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Chair: Mr BENGU (South Africa)

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¹ GC(66)/COM.5/1

Abbreviations used in this record

CNS	Convention on Nuclear Safety
DPRK	Democratic People's Republic of Korea
EU	European Union
International Basic Safety Standards	International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources
NPP	nuclear power plant
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
SQP	small quantities protocol
TCF	Technical Cooperation Fund
UK	United Kingdom of Great Britain and Northern Ireland
USA	United States of America

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

1. The representative of KAZAKHSTAN, thanking Member States and the Secretariat for showing support for his delegation's initiative, said that the Statute clearly stipulated the sovereign equality of all Member States. The purpose of the draft resolution under consideration was to secure the legitimate right of the 'homeless' States, not an additional advantage or privileged status. His delegation stood for the equality of all and strongly opposed any attempt to prolong the unhealthy practice of inequality, which violated the Statute.
2. During the Committee's discussions the previous day, Member States had expressed their eagerness to resolve the long-standing issue. There had been a strong call for constructive consultations with all interested parties, including from those States that had previously been unwilling to even demonstrate flexibility. His delegation hoped that that represented a genuine desire to find a solution.
3. His delegation could not accept some of the proposed amendments because they did nothing to resolve the issue and actually rolled back the progress that had been made over the previous three decades. However, as a show of good will, Kazakhstan had decided to defer the draft resolution to the sixty-seventh regular session of the General Conference so as to avoid any further discord and delay and to hold robust consultations to find a satisfactory solution. Kazakhstan stood ready to engage with all Member States and would continue working to restore sovereign equality and to ensure that all 'homeless' States were assigned to the appropriate regional group so that they could exercise their full rights as Member States.
4. The representative of the UNITED STATES OF AMERICA, thanking Kazakhstan for calling attention to a long-standing challenge, said that all Member States should be in an appropriate regional group so that they could be nominated for and elected to the Board and other decision-making bodies within the Agency. Her delegation had already committed to working with Kazakhstan and other 'homeless' States to take constructive steps towards a broadly acceptable solution.
5. The representative of the PHILIPPINES, speaking also on behalf of Japan and South Africa, said that they had withdrawn their proposed amendments in the light of Kazakhstan's decision. The issue must be addressed urgently so that 'homeless' States could benefit fully from their Agency membership, under the principle of sovereign equality. The Secretariat and Member States should engage in open, transparent and inclusive consultations in good faith to move the process forward.
6. The representative of SOUTH AFRICA thanked Kazakhstan for bringing into sharp focus the injustice arising from the denial of the rights of certain Member States to participate actively and fully in the Board. His country firmly supported inclusivity and equality, which were hallmarks of the multilateral system.
7. Appreciative of Kazakhstan's decision, he underscored that the deferral should in no way be viewed as allowing further delays in finding a solution to the problem. Member States and the Secretariat should engage in an open, transparent, inclusive process to promptly address the matter. Firm proposals should be concluded as soon as possible, ideally within a year. South Africa would remain side by side with Kazakhstan in its battle.
8. The representative of the UNITED KINGDOM, appreciative of the flexible and constructive attitude of the delegation of Kazakhstan, said that not one State was satisfied with the status quo. Given

the clear agreement within the Committee on the need to swiftly find an appropriate solution, Kazakhstan's offer for further open and inclusive consultations was welcome. The General Conference and the Board must remain apprised of the matter and work tirelessly towards a solution based on dialogue and consensus.

9. The representative of the RUSSIAN FEDERATION said that it was regrettable that a number of the proposed amendments, some of which had nothing to do with resolving the issue of 'homeless' States, had seemingly compelled Kazakhstan to defer the draft resolution. Noting that the amendment to Article VI of the Statute also did nothing to rectify the problem, his country stood ready to engage in further efforts at subsequent General Conferences, on the basis of the draft resolution proposed by Kazakhstan.

10. The representative of SWEDEN, supported by the representative of JAPAN, thanked the delegation of Kazakhstan for its constructive approach and called for progress on the important issue of 'homeless' States.

11. The CHAIR said that he would report to the plenary that the Committee had held substantive discussions on the item and that Kazakhstan had announced its intention to defer submission of its draft resolution to the sixty-seventh regular session of the General Conference, to allow for further consultations among Member States.

10. The Agency's Budget update for 2023 (resumed) (GC(66)/6 and GC(66)/INF/13; GC(66)/COM.5/L.1)

12. The representative of CHINA said that, following in-depth consultations, a compromise had been reached on rewording the first preambular paragraph to read: "Accepting the recommendations of the Board of Governors relating to the Regular Budget of the Agency for 2023, while reaffirming, in this context, the effectiveness and integrity of all the relevant provisions in the Statute".

13. The representatives of the UNITED STATES OF AMERICA, ITALY, SWITZERLAND, SOUTH AFRICA, the PHILIPPINES, ARGENTINA, INDONESIA, PAKISTAN, the RUSSIAN FEDERATION and EGYPT thanked China for its flexibility and accepted the proposed amendment.

14. The representative of MEXICO said that the amendments submitted had been unnecessary and represented a regrettable attempt to politicize the budget. All Member States should respect the Agency's work and its budget allocation mechanism. Nevertheless, he accepted the new proposal.

15. The representatives of JAPAN, SWEDEN and COLOMBIA, expressing agreement with the representative of Mexico, thanked China for its constructive approach and accepted the amendment.

16. The representative of INDIA, echoing the views of previous speakers, said that she could accept the amendment for the sake of consensus.

17. The CHAIR took it that the Committee wished to recommend that the Conference adopt the amendment to draft resolution "A. Regular Budget Appropriations for 2023".

18. It was so decided.

19. The CHAIR took it that that the Committee wished to recommend that the General Conference approve a total Regular Budget for 2023 of €400 009 616 for the operational portion and €6 205 732 for

the capital portion, on the basis of an exchange rate of US \$1.00 to €1.00, and, accordingly, that it adopt draft resolution “A. Regular Budget Appropriations for 2023” as amended.

20. It was so decided.

21. The CHAIR also took it that the Committee wished to recommend that the General Conference approve a target for voluntary contributions to the TCF for 2023 of € 92 600 000, and, accordingly, that it adopt draft resolution “B. Technical Cooperation Fund Allocation for 2023”.

22. It was so decided.

23. The CHAIR further took it that the Committee wished to recommend that the General Conference approve a Working Capital Fund level of € 15 210 000 for 2023, and, accordingly, that it adopt draft resolution “C. The Working Capital Fund for 2023”.

24. It was so decided.

17. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed) (GC(66)/13; GC(66)/COM.5/L.14, L.18/Rev.1, L.19 and L.20)

25. The representative of AUSTRIA said that, following informal consultations, a compromise had been reached on paragraph (j). Accordingly, it would begin with the words “Recalling the central importance of the comprehensive safeguards agreements for the implementation of the NPT obligations pursuant to Article III”.

26. Paragraph 11 would be deleted owing to duplication, and in paragraph 12 — new paragraph 11 — the words “as the original SQP is not adequate for the current safeguards system” would be replaced by “with a view that States with limited quantities of nuclear material strengthen their safeguards implementation in an adequate manner”.

27. In addition, the Secretariat had provided the data for updating the number of States in paragraphs 13 and 14 — to be renumbered 12 and 13 in the light of the previous amendment. The date in both paragraphs would be 30 September 2022.

28. She thanked all delegations for their flexibility and constructive approach, and the Egyptian delegation in particular for facilitating the wording in paragraphs (j) and 12.

29. The representative of CHINA said that, in the spirit of consensus, her delegation had withdrawn its proposed amendments, contained in document GC(66)/COM.5/L.18/Rev.1.

30. The representative of AUSTRALIA, speaking also on behalf of the UK and the USA, said that he wished to withdraw the proposed amendments contained in document GC(66)/COM.5/L.19. Happy with the new proposed amendments, he thanked delegations for their constructive approach during the intensive consultations.

31. The representative of ARGENTINA, speaking also on behalf of Brazil, said that he wished to withdraw the proposed amendments contained in document GC(66)/COM.5/L.20. He thanked delegations for engaging in dialogue and demonstrating flexibility.

32. The representative of the RUSSIAN FEDERATION, pleased that a solution had been found for paragraphs (j) and 12, said that his delegation had not withdrawn its proposal to reflect the voluntary

nature of the additional protocol in paragraph (n). Moreover, paragraphs (i) and 3 both needed to be discussed. His delegations hoped that the remaining issues could be solved.

33. The representative of AUSTRIA said that the Russian delegation's proposals for paragraph (n) had not been accepted during the informal consultations. She was hesitant to reopen the paragraph because it was linked to two others that had already been agreed. She would defer to her colleagues from other EU member States, who had more technical knowledge of relevance to paragraphs (i) and 3.

34. The representative of BELGIUM said that, following the flexibility shown with regard to amending paragraph (j), no other delegations had raised an issue with paragraph (n) as it stood. There seemed to be broad support for maintaining the current wording of that paragraph.

35. The representative of ROMANIA said that, given the lack of agreement on the Russian delegation's proposed amendments to paragraph (i) during the informal consultations, the text as presented should be considered.

36. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation supported the Russian delegation's proposal for paragraph (n).

37. The representative of UKRAINE said that, in the spirit of compromise, his delegation could withdraw its proposals for paragraph (i), on the understanding that the original language would be retained and that the link to the Board of Governors resolutions on the safety, security and safeguards implications of the situation in Ukraine would be made in the appropriate document.

38. The representative of the NETHERLANDS, appreciative of the Ukrainian delegation's flexibility, reiterated that, as stated in paragraph 15 of the draft resolution, although the conclusion and ratification of an additional protocol was a sovereign decision, its implementation became compulsory once it entered into force. The language proposed for paragraph (n) by the Russian delegation was therefore simply inaccurate and should be deleted as she had previously requested.

39. The representative of the RUSSIAN FEDERATION welcomed Ukraine's withdrawal of its proposal; any reference to a country-specific situation would set a negative precedent in the safeguards resolution. He therefore supported deleting the reference to the two divisive Board of Governors resolutions and proposed amending paragraph (i) to read: "Expressing grave concern that attacks or threats of attack against nuclear facilities could impede the Agency from fully conducting nuclear verification activities".

40. He explained that the expression "in the vicinity of" should be deleted from both paragraphs (i) and 3 because it was ill-defined; the primary concern was the situation at — not in the vicinity of — nuclear facilities. Furthermore, as demonstrated by the Agency's mission to Zaporizhzhya NPP, shelling and acts of sabotage in the vicinity of the NPP might delay or slow down verification activities but did not necessarily prevent the Agency from carrying them out.

41. Lastly, the opening language of paragraph 3 should be strengthened to read: "Urges all Member States to refrain from attacks or threats of attack".

42. The representative of CHINA said that she supported the proposal to delete the references to the two Board of Governors resolutions in paragraph (i), as they were not related to the subject.

43. The representative of the NETHERLANDS said that, despite the Russian delegation's incomprehensible insistence to the contrary, it was clear that fighting in the vicinity of Zaporizhzhya NPP had impeded the Agency's nuclear verification activities. Not only had it had taken four months for inspectors to be able visit the site, but they had also needed to wear armoured vests and

travel in armoured vehicles, under the protection of the United Nations Department of Safety and Security. She reiterated her opposition to all the amendments proposed anew.

44. The representative of NORWAY said that his delegation was strongly in favour of keeping the words “or in the vicinity of” in paragraphs (i) and 3. It made no sense to clearly define the meaning of “vicinity”; the ambiguity of the term reflected the ambiguity inherent in military activities — fighting a long distance from the NPP could impede the work of safeguards inspectors just as much, or even more than, fighting close by. In any case, it had already been demonstrated that fighting in the vicinity of the NPP did impede the work of safeguards inspectors.

45. The representative of BELGIUM agreed that it was very important to retain the words “or in the vicinity of” in paragraphs (i) and 3. She recalled that the Russian delegation had welcomed the Agency mission to Zaporizhzhya NPP as it meant that objective information on the situation there would be available as a result. In the Director General’s report contained in document GOV/2022/52 — no doubt welcomed by all Member States — the Agency recommended that shelling on site and in the vicinity of the NPP should be stopped immediately.

46. As far as the word “safely” was concerned, she noted that the same report indicated that the Agency had been implementing safeguards in Ukraine, but that its missions were “not without risk”.

47. The representative of the ISLAMIC REPUBLIC OF IRAN said that, with regard to paragraph (n), it was very important to highlight the voluntary nature of the additional protocol throughout the text, not only when it suited certain delegations.

48. Referring to paragraph (i), he said that, for the sake of accuracy and consistency, the words “devoted to peaceful purposes” should be added after “nuclear facilities”.

49. The representative of the NETHERLANDS recalled that, in recognition of the sensitivity of the issue for some Member States, the fact that additional protocols were voluntary in nature had been included in paragraph 15, and not in paragraph (n), precisely so that the encouragement for Member States to conclude and bring into force additional protocols was directly linked with the reference to that decision being a sovereign right.

50. The representative of the ISLAMIC REPUBLIC OF IRAN repeated that it was not enough to merely highlight the voluntary nature of additional protocols; it had to be stated consistently in order to maintain the balance in the text.

51. Noting the pertinence of the proposal by the representative of the Russian Federation, he suggested that paragraph (i) should be placed in square brackets until agreement on paragraph (n) had been reached.

52. The representative of SWEDEN, expressing support for the comment made by the representative of the Netherlands, said that paragraph (n) should be left as it was, especially considering that the legal status of the additional protocol was addressed in paragraph 15. Adding a reference to such a complicated issue in a preambular paragraph would be extremely unhelpful.

53. The representative of ROMANIA, acknowledging the need to maintain consistency, said that her delegation could be flexible with regard to the proposal to add “devoted to peaceful purposes” in paragraph (i).

54. Turning to paragraph (n), she recalled that the wording of the paragraph had been agreed upon the previous year, with the only addition being the words “25 years ago”. Given the time constraints, she agreed that the Committee was not in a position to work on substantive elements of either paragraph (n) or paragraph 15, which also contained previously agreed wording.

55. The representative of DENMARK supported the calls to maintain the long-standing balance between paragraphs (n) and 15.

56. With regard to paragraph (i), she said that her delegation was able to support the proposal by the representative of the Russian Federation to insert the word “could”, although it wished to keep the word “safely” as there had been problems regarding the safety of inspectors. Furthermore, her delegation could accept the proposal by the representative of Iran to add the words “devoted to peaceful purposes”.

57. The representative of the ISLAMIC REPUBLIC OF IRAN said that it should not be a question of being “flexible” when it came to his delegation’s proposed insertion of the words “devoted to peaceful purposes”; that wording was customarily used, was used elsewhere in the document and was taken directly from the parent document of the draft resolution — the NPT.

58. Furthermore, Committee members should take a consistent approach to improving the draft resolution, rather than reverting to previously agreed language only when it was in their own interests.

59. The representative of FRANCE recognized the importance that certain delegations attached to the voluntary nature of ratification of the additional protocol and understood the desire to maintain the balance between what had been negotiated at the current session, after extensive efforts, and what had been negotiated in previous years.

60. Supported by the representative of ITALY, she therefore suggested that the words “Bearing in mind that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation” could be moved from paragraph 15 to replace the proposed wording “Noting that the additional protocol is voluntary in nature” at the beginning of paragraph (n).

61. The representative of BRAZIL suggested that the proposed wording “Noting that the additional protocol is voluntary in nature” in paragraph (n) could be made more precise by means of the following amendment: “Noting that the decision to conclude an additional protocol is voluntary in nature”. That would maintain the balance in the draft resolution without any need to change paragraph 15, which his delegation opposed.

62. The representative of the RUSSIAN FEDERATION said that, in moving text from the operative to the preambular section, the delegation of France was pushing the Committee further away from consensus by weakening, rather than strengthening, the reference to the voluntary nature of the additional protocol.

63. Referring back to paragraphs (i) and 3, he agreed to retaining the expression “or in the vicinity of”. Several delegations had spoken convincingly of its importance in terms of physically ensuring safeguards with the assistance of inspectors. However, since “fully” and “safely” were what he could only label as ‘unprofessional’ terms derived from the toxic Board of Governors resolution that had been adopted by vote, he suggested that they be deleted from both paragraphs.

64. The representative of BELGIUM welcomed the acceptance by the Russian Federation that the words “or in the vicinity of” could be retained in paragraphs (i) and 3.

65. The representative of ARGENTINA, expressing regret that paragraphs linked to the additional protocol were being reopened at such a late time, said that his delegation could not support any amendments to paragraph 15. He urged other delegations to avoid entering into a debate on substantive issues relating to the additional protocol and to instead focus on the remaining open paragraphs — paragraphs (i) and 3.

66. The representative of AUSTRALIA said that, whereas the proposal by the representative of France had merit in that it minimized the number of words that were being added to the draft resolution,

it was his view that the best way forward would be to make as few changes as possible to agreed wording. With that in mind, and in view of the way in which paragraph (j) had been strengthened, he urged delegations to agree to revert to the 2021 wording in paragraph (n).

67. The representative of UKRAINE repeated that, with regard to paragraph (i), he preferred to leave the wording as originally drafted. The paragraph clearly reflected the reality that had been described at the Agency on numerous occasions. Moreover, the same wording had appeared many times in documents published under the auspices of the Agency.

68. He added that, in his view, it was not possible for resolutions adopted by the PMOs to be “toxic” or to go beyond the Agency’s mandate — it was the Agency that gave the PMOs the mandate to make decisions. One of the resolutions adopted by the Board of Governors made clear mention of the Russian Federation’s aggression and the fact that it was impeding the Agency’s activities. If the Committee could not accept his delegation’s compromise solution, then he would have to revert back to his initial position and remove the square brackets from paragraph (i).

69. He called on all delegations to avoid adding yet more wording and instead to move closer to compromise by accepting his proposal.

70. The representative of EGYPT recalled that the balanced wording in paragraphs (n) and 15 had been agreed upon during the informal consultations. His delegation’s position on the matter was well known and reopening the paragraphs would lead nowhere. He therefore urged delegations not to waste more time on them, but to focus on paragraphs (i) and 3.

71. The representative of CANADA echoed the comments regarding the need to retain the carefully balanced wording on the additional protocol. He said that it would be better to revert to the text agreed upon in the informal consultations.

72. The representative of the RUSSIAN FEDERATION said that it was in fact possible for an executive body to go beyond its mandate. The mandate was set by the Statute and the decisions were made by the delegations. Reference had never been made in the safeguards resolution to country-specific matters —not even with regard to the DPRK or Iraq. Including in paragraph (i) a reference to the two Board of Governors resolutions therefore politicized the draft resolution and created a tremendous precedent. For that reason, his delegation insisted on the removal of the reference.

73. Turning to paragraph 3, he suggested that the word “peaceful” could be inserted before the words “nuclear facilities” as a solution. He could also accept the proposal for adding the words “devoted to peaceful purposes”.

74. The representative of FRANCE, referring to paragraphs (n) and 15, said that she acknowledged that there was no time to return to substantive issues concerning the additional protocol. For that reason, she agreed with those delegations that wished to return to the text as agreed upon in the informal consultations.

75. The representative of the ISLAMIC REPUBLIC OF IRAN said that he could not accept wording just because it had been agreed upon in the informal consultations. Nor could he accept the proposal by the representative of France. Moreover, he rejected attempts to speed up the deliberations by referring to the lack of time.

76. His delegation took the safeguards resolution very seriously, as it was the most fundamental document to which Member States committed themselves on the basis of safeguards agreements and commitments. He had made a number of proposals on the paragraphs in question and he urged delegations to give them serious consideration.

77. The representative of NORWAY, supported by the representative of BELGIUM, said that, with regard to paragraph (i), his delegation preferred the words “nuclear facilities devoted to peaceful purposes” to “peaceful nuclear facilities”; it was not the facilities but the activities carried out at them that could be peaceful or not.

78. The representative of the NETHERLANDS, welcoming the emergence of a consensus, supported the insertion of the words “devoted to peaceful purposes”, as they originated from the 1995 NPT Review Conference.

79. With regard to paragraphs (n) and 15, she supported the suggestion to revert to the original language of the paragraphs.

80. The representative of DENMARK said that, if there was consensus on paragraphs (i), (n) and 3, she could withdraw her earlier proposal for paragraphs (n) and 15.

81. The representative of ROMANIA said that, in relation to paragraphs (i) and 3, her delegation could accept the deletion of “fully and safely” and agree to a more general reference to the impact that attacks or threats of attack would have on conducting nuclear verification activities. The agreed language in paragraphs (n) and 15 should be reinstated.

82. The representative of GERMANY, expressing full support for the statement by the representative of Romania, said that he could join the emerging consensus on the proposed amendments to paragraphs (i) and 3.

83. The representative of BRAZIL, supported by the representative of AUSTRALIA, echoed the statement by the representative of Argentina regarding paragraphs (n) and 15 and thanked the French delegation for withdrawing its proposal. He joined the emerging consensus on paragraphs (i) and 3.

84. The representative of EGYPT also thanked the French delegation for withdrawing its proposal and encouraged all delegations to demonstrate the same flexibility.

85. The representative of UKRAINE said that the original text of paragraph (i) referred to the fact that the Agency had been, and was being, prevented from conducting its safeguards activities; the use of “could” therefore did not reflect the reality on the ground. He requested a return to the original language and the reinsertion of his proposed amendment “as outlined in GOV/2022/17 of 3 March 2022 and GOV/2022/58 of 15 September 2022” at the end of the paragraph.

86. The representative of the RUSSIAN FEDERATION insisted that the Director General had never reported that the Agency had been prevented from implementing safeguards in Ukraine, and, as was well known, the Agency’s inspectors had been able to visit nuclear facilities in a timely fashion and as scheduled, despite the situation.

87. Recalling the Agency’s brave mission to Libya during the civil war and to other countries experiencing armed conflict, he stressed that safeguards activities — remote monitoring via satellite, environmental sampling and physical access by inspectors — were not necessarily affected by military operations, even if those operations took place near nuclear facilities.

88. The representative of MEXICO, supported by the representative of SINGAPORE, noted that there remained little time to discuss all the items on the agenda. He appealed for a final effort to achieve consensus on paragraphs (i) and 3.

89. The representative of the ISLAMIC REPUBLIC OF IRAN said that all delegations, not just some, must be prepared to be flexible. Simply agreeing on the two paragraphs in question would not settle all the issues. Warning that the resolution might need to go to the plenary, he urged the Committee to try to agree on the wording already negotiated.

90. However, given that it was the first year that the Committee had met physically since before the pandemic and that time was short, it might be best to simply revert to the language agreed in previous years and defer any negotiations to 2023.

91. The CHAIR said that it would be a shame to lose all the negotiated language after many weeks of discussions.

92. The representative of BELGIUM said that a good solution had been found for paragraph (j) and that the originally drafted text of paragraph (n) could be retained, since it contained language from the previous year.

93. Regarding paragraphs (i) and 3, she fully supported what had been said by the delegation of Ukraine but wanted to maintain language in both paragraphs. The Committee should work to maintain strong wording that was nonetheless acceptable to all, in order to achieve consensus on the draft resolution.

94. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation was flexible about agreed language but wondered whether the Belgian delegation could really say the same. It was unreasonable that some delegations persistently rejected amendments on the grounds that the language had been agreed in previous years while refusing to apply that same reasoning when they had added new language — some of it extensive.

95. He reiterated that the safeguards resolution was fundamental, adding that it was important to avoid a vote.

96. The representative of BELGIUM, supported by the representatives of CANADA, ROMANIA, NORWAY and UKRAINE, suggested replacing “could” with “can” in paragraph (i).

97. The representative of UKRAINE proposed changing “against or in the vicinity of” to “at, against or in the vicinity of” in both paragraphs (i) and 3.

98. The representative of the RUSSIAN FEDERATION said that “aimed at” was preferable to just “at” because it indicated the targeted nature of the attacks. The word “on” would also be acceptable. As far as he understood, ‘attack on’ would refer to a military attack whereas ‘attack against’ might refer to other means, such as cyberattacks and smear campaigns in the media.

99. The representative of the ISLAMIC REPUBLIC OF IRAN pointed out that “on” — not “aimed at” or “against” — was used in the NPT.

100. The representative of UKRAINE asked the Secretariat to clarify which preposition should be used for attacks carried out by an occupier at an occupied nuclear facility.

101. The DIRECTOR OF THE DIVISION OF CONCEPTS AND PLANNING replied that the choice of preposition would be purely a linguistic preference.

102. The representative of UKRAINE said that, accordingly, “on, against or in the vicinity of” could be used in both paragraphs.

103. The representative of the RUSSIAN FEDERATION agreed — adding that, in his view, laying mines around the perimeter of a site was not an attack on it but preparation to defend it against an attack.

104. The representative of UKRAINE requested that the latest statement by the representative of the Russian Federation be put on record.

105. The representative of the ISLAMIC REPUBLIC OF IRAN asked why paragraphs (i) and 3 made reference to enabling the Agency “to conduct its safeguards verification activities” instead of “to fulfil its mandate”, the phrase commonly used in the field of non-proliferation and disarmament.

106. The representative of the RUSSIAN FEDERATION said that the Agency’s verification activities had been mentioned because the draft resolution concerned safeguards, whereas reference could be made to the Agency’s mandate in general in other resolutions.

107. The representative of PAKISTAN pointed out a discrepancy in the wording of paragraphs (i) and 3 in that regard.

108. The representative of ROMANIA, supported by the representatives of AUSTRALIA, PAKISTAN and the RUSSIAN FEDERATION, said that using the words “safeguards activities in accordance with relevant safeguards agreements” in the two paragraphs would both ensure consistency and cover the concept of verification.

109. The representative of BELGIUM, noting that paragraph (n) was the only paragraph on which agreement had not been reached, expressed hope that all delegations would exercise flexibility and agree to keep the paragraph as originally drafted.

The meeting was suspended at 5.30 p.m. and resumed at 5.55 p.m.

110. The representative of the ISLAMIC REPUBLIC OF IRAN said that, despite the importance that his delegation attached to reflecting the voluntary nature of the additional protocol in paragraph (n), it could agree to retain the language from 2021 and hoped that such flexibility would be reciprocated.

111. The CHAIR took it that that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(66)/COM.5/L.14 as amended.

112. It was so decided.

13. Nuclear and radiation safety (resumed)

(GC(66)/10; GC(66)/INF/3; GC(66)/INF/11; GC(66)/COM.5/L.15)

113. The representative of AUSTRALIA first acknowledged the new sponsors of the draft resolution set out in document GC(66)/COM.5/L.15: Chile, Liechtenstein, Malaysia, San Marino and the USA.

114. Following informal consultations with a range of delegations, she was pleased to note that satisfactory solutions had been found to a number of concerns that had been raised at the sixth meeting of the Committee. Several amendments had therefore been made to the draft resolution.

115. In paragraph (j), the word “licensees” had been replaced with “licence holders”, which reflected the terminology used in the CNS rather than in the Safety Fundamentals. The words “other response actions as recommended in GSR Part 7” had been changed to “other response actions within their State as outlined in GSR Part 7” in paragraph (nn).

116. The words “Calls upon” had been replaced with “Urges” in paragraph 36. In both paragraph 120 and paragraph 122, the words “protective actions and other response actions as recommended in GSR Part 7” had been replaced with “national protective actions and other response actions within their State as outlined in GSR Part 7”. The words “as outlined in GSR Part 7” had been added after “nuclear security

event” in paragraph 126. Lastly, paragraphs 127 and 128 had been merged as they were closely related to one another.

117. Regrettably, she had been unable to find a clear path forward on a number of other paragraphs — specifically paragraphs 36, 81 and 120 — which had been left unchanged.

118. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation still considered paragraph 36 to be in square brackets. In addition, he was continuing to consult with his national authorities about the term “commodities” in paragraph 81.

119. The DIRECTOR OF THE OFFICE OF SAFETY AND SECURITY COORDINATION said that it would be challenging to find an alternative to the word “commodities”, the meaning of which was well-understood in terms of the General Safety Requirements and was set out in Chapter 5 of the Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards. However, he suggested that “consumer goods” could be a possible replacement.

120. The representative of ARMENIA, referring to paragraph 120, proposed that the words “by contributing to the harmonization of” should be added after “response mechanisms and arrangements, including” to ensure consistency with paragraph (nn). His proposal was made to reflect the need, in the context of Emergency Preparedness and Response, to harmonize the processes within the different agencies in a State.

121. The representative of SLOVAKIA said that she could not support the proposed amendment.

122. The representative of the RUSSIAN FEDERATION said that his delegation had no objections to the current wording of the paragraph.

123. The representative of AUSTRALIA suggested that, in order to overcome the stalemate with regard to all three operative paragraphs — 36, 81 and 120 — the wording of the previous year’s resolution could be used.

124. The representative of the ISLAMIC REPUBLIC OF IRAN said that, with regard to paragraph (i), his delegation was ready to demonstrate flexibility by accepting the reference to the Director General’s seven indispensable pillars in the safety resolution, provided the last part of the paragraph was amended to read as follows: “and, without prejudice to the views of Member States, noting the IAEA Director General’s “seven indispensable pillars for ensuring [...]”, initially formulated on 2 March 2022”. That would reflect in an impartial manner the fact that Member States held different views. Flexibility was a two-way street, and he urged others to reciprocate the flexibility shown by his delegation.

125. Turning to paragraph (s), he proposed the deletion of the words “including through regional associations and networks in this area” and, at the end, “and shipments”.

126. The representative of SLOVAKIA said that she continued to believe that the words “including through regional associations and networks in this area” and “and shipments” helped to refine paragraph (s) and to specify exactly whom the resolution aimed to address. Nonetheless, she would not insist on retaining the wording if it stood in the way of consensus but would continue to engage with other delegations with a view to proposing alternative language in 2023.

127. The CHAIR took it that the Committee agreed to the deletion of the words “including through regional associations and networks in this area” and “and shipments”.

128. It was so agreed.

129. The representative of the ISLAMIC REPUBLIC OF IRAN thanked delegations for their flexibility and said that, in return, his delegation could accept the term “commodities” in paragraph 81.

130. Turning to paragraph (jj), he proposed the replacement of “Recognizing” with “Noting” to better reflect the fact the peer reviews were voluntary in nature.

131. The representative of SLOVAKIA said that she preferred to keep the word “Recognizing”, as her country did recognize the value of both self-assessments and peer reviews. Furthermore, the word, which had been used in previous nuclear and radiation safety resolutions, in no way indicated that peer reviews were not voluntary in nature. However, if that was not agreeable to the delegation of Iran, she suggested that the wording of the previous year’s resolution could be used.

132. The representative of the ISLAMIC REPUBLIC OF IRAN said that that suggestion would be acceptable.

133. With regard to paragraph 36, he proposed that the last part of the paragraph should be amended to read as follows: “and, without prejudice to the views of Member States, notes the IAEA Director General’s “seven indispensable pillars for ensuring [...]”, initially formulated on 2 March 2022”, in line with paragraph (i). His delegation would be happy to retain the words “Calls upon”.

134. The representative of the UNITED STATES OF AMERICA, referring to paragraphs (i) and 36, proposed inserting the word “formulated” before “seven indispensable pillars” and replacing “initially formulated on 2 March 2022” with “initially announced on 2 March 2022”.

135. The representative of the ISLAMIC REPUBLIC OF IRAN said that he could not accept that proposal. His country was concerned that Member States had not been consulted on the ‘seven pillars’ before they had been announced by the Director General. Since those ‘pillars’ were a completely new concept, the wording of related paragraphs was an important matter.

136. The CHAIR asked whether delegations could accept the proposal of the representative of Iran in relation to paragraph 36, emphasizing that it would also apply to preambular paragraph (i).

137. The representative of the UNITED STATES OF AMERICA said that, in the spirit of compromise, she was willing to accept Iran’s proposal.

138. The representative of AUSTRALIA said that, in paragraph 36, the initial words “Calls upon” should be replaced with “Urges”, as agreed previously.

139. The representative of the RUSSIAN FEDERATION proposed that, at the end of both paragraphs under discussion, “initially formulated” could be replaced with “advanced”, consistent with the wording used in the draft nuclear security resolution. The current wording suggested that the principles had changed since they had been introduced or could change in the future.

140. The representative of SWITZERLAND said that his delegation could accept that proposal.

141. The CHAIR, referring to paragraph 120, recalled the proposal by the representative of Australia to reinstate the language used in the previous year’s resolution.

142. The representatives of the UNITED STATES OF AMERICA and SLOVAKIA supported that proposal.

143. The representative of ARMENIA, supported by the representative of SLOVAKIA, said that, if the previous year’s wording was to be reinstated for paragraph 120, the related preambular paragraph (nn) would need to be amended accordingly — by reverting to the 2021 wording — in order to ensure consistency.

144. The representative of AUSTRALIA said that the reinstatement of the previous year’s language in paragraph (nn) would effectively negate the amendment proposed by Türkiye in relation to the reference to GSR Part 7.

145. The representative of TÜRKİYE said that she was not happy to reinstate the previous year's language in paragraph (nn) but, for the sake of compromise, would accept the proposal on the understanding that her country would request amendments the following year.

146. The CHAIR took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in GC(66)/COM.5/L.15, as amended.

147. It was so decided.

14. Nuclear security (resumed)

(GC(66)/8; GC(66)/COM.5/L.17, GC(66)/COM.5/L.17/Rev.1 and Rev.1/Corr.1)

148. The CHAIR said that the Committee had been called to the plenary meeting currently under way but proposed that it continue its discussion on nuclear security and complete all items on its agenda.

149. He informed the Committee that a revised version of the draft resolution on nuclear security, contained in documents GC(66)/COM.5/L.17/Rev.1 and Rev.1/Corr.1, had been tabled.

150. The representative of the NETHERLANDS, introducing the revised draft resolution contained in documents GC(66)/COM.5/L.17/Rev.1 and Rev.1/Corr.1, said that, following extensive discussions, efforts had been made to take into account, to the extent possible, the concerns expressed by the delegations of Iran and the Russian Federation.

151. The representative of the RUSSIAN FEDERATION, referring to paragraph (mm), said that any reference to politically-motivated one-sided resolutions put to a vote at the Board of Governors was completely unacceptable to his delegation, but that he would consider the inclusion of a reference to the Director General's report to the Board contained in document GOV/2022/52, which had been made public. Although the report had its own shortcomings, it also contained a number of reasonable passages. Noting that the report contained a recommendation to establish a nuclear safety and security protection zone around Zaporizhzhya NPP, he proposed the alternative wording, "Recalling the recommendations in the IAEA Director General's report GOV/2022/52".

152. Referring to paragraph (nn), he reiterated that any reference in the nuclear security resolution to a country-specific issue was not acceptable to his delegation and would set a negative precedent. He proposed the insertion of an alternative paragraph (nn) that focused on the facility in question, rather than the country; it would read: "Emphasizing the increasing risk on the physical integrity of the Zaporizhzhya nuclear power plant and its nuclear and radioactive material due to armed attacks". The paragraph could then be followed by a new paragraph (nn) bis, to read: "Urging the immediate cessation of armed attacks against the Zaporizhzhya nuclear power plant".

153. Turning to paragraph 64, he said that the original wording had been improved but stressed that the paragraph should refer not only to "attacks against nuclear facilities" but also to the threat of attacks, since such a threat would have an impact on approaches to ensuring nuclear security. Recognizing that not all attacks involved the use of weapons, he said that his delegation would consider whether it could accept the omission of the word "armed".

154. The representative of the ISLAMIC REPUBLIC OF IRAN said that the Committee should first move to the plenary meeting and subsequently reconvene to continue its discussion on nuclear security. It was important to complete the discussion under way before submitting a draft to the

General Conference. He stressed that the Committee had until midnight to complete all its discussions. It was working constructively and should continue to do so.

155. The representative of the NETHERLANDS said that she was willing to accept the alternative wording for paragraph (mm) proposed by the representative of the Russian Federation, but that it should be included in the text as paragraph (mm) bis. She could not, however, accept the proposed wording for paragraph (nn). To refer to Zaporizhzhya NPP without mentioning Ukraine would seem odd, in particular given the current circumstances in which the Russian Federation had annexed a number of regions of Ukraine.

156. Given that not all the proposals made were negotiable, she suggested that the Committee submit the draft resolution to the General Conference in its current form.

157. The CHAIR said that he would report to the General Conference that, whereas there was broad consensus on the text before the Committee, two delegations had been unable to join that consensus in relation to a number of paragraphs and that the Committee was therefore not in a position to recommend that the Conference adopt the draft resolution contained in documents GC(66)/COM.5/L.17/Rev.1 and Rev.1/Corr.1.

158. The representative of GERMANY said that he supported the proposal made by the representative of the Netherlands and that the Chair's summing-up was entirely accurate.

159. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had hoped to reach a consensus on the draft resolution and that there was still time to discuss the issues raised. He was not prepared to accept the Chair's summing-up of the item under discussion, as it was factually inaccurate — no consensus had been reached on the text.

160. He suggested that the Chair report to the General Conference that there was an emerging consensus on a number of contested paragraphs, while other paragraphs were yet to be finalized. He advised against specific reference to the two delegations that still had concerns about the text as that would be polarizing.

161. The representative of the RUSSIAN FEDERATION said that the Chair's summing-up should state that the drafters of the text had refused to continue engaging in negotiations. His delegation was perfectly happy to continue the discussions, as were others, and firmly believed that a consensus could be reached on most — if not all — paragraphs.

162. However, if the draft was submitted to the General Conference before a consensus was reached, his delegation would insist on two further amendments: the deletion of the reference in paragraph (p) of the Nuclear Security Summit, which had been posited as an example of inclusivity despite the fact that most countries, including his own, were not participating in it; and the inclusion in the preambular section of wording to the effect that nuclear security was not a statutory activity. As the latter proposal in particular would need to be put to a vote, he urged the drafters to consider the potential consequences.

163. The representative of CHINA said that the draft resolution could very well have been put to a vote in the plenary earlier in the week. Matters sometimes became binary as a result of preconceived ideas. Consensus might have been possible previously, but other factors — well beyond the Agency's mandate — affecting the meeting had rendered it impossible.

164. The representative of NORWAY said that discussions should move to the plenary. The draft resolution had been debated at length, but no compromise was possible if an issue was binary. If several delegations agreed to remove text then progress could perhaps be made, but that would change the meaning and content of the draft resolution. He did not believe that the outstanding questions could be resolved when positions were so divergent.

165. The representative of CANADA said that, although the desire to reach consensus was understandable, she supported the proposal to move discussions to the plenary. The Committee had held extensive negotiations and a revised version of the draft resolution had been submitted, representing the drafters' best efforts. However, it was not feasible to continue meeting for much longer, and in any case that would not necessarily result in progress towards consensus.

166. In closing, she said that it was the Chair's decision as to how to summarize the Committee's deliberations.

167. The representative of SWITZERLAND said that, in view of the number of issues that still needed to be taken up, the Committee should conclude that it could not make a recommendation to plenary. He agreed with the representative of Iran that there was no need to give detailed reasons in the Chair's report.

168. The representative of AUSTRALIA agreed that it was time to move to the plenary as no further progress could be made.

169. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA said that there was always room for dialogue. Delegations requesting continued negotiations should not be pressured with claims of a lack of time and of the need to conclude discussions. Insufficient time had been allocated for the Committee to consider such a delicate draft resolution. Moreover, a delegation's silence on aspects of the draft resolution did not imply its full agreement.

170. Lastly, she said that if the Chair decided to move discussions to the plenary, his report would need to be worded differently.

171. The representative of SWEDEN said that the Committee had painstakingly examined the draft resolution. A number of proposals had been made to try to reach a compromise. Many delegations had been very constructive — and he agreed with the representative of Iran that agreement was close on a number of paragraphs. However, a few binary issues remained. As had been said during the plenary, one could have one's own opinion but not one's own facts. He therefore supported the proposal to move to the plenary.

172. The representative of EGYPT said that the Committee had managed against the odds to reach consensus on all the other draft resolutions. He appealed for discussions on the current draft resolution to continue so that a vote could be avoided.

173. The representative of PAKISTAN said that his country attached a great deal of importance to nuclear security and the current draft resolution. He beseeched the Committee to do its utmost to avoid a vote.

174. The representative of the SUDAN said that it was very important to reach consensus on the draft resolution and that discussions should continue until consensus was reached.

175. The CHAIR noted that, whereas some delegations were ready to continue negotiating, others wanted to move to the plenary. The Committee should be guided by the drafters; if the time had come to conclude discussions in the Committee, that view should be taken on board. Negotiations could not be forced, but a decision had to be taken. It had been his proposal that the Committee conclude its consideration of the draft resolution.

176. The representative of the RUSSIAN FEDERATION said that the Committee had shown that it was prepared to continue discussions. It was Western countries that were unwilling to do so, for overtly political reasons. If the Chair decided to move discussions to the plenary, his report should mention who had refused to continue negotiating and why.

177. The representative of SENEGAL said that he agreed that the delegations most involved should guide the Committee. It would be worth continuing if concessions could be made; if, however, delegations had red lines, then there was no reason to pursue discussions.

178. The representative of EGYPT suggested that the Committee hold brief informal consultations in order to see what could be achieved.

179. The CHAIR said that, albeit not opposed to suspending the meeting in order to make progress, he was not convinced that it was the right time for another attempt at informal negotiations.

180. The representative of GUATEMALA said that it was regrettable that consensus had proved elusive. But it did not seem realistic to expect a few more minutes' discussion to achieve results after weeks of talks. Noting that pride was the worst enemy of negotiations and world peace, he appealed for absolute flexibility from all delegations. Their countries' citizens were crying out for them to shoulder their moral, ethical and professional responsibility and achieve the intended results. It was time to demonstrate that the Committee could work together and he remained optimistic that the delegations could, one last time, create a positive atmosphere in the room.

181. The representative of SOUTH AFRICA said that, whereas his country valued negotiations, their success required a willingness among all parties to find a solution, which had eluded the Committee for a long time. He shared the sentiment that the parties did not seem to be prepared to earnestly seek a solution. If the mood were different, he would emphatically argue for more discussions, but he was unsure that continuing would yield the desired results. Delegations should declare if they were truly ready to negotiate; otherwise, no more time should be wasted.

182. The representative of NIGERIA said that wisdom would prevail; there was room for consensus as long as some Member States were still willing to negotiate. It would be better to delay and find a solution than to conclude in frustration. He joined the calls for more time for discussions.

183. The representative of the NETHERLANDS said that strenuous efforts had been made to find consensus that would, regrettably, be very hard to achieve on certain matters. Consensus required compromise; the sponsors of the draft resolution had listened carefully and had compromised repeatedly, but issues that had been extensively negotiated had been reopened.

184. She would accept a decision by the Chair to grant time for more discussions, but wondered where it would end and asked why the sponsors should be bullied into making changes for the sake of consensus when others did not show willingness to compromise. While she wanted to reach consensus on the draft resolution, she admitted that she was at a loss as to what more could be done.

185. The representative of CHINA said that it was worth trying again — there was a way to reach consensus if there was a will.

186. The representative of the UNITED ARAB EMIRATES said that discussions were deadlocked. He was of the view that the Committee should listen to the drafters and that a vote in plenary would be required.

187. The representative of the PHILIPPINES pointed out that many smaller delegations were awaiting voting instructions on a rapidly evolving text.

188. The representative of the RUSSIAN FEDERATION expressed gratitude for the sensible endeavours to prolong negotiations and preserve the consensual spirit of the resolution. It was entirely possible to hold further discussions and his delegation was ready to do so; those who refused would kill the consensual spirit of the nuclear security resolution.

189. The representative of ALGERIA said that he was pleased at the readiness shown to continue discussing the problematic paragraphs. Signs of goodwill from the delegations involved were important at such junctures and he asked them to be willing to show flexibility. Only a few minutes were being requested in order to make way for wisdom — far less than the amount of time already spent on discussing the draft resolution.

190. The representative of GHANA said that negotiations could not continue indefinitely and consensus, however desirable, could not be forced. If there was no hope that more time would yield the desired results, it was worth considering the best alternative course of action.

191. The representative of SINGAPORE said that everyone shared a sense of disappointment. Progress could be made if there was an earnest desire to do so, but ultimately it was for the drafters to decide whether the possibility existed. If not, discussions should move to the plenary.

192. The representative of ARGENTINA said that he was in favour of a short break for informal discussions. Talks had begun more than a month previously and new proposals were still being made. In the event that no agreement could be reached, he hoped that a text would be made available outlining all the options under consideration so that delegations could receive voting instructions. Lastly, he stressed that the draft resolution belonged to all Member States, regardless of their size and location.

193. The representative of CUBA said that the Committee should continue trying to reach an understanding. In diplomatic negotiations, compromise was vital. She called on all parties to pursue their attempts to find mutually acceptable wording to preserve the spirit of Vienna and adopt the resolution by consensus. A negative precedent would be set if the draft resolution was put to the vote.

194. The representative of INDIA said that his country had always staunchly supported consensus. However, the Committee had spent a long time discussing whether to pursue negotiations. He asked the Chair to make a decision as to how to proceed.

195. The representative of CANADA, noting the opinions of some delegations that consensus was no longer possible, said that she was unsure whether moving to the plenary automatically meant that a vote was inevitable.

196. Supported by the representative of BRAZIL, she asked for clarification as to the subsequent steps in the process.

197. The representative of UKRAINE said that his country currently found itself at a turning point: the Russian Federation was annexing further parts of its sovereign territory. He did not believe that more time would bring about consensus — the Committee should end its pointless deliberations and discussion of the nuclear security resolution should move to the plenary.

198. The SECRETARY OF THE COMMITTEE OF THE WHOLE recalled that agenda item 14 had been referred to the Committee under Rule 45 of the Rules of Procedure of the General Conference. In the event that the Committee could not recommend the adoption of a draft resolution, the item would remain open in the plenary. The President of the General Conference would give the floor to delegations wishing to speak under the item. Any delegation, including the sponsors of the draft resolution, could take the floor and continue the discussions in plenary, if they so wished.

199. The CHAIR said that, in the light of the number of delegations that had called for additional time, he suggested that the meeting be suspended in order to enable delegations to try to achieve consensus on the outstanding paragraphs.

The meeting was suspended at 8 p.m. and resumed at 10.10 p.m.

200. The representative of the NETHERLANDS, thanking the delegations that had taken part in lengthy informal discussions, said that consensus had, regrettably, not been achieved. It would be sufficient, however, for the Chair's report to the plenary to state the outcome, without referring to the positions of specific Member States.

201. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation hoped that consensus on the security resolution would be possible in future.

202. The CHAIR said that, whereas the Committee was not in a position to recommend adoption of the entire draft resolution, its members should be commended on having spared no effort in striving towards consensus. He would report back to the plenary forthwith.

203. Noting that the Committee's work was complete, he expressed appreciation to all those who had facilitated its deliberations, in particular his Vice-Chair. He thanked all Secretariat staff and the interpreters, for helping the Committee to carry out its work. Lastly, he thanked his Ambassador and his whole team for their support throughout the week.

The meeting rose at 10.15 p.m.