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Chair: Mr BENGU (South Africa)

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¹ GC(66)/COM.5/1

Abbreviations used in this record

HEU	high enriched uranium
NPP	nuclear power plant
SMR	small and medium sized or modular reactor
UN	United Nations
USA	United States of America

14. Nuclear security (continued)

(GC(66)/8; GC(66)/COM.5/L.17)

1. The CHAIR recalled that the Committee had before it a report by the Director General on nuclear security, contained in document GC(66)/8, and a draft resolution on nuclear security, contained in document GC(66)/COM.5/L.17.
2. He also recalled that, as requests had been made to propose a number of amendments to the draft resolution, and bearing in mind appeals by several delegations for the Committee to approach its deliberations in a structured manner, the text was being considered paragraph by paragraph. At the previous meeting, there had been inconclusive discussions on paragraph (d).
3. With regard to paragraph (e), the representative of the ISLAMIC REPUBLIC OF IRAN proposed the deletion of the words “and associated facilities”.
4. The representative of the NETHERLANDS recalled that a balance had been struck in the open-ended working group between those Member States that supported the reference to associated facilities and those that did not. As the reference appeared in other paragraphs of the draft resolution, meaning that the issue was likely to be raised again, she suggested that the words could be placed in square brackets.
5. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation was uncomfortable with the approach taken. He insisted that, contrary to the comment by the representative of the Netherlands, the open-ended working group had had no objection to the deletion of the phrase.
6. The representative of FRANCE, again expressing regret that paragraphs that had already been informally agreed upon were being reopened, said that she did not support the proposal by the representative of Iran.
7. The CHAIR said that the words “and associated facilities” should be placed in square brackets to allow for further informal discussions on the paragraph.
8. The representative of the RUSSIAN FEDERATION said that the addition of new paragraph (g), which linked physical protection with various elements of nuclear security, meant that paragraph (f) needed to be amended. He therefore proposed replacing the word “a” with the word “the”.
9. The representative of the UNITED KINGDOM, supported by the representatives of FRANCE and the UNITED STATES OF AMERICA, said that he could not support that proposal; the open-ended working group had discussed the matter at length. He did not agree that physical protection was “the” key element of nuclear security; it was “a” key element. As indicated in paragraph (g), the elements of nuclear security were interlinked.
10. The representative of the RUSSIAN FEDERATION said that he could not accept those arguments. There were a number of references to Ukraine that his delegation had not supported during informal consultations and yet they still appeared in the draft resolution. He therefore insisted that his proposal be reflected in paragraph (f).
11. The representative of the NETHERLANDS recalled that the change proposed by the representative of the Russian Federation had been extensively discussed in informal consultations. The current wording of the paragraph had, moreover, been debated and agreed upon by consensus in 2021.

Since nuclear security was a long-standing issue, whereas Ukraine was not, she urged the representative of the Russian Federation to show flexibility.

12. The representative of NORWAY, noting with regret that the issue of Ukraine had been brought up during discussion of an unrelated paragraph, said that he agreed that physical protection was one of several key elements of nuclear security.

13. The representative of the RUSSIAN FEDERATION said that he had made his proposal in the light of the shift in balance in the whole draft resolution owing to the addition of paragraph (g). In response to the comment about Ukraine, he said that it was his delegation's view that Ukraine's systematic shelling of Zaporizhzhya NPP had a direct bearing on nuclear security.

14. He added that, in any case, he could not agree on paragraph (g) while the issue with paragraph (f) remained unresolved. Paragraph (g) was new and it watered down the notion of physical protection. For paragraph (f), he proposed the alternative wording "as the central element of nuclear security", since the whole concept of nuclear security had arisen out of physical protection.

15. The representative of the ISLAMIC REPUBLIC OF IRAN said that the current wording of paragraph (g) was not acceptable to his delegation as it made artificial and puzzling connections between concepts and elements; simpler language would be preferable. As he was conducting consultations with his national authorities and had to await the latest instructions, the Committee should move on to other paragraphs.

16. The representative of the NETHERLANDS asked whether the current wording of paragraph (g) was acceptable to the Committee, since no alternative language had been proposed.

17. With regard to paragraph (f), she asked the representative of the Russian Federation to explain what had changed since the previous year's resolution with regard to the relationship between physical protection and nuclear security and why the current draft resolution had to be altered from "as a key element" to "as the key element". The same phrase had been used for years and had been accepted by consensus.

18. The representative of the RUSSIAN FEDERATION said that two things had changed: Ukraine's systematic shelling of Zaporizhzhya NPP and the attempt to add the language of paragraph (g) to the draft resolution, thereby weakening the significance of physical protection.

19. The representative of the NETHERLANDS asked whether, in the event that paragraph (f) were to read "as a central element of nuclear security", the Russian Federation could then accept paragraph (g).

20. The representative of the RUSSIAN FEDERATION said that he had proposed "as the central element". Although the representatives of the Netherlands and other Western countries disagreed, for his delegation only one thing could be central. As a compromise, he proposed "as central element", despite the fact that it might not read particularly well in English.

21. The representative of UKRAINE reminded the representative of the Russian Federation that the Committee was a technical forum discussing a technical document. He said that the Committee was tired of listening to baseless propaganda that, in any case, would not justify the text proposed by the Russian Federation concerning Ukraine's nuclear facilities. There was a lack of physical protection at Zaporizhzhya NPP because it was being illegally controlled by outsiders. He asked for an end to unfounded statements.

22. The representative of the UNITED STATES OF AMERICA said that his country categorically disagreed that the concept of physical protection was being watered down in any way in the text. He

also could not fathom why carefully negotiated text that had appeared for years was being questioned. For his delegation “as a central element” was acceptable; “as central element” would not be grammatically correct and he would be unable to agree to “as the central element”.

23. The representative of CANADA said that she agreed with the representative of the USA that paragraph (g) did not water down the concept of physical protection — it merely mentioned related areas. The previous year’s resolution had contained “as a key element”. As it had been agreed in 2021 and opinion had not changed, that wording should still be acceptable.

24. The representative of SINGAPORE said that, while his delegation wanted to retain paragraphs (f) and (g) as they were, he proposed the wording “as critical to nuclear security” for paragraph (f).

25. The representative of the NETHERLANDS called for flexibility in the interests of time.

26. The representative of GUATEMALA said that it was not uncommon to draw connections between topics. Paragraph (g) concerned links or possible relationships, but in no way did it undercut the importance of physical protection or establish a hierarchy. He asked the Secretariat to clarify whether physical protection was the single central element of nuclear security or one of several.

27. The HEAD OF THE PROGRAMME DEVELOPMENT AND INTERNATIONAL COOPERATION SECTION said that NSS-20 — entitled “Objective and Essential Elements of a State’s Nuclear Security Regime” and approved by consensus — listed 12 elements of a State’s nuclear security regime and contained an annex with terminological definitions.

28. The representative of the UNITED KINGDOM said that, on the basis of the explanation provided by the Secretariat, and although he had previously supported “as a key element”, he could agree to “as a central element”.

29. The representative of the UNITED STATES OF AMERICA said that, while he was not particularly fond of the wording, he hoped that, if he agreed to the change to “as a central element”, his spirit of compromise would be reciprocated.

30. The representative of the RUSSIAN FEDERATION said that, in order to get around the issue of the “a” versus “the”, he proposed the wording: “Recognizing that physical protection is central for nuclear security”.

31. The representative of the UNITED STATES OF AMERICA said that he could not accept the new proposal put forward by the representative of the Russian Federation. As had been explained, NSS guidance — drafted and approved by consensus — listed 12 essential elements. The wording “as a central element”, proposed by the representative of the Netherlands, already represented a compromise.

32. The representative of the RUSSIAN FEDERATION said that the consensus with regard to NSS-20 had been achieved at the expert level. The 12 elements mentioned by the Secretariat were not, of course, of equal importance. He suggested that the paragraph be rephrased in some other way to avoid the problem of “a” versus “the”.

33. The representative of CANADA said that physical protection had been recognized “as a key element” in 2021 and it remained so. Although her delegation could accept “as a central element”, it proposed using the wording in the previous year’s resolution.

34. The representative of AUSTRALIA thanked the Secretariat for the advice that physical protection was one of several elements. He supported the wording “as a central element”, which captured the idea of one among several.

35. The representative of NORWAY agreed with the representatives of Australia and Canada. As the Russian Federation was being accommodated by acceptance of the proposal of “central” instead of “key”, it should take that as a victory and the Committee should move on to consider other paragraphs.

36. The representative of the RUSSIAN FEDERATION said that the proposals made by some delegations to revert to the previous year’s text implied that paragraph (g) should be deleted entirely.

37. As the discussion was going around in circles, he suggested moving to paragraph (h). His delegation had on several occasions attempted, unsuccessfully, to introduce an amendment during consultations. He proposed the wording “existing and evolving” rather than “existing, evolving and emerging”; and the words “nuclear security risks, challenges and threats” instead of merely “nuclear security threats”.

38. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in the light of the wording added to paragraph (h) announced by the representative of the Netherlands at the previous meeting, he wished to withdraw his delegation’s reservation. That did not mean, however, that he could accept the paragraph as it was currently worded, but would need to conduct further consultations.

39. The representative of CANADA said that her delegation could agree to the second amendment proposed by the representative of the Russian Federation. However, it had backed the inclusion of the word “emerging” during open-ended consultations, to capture the fact that technological developments gave rise to new vulnerabilities and opportunities for exploitation not covered by “existing” or “evolving”.

40. The representative of ARMENIA said that his delegation would also prefer to retain the word “emerging” in the draft resolution. He had no issue with the additional words proposed by the Russian Federation, but suggested, for the sake of consistency, placing them before “nuclear security”.

41. The representative of ALBANIA said that, if the proposed addition of “risks, challenges and threats” was accepted, the new words should be repeated later in the sentence, to read “addressing such risks, challenges and threats”.

42. The representative of AUSTRALIA agreed with the representative of Canada that the word “emerging” was needed to cover the full spectrum of nuclear security threats.

43. The representative of the RUSSIAN FEDERATION said that, on the basis of the explanation given by the representative of Canada, he proposed: “Remaining concerned about existing, evolving and emerging technological risks, challenges and threats and committed to addressing such risks, challenges and threats”.

44. The representative of the NETHERLANDS said that, after a lengthy discussion about physical protection in paragraph (f), the representative of the Russian Federation had just proposed using the word “technological”, which would narrow down the scope of the risks, challenges and threats. The logic was unclear and the proposal should not be taken up.

45. The representative of GUATEMALA said that he was concerned that issues were being confused just for the sake of it, which should not be done at such a late stage of negotiations. Paragraph (g) mentioned information security and computer security, and one country had voiced concerns about undermining the importance of physical protection. Yet, in the following paragraph, it had proposed an amendment suggesting that risks were solely “technological” — which meant undermining the concept of physical protection. “Technological” did not necessarily mean “physical”, and vice versa. His delegation would therefore prefer not to add the word “technological”.

46. He expressed his support for retaining the word “emerging”, which had a different meaning to existing and evolving.
47. The representative of UKRAINE agreed that the discussion was becoming confusing. Paragraph (h) was increasingly resembling paragraph (j). Unsure about the difference between “risks” and “challenges”, he suggested that another approach should be taken to shorten the text and make it more focused.
48. The representative of the RUSSIAN FEDERATION said that the word “technological” had been proposed in the light of the explanation given earlier by the representative of Canada. To speed up the process, he proposed omitting “technological” and instead using the words “nuclear security risks, challenges and threats”.
49. The representative of AZERBAIJAN said that, as an impartial observer with regard to the paragraph under discussion, he encouraged others not to overcomplicate it. He said that the term “threats” was sufficient — it was broad and encompassed the notions of “risks” and “challenges”. Moreover, retaining the term “nuclear security” was important for clarity.
50. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA proposed deleting “existing, evolving and emerging”, to cover all eventualities.
51. The representative of the NETHERLANDS asked whether the wording “Remaining concerned about existing, evolving and emerging nuclear security risks, challenges and threats and committed to addressing these without prejudice to the sovereign rights of Member States, and reaffirming that the responsibility for nuclear security within a State rests entirely with that State” would be acceptable.
52. The representative of ARMENIA said that, in the light of the new additions, he would prefer a different sequence in the first part of the paragraph. In principle his delegation could accept the paragraph as amended, but would need more time to examine the wording before doing so.
53. The representative of the RUSSIAN FEDERATION asked if the word “them” might be more accurate than “these”.
54. The HEAD OF THE PROGRAMME DEVELOPMENT AND INTERNATIONAL COOPERATION SECTION, having consulted linguistic experts, said that, while there was hardly any difference between “these” and “them”, “these” seemed marginally preferable in the context.
55. The CHAIR, supported by the representatives of SOUTH AFRICA, GUATEMALA and SWITZERLAND, suggested identifying all open paragraphs and sending the interested delegations to informal consultations the following day so that the Committee could turn to another agenda item.
56. The representatives of the UNITED STATES OF AMERICA and BRAZIL agreed that an overview of all the open paragraphs was needed.
57. The representatives of CANADA and the NETHERLANDS agreed with identifying the open paragraphs but not with referring them straight to informal consultations.
58. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was important not to subordinate the Committee to informal consultations, as discussions must be transparent and inclusive. Furthermore, his delegation was not large enough to attend informal consultations held at the same time as the Plenary. His delegation would more need time to consider paragraph (h), as the link between the phrase “without prejudice to the sovereign rights of Member States” and the rest of the sentence was confusing.

59. The representative of EGYPT said that, although he supported the Chair's suggested approach, the informal consultations should not overlap with the Plenary, as smaller delegations did not have the capacity to attend both. As to paragraph (h), the amended wording was a product of balanced negotiations aimed at accommodating the concerns and priorities of all delegations.

60. The representative of the UNITED STATES OF AMERICA, supported by the representative of GUATEMALA, said that the least contentious paragraphs should first be closed in order to make headway and also help smaller delegations to decide whether to attend the informal consultations.

61. The representative of the RUSSIAN FEDERATION said that the Committee should finish working through the draft resolution; very little progress had been achieved. Several paragraphs were problematic for his delegation; they concerned Ukraine — including resolutions adopted by the Board of Governors, minimizing the use of HEU, issues relating to SMRs and the question of information security. The large number of problems reflected the overall quality of the document. Nonetheless, he proposed that the Committee try to tackle them together.

62. The representative of CANADA said that the proponents of the draft resolution had done their best to reflect the views of most Member States in a text that they believed could garner consensus. Delegations, including that of the Russian Federation, should focus on their red lines and not just restate positions because they had not been captured in the text.

63. The representative of NORWAY noted that most of the paragraphs in the draft resolution could be agreed upon, which would be an encouraging step.

64. The CHAIR suggested going through the draft resolution paragraph by paragraph to identify those on which there was consensus, beginning with paragraph (i). He took it that the Committee agreed with his proposal.

65. It was so agreed.

66. The representative of the RUSSIAN FEDERATION said that “and vital” should be deleted from paragraph (i).

67. The representative of the ISLAMIC REPUBLIC OF IRAN said that “and associated facilities” should also be deleted.

68. The representative of the NETHERLANDS recalled that the language of paragraph (i) had been agreed in 2021.

69. The representative of UKRAINE pointed out that, once the wording paragraph (h) had been agreed, paragraph (j) would need to be adjusted accordingly.

70. The CHAIR recalled that representative of the Islamic Republic of Iran had requested more time to consider paragraph (h).

71. The representative of the ISLAMIC REPUBLIC OF IRAN reiterated that the link between the phrase “without prejudice to the sovereign rights of Member States” and the rest of paragraph (h) was confusing. He wondered if punctuation and other editorial improvements were required.

72. The representative of the RUSSIAN FEDERATION said that, after paragraph 22, a new paragraph should be inserted that read: “Requests the Secretariat and the NSGC to expedite the work on the draft Nuclear Security Glossary with a view to publishing at an early date”.

73. In paragraph 28, for the sake of precision “information security” should be changed to “security of information” to avoid overlap with issues covered by the broader UN information security platform.

74. Referring to paragraph 36, he asked the Secretariat whether it would indeed be possible to re-apply all programme support costs from extrabudgetary contributions related to the Nuclear Security Training and Demonstration Centre in order to equip the Centre.

75. As to paragraph 48, he recalled that his country's issue with the Incident and Trafficking Database, which was populated from Wikipedia, was well known. His delegation had allowed the paragraph in previous years as a compromise, but its position in 2022 would depend on how other problematic areas of the draft resolution were handled.

76. In paragraph 59, consideration should be given to including a reference to the principle of professionalism. It was a statutory principle that risked being lost as the Agency pursued workforce diversity.

77. Lastly, he proposed a number of editorial changes: "all" should be inserted after "encourages" in paragraph 15, for consistency with the wording agreed in 2021; "welcomes" should be changed to "notes" in paragraph 24; and "upon request" should be added at the end of paragraph 44.

78. The representative of AUSTRALIA also proposed a couple of editorial changes: to delete "further" in paragraph 45, and change the second "encourages" in paragraph 48 to "further encourages".

79. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in paragraph 59, "ensuring" should be changed to "providing", because Member States could only provide equal access, not ensure it.

80. The representative of the NETHERLANDS asked the representative of the Russian Federation where in the Statute the principle of professionalism was mentioned.

81. In response, the representative of the RUSSIAN FEDERATION, quoting from Article VII.D, said that the Statute gave consideration first to professionalism — i.e. efficiency, technical competence and integrity — and then to geographical representation and Member State contributions. Gender was not mentioned.

The meeting rose at 6.10 p.m.