAB EMIRATES welcomed the commitment shown by the AUKUS parties to work closely with the Agency to ensure that non-proliferation and safeguards objectives were met and consistent with their obligations under the NPT and respective safeguards agreements.

107. The representative of the UNITED STATES OF AMERICA expressed full support for the statements made by the representatives of Australia and the UK and for all the concerns expressed regarding the repeated attacks on the Agency's mandate, integrity and independence. The attempts to undermine the legitimacy and critical work of the Secretariat should give pause to all Member States.

108. She welcomed further open and transparent discussions on the issue in good faith and in the appropriate forums, specifically in the context of the safeguards resolution. In that spirit, her delegation had considered the proposal on the additional protocol put forth by the representative of Brazil and, in the spirit of consensus, would be inclined to accept it in a spirit of compromise.

109. She expressed her country's full confidence in the Director General's ability to fulfil his mandate and strongly opposed any suggestion to the contrary.

110. The CHAIR suggested that, since there was clearly no consensus regarding the proposals contained in documents GC(66)/COM.5/L.18 and L.19, the Committee might wish to discuss the draft resolution contained in document GC(66)/COM.5/L.14.

111. The representative of EGYPT, supported by the representatives of the ISLAMIC REPUBLIC OF IRAN and SAUDI ARABIA, proposed amending paragraph (j) as follows: "Stressing the importance of the comprehensive safeguards agreement and recalling that 2022 marks the 50th year since it entered into force".

112. The representative of AUSTRIA said that, while her delegation supported the addition of the words "Stressing the importance of the comprehensive safeguards agreement and", it could not support the replacement of the words "the first comprehensive safeguards agreement" with "it", as it gave the impression that there was only one type of CSA, whereas in reality each State had an individual agreement.

113. The representative of INDIA said that she was not comfortable with the language of the proposed amendment as it disregarded the fact that there were different kinds of safeguards arrangements and also that not all Member States had entered into CSAs.

114. The representative of EGYPT said that the reason for replacing the words "the first comprehensive safeguards agreement" with "it" was for the sake of brevity. As that had not been supported, he proposed "recalling that 2022 marks the 50th year since the comprehensive safeguards agreement entered into force".

115. With regard to the point made by India, he suggested that stressing the importance of the CSA did not mean that it was the only legal instrument in the area of nuclear safeguards. Moreover, the same wording had been used in paragraph (n) to recognize the importance of the model additional protocol.

116. The representative of BRAZIL proposed that, as a means of addressing some of the concerns expressed, the paragraph could be amended to read: "Stressing the importance of comprehensive safeguards agreements and recalling that 2022 marks the 50th year since comprehensive safeguards agreements entered into force".

117. The representative of SINGAPORE expressed support for that proposal but suggested that "since comprehensive safeguards agreements" could be replaced with "since a comprehensive safeguards agreement".

118. The representative of LEBANON said that he supported the proposal made by the representative of Egypt but he would also be open to considering the suggestions made by the representatives of Brazil and Singapore.

119. The representative of PAKISTAN said that his delegation had strong reservations concerning the proposal put forth by the representative of Egypt as different States had different safeguards obligations — there was no universally applicable template. While he preferred to retain the original wording of the paragraph, he said that the proposal could be acceptable to his delegation if the words “while recognizing the respective safeguards undertakings of Member States” were inserted after “Stressing the importance of comprehensive safeguards agreements”.

120. The representative of ISRAEL said that he could not support the amendment proposed by the representative of Egypt and would prefer the original wording of the paragraph to be retained.

121. The representative of INDIA said that she supported the wording proposed by the representative of Pakistan but would be happy to revert to the original wording of the paragraph if the proposal did not enjoy support.

122. The representative of BRAZIL said that her delegation could support the wording proposed by the representative of Singapore. The wording proposed by the representative of Pakistan, however, made the text too cumbersome.

123. The representative of ARGENTINA said that he supported the proposal made by the representative of Egypt; it strengthened the wording of the paragraph and the message relating to CSAs. He was flexible concerning the last part of the paragraph, which he believed accommodated all possible points of view.

124. Regarding the comments made by India and Pakistan, he said that there was no need to add wording recognizing the respective safeguards undertakings of Member States to the paragraph as the sentence “Consistent with the respective safeguards undertakings of Member States and in order to pursue further efforts to both strengthen the effectiveness and improve the efficiency of Agency safeguards”, before the operative section of the draft resolution, adequately addressed their concerns.

125. The representative of EGYPT said that the purpose of his proposal was not to impose an obligation on any Member State but to ensure a balance in the draft resolution by stressing the importance of both the CSA and the additional protocol. Some of the delegations that had expressed opposition to his proposal supported the wording of paragraph (n), despite the fact that they were not yet party to the additional protocol.

126. Acknowledging the merits of the wording proposed by the representative of Singapore, he said that his delegation would work to find a way to reach agreement on the paragraph while also maintaining the balance with paragraph (n).

127. The representative of the RUSSIAN FEDERATION said that a technical solution to the issues raised by some delegations was simply to delete all four references to anniversaries in the preambular section, as it was questionable what value such references added to the text.

128. Another possibility would be to leave paragraph (j) unchanged and instead tone down the wording in paragraph (n) by stating that the additional protocol was voluntary in nature. That would, he hoped, satisfy the concern expressed by the representative of Egypt while accurately reflecting the situation concerning additional protocols.

129. The representative of the NETHERLANDS said that she wished to retain the reference to the fact that 50 years had passed since the first CSA had entered into force, as that had been the original idea

behind the paragraph. Her delegation was flexible regarding the wording of the first half of the paragraph.

130. The representative of FRANCE proposed that paragraph (j) could be amended to read: “Stressing the importance of safeguards agreements, including, inter alia, the comprehensive safeguards agreements, and recalling that 2022 marks the 50th anniversary since the first comprehensive safeguards agreement entered into force”.

131. The representative of IRAN reiterated his delegation’s support for the proposal made by the representative of Egypt. It made the draft resolution more balanced and addressed the concerns expressed by most Member States. Otherwise, it might be worth considering the suggestion by the Russian Federation to delete all references to anniversaries.

132. The representative of JAPAN said that, as the topic of the current discussion was “strengthening the effectiveness and improving the efficiency of Agency safeguards”, it would be beneficial to retain all four references to anniversaries — CSAs, ABACC, EURATOM and additional protocols.

133. She recalled that, as it had been expected that discussions on the safeguards resolution would be difficult owing to the divergent views on the various safeguards instruments, the aim had been to highlight matters of importance to all Member States, regardless of their standpoint.

134. Lastly, it was her delegation’s view that the proposed wording “the 50th year since comprehensive safeguards agreements entered into force” was misleading.

**The meeting rose at 6.10 p.m.**