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Chair: Mr BENGU (South Africa)

Later: Ms CALLESEN (Denmark)

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¹ GC(66)/COM.5/1

Abbreviations used in this record

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
PSC	Programme Support Costs
USA	United States of America
USIE	Unified System for Information Exchange in Incidents and Emergencies

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 contained in document GC(66)/COM.5/L.17. He also recalled that the text was being considered paragraph by paragraph.
2. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE, responding to a question about paragraph 36 of the draft resolution put by the representative of the Russian Federation at the previous meeting, said that PSC were charged and allocated to management and support service areas on the basis of the Agency's PSC policy. Any reapplication of PSC would need to be in line with that policy and approved by the Director General. Any decisions specifically on PSC for the Nuclear Security Training and Demonstration Centre would need to be considered on an exceptional basis.
3. The CHAIR took it that, in view of that explanation, the Committee could agree to paragraph 36.
4. It was so agreed.
5. Turning to paragraph 61, the representative of the RUSSIAN FEDERATION, supported by the representative of the ISLAMIC REPUBLIC OF IRAN, proposed that the words "national nuclear security regime" should be replaced with the previous year's wording: "national nuclear security infrastructure".
6. The representative of the UNITED STATES OF AMERICA noted that the desire to reinstate previously agreed text was somewhat ironic in view of earlier discussions.
7. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was normal to go back to previously agreed language when a new concept did not enjoy the support of Member States. The term "regime" had other unacceptable connotations, which was why his delegation had supported the proposal.
8. The representative of the RUSSIAN FEDERATION, noting the need to reflect reality in paragraph 62, proposed the following amendment: "Encourages the Secretariat to further develop assistance in the relevant areas of importance to Member States, upon their request, to include prevention, detection and response".
9. In paragraph 66, the words "armed conflict on nuclear facilities" should be replaced with "armed conflict or military actions against nuclear facilities" and the words "as a result of armed conflict" with "as a result of armed conflict or military actions".
10. The representative of the UNITED KINGDOM, supported by the representative of the UNITED STATES OF AMERICA, recalled that the latter proposal had been discussed at length in the open-ended working group and no agreement had been reached. There had been a preference to refer solely to "armed conflict" as that was a recognizable term under international humanitarian law. In contrast, the term "military actions" was rather opaque.
11. The representative of the ISLAMIC REPUBLIC OF IRAN said that he strongly objected to the words "armed conflict" and "military actions" as neither term encompassed all potential threats to peaceful nuclear facilities — many of which had arisen in recent years.

12. The representative of UKRAINE said that he could not support the proposal to insert the words “military actions” as there was no clear definition of the term.

13. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation did not support the reference to preparing a “gap analysis”, which was too vague a concept.

14. The representative of the UNITED STATES OF AMERICA requested clarification as to whether the preparation of a gap analysis was an inherent part of the nuclear security guidance development process. If that was the case, he suggested that the reference could be deleted.

15. The representative of UKRAINE said that the rationale behind the paragraph was clear, as the Agency needed to provide specific recommendations on how to address critical nuclear security-related issues arising from armed conflict. However, as consultations with Member States on the development of new nuclear security guidance had not yet started, it was premature to define the preparation of a gap analysis as a first step in the process. He therefore proposed that the phrase “and as a first step prepare a gap analysis” should be placed in square brackets.

16. The DIRECTOR OF THE DIVISION OF NUCLEAR SECURITY, responding to the question put by the representative of the USA, said that the preparation of a gap analysis was a natural part of the document development process.

17. The representative of the ISLAMIC REPUBLIC OF IRAN said that, although his delegation understood the rationale behind paragraph 66, it could not support the paragraph as drafted until its concerns about the problematic reference to “armed conflict” had been addressed.

18. He proposed inserting the word “peaceful” before “nuclear facilities” and placing square brackets around wording, including “armed conflict”, on which there was no agreement.

19. The representative of the NETHERLANDS recalled that the term “armed conflict” had been taken from earlier General Conference resolutions and from the Final Documents of the 1995 and 2010 NPT Review Conferences.

20. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation would need to look closely at the exact language used in the Final Documents.

21. The representative of the RUSSIAN FEDERATION reiterated that the idea behind his delegation’s proposed amendment was to include a reference in paragraph 66 to unilateral short term actions that did not have the same impact as a fully fledged conflict but that still posed a threat to peaceful nuclear facilities.

22. Having taken note of Member States’ desire to employ agreed language used previously, he suggested that “armed conflict” could be replaced with the term “armed attacks”, which had featured in earlier General Conference resolutions.

23. The representative of CANADA, in response to the concern about the term “armed conflict”, said that the intention behind the paragraph was not to reflect each and every threat to peaceful nuclear facilities but to fill a gap in the guidance to Member States in situations where such facilities were being affected by armed conflict.

24. Following a long discussion about how to proceed, the CHAIR suggested that the Committee suspend its consideration of item 14 to allow for informal consultations regarding the remaining open paragraphs.

25. It was so agreed.

Ms Callesen (Denmark), Vice-Chair, took the Chair.

13. Nuclear and radiation safety (GC(66)/10; GC(66)/COM.5/L.15)

26. The CHAIR said that the Committee had before it a report by the Director General on nuclear security, contained in document GC(66)/10, and a draft resolution on nuclear security, contained in document GC(66)/COM.5/L.15.

27. The representative of AUSTRALIA, introducing the draft resolution contained in document GC(66)/COM.5/L.15, said that, in spite of a range of pressures and very short timelines, delegations had shown collegiality and constructiveness. Lengthy discussions had been held at five meetings of the open-ended working group, other contacts with delegations had been made and flexibility had been shown in the withdrawal or amendment of proposals. Nonetheless, the draft resolution contained some paragraphs that might require further discussion. Some proposals had been received recently that had not been comprehensively communicated or discussed.

28. In addition to the 36 countries listed in the document, Albania, Bosnia and Herzegovina and Thailand had sponsored the draft resolution.

29. The representative of ARGENTINA said that he hoped that the spirit of Vienna would continue to manifest itself in discussion of the draft resolution, which was of great importance.

30. The draft resolution included specific requests addressed to the Secretariat, such as in paragraph 82, which should be acted upon swiftly.

31. On the topic of denials of shipment, paragraphs 86 and 87 were extremely significant; the text could give the impression that a great deal had been achieved but a lot remained to be done, and he urged the Secretariat to take the actions specified in the draft resolution.

32. Following a long discussion about how to proceed, the CHAIR agreed that the Committee should consider the draft resolution paragraph by paragraph.

33. The representative of the ISLAMIC REPUBLIC OF IRAN said that he had serious reservations concerning the references in paragraph (i) to the seven indispensable pillars for ensuring nuclear safety and security during an armed conflict ('seven pillars') and to the two General Conference resolutions, the content of which had not been appropriately reflected in the paragraph.

34. The representative of the UNITED KINGDOM said that the paragraph had been discussed extensively in the open-ended working group; his delegation supported the current wording.

35. The representative of SWITZERLAND said that part of the wording had been proposed by his own delegation. The paragraph had been examined at great length and consensus had been very close to being achieved — or consensus minus one.

36. The representative of the ISLAMIC REPUBLIC OF IRAN protested that the expression "consensus minus one" was not appropriate in diplomatic negotiations.

37. The representative of SINGAPORE, supported by the representatives of FRANCE, GERMANY, IRELAND, MEXICO, the NETHERLANDS, SLOVAKIA, SWEDEN and UKRAINE, called for paragraph (i) to be retained as it was.

38. The representative of the UNITED STATES OF AMERICA, supported by the representative of CANADA, expressed her support for retaining paragraph (i), as the references to the 'seven pillars' and the General Conference resolutions and decision were purely factual and could be found in a number of Agency documents.

39. The representative of the ISLAMIC REPUBLIC OF IRAN suggested placing the paragraph in square brackets.
40. The CHAIR said that, although there was widespread support for paragraph (i), the Committee should move on to discuss another paragraph.
41. The representative of EGYPT said that, owing to time constraints during consultations, his country had not finished elaborating its position regarding paragraph (j), which spoke about “licensees”; the previous year’s resolution had used the term “operators”. Further discussion was required as the legal ramifications of such a change were still under consideration.
42. The representative of the RUSSIAN FEDERATION, taking up the comments by the representative of Egypt, proposed replacing “licensees” in paragraph (j) with “licence holders”, in line with the terminology of the Convention on Nuclear Safety.
43. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (s), proposed retaining the language from the 2021 resolution.
44. The CHAIR noted that the proposal put forward by the representative of Iran meant deleting “including through regional associations and networks in this area” along with the words “and shipments”.
45. The representative of SLOVAKIA, supported by the representatives of GERMANY and ITALY said that she wished to retain the current wording of paragraph (s), which had been proposed by the European Union; it was not contentious and merely provided additional detail.
46. The representative of the ISLAMIC REPUBLIC OF IRAN said that, as the importance of international cooperation in the area was being stressed, it was redundant to add more details.
47. The representative of NORWAY said that he would like to retain the entire text of paragraph (s). The new words “and shipments” were particularly important, but he could be open to discussion regarding the other wording.
48. The representative of the RUSSIAN FEDERATION said that since the word “shipments” seemed to imply maritime transport, while “transport” covered carriage by sea, air or land, the words “and shipments” could perhaps be deleted.
49. The representative of NORWAY said that he understood that the word “transport” concerned the process of transportation, while “shipment” encompassed the sender and recipient but not necessarily those conducting the transportation.
50. The representative of the RUSSIAN FEDERATION, drawing attention to paragraph (u), proposed changing the word “plants” to “reactors” or “units”. The word “plants” encompassed many more components than “reactors”, such as temporary spent nuclear fuel stores, and was therefore unsuitable in the context of transportable facilities.
51. The representative of SLOVAKIA said that “transportable nuclear power plants” was the term used in the Agency’s publications and documents. For consistency with past usage, it would be preferable not to change the wording.
52. The representative of CANADA said that it was important to be consistent in all Agency documents; altering the wording to “reactor” could create confusion.
53. The representative of the RUSSIAN FEDERATION said that he would need to consult his national authorities on the matter.

54. The representative of EGYPT, turning to paragraph (w), and supported by the representative of SAUDI ARABIA, proposed replacing “to ensure a cross departmental approach, where applicable, and to provide integrated support to Member States, upon request” with “and encourages further work by the Secretariat to provide support to Member States, upon their request”.
55. As an alternative, he proposed moving the words “where applicable” to after the words “to provide integrated support”.
56. The CHAIR took it that the proposal to move “where applicable” in paragraph (w) was acceptable to the Committee.
57. It was so agreed.
58. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (jj), said that, owing to concerns relating to the peer review mechanism — which he stressed was voluntary — his delegation could not accept the use of the word “Recognizing” and proposed replacing it with “Noting”.
59. The representatives of SLOVAKIA and SWEDEN said that they would prefer to retain the word “Recognizing”, but were also willing to revert to the language used in the previous year’s resolution.
60. The CHAIR proposed that the Committee return to its consideration of paragraph (jj) in due course.
61. The representative of ARMENIA, turning to paragraph (nn), proposed the wording “in line with GSR Part 7” instead of “as recommended in GSR Part 7”.
62. The representative of the RUSSIAN FEDERATION said that “in line with” was too strong as it wrongly implied that the Agency’s safety standards were directly applicable. He proposed amending the wording towards the end of paragraph (nn) to read “other national response actions” and omitting the reference to GSR Part 7.
63. The representative of EGYPT said that it had been decided, following extensive open-ended consultations, to include the reference to GSR Part 7 owing to the ambiguous nature of the phrase “protective actions and other response actions”. The proposed deletion of that reference was therefore problematic for his delegation.
64. The representative of TÜRKIYE said that the wording “and other response actions” was taken directly from GSR Part 7, which contained no reference to national actions. Addition of the word “national” in the paragraph — proposed by the Russian Federation — would not, therefore, be appropriate.
65. The representative of EGYPT said that the matter under discussion was relevant to several paragraphs in the draft resolution and that, in order to save time, the language agreed upon for paragraph (nn) should be applied throughout the text. Since the paragraph did not quote GSR Part 7 directly, he was of the view that the addition of the word “national” would be acceptable. He stressed, however, the importance of retaining the reference to GSR Part 7.
66. The representative of ARMENIA said that it was important to retain the reference to GSR Part 7, as the concepts referred to in the paragraph were rather broad. Highlighting the ambiguous nature of the phrase “other response actions”, he said that the addition of the word “national” could provide clarity. He stressed, however, that GSR Part 7 was not a recommendation but a requirement and that the phrase “as recommended in” was therefore not appropriate. If the use of “in line with” was not agreeable, someone might perhaps propose an alternative.

67. The representative of ALBANIA, supported by the representative of the RUSSIAN FEDERATION, proposed the phrase “as outlined in”.

68. The representative of ARMENIA said that his delegation would need to reflect on that proposal.

69. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had concerns relating to paragraph 6.

70. The representative of AUSTRALIA said that the paragraph was unchanged since 2021.

71. The representative of EGYPT recalled that, during informal consultations, the European Union had proposed including a reference to the interface between safety and security, and his own delegation had proposed adding the word “potential” before the word “interface”. Both proposals had, however, subsequently been withdrawn.

72. The representative of the ISLAMIC REPUBLIC OF IRAN said that, in the light of that explanation, he would withdraw his reservation in relation to paragraph 6.

73. The representative of the RUSSIAN FEDERATION, referring to paragraph 36 and supported by the representatives of ARMENIA, SWITZERLAND and UKRAINE, said that the word “mindful” was rather weak in view of the importance of the Director General’s ‘seven pillars’. He proposed strengthening the wording by replacing “Calls upon” with “Urges”.

74. The representative of the ISLAMIC REPUBLIC OF IRAN said that, with due respect for the Director General, he could not accept any reference to the ‘seven pillars’ until the term had been formally approved by Member States.

75. The CHAIR recalled that there had been discussions about a related matter under paragraph (i).

76. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had reservations relating to paragraph 81.

77. The representative of ARMENIA said that that paragraph 120 mirrored preambular paragraph (nn) and presented the same issues. He therefore proposed replacing the words “as recommended in GSR Part 7” with “in line with GSR Part 7” — while also noting the proposal of the representative of Albania to use the phrase “as outlined in”. In addition, he proposed that the phrase “by contributing to the harmonization of national” be added after the first instance of “including” and that the word “national” be inserted before the word “response”, to ensure consistency with the corresponding preambular paragraph.

78. The representative of TÜRKIYE repeated that the proposed additions did not reflect the language used in GSR Part 7 and were therefore problematic for her delegation.

79. The representative of EGYPT asked the representative from Türkiye why she was opposed to the addition of the word “national” to the paragraphs in question. He understood that the frameworks under discussion related primarily to States.

80. The representative of TÜRKIYE said that, since the paragraph referred directly to GSR Part 7, it would not be appropriate to introduce wording that did not appear in that publication.

81. The representative of ARMENIA said that, while GSR Part 7 made reference to international assistance, it focused primarily on national emergency response efforts and clearly indicated that international assistance should be provided at the request of States. The addition of the word “national” in no way contradicted that document and he would welcome its addition.

82. The representative of EGYPT said that there were no technical grounds for omitting the word “national” and supported its addition. He was, however, willing to exercise flexibility.
83. The representative of TÜRKİYE said that she understood that GSR Part 7 related to interaction and harmonization between States and proposed that the Secretariat be consulted to provide clarification in that regard.
84. The representative of the ISLAMIC REPUBLIC OF IRAN said that the addition of the word “national” would improve the paragraph and therefore supported the proposal.
85. The representative of ARMENIA, referring to paragraph 122, said that the phrase “as recommended in” should be replaced with “in line with” or, if that was not acceptable, “as outlined in”. In addition, the words “other response actions” should be replaced with “other national response actions within their States”.
86. The representative of EGYPT said that the wording quoted in paragraph 126 was taken from GSR Part 7 and therefore proposed the addition of the phrase “as outlined in GSR Part 7” at the end of that paragraph.
87. The representative of the RUSSIAN FEDERATION said that his delegation was in favour of reinstating the wording used in the previous year’s resolution and ending paragraph 126 after the phrase “for all types of accident scenarios”.
88. With regard to paragraph 128, he requested clarification as to what kind of information was being referred to.
89. The representative of AUSTRALIA said that she was unable to clarify what information was being referred to, but that the paragraph was unchanged from the previous year.
90. The representative of the RUSSIAN FEDERATION said that the paragraph was inherently contradictory, since information could not be shared with the general public through a restricted portal such as the USIE mechanism.
91. The CHAIR, thanking the interpreters for staying late, said that the Committee would resume its discussion of the draft resolution contained in document GC(66)/COM.5/L.15 at a later meeting.

The meeting rose at 10.15 p.m.