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Record of the Eighth Meeting

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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
NAM	Non-Aligned Movement
NPP	nuclear power plant
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review and Extension Conference	Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
OLA	Office of Legal Affairs
UN	United Nations
USA	United States of America

23. Restoration of sovereign equality in the IAEA (continued) (GC(66)/1/Add.2; GC(66)/COM.5/L.2)

1. The representative of the NETHERLANDS said that too many countries had been waiting too long to be granted their rightful place within the Agency. Her country called on Member States to ratify the amendment to Article VI of the Statute, which not only provided for the expansion of the Board of Governors but also set out arrangements for the composition of the Agency's eight regional areas.
2. The representative of BELARUS said that the sovereign equality of all Member States was a fundamental principle enshrined in the Statute and formed the basis of international relations. Further procrastination in remedying the current unacceptable situation whereby certain Member States were effectively 'homeless' undermined the spirit of cooperation within the Agency and had a detrimental effect on the organization.
3. Recalling that the most recent discussion of the issue by the Board of Governors had not brought about the desired result, he expressed appreciation to Kazakhstan for bringing the matter to the attention of the General Conference. Calling for a strengthening of the spirit of cooperation and respect, he referred to Article IV of Statute, according to which all Member States must fulfil their obligations in good faith "in order to ensure to all of them the rights and benefits resulting from membership".
4. All countries had a collective responsibility to ensure that no Member State was excluded from participation in the work of the Agency and must work together to resolve the issue. It was clearly preferable for the matter to be resolved within the regional group concerned, but certain members of the group were preventing that from happening.
5. Belarus therefore backed the proposal of Kazakhstan to create an impartial mechanism to assign countries to appropriate regional groups and supported the draft resolution as tabled. The amendments proposed would not expedite the resolution of the issue. As the members of the Far East group had not been able to resolve the issue, the matter should be referred to the General Conference.
6. The representative of MEXICO encouraged the delegation of Kazakhstan to continue its efforts to uphold the principle of sovereign equality within the Agency and assured it of his country's full support. It was important to resolve the matter. He stressed, however, that a number of drafting issues still needed to be addressed in relation to the text under consideration, notably from the point of view of the regional groups.
7. The representative of GERMANY thanked Kazakhstan for tabling the draft resolution and stressed that it was important to resolve the matter. The best way to do that was to ratify and bring into force the amendment to Article VI of the Statute, and that should be reflected in the text.
8. The representative of ARGENTINA thanked Kazakhstan for tabling the draft resolution and welcomed the open and transparent debate under way in the Committee. As a staunch defender of the principle of sovereign equality, his country expressed sympathy with Kazakhstan.
9. Argentina had signed and ratified the amendment to Article VI of the Statute and recognized the importance of that amendment being brought into force swiftly. At the same time, however, it was vital to reach a consensus, given the sensitivity of the issue. He hoped that the Committee could come to an agreement on the draft resolution during the current meeting.

10. The representative of the REPUBLIC OF KOREA expressed regret at the unreasonable finger-pointing by the representative of Kazakhstan during the Committee's previous meeting. Not only were the comments made not factual, but the Committee was certainly not the appropriate forum in which to raise bilateral issues. The fact that the representative of Kazakhstan had referred to its bilateral arrangements during a discussion on the sovereign equality of all Member States provided further proof the draft resolution pertained not to all 'homeless' States, but to Kazakhstan specifically. Kazakhstan's claim that there had been a consensus in the Far East group was false — if there had been a consensus, the Committee would not be considering the matter. Nevertheless, the group would continue its constructive consultations with Kazakhstan.

11. The representative of IRAQ said that her country supported the principle of restoring sovereign equality within the Agency and expressed concern at the situation of Kazakhstan. It was important to note, however, that delegations had not had sufficient time to engage in consultations on the draft resolution and to study it from a procedural or legal perspective.

12. She expressed support for the proposed amendments to paragraphs 1 and 3 made during the previous meeting by the representatives of Egypt and the Republic of Korea.

13. The representative of JAPAN, expressing appreciation for the proposals made during the previous meeting, said that the amended text offered a very good basis for finding common ground and reaching a consensus. Referring to the claim by the representative of Kazakhstan that the representative of one member of the Far East Group had circulated an advisory note to other delegations without consulting with the delegation of Kazakhstan, he clarified that he was the representative in question.

14. In the interests of transparency, he wished to provide some background information which he hoped would indicate that Kazakhstan had not been excluded from consultations on the matter. The draft resolution had been brought to his delegation's attention only the previous week, and a briefing session held just two working days before the start of the General Conference.

15. He commended the Philippine delegation on expeditiously preparing material setting out all the procedural and legal difficulties emanating from the draft resolution and sharing it with the Kazakh Ambassador. Japan and other members of the Far East Group had engaged in constructive discussions with Kazakhstan, but no common ground had been found. The Group's members had then reached out to other delegations — after all, the issue was relevant to all 'homeless' States and the whole Agency system, and related to the competence of the General Conference in addressing the sensitive legal issues at hand. In that connection, he joined others in requesting a legal opinion on the matter.

16. The representative of HUNGARY said that it was important to resolve the issue and supported the text as tabled by Kazakhstan.

17. The representative of the RUSSIAN FEDERATION said that the proposed amendments only complicated the text and that, moreover, references to the amendment to Article VI in no way resolved the issue. Even if the Board of Governors were to grow, the 'homeless' States would still remain outside the regional groups. He therefore supported the draft resolution as tabled.

18. The representative of the ISLAMIC REPUBLIC OF IRAN said that, given the late hour, it was not appropriate to be discussing substantive amendments to the text. He stressed that the proposals made had not been agreed upon and would still need to be relayed to his national authorities. What was more, his delegation had not even had an opportunity to present its own proposed amendments.

19. The representative of the OFFICE OF LEGAL AFFAIRS said that interpretation of the Statute was ultimately the prerogative of Member States. The functions of the General Conference were set out in Article V. D, E and F of the Statute and the General Conference was not authorized to assign Member States to specific areas. Moreover, the draft resolution under consideration had no precedent.

20. The most recent amendment to Article VI of the Statute had been approved by the General Conference on 1 October 1999 through resolution GC(43)/RES/19, after consideration of observations submitted by the Board of Governors on the proposed amendments in accordance with Article XVIII.C.(i) of the Statute. The first amendment referred to the expansion of the membership of the Board to 43.
21. The second included the addition of a new paragraph K under Article VI: “The provisions of paragraph A of this Article, as approved by the General Conference on 1 October 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article”.
22. Accordingly, the amendment would enter into force for all Member States once accepted by two thirds of all the members — currently 175 — in accordance with the Statute. To date, it had been accepted by 63 Member States. Since the adoption of resolution GC(43)/RES/19, the Director General had reported to the General Conference every two years on the progress made towards the entry into force of the amendment to Article VI.
23. The CHAIR asked the representative of Kazakhstan whether he was in position to accept the proposed amendments to the draft resolution.
24. The representative of KAZAKHSTAN thanked Member States and the Secretariat for their efforts to resolve the long-standing issue of restoring sovereign equality within the Agency. The proposed amendments were not acceptable to his delegation — or to many other ‘homeless’ States — as they did not help to remedy the situation. The draft tabled by Kazakhstan provided a platform for establishing a working mechanism to resolve the issue. His delegation therefore wished to retain the original wording and put it to a vote by the General Conference.
25. The CHAIR asked Committee members whether they were prepared to accept the draft resolution as tabled by Kazakhstan.
26. The representative of JAPAN said that his delegation was not willing to accept the original draft.
27. The representative of SWITZERLAND said that, although the issue was important and merited full consideration, it was not for the General Conference to decide on the functioning of the regional groups. He was not, therefore, in a position to accept the draft resolution as tabled by Kazakhstan.
28. The representative of GUATEMALA asked the representative of OLA to clarify whether the General Conference could take a decision on a draft resolution without it being submitted by the Committee. If the purpose of the draft resolution was to enable all Member States to belong to a regional group and participate in the Agency’s decision-making bodies, the best solution might simply be to delete paragraph 2 so that the text was no longer specific and applied to all countries.
29. The representative of the OFFICE OF LEGAL AFFAIRS said that Rule 82 of the Rules of Procedure stated that, subject to any decision of the General Conference and subject to those Rules, “procedures governing the conduct of business in committees and other subsidiary bodies of the General Conference shall conform as far as is appropriate to the rules governing the conduct of business at plenary meetings of the General Conference”. The Committee had long maintained the practice of reporting the outcome of its discussion by the Chair to the plenary of the General Conference.
30. The SECRETARY OF THE COMMITTEE OF THE WHOLE said that, whenever the Committee was not in a position to recommend a draft resolution, the Chair would report accordingly to the plenary

and the item would remain open. The draft resolution's sponsors could then reintroduce the text for consideration by the General Conference meeting in plenary.

31. The representative of the PHILIPPINES said that it was clear that there was no agreement on how to proceed in resolving the issue, which was relevant to all countries. Delegations should therefore be given more time to consult on the matter, in particular given the significant legal opinion provided by OLA.

32. The representative of KAZAKHSTAN asked whether the information provided by OLA had been a legal interpretation or simply legal advice, and whether that body was entitled to provide a legal interpretation of the Statute. Noting concerns relating to the competence of the General Conference, he recognized that the Statute did not explicitly authorize the General Conference to assign Member States to specific areas — nor did it define 'area' or contain any guidelines with regard to membership of regional groups.

33. Nevertheless, he referred to the Director General's report of 10 May 1996 on the principle of sovereign equality of Member States, which stated that, under the Statute, it was for the Board of Governors and the General Conference to act on the premise that each Member State belongs to an area. The report noted that, in the event of doubt as to whether a Member State was within a particular area, the decision could not be taken solely by the Member States acknowledged as being within that area because any State could end up being excluded from all areas. That was precisely the situation with all the 'homeless' States.

34. Whereas some might argue that the report of the Director General was not binding, he stressed that, according to Article 38 of the Statute of the International Court of Justice, "the teachings of the most highly qualified experts of the various nations" could apply "as subsidiary means for the determination of rules of law". Accordingly, the conclusions in the Director General's report — which no Member State had ever contested — could be applied in addressing any legal uncertainty as to the authority of the General Conference.

35. The CHAIR said that he would report to the General Conference that the Committee was not in a position to recommend the draft resolution as tabled.

14. Nuclear security (resumed) (GC(66)/8; GC(66)/COM.5/L.17)

36. 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.

37. At the sixth meeting of the Committee, held the previous day, a number of delegations had requested the floor to propose amendments to the draft resolution contained in document GC(66)COM.5/OR.8/L.17.

38. The representative of the RUSSIAN FEDERATION, recalling firstly that his delegation wished to strengthen language in the text with regard to minimizing the use of HEU, proposed replacing the word "Recognizing" with "Emphasizing" in paragraphs (t) and (u).

39. Referring to paragraph (aa), he proposed that General Conference decision GC(53)/DEC/13 should be noted rather than recalled, consistent with the language used in relation to the

General Conference resolutions mentioned in the same paragraph. Having consulted his national regulator, he could accept paragraph (dd) as it currently stood.

40. Since it referred to a country-specific issue that had no place in the nuclear security resolution, paragraph (mm) should be deleted in its entirety. The Board of Governors resolutions referred to in the paragraph had divided the Board, taken its work beyond the Agency's mandate and presented a distorted version of reality.

41. In paragraph (nn), the word "Ukrainian" should be deleted, since it rendered the paragraph country-specific. After all, it was not just Ukrainian NPPs that had been under attack, but also Russian facilities, including Kursk NPP. Proposing a minor editorial amendment, he said that the word "its" should be replaced with "their" in that paragraph. Stressing that Zaporizhzhya NPP was currently being operated by Ukrainian staff, that the Ukrainian operator and regulator were in contact with the NPP staff and that Unit 6 had recently been shut down in accordance with the regulator's instructions, he proposed ending paragraph (nn) after the words "armed attacks" and inserting a new paragraph (nn) bis, to read: "Urges the immediate cessation of armed attacks against the Zaporizhzhya nuclear power plant". That would maintain the focus on that particular facility while accurately reflecting reality.

42. Turning to the operative part of the draft resolution, he proposed replacing, in paragraph 27, "Ukraine and other countries" with "States". He regretted that it was Ukrainian armed groups that were attacking Ukrainian NPPs. Furthermore, "States" better reflected the idea of territories with a political status than "countries". He also proposed replacing "on nuclear facilities" with "against nuclear facilities" to ensure consistency with General Conference resolution GC(XXIX)/RES/444, referred to in the preambular section — paragraph (aa).

43. In paragraph 66, he proposed replacing the words "armed conflict" with "armed attacks", also consistent with GC(XXIX)/RES/444, and replacing "on nuclear facilities" with "against nuclear facilities". While he had no objection to the proposal by the representative of Ukraine to delete the reference to a gap analysis, he proposed deleting the phrase "requests that the Secretariat report on nuclear security risks at civilian nuclear installations as a result of armed conflict" and inserting the words "and Member States" after "encourages the Secretariat".

44. The representative of IRAN said that the phrase "and associated facilities" should be deleted from paragraphs (e) and (q). In addition, paragraph (g) should be deleted in its entirety.

45. Stressing that his delegation could not accept any reference to the Director General's seven indispensable pillars for ensuring nuclear safety and security during an armed conflict, he proposed the deletion of paragraph (bb) in its entirety and all of the text following the word "circumstances" in paragraph 26. His delegation also had reservations regarding the reference to a graded approach in paragraph 3.

46. Also referring to paragraph 66, he said that it was important to encompass all types of attack or threat of attack against nuclear facilities, and not just attacks in the context of armed conflict or military actions. He therefore proposed replacing the words "armed conflict" in the second line with "the threat of attack or attack" and replacing "armed conflict" in the fourth line with "attack or threat of attack".

47. The representative of SWEDEN said that the only proposal just made by the delegation of the Russian Federation that his delegation could accept was the proposal to replace "on nuclear facilities" with "against nuclear facilities". Having just returned from a plenary session during which the Ukraine issue had been discussed extensively, and at which a joint statement delivered by his delegation had been supported by a very large number of countries, he had the impression that the delegation of the Russian Federation was inhabiting an entirely different reality to all others.

48. The representative of the NETHERLANDS said that the proposals to delete references to Ukraine, resolutions adopted by the Board of Governors and the Director General's 'seven pillars' were very far-reaching and not acceptable to her delegation. While more minor amendments could be agreed upon during the current meeting in a spirit of compromise, she would need to consult with other European Union member States on the more substantive proposals made and suggested that the Committee suspend its discussions for that purpose.

49. The representative of SOUTH AFRICA said that he was not in a position to accept the Russian Federation's proposal with regard to language on minimizing the use of HEU, which had already been discussed extensively.

50. The representative of the RUSSIAN FEDERATION said that scientific truth could not be established through a vote and that votes in favour of the Board's resolutions on Ukraine did not alter the current reality. His delegation would therefore insist on the removal of the reference in paragraph (mm) to those resolutions. He stressed that the joint statement made by Sweden during the recent plenary session had been supported by only 50 of the Agency's 175 Member States — the majority of countries had rejected it.

51. The representative of the NETHERLANDS asked the representative of the Russian Federation whether his assertion that the truth could not be altered by a vote also applied to the sham referendums recently held in Ukraine.

52. The representative of the RUSSIAN FEDERATION stressed that the right of peoples to self-determination was enshrined in the UN Charter. The concept of territorial integrity, on the other hand, was not.

The meeting was suspended at 9.45 p.m. and resumed at 10.40 p.m.

53. The representative of the NETHERLANDS, speaking on behalf of the European Union and its member States, following consultations on the proposed amendments before the Committee, and referring to proposals by the representative of Iran, said that, in a spirit of compromise, she could accept the deletion of the phrase "and associated facilities" from paragraph (q), but would prefer to retain it in paragraph (e).

54. As the wording in paragraph (g) was the outcome of lengthy discussions she could not accept its deletion. Likewise, the proposal to delete the reference to the Director General's 'seven pillars' in paragraph (bb) was not acceptable.

55. Turning to paragraph 3, she said that she could accept the deletion of the phrase "using a graded approach" and expressed gratitude to other delegations for their flexibility in that regard. Iran's proposal to delete the second half of paragraph 26, containing the reference to the 'seven pillars', was, however, not acceptable.

56. With regard to the proposals made by the representative of the Russian Federation, she recalled that the proposed change to paragraphs (t) and (u) was not acceptable to the delegation of South Africa. She could, however, accept the proposal to replace "Recalling" with "Noting" in paragraph (aa).

57. Whereas the deletion of paragraph (mm) in its entirety was not acceptable, she proposed replacing "Recalling" with "Noting the adoption of" in order to take into account some Member States' concerns.

58. Turning to paragraph (nn), she said that the deletion of the reference to Ukraine was not acceptable to a number of Member States and that the reference should therefore be retained. She could, however, agree to replace "its" with "their" in that paragraph. The proposed paragraph (nn) bis was also acceptable, but not as a replacement for wording currently in paragraph (nn). Instead, she proposed that

paragraph (nn) be amended to read as follows: “Emphasizing the increasing risk on the physical integrity of Ukrainian nuclear facilities and their nuclear and radioactive material due to armed attacks, and noting with grave concern attacks on nuclear facilities devoted to peaceful purposes, as well as the significant loss of control over the Zaporizhzhya Nuclear Power Plant by the competent authorities and the operator, and the negative consequences on nuclear security, including physical protection, and”.

59. In view of the reservations pertaining to paragraph 27, she proposed the deletion of that paragraph in its entirety.

60. Turning to proposals made in earlier meetings, she said that the replacement in paragraph 15 of “Encourages States” with “Encourages all States”, as proposed by the Russian Federation, was acceptable.

61. With regard to paragraph 22, she suggested that it read as follows: “Encourages all Member States to take into account, as appropriate, the Nuclear Security Series publications and to make use of them at their national discretion in their efforts to strengthen nuclear security, and requests the Secretariat to expedite the work on the draft Nuclear Security Glossary containing nuclear security terms with a view to publishing at an early date”.

62. She could not accept the Russian Federation’s proposal to replace “information security” with “security of information” in paragraph 28, but could accept its proposed addition of “upon request” at the end of paragraph 44.

63. With regard to that delegation’s proposal to include a reference to the principle of professionalism in paragraph 59, she proposed that the paragraph could begin by requesting the Secretariat “to secure high-level professional staff”. The proposal by the delegation of Iran to replace “ensuring” with “providing” at the end of that paragraph was acceptable.

64. Turning to paragraph 61, she recalled the lengthy discussion as to whether to replace “regime” with “infrastructure” and suggested the compromise solution “regimes and infrastructures”.

65. For paragraph 66, she proposed the following wording: “Calls on the Secretariat to consider developing, in close consultation with Member States, new nuclear security guidance to address the security implications posed by armed attacks on nuclear facilities devoted to peaceful purposes, requests that the Secretariat report on nuclear security risks at civilian nuclear installations as a result of armed attack, and further encourages the Agency to consider reflecting these aspects in further Nuclear Security Plans; and”. Recognizing that the paragraph was problematic for some, she wondered whether it would be possible to amend the wording to take into account all potential threats to peaceful nuclear facilities, as proposed by the delegation of Iran.

66. She hoped that, in a spirit of compromise, the Committee could reach a consensus on the majority of paragraphs discussed.

67. The representative of ARGENTINA, supported by the representatives of BRAZIL and EGYPT, said that his delegation had reservations with regard to the proposed reference in paragraph 22 to the draft Nuclear Security Glossary, which was an internal Secretariat document on which Member States had not yet been consulted. He therefore proposed the deletion of that reference, on the understanding that it could be introduced in a future resolution.

68. The representative of the NETHERLANDS said that she could accept the deletion of the reference to the draft Glossary in paragraph 22.

69. The representative of UKRAINE said that the words “attacks on nuclear facilities devoted to peaceful purposes, as well as” should be deleted from paragraph (nn), as that paragraph should focus specifically on Zaporizhzhya NPP.

70. The representative of the RUSSIAN FEDERATION expressed regret that the authors of the draft resolution had stubbornly ignored his delegation’s comments and insisted on including references to a country-specific issue and to contentious, politically-motivated Board of Governors resolutions. As things stood, it seemed that a consensus would not be reached by the Committee and he feared that his delegation would be compelled to propose further amendments that would likely need to be put to a vote — one that was not likely to be won by his Western colleagues. One such proposal was to state in the text’s preambular section that nuclear security was a non-statutory activity of the Agency. With that in mind, he asked the authors to weigh up the benefits of retaining their proposed wording.

71. The representative of SWEDEN said that the Committee had taken the views of the Russian Federation into account, but simply did not agree with them. The draft resolution had been discussed at length and only one delegation opposed the current wording. While all delegations had a right to express their views, the current discussion was not conducive to reaching a consensus.

72. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation also had reservations relating to the current draft, as it did not believe that a General Conference resolution was the appropriate place to address a country-specific issue.

73. The representative of the UNITED STATES OF AMERICA, stressing that only a small number of delegations had concerns regarding the text, said that the Committee should work in a spirit of compromise to find solutions and should refrain from politicizing its discussion.

74. The representative of the ISLAMIC REPUBLIC OF IRAN, agreeing that the discussion should not be politicized, reiterated that the text should not therefore include country-specific elements.

75. The representative of the RUSSIAN FEDERATION said that he agreed that the draft resolution should not be politicized. If just one paragraph were to be removed and another edited, it would cease to be politicized; otherwise, his country would be compelled to further politicize the draft resolution, but it had not been the one to start down that path.

76. The representative of NORWAY said that proposals from two countries had been heard and others had considered how to accommodate them. Compromise on a range of issues had been found and enjoyed wide support. However, consensus on binary questions was not possible — there was no middle ground if two countries disagreed with the draft resolution’s reference to a particular State while a large group wished to see such a specific reference. He did not see the utility of pursuing discussions on the matter. Unless a solution was evident, there was perhaps a need to recognize that stalemate had been reached.

77. The representative of the NETHERLANDS said that two major issues remained where two countries could not be accommodated. She asked whether there was agreement on the paragraphs where they had been accommodated, aside from the small number of paragraphs where disagreement persisted.

78. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was the art of diplomacy to work together to find a solution and that trying to pit delegations against each other was not helpful. Despite statements to the contrary, his delegation had not seen particular flexibility from the European Union — cosmetic rather than substantive changes had been made, although his delegation had been ready to reciprocate had flexibility been shown.

79. He suggested deferring discussion until the following day because it was important for all to have ownership of the draft resolution, which concerned a topic of universal interest. There was a shared responsibility to preserve the consensual nature of the draft resolution.

80. Alternatively, he suggested using the previous year's wording and only adding text on which all delegations could agree.

81. The representative of CHINA said that her delegation wanted consensus. While claiming that they too desired consensus, other delegations continued to rely on their majority in votes. She hoped that consensus would indeed be sought rather than using voting numbers to silence other countries. The issue under discussion should definitely not be politicized.

82. The representative of the RUSSIAN FEDERATION said that, since a group of Western countries were insisting on retaining two politicized paragraphs, his delegation would have to politicize two other paragraphs, after which he would be prepared to clean up the text.

83. He therefore proposed adding a new paragraph before paragraph (a), reading: "Recognizing that nuclear security is a non-statutory activity of the Agency" — the term "nuclear security" did not occur in the Statute, which mentioned only "safety".

84. In paragraph (p), he proposed omitting the obsolete reference "including the Nuclear Security Summits". Although that paragraph spoke about inclusivity, an event bringing together, at best, scarcely more than 50 countries could not be called "inclusive".

85. As a result, the draft resolution would contain two paragraphs politicized by the West and two politicized by the Russian Federation. He was, therefore, ready to discuss the rest of the text.

86. The representative of CANADA noted that some progress had been made; for example, the representative of the Netherlands had offered to delete paragraph 27, which was scarcely a cosmetic change. The paragraph was very important to her own delegation and its omission represented a genuine attempt to accommodate others. That and other proposed changes must be seen as meaningful endeavours to show flexibility.

87. The representative of the RUSSIAN FEDERATION said that his delegation was ready to continue discussions all night long, on the current draft resolution — aside from the four deeply politicized paragraphs — and others.

88. The CHAIR said that, as progress and flexibility were proving elusive, an informal meeting could be held the following morning.

89. The representative of CANADA suggested that the paragraphs on which compromise had already been achieved could be closed, in order to narrow down the work to be done the following day.

90. The representative of the UNITED STATES OF AMERICA said that, whereas there had been an effort to reach consensus, two delegations had not embraced that approach. The statement by the representative of the Russian Federation was not a genuine effort to resolve issues; instead he had proposed adding an inflammatory paragraph. An honest approach was required if progress was to be made.

91. The representative of the NETHERLANDS said that all proposals made by Iran and the Russian Federation had been considered by the European Union and by other countries that had proposed text affected by those proposals. A large group could accept them; such paragraphs could, therefore, be closed. Flexibility had been shown in accommodating those requests and they represented concessions. Agreement had been reached, which meant that progress had indeed been made.

92. The representative of AUSTRALIA, supported by the representative of CANADA, called for a quick review of the draft resolution to see which paragraphs could be closed.

93. The CHAIR took it that the Committee agreed to that approach and proposed going through the amended text paragraph by paragraph.

94. It was so agreed.

95. With regard to paragraph (d), the representative of the RUSSIAN FEDERATION said that, whereas “agreed by consensus” was acceptable, the words “as well as other relevant IAEA documents” should be deleted as they were unclear.

96. The representative of the NETHERLANDS said that, in a spirit of compromise, she could agree to the proposed deletion.

97. The representative of the RUSSIAN FEDERATION said that, also in a spirit of compromise, he could accept the wording “a central element” in paragraph (f).

98. The representative of the UNITED STATES OF AMERICA said that the compromise was acceptable to his delegation and commended the change in attitude.

99. The representative of the RUSSIAN FEDERATION withdrew his delegation’s previous objections to paragraph (g).

100. The representative of the ISLAMIC REPUBLIC OF IRAN requested that his delegation’s brackets around paragraph (g) be retained.

101. The representative of the UNITED STATES OF AMERICA asked the delegation that had queried “and vital” in paragraph (i) to consider a compromise.

102. The representative of the RUSSIAN FEDERATION said that the new wording, added in 2022, did not properly reflect the events of the preceding year. Nonetheless, his delegation was prepared, in a spirit of compromise, to withdraw its objection on the understanding that its position on other points would be taken into consideration.

103. The representative of the ISLAMIC REPUBLIC OF IRAN requested that the brackets around “and vital” in paragraph (i) be retained and that the expression “and associated facilities” also be placed in brackets, as it was in several other paragraphs.

104. The representative of the UNITED STATES OF AMERICA asked, aside from “and associated facilities”, whether the delegation of Iran could propose language for the paragraph that it would find acceptable.

105. The representative of the RUSSIAN FEDERATION said that he would insist on deleting the reference to the Nuclear Security Summits in paragraph (p) as long as the draft resolution referred to a country-specific matter and to Board of Governors resolutions.

106. The representative of the NETHERLANDS, referring to the deletion proposed by the representative of the Russian Federation, said that lengthy discussions had taken place in the open-ended working group. Implicit in all the discussions was that mentioning the Nuclear Security Summits was linked to the reference to the NAM meeting in paragraph (o).

107. The representative of the RUSSIAN FEDERATION reiterated that his proposal was a political one. He was not proposing the omission of the reference to the NAM summit. However, the Russian Federation was not a member of NAM and had not participated in the latest Nuclear Security Summit.

108. The representative of the UNITED STATES OF AMERICA asked whether paragraph (bb) was acceptable.

109. The representative of the RUSSIAN FEDERATION said that it was; the brackets around the paragraph had not been requested by his delegation.

110. The representative of the ISLAMIC REPUBLIC OF IRAN requested that the Committee move on to discuss other paragraphs.

111. The representative of the RUSSIAN FEDERATION said that paragraph (mm) must be deleted as it referred to two resolutions that had divided the Board of Governors and caused it to stray far beyond the Agency's mandate.

112. He asked which delegation had proposed deleting "using a graded approach" in paragraph 3. In his delegation's view, the wording was accurate.

113. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had proposed the deletion as a compromise, as it was dissatisfied with the rest of the paragraph. As the paragraph highlighted the responsibility of Member States, it was superfluous to enter into details. He was satisfied with the compromise reached.

114. The representative of the RUSSIAN FEDERATION said that he could accept the deletion. Each country would decide for itself and his own would use a graded approach.

115. He recalled that the representative of the Netherlands had announced at an earlier meeting that, in paragraph 4, the word "developing" had been replaced with "exploring" and the phrase "in cooperation with Member States" had been replaced with "under the leadership of Member States". He asked whether the word "exploring" might not be rather weak, as it could turn out that, following the assessment mentioned in the paragraph, the process might not be "under the leadership of Member States".

116. The representative of EGYPT said that, whereas the current wording of paragraph 4 was mostly acceptable to his delegation, it might be necessary to change "a future process" to "the future process".

117. The representative of SOUTH AFRICA, supported by the representatives of BRAZIL, ARGENTINA and COLOMBIA, said that the balance struck in the paragraph was the product of lengthy and arduous discussions. He urged others to accept the current wording.

118. He said that, following consultations, he could confirm that the agreed wording was "a future process".

119. The representative of the ISLAMIC REPUBLIC OF IRAN said that the word "all" in paragraph 15 had no added value and should be omitted. It was the prerogative of Member States to make such a decision.

120. The representative of the NETHERLANDS said that, as many Member States did not want a reference to the glossary in paragraph 22, deletion of the passage was acceptable.

121. The representative of the RUSSIAN FEDERATION said that, although he could accept the deletion of the reference, his delegation's view had not been accurately reflected. The glossary containing nuclear security terms was not a nuclear security glossary, but rather a joint safety–security glossary under development, to which he was opposed. The safety glossary already existed, and a security glossary should appear before the merging of the two could be considered.

122. He said, however, that he could accept the wording of paragraph 26. The brackets had not been requested by his delegation, which had no problem with the 'seven pillars'.

123. The representative of the UNITED STATES OF AMERICA said that his delegation placed great importance on the paragraph and asked the delegation of Iran if it could accept the wording. Although the word “outlined” had been used by the Director General in his statements and press releases, the USA had taken the difficult decision to compromise by accepting the word “advanced”. He asked the delegation of Iran to articulate what would make the paragraph acceptable.

124. The representative of the ISLAMIC REPUBLIC OF IRAN said that the delegation of the USA was trying to corner his own delegation with a ‘divide and rule’ approach. His delegation would adhere to its principles regardless of the efforts of others.

125. His delegation had repeatedly stated why it could not agree to the paragraph. Even proponents of the wording in question were not sure whether the ‘seven pillars’ were an initiative, a set of standards or just guidelines; in some respects, they looked like a checklist. The issue was not so much the content, but that due process had not been followed. The Director General had outlined the ‘seven pillars’ at a very specific time and in response to a very specific issue, and he thanked the Director General for having reacted to an emergency. Nonetheless, unless they were just a one-off initiative, it was vital to verify every aspect of the ‘seven pillars’ and have the Secretariat examine them and ensure their applicability.

126. He asked other delegations to show more flexibility on other paragraphs, in order to be able to be flexible on paragraph 26 — one of the most challenging in the draft resolution for his own delegation.

127. The representative of the NETHERLANDS said that paragraph 27 could be deleted in response to the various objections.

128. The representative of the RUSSIAN FEDERATION said that, although he could accept the deletion of the paragraph, that had not been his request — he had proposed merely replacing “Ukraine and other countries” with the word “States”.

129. The representative of CANADA said that she could not accept the proposed wording “security of information” in paragraph 28 and that “information security” should be retained.

130. The representative of the RUSSIAN FEDERATION said that, whereas “security of information” would be a more precise term, “information security” was also acceptable.

131. The representative of the NETHERLANDS agreed to the deletion of “further” before “encourages” in paragraph 45 and the addition of “further” before “encourages” in paragraph 48.

132. Turning to paragraph 59, she said that there was no disagreement among delegations that Secretariat staff being recruited needed to be professional. However, the wording proposed by the Russian Federation suggested that that was not currently the case, which was why the wording “to secure high-level professional staff” had been put forward.

133. The representative of the RUSSIAN FEDERATION said that he disagreed: the wording proposed by his delegation suggested continuing an existing practice, whereas “to secure high-level professional staff” made it sound as if existing staff were not professional — which was not his delegation’s view. Further study of the Statute’s wording might be required.

134. Turning to paragraph 61, he said that, since the word “infrastructure” encompassed the notion of a “regime”, he again proposed using the wording in the previous year’s resolution, which had “national nuclear security infrastructure”.

135. For paragraph 62, the representative of ARMENIA proposed the wording: “Encourages the Secretariat to further develop assistance to Member States upon request in the relevant areas of importance to include prevention, detection and response”.

136. The representative of the NETHERLANDS, supported by the representative of ARMENIA, said it would be more accurate to refer to “States”, not “Member States”.

137. The representative of the RUSSIAN FEDERATION said that, in the amendment just proposed, the word “their” in “upon their request” — as originally proposed — had been lost. Moreover, the syntax could be made clearer. Accordingly, he proposed the wording: “Encourages the Secretariat to further develop assistance to States upon their request in the relevant areas of importance to them to include prevention, detection and response”.

138. The representative of the ISLAMIC REPUBLIC OF IRAN said that the proposals for paragraph 66 made by his delegation seemed to have been overlooked. He again proposed the wording “posed by the threat of attack or attack” and also “as a result of the threat of attack or attack”.

139. The representative of the UNITED STATES OF AMERICA said that, in the drafting process, three paragraphs had been combined into the current single paragraph, with input from colleagues from Ukraine and others. The reasoning was to provide guidance to the Secretariat in order to address a phenomenon that had arisen over the preceding year of an armed attack committed by one State on the nuclear facility of another. He asked the Secretariat to clarify whether the proposals by Iran would lead them to develop new guidance regarding an armed attack on a nuclear facility.

140. The DIRECTOR OF THE DIVISION OF NUCLEAR SECURITY said that Member States might wish to consider all proposals relating to “threat of attack or attack” together in order to ensure terminological consistency and clarity.

141. Any new document in the Nuclear Security Series was developed in accordance with a well-established process, involving the relevant committee and Member States. Sufficient information had indeed been provided to start such a process.

142. The representative of SWEDEN said that he was hesitant to accept the word “threat”, which was much vaguer than the clearly comprehensible terms “armed attack” or “attack”.

143. The representative of the RUSSIAN FEDERATION said, in response to the comments made by representative of the USA, that armed attacks against nuclear facilities were not new, as clearly demonstrated by General Conference resolutions GC(XXIX)/RES/444 and GC(XXXIV)/RES/533.

144. The Secretariat should report before Member States considered developing new nuclear security guidance. He would therefore propose moving the reference to the Secretariat reporting in paragraph 66 before the reference to the nuclear security guidance, and to use the wording “requests the Secretariat to develop a comprehensive report on nuclear security risks” in order to ensure that no cases were missed and that not only new cases were studied. Furthermore, instead of “civilian nuclear installations”, the wording “peaceful nuclear facilities” should be used, as elsewhere in the text.

145. He added that, as threats could influence circumstances at facilities, they should be mentioned in the draft resolution. However, the wording “attacks or threats of attacks” should be used throughout the paragraph.

146. The representative of UKRAINE recalled that paragraph 66 had been the subject of extensive consultations and discussions in the open-ended working group and was a combination of several approaches. It dealt with a completely new nuclear security problem — the security implications of armed conflicts, which was a very broad term including, in particular, armed attacks against nuclear facilities, and many other security implications. The intention was not to determine what the Secretariat should consider developing and he would prefer retaining the original language.

147. The representative of FRANCE said that, since the word “threats” greatly diluted the initial highly specific focus on armed conflict, he was highly reluctant to accept the proposed wording.

148. The DIRECTOR OF THE DIVISION OF NUCLEAR SECURITY said that the original wording had mentioned nuclear security guidance, for which the process and resources were very clear; it had also requested the Secretariat to report — one of its customary activities. However, the proposal that the Secretariat should “develop a comprehensive report” was less clear and had several ramifications, including financial ones.

149. She reiterated that consistency of terminology with regard to the use of the word “attacks” should be ensured, including in connection with the processes for developing new nuclear security documents.

150. The representative of the ISLAMIC REPUBLIC OF IRAN said that he was surprised by the statements made by the representatives of France and Sweden. He noted that paragraph 20 of Decision 2 of the 1995 NPT Review and Extension Conference made very clear that “threats” was not an abstract term.

151. Many other examples from parent documents could be provided — his delegation had not simply invented wording, as sometimes seemed to be alleged. He did not wish to stand in the way of the sovereign right of other countries to change their mind, but his country remained committed to that Decision.

152. The representative of the RUSSIAN FEDERATION said that, as General Conference resolutions GC(XXIX)/RES/444 and GC(XXXIV)/RES/533 — mentioned in the current draft resolution — contained the wording “attacks or threats of attack”, it made sense to have that wording in the current draft resolution as well. In terms of budgetary implications, one report would surely be much cheaper than regular reporting.

153. The representative of the UNITED STATES OF AMERICA, responding to the representative of the Russian Federation, said that he would be wary of asserting that there would be no financial implications. The Secretariat had expended significant resources — many of them extrabudgetary — to produce the Fukushima report, which had also required a great deal of effort from Secretariat and Member State experts. The current proposed wording of the paragraph might require the Division to publish a report consuming significant resources, time and Member State expertise. He proposed retaining the wording “report to Member States” and requested confirmation from the Secretariat.

154. The DIRECTOR OF THE DIVISION OF NUCLEAR SECURITY said that budgetary implications were the overriding consideration and needed to be taken into account — her Division functioned thanks to extrabudgetary contributions. The clarity of the process was highly important. For any new document, there was an established and clear process, with the involvement of Member States, and an established process for financial contributions. Anything else created uncertainty and was financially highly problematic.

155. The representative of PAKISTAN noted that paragraph 1 of General Conference resolution GC(XXXIV)/RES/533 contained the phrase “attacks or threats of attack”. In addition, the draft resolution stated that nuclear security involved more than physical protection. The wording “attacks or threats of attack” would broaden the focus of the paragraph and ensure its relevance for years to come.

156. The representative of the NETHERLANDS, acknowledging the importance of discussing threats, questioned whether mutually acceptable language could be found. She also wondered whether it was even possible to request the Secretariat to develop nuclear security guidance in relation to “threats of attack”. Time for reflection was needed — the Secretariat was being asked to develop nuclear security guidance and the full consequences should be considered.

157. The representative of the ISLAMIC REPUBLIC OF IRAN said that he agreed with the representative of Pakistan and supported the proposal of “attacks or threats of attack”.

158. The representative of the RUSSIAN FEDERATION said that the suggestion with regard to guidance was for it to address the security implications posed by attacks or threats of attack. As threats could have security implications and could trigger many things, it was entirely legitimate to refer to them in the draft resolution.

159. The representative of ALBANIA said that paragraph 20 of Decision 2 of the 1995 NPT Review and Extension Conference, cited by the representative of Iran, referred to nuclear safety and not nuclear security — they were quite different.

160. The representative of the RUSSIAN FEDERATION said that the 1995 document had appeared before the notion of security had been introduced into the Agency’s work; it had previously been referred to as ‘physical protection’.

161. The representative of AZERBAIJAN asked whether the words “attacks or threats of attack” could be used in conjunction with the word “armed”.

162. The representative of AUSTRALIA suggested that the meeting be adjourned given the late hour.

163. The representative of the RUSSIAN FEDERATION said that his delegation stood ready to continue discussing the current draft resolution and others.

164. The representative of ARMENIA, noting that agreement seemed close on paragraph 66, called for the discussions to continue.

165. The CHAIR, expressing his gratitude for the flexibility, cooperation and dedication shown by all delegations and the Secretariat, suggested that the Committee adjourn and reconvene the following day.

The meeting rose at 1.35 a.m.