

General Conference

GC(67)/COM.5/OR.4

Issued: December 2023

General Distribution

Original: English

Sixty-seventh regular session

Committee of the Whole

Record of the Fourth Meeting

Held at Headquarters, Vienna, on Wednesday, 27 September 2023, at 10.10 a.m.

Chair: Ms CALLESEN (Denmark)

Later: Mr CSERVENY (Hungary)

Contents

Item of the agenda ¹		Paragraphs
13	Nuclear and radiation safety (<i>continued</i>)	1–79
23	Restoration of sovereign equality in the IAEA	80–115
26	Amendment of Article VI of the Statute	116–118
14	Nuclear security	119–152

¹ GC(67)/24

Abbreviations used in this record

CSS	Commission on Safety Standards
EPR	emergency preparedness and response
GNSSN	Global Nuclear Safety and Security Network
GSR	General Safety Requirements
IEC	Incident and Emergency Centre
NPP	nuclear power plant
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
PMOs	Policy-Making Organs
SMR	small and medium sized or modular reactor
UK	United Kingdom of Great Britain and Northern Ireland
USA	United States of America
WMDs	weapons of mass destruction

13. Nuclear and radiation safety (continued) (GC(67)/13, GC(67)/INF/2; GC(67)/COM.5/L.12)

1. The CHAIR recalled that the Committee had before it a report by the Director General on nuclear and radiation safety, contained in document GC(67)/13, and a draft resolution on nuclear and radiation safety, contained in document GC(67)/COM.5/L.12.
2. The representative of AUSTRALIA said that Georgia had joined the list of co-sponsors of the draft resolution.
3. During informal consultations, a number of proposals had been put forward requesting the Secretariat to work on radioactive waste and spent fuel management, which currently constituted a gap in the resolution. As chair of the open-ended working group, she had proposed paragraph 102 as a means of facilitating that request.
4. The representative of the RUSSIAN FEDERATION proposed deleting “including for SMRs and advanced nuclear technologies”, as the approaches to and methods of managing nuclear fuel would be the same for all categories of nuclear technologies and nuclear power stations.
5. The representative of FRANCE said that, in his delegation’s view, it was important to include a specific reference to SMRs and advanced nuclear technologies as a great deal of work was being done on the industrial and technological development of SMRs in a number of countries, including non-nuclear countries.
6. The representative of the UNITED KINGDOM said that she supported the comment by the representative of France. A specific reference to SMRs should be included in the paragraph as there were distinctive challenges associated with the safety-related aspects of radioactive waste and spent fuel management for SMRs and advanced nuclear technologies. Her delegation therefore supported the paragraph as drafted.
7. The representative of AUSTRALIA, speaking in a national capacity, said that she supported the paragraph for the reasons explained by the representatives of France and the United Kingdom.
8. The CHAIR asked the representative of the Russian Federation whether she could accept the paragraph as it was currently worded.
9. The representative of the RUSSIAN FEDERATION said that, in the interests of compromise, she could accept the current wording of the paragraph.
10. The CHAIR took it that the Committee agreed to retain paragraph 102 as it stood.
11. It was so agreed.
12. The representative of AUSTRALIA said that paragraph 109 was among a number of new paragraphs in the section on safety in decommissioning, uranium mining and processing, and environmental remediation.
13. The CHAIR took it that the paragraph was acceptable to the Committee.
14. It was so agreed.

15. The representative of AUSTRALIA said that paragraph 110 sought to address the gap in the resolution concerning the safety-related aspects of decommissioning.

16. The representative of the ISLAMIC REPUBLIC OF IRAN said that he needed to consult with his capital on the paragraph as he was wary of including a reference in the draft resolution to novel types of facilities. He therefore requested that the paragraph be placed in square brackets.

17. Turning to paragraph 114, the representative of AUSTRALIA said that the words “and radiation protection” had been added after “nuclear safety”.

18. The representative of the ISLAMIC REPUBLIC OF IRAN said that he was still awaiting instructions from his capital on the amendment as it would broaden the scope of the paragraph and might have legal implications. He therefore requested that the words “and radiation protection” be placed in square brackets.

19. With regard to paragraph 115, the representative of AUSTRALIA said that the text had been proposed by the European Union, which had sought to incorporate a reference to aspects of international cooperation at the request of Iran.

20. The representative of the ISLAMIC REPUBLIC OF IRAN said that he was still waiting to hear from his authorities as to whether the paragraph was acceptable. He therefore asked for it to be kept in square brackets.

21. Turning to paragraph 118, the representative of AUSTRALIA said that the USA had proposed deleting the reference to the GNSSN, which had led to a discussion of whether the reference should be retained because of its importance. As the GNSSN related to both safety and security, Canada had proposed, in that case, to insert the words “and security”, so that the paragraph would read as follows: “Requests the Secretariat to support and coordinate regional and interregional efforts for the sharing of knowledge, expertise and experience on safety- and security-relevant issues and encourages Member States to participate in knowledge-sharing platforms such as the Global Nuclear Safety and Security Network (GNSSN) for efficient information sharing and effective cooperation”.

22. The representative of PAKISTAN said that he believed there was value in retaining the reference to the GNSSN because his country’s experts found it to be a very valuable resource and relied on it to stay abreast of any developments and when making changes to the country’s national safety and security regime.

23. The representative of SPAIN said that the GNSSN added value for many countries and generated enough interest to justify its retention in the draft resolution.

24. The representative of BRAZIL supported retaining the reference to the GNSSN.

25. The representative of the UNITED STATES OF AMERICA said that her delegation was happy to retain the reference to the GNSSN.

26. The representative of the RUSSIAN FEDERATION, noting that the inclusion of a reference to the GNSSN already represented a compromise for his delegation, said that it could not accept the addition of the words “and security”.

27. The representative of CANADA said that her delegation could accept the deletion of both the reference to the GNSSN and the words “and security”. If, however, the reference to the GNSSN was retained, then she would prefer to add “and security” as the GNSSN clearly addressed both safety and security. She would consult her national authorities on the matter.

28. The representative of the RUSSIAN FEDERATION said that her delegation could accept the reference to the GNSSN but insisted on the removal of the words “and security”.
29. The CHAIR suggested that the Committee move on to the next paragraph.
30. Turning to paragraph 124, the representative of AUSTRALIA said that Türkiye had proposed the addition of the following wording taken from GSR Part 3: “and encourages Member States to establish and maintain registers of other sealed radioactive sources and radiation generators, with due consideration given to the associated risks”.
31. The representative of the RUSSIAN FEDERATION, supported by the representative of the ISLAMIC REPUBLIC OF IRAN, said that her delegation could not agree to the proposed amendment and preferred the original wording of the paragraph to be retained.
32. The representative of TÜRKIYE said that her delegation was flexible on the issue.
33. The CHAIR took it that the Committee agreed to deleting “and encourages Member States to establish and maintain registers of other sealed radioactive sources and radiation generators, with due consideration given to the associated risks”.
34. It was so agreed.
35. Turning to paragraph 129, The representative of AUSTRALIA said that “cross-border” had been inserted after the words “strengthen national”.
36. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation did not support the proposed amendment.
37. The representative of the RUSSIAN FEDERATION said that she agreed with the representative of Iran that “cross-border” should be deleted, as the references to national, bilateral, regional and international were already sufficient.
38. The representative of FRANCE said that the word “cross-border” meant from one side of a border to another and thus was not fully covered by the terms national, bilateral, regional and international. In the spirit of compromise, however, he was willing to withdraw his proposal.
39. The CHAIR took it that the Committee agreed to the deletion of “cross-border”.
40. It was so agreed.
41. Regarding paragraph 130, the representative of AUSTRALIA said that the paragraph had been proposed by the European Union. At the last meeting of the open-ended working group, the words “affected by” had been introduced to replace other wording that had been unacceptable.
42. The representative of the RUSSIAN FEDERATION said that her delegation could not accept the use of such strong wording as “calls upon” in the paragraph as it was up to Member States themselves to determine the reasons for and goals of exercises to test the effectiveness of EPR.
43. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation did not believe it necessary to include paragraph 130 in the draft resolution as the subject of the text was already covered by the other paragraphs in the section. Furthermore, the scope of the paragraph should not be limited solely to armed conflicts.
44. The representative of SWEDEN said that her delegation supported the paragraph. She suggested that the Committee could take up the proposal at a later time once delegations had engaged in further consultations on it.

45. Turning to paragraph 131, the representative of AUSTRALIA said that the USA had proposed the replacement of the word “large-scale” with “multilateral”.

46. The CHAIR suggested that the Committee revert to the paragraph at a later stage to allow for further consultations.

47. Regarding paragraph 146, the representative of AUSTRALIA said that the paragraph had been proposed by Canada, which had shown great flexibility in recently amending its proposal to address the concerns of certain Member States.

48. The representative of the RUSSIAN FEDERATION proposed the deletion of the words “to address evolving emergency preparedness and response challenges” as he did not believe it necessary to specify why the Secretariat should consider a review and possible revision of GSR Part 7.

49. The representative of CANADA said that her delegation wished to work on the wording of the paragraph and revert to it at a later stage.

50. The CHAIR, noting that the Committee had finished discussing the open paragraphs, opened the floor for further comments.

51. With regard to paragraph 77, the representative of the RUSSIAN FEDERATION said that her delegation proposed replacing “implementation” with “application” and “implementing” with “applying” so as to reflect the wording used in the Agency’s Statute and safety standards.

52. The representative of SWITZERLAND said that, while he could agree to replacing the word “implementation” to reflect the wording used in the Statute, he believed that it made sense to retain the word “implementing” as Member States did, in fact, implement GSR Part 3. He was flexible, however.

53. The representative of PAKISTAN said that General Safety Requirements were not implemented as such, but were used as reference points in national safety regimes. His delegation therefore supported the Russian proposal.

54. The CHAIR took it that the Committee agreed to replace “implementation” with “application” and “implementing” with “applying”.

55. It was so agreed.

56. Turning to paragraph 81, the representative of the RUSSIAN FEDERATION said that he questioned the inclusion of a reference to technologically enhanced NORM (TENORM) in the text as, having studied various Agency documents — including those from corresponding thematic conferences — his delegation had noted that there was no clear classification between TENORM and NORM. Moreover, a number of Member States had explicitly stated at such conferences that TENORM applied to all naturally occurring radioactive material. In view, however, of the consultations that had been held and the number of open paragraphs remaining, he could be flexible on the issue should other delegations not share his point of view.

57. The CHAIR took it that the Committee wished to leave the paragraph as it stood.

58. It was so agreed.

59. With regard to paragraph 134, the representative of the RUSSIAN FEDERATION said that, considering that the Agency was currently facing serious financial problems, as repeatedly stated by the Director General, it was perhaps overly ambitious to request that the Secretariat adapt and refine the technical capabilities and procedures of the IEC. He therefore proposed the deletion of “and, as necessary, to adapt and refine the technical capabilities and procedures of the Incident and Emergency

Centre to ensure effectiveness under nuclear and radiological emergencies, including novel and/or challenging emergency response circumstances”.

60. The representative of AUSTRALIA recalled that the Secretariat had requested the inclusion of the phrase in question so as to reflect the work that, in its view, it needed to have the capacity to do. The amendment had enjoyed the broad support of Member States and had been agreed upon during an earlier meeting of the open-ended working group.

61. The representative of GERMANY said that his delegation preferred to retain the paragraph as it was, believing that the inclusion of the words “as necessary” provided an adequate caveat.

62. The representative of the UNITED KINGDOM, supported by the representatives of SPAIN, the UNITED STATES OF AMERICA and SWEDEN, said that her delegation wished to keep the paragraph as it was.

63. The representative of the RUSSIAN FEDERATION, having taken note of the views expressed, suggested that text could be inserted explaining that work relating to the IEC should be carried out as long as the appropriate funding was available.

64. The representative of FRANCE, supported by the representative of SPAIN, pointed out that paragraph 147 already requested the Secretariat to implement the actions called for in the draft resolution in a prioritized, efficient manner within available resources.

65. The representative of the ISLAMIC REPUBLIC OF IRAN said that, given the financial problems facing the Agency, there was no harm in reminding the Secretariat in paragraph 134 that it should use only available resources when conducting the activities provided for in the paragraph.

66. The representative of ITALY said that, aside from the fact that paragraph 147 covered all other paragraphs in the draft resolution, he agreed with the representative of Germany that the inclusion of the words “as necessary” was a sufficient caveat. His delegation therefore preferred to retain the text as it stood.

67. The representative of SWITZERLAND recalled that, because each Member State had different priorities in terms of the activities covered by the resolution, some years previously the Committee had agreed to the inclusion of wording along the lines of that found in paragraph 147 so as to prevent the negotiations on the resolution from descending into a discussion on the programme and budget. In that context, paragraph 134 should stay as it was.

68. The representative of the RUSSIAN FEDERATION pointed out that a number of resolutions included concepts, both in the preambular and operative sections, that applied to multiple paragraphs in the same resolution, for example in relation to available funding, the sovereign rights of States and accession to various conventions. Nevertheless, such paragraphs also included certain caveats so as to reflect the variety of opinions held by Member States. In his delegation’s view, it was important to make the text acceptable to all, therefore he insisted that his proposal be reflected in paragraph 134.

69. The CHAIR suggested that the Committee leave the paragraph open and return to it at a later time.

70. With regard to paragraph 136, the representative of the RUSSIAN FEDERATION said that, in his delegation’s understanding, the text referred not only to radiological accidents but to accidents in general, including earthquakes, flooding and other natural disasters. If that was the case, then the term “accidents” could be misinterpreted to mean solely radiological accidents. At the same time, requesting the Secretariat to consolidate the international experience of recovery from such accidents as natural disasters might be going beyond the Agency’s mandate, as Member States did not always request the

Agency's assistance in such events. For that reason, he suggested that further consideration could be given to the paragraph or that it could be deleted entirely.

71. The representative of AUSTRALIA pointed out that paragraph 136 was an existing paragraph from the previous year's resolution that had been moved to a new location in the draft resolution, which might have altered its meaning. A couple of small changes had been made to the text that did not change its meaning.

72. The representative of the RUSSIAN FEDERATION suggested that the paragraph could be left open so that delegations could consider ways of making the text clearer.

73. The representative of CANADA said that, with regard to paragraph 118, her delegation agreed to keep the reference to the GNSSN but to withdraw its proposal to add the words "and security".

74. The CHAIR took it that the Committee wished to accept paragraph 118, as amended.

75. It was so agreed.

76. The representative of CANADA, having taken account of the comments made by the representative of the Russian Federation in relation to paragraph 146, suggested that the paragraph could be amended to read: "Encourages the Secretariat to consider, in coordination with the CSS and the Safety Standards Committees, a review and possible revision of GSR Part 7 to address evolving challenges".

77. The representative of the RUSSIAN FEDERATION said that he supported that proposal, which streamlined the text.

78. The CHAIR took it that the Committee wished to accept paragraph 146, as amended.

79. It was so agreed.

The meeting was suspended at 11.05 a.m. and resumed at 11.10 a.m.

Mr Cserveny (Hungary), Chair, took the Chair.

23. Restoration of sovereign equality in the IAEA (GC(67)/1/Add.3; GC(67)COM.5/L.14)

80. The representative of KAZAKHSTAN, introducing the draft resolution contained in document GC(67)COM.5/L.14, recalled that, three years previously, he had proposed an agenda item on the restoration of sovereign equality in the IAEA at the Board. At that time, only a few Member States had been aware of the existence of such a problem. His delegation had worked tirelessly to raise awareness of the unprecedented fact that the rights of some Member States had been entirely neglected for the past 30 years.

81. Kazakhstan had been pursuing the restoration of sovereign equality by including the agenda item at every Board meeting and General Conference session. As a result of that work, 111 Member States had officially indicated their support for restoring his country's legitimate rights in the Agency.

82. Kazakhstan had successfully codified the list of so-called 'arealess' Member States and, for the first time in the Agency's history, had identified 17 such States to date. The list had been meticulously processed according to the information presented by all eight regional groups and had been published on 10 August 2023 as INFCIRC/1116. The sole purpose of his country's efforts had been to restore

the basic principles of the Agency — the inclusiveness of the decision-making process where every voice counted.

83. He noted the exemplary record of the regional groups of Africa and Latin America, which did not have any ‘arealess’ States. The only requirement of those groups was that a country should be geographically part of an area, or what he termed its ‘geographical belonging’.

84. During Board meetings and General Conference sessions, Kazakhstan had listened carefully to Member States’ suggestions on how to tackle the problem. Consequently, together with the ‘arealess’ States, it had drafted and submitted a draft resolution to the General Conference at its current session on the basis of those suggestions. The draft resolution had already been co-sponsored by 42 Member States, and he thanked them profoundly for their resolute support. The draft text had also been endorsed by many other Member States from different parts of the world, for whom the prevalence of justice and commitment to the Agency’s Statute were priorities.

85. The draft resolution was simple, succinct and paved the way for more meaningful discussions to finally allocate the 17 ‘arealess’ States to the relevant geographic areas as soon as possible. In that regard, Kazakhstan thanked Slovenia for its kind and timely proposal to establish a group of friends of such States, which would focus on finding avenues for including the 17 ‘arealess’ Member States and promoting an appropriate amendment to Article VI of the Agency’s Statute. The inaugural meeting of the group of friends the previous week had already demonstrated States’ interest in participating actively in the group’s work.

86. One year previously, his country had decided to defer a draft resolution on sovereign equality in order to take account of the views expressed by the majority of Member States, to make room for more consultations and to come up with a consensus draft. It had kept its promise. The current draft resolution had been agreed upon and coordinated with all regional groups and enjoyed cross-regional support. Its content was based on feedback from bilateral consultations and on the views expressed by Member States during Board meetings. It was carefully worded and balanced to reflect the positions of both the ‘arealess’ States and those which supported the idea of amending Article VI. In that regard, he called upon Member States to support the draft resolution that would help to end an unfair practice in the Agency.

87. The representative of the UNITED KINGDOM said that his delegation was grateful to Kazakhstan for its tireless efforts to bring the issue to the attention of the Board and General Conference. The UK supported the principle that all Member States should be able to participate fully in the Agency and that the Board should be expanded in pursuit of that objective in order to afford greater opportunities for participation overall. He welcomed the practical steps that had been taken since the previous session of the Committee — including the identification of the 17 ‘arealess’ States — and welcomed the remedial action to first identify the scope of the issue so that the Committee could then take steps to rectify it. As a co-sponsor of the draft resolution, the UK was grateful to Kazakhstan for its open consultations with Member States in the run-up to the General Conference. The purposes and principles of the draft resolution, namely to support the initiative on the group of friends of ‘arealess’ States and to encourage appropriate flexibility and consensus regarding those States, were very important steps.

88. The representative of HUNGARY said that her delegation was pleased to co-sponsor the draft resolution, which it believed represented a step forward towards a resolution of the issue. It supported all efforts to promote the entry into force of the amendment to Article VI of the Statute and commended the work of the group of friends.

89. The representative of SLOVENIA said that the existence of ‘arealess’ Member States represented an unacceptable situation, whereby one tenth of all Member States were prevented from being part of the Board. To resolve that situation, the Agency had to make use of the tools already at its disposal. The

draft resolution acknowledged that fact and represented a first step towards achieving sovereign equality in the Agency. Moreover, it included a reference to the group of friends of those States, which had met for the first time the previous week and which his country had been pleased to chair. Work would continue on including the States concerned in the eight areas. The draft resolution was a modest and balanced text that Slovenia was proud to co-sponsor, and his delegation looked forward to its swift and consensus adoption.

90. The representative of MEXICO, reiterating his delegation's support for Kazakhstan's initiative, said that his delegation fully endorsed the draft resolution and encouraged the Committee to recommend its adoption.

91. The representatives of CANADA, FRANCE, SPAIN, TÜRKIYE, and TURKMENISTAN commended Kazakhstan and Slovenia for their active efforts towards resolving the issue of 'arealess' States and sovereign equality.

92. The representatives of IRELAND and JAPAN said that all Member States should have an equal opportunity to participate in the Agency's PMOs.

93. The representative of the REPUBLIC OF KOREA, expressing support for the principle of sovereign equality, said that equal opportunities and better representation in the Agency were essential. His delegation hoped that Kazakhstan had found its previously proposed amendments constructive, and that the draft resolution would satisfy the interests of both the 'arealess' States and the concerned regional groups. He looked forward to fair, inclusive and open consideration of the text to reach consensus.

94. The representative of ITALY said that his country, maintaining its firm position on the longstanding issue of sovereign equality, had ratified the Article VI amendment many years before. The draft resolution was a productive and meaningful step towards the swift rectification of the problem.

95. The representative of ECUADOR said that, although the draft resolution did not solve the underlying problem, it was undoubtedly an important step towards enabling the full participation of all Member States in the PMOs. In his hope that the draft resolution would be adopted by consensus, he encouraged Member States to continue their dialogue in the group of friends and to ratify the Article VI amendment.

96. The representative of CHINA, noting Kazakhstan's importance as a uranium supplier and its significant contributions to the Agency's work, said that the lack of sovereign equality among Member States was unfair and an impediment to the Agency's development. He encouraged the adoption of the draft resolution by consensus.

97. The representative of the RUSSIAN FEDERATION, commending Kazakhstan's determination, said that the draft resolution represented a major first step towards a long overdue solution. The Agency could not afford to wait decades until the Article VI amendment entered into force. He hoped that the draft resolution would be adopted by consensus in order to begin the practical task of allocating the 'arealess' States to regional groups, thereby enabling their participation in decision making.

98. The representatives of NORWAY and SWITZERLAND said that their countries wished to sponsor the draft resolution.

99. The representative of the UNITED STATES OF AMERICA, highlighting the overwhelming support for the draft resolution, said that this delegation thanked Kazakhstan for its efforts to reflect the views expressed in the consultations.

100. The representative of SINGAPORE, thanking Kazakhstan for taking into consideration the views of the many Member States that had not yet ratified the Article VI amendment, said that her delegation supported the principle of sovereign equality and fully understood the frustration of the ‘arealess’ States. It looked forward further engagement to reach consensus and would participate actively in the group of friends.

101. The representative of EGYPT, drawing attention to paragraph K of amended Article VI as contained in General Conference resolution GC(43)/RES/19, said that his delegation endorsed the draft resolution.

102. The representative of GERMANY said that the unfairness in the Statute and in the running of the Agency’s business needed to be rectified. She called for the swift adoption of the draft resolution by consensus, especially as it identified the Article VI amendment — which Germany had ratified — as key in solving the problem of sovereign inequality. Her country would participate actively in the group of friends to that end.

103. The representative of SOUTH AFRICA, thanking Kazakhstan for its flexibility, said that his country looked forward to the adoption of the draft resolution by consensus as a first step towards ensuring the equal opportunity of all Member States to participate in decision making in the Agency. In that connection, he called on all States that had not yet done so to ratify the Article VI amendment.

104. The representative of THAILAND, stressing the importance of sovereign equality and the right of all Member States to participate in the PMOs, said that her delegation thanked Kazakhstan for taking into consideration the concerns raised in the consultations and looked forward to consensus on the issue. The timely establishment of the group of friends provided a way forward in that regard.

105. The representative of ARGENTINA, underlining the importance of sovereign equality and the entry into force of the Article VI amendment, said that he looked forward to the adoption of the draft resolution by consensus.

106. The representative of BRAZIL said that, while the draft resolution was a positive step towards resolving the serious and urgent issue of sovereign equality, the only definitive solution was the entry into force of the Article VI amendment. Deeply disappointed that — almost 25 years since its approval — the amendment had still not come into effect, his delegation sincerely hoped that it would not be several more decades before the fundamental issue of representation was finally resolved.

107. The representative of UKRAINE, turning to paragraph 1, proposed replacing “all regional groups” with “relevant regional groups”, since not every regional group had a geographical connection to the 17 ‘arealess’ States.

108. The representative of KAZAKHSTAN, pointing out that the text was the balanced product of extensive consultations, said that Ukraine’s proposal was not conducive to the current main objective of adopting the draft resolution in order to begin the substantive work of allocating the concerned States to regional groups.

109. The representative of the ISLAMIC REPUBLIC OF IRAN noted that many of the ‘arealess’ States were NPT States Parties committed to their safeguards obligations under the Treaty and other international instruments concerning WMDs. He said that, while his country supported sovereign equality and the idea of new members joining regional groups, it could not support the list approach reflected in the draft resolution, as it was for the regional groups to decide admissions, on a case-by-case basis and by consensus. He would consult bilaterally with the delegation of Kazakhstan before bringing his proposals to the Committee.

110. The representative of INDIA said that, although her delegation set great store by sovereign equality and appreciated Kazakhstan's efforts in that regard, it did not consider the Article VI amendment an immediate remedy to the problem. Member States should undertake further consultations to find a solution.

111. The representative of the RUSSIAN FEDERATION said that nothing further would be achieved by rewording the text. His delegation did not consider the issue of 'arealess' States relevant to the Article VI amendment, on which it had publicly stated its reservations.

112. The representative of SPAIN, supported by the representatives of FRANCE and the UNITED KINGDOM, said that there had been ample opportunity to comment on the text. The problem affected all Member States, not just specific groups, and the clear goal of the draft resolution seemed to enjoy overwhelming support. Reopening the text for drafting was neither necessary nor appropriate at the current stage — it should be adopted by consensus.

113. The representative of the ISLAMIC REPUBLIC OF IRAN requested a delay in the decision until he had received new instructions on accepting the current text.

114. The CHAIR suggested that, pending Iran's response, the Committee agree *ad referendum* to recommend to the General Conference that it adopt the draft resolution contained in document GC(67)/COM.5/L.14.

115. It was so agreed.

26. Amendment of Article VI of the Statute (GC(67)/9; GC(67)/COM.5/L.15)

116. The CHAIR, having drawn attention to document GC(67)/9, said that document GC(67)/COM.5/L.15 contained a draft decision.

117. Noting that there were no requests to take the floor, he took it that the Committee agreed to recommend to the General Conference that it adopt the draft decision contained in document GC(67)/COM.5/L.15.

118. It was so decided.

14. Nuclear security (GC(67)/14 and GC(67)/INF/3; GC(67)/COM.5/L.11 and L.13)

119. The CHAIR said that the Committee had before it a report by the Director General on nuclear security, contained in document GC(67)/14; the Nuclear Security Review 2023, contained in document GC(67)/INF/3; a draft resolution on nuclear security, contained in document GC(67)/COM.5/L.11; and amendments proposed by the Russian Federation, contained in document GC(67)/COM.5/L.13.

120. The representative of FRANCE, speaking on behalf of the European Union and introducing the draft resolution contained in document GC(67)/COM.5/L.11, said that delegations had worked

cooperatively and constructively throughout the six meetings of the open-ended working group and several rounds of informal consultations in order to resolve many issues.

121. Nonetheless, there were a number of outstanding issues concerning references to the NPT, the seven pillars for ensuring nuclear safety and security during an armed conflict and the five principles to help ensure nuclear safety and security at Zaporizhzhya NPP, the forthcoming International Ministerial Conference on Nuclear Security, cyberattacks and international law. Where alternative wording could not be agreed, either the new suggestion had been disregarded or the wording from 2021 or 2022 had been used.

122. Two preambular paragraphs referring to Board resolutions on Ukraine and the situation at Zaporizhzhya NPP had been included in the text on the understanding that there was no consensus on them.

123. Encouraging delegations to sponsor the draft resolution, he expressed the hope that the Committee would be able to agree on an ambitious text commensurate with the current challenges in order to strengthen global nuclear security.

124. The representative of the RUSSIAN FEDERATION, introducing the proposed amendments contained in document GC(67)/COM.5/L.13, said that paragraphs (mm) and (nn) should be deleted. While her delegation wished to be constructive, the subject matter was a red line for the Russian Federation.

125. The CHAIR proposed that the representative of France take the Committee through the agreed amendments and the open paragraphs.

126. It was so agreed.

127. The representative of FRANCE, speaking on behalf of the European Union, said that lengthy discussions on a proposed reference to the NPT in paragraph (d) had not yielded consensus. The draft text therefore reflected agreed wording from previous years.

128. The representative of the ISLAMIC REPUBLIC OF IRAN, expressing appreciation for the inclusive approach to the negotiations, said that his delegation had proposed rewording the first part of the paragraph to read: “Reaffirming the common goals of nuclear non-proliferation, nuclear disarmament and peaceful uses of atomic energy as main pillars of the NPT which need to be implemented in a balanced manner”.

129. The representative of the UNITED KINGDOM, voicing her delegation’s strong support for the previously agreed wording, said that several States had expressed concerns about the reference to the NPT and the unclear meaning of “in a balanced manner”.

130. The representative of the UNITED STATES OF AMERICA, echoing the representative of the United Kingdom, said that discussions about the NPT were outside the Committee’s scope. The draft resolution must be shielded from difficult debate about the balance among the pillars.

131. The representative of EGYPT, recalling the difficult deliberations on the matter and stressing the importance that his country attached to the NPT, said that it was important to find compromise wording that reflected the essence of Iran’s proposal.

132. The representative of FRANCE said that the delicately crafted agreed wording should be retained, especially in view of the failure to reach a compromise during the working group.

133. The representative of FRANCE, speaking on behalf of the European Union, said that the word “key” from the 2021 resolution had been reinstated in paragraph (f) and thanked the Russian Federation

for its flexibility on that point. Paragraph (g) built on the wording from 2022 by acknowledging the importance of deterrence and access delay, in addition to prevention, detection, and response. Paragraph (h) combined parts of paragraphs (h) and (j) from 2022 to improve coherence and allow paragraph (j) to be focused on artificial intelligence, which delegations had been keen to include.

134. The CHAIR took it that the amendments were acceptable to the Committee.

135. It was so agreed.

136. The representative of FRANCE, speaking on behalf of the European Union, said that one delegation had proposed including in paragraphs (l) and (m) references to States' sovereign right not to join one or another international instrument. As a compromise — and at the strong and justified request of many delegations — an existing preambular paragraph from the text agreed upon in 2022 had been moved up to paragraph (c) to stress the importance of those rights and avoid repetition throughout the draft resolution.

137. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had proposed adding “strictly within the scope of States' sovereign rights” to the end of paragraph (l) and “without prejudice to the sovereign rights of Member States” to the end of paragraph (m). It had also proposed a paragraph (b) ter along similar lines, which was under consultation. If the Committee could agree on stronger preambular wording highlighting Member States' sovereign rights regarding international agreements, his delegation might be able to withdraw its amendments.

138. The representative of SOUTH AFRICA said that he stood ready to present a collectively formulated paragraph that had been proposed in the consultations and which might address Iran's concerns. Although some delegations had wanted further discussion, it was in the Committee's interest to consider the proposal.

139. The CHAIR suggested that delegations continue their consultations on the proposals by Iran and South Africa to find a compromise.

140. The representative of EGYPT said that there had already been several consultations on the caveats justly requested by Iran. Unfortunately, no compromise had been reached on proposed paragraph (b) ter, and the text had not been included in the draft resolution or tabled. His delegation favoured the inclusion of South Africa's proposal, with some minor modifications, as it was a factual expression of principles to which all Member States adhered and was reflected elsewhere in the resolution.

141. The representative of PAKISTAN, while noting the Chair's suggested approach, said that South Africa's proposal should be considered. The wording of proposed paragraph (b) ter was unexceptionable and could be fine-tuned. His delegation believed, however, that agreement on South Africa's text would swiftly settle many of Iran's other concerns pertaining to the rest of the resolution.

142. The representative of FRANCE, noting the difficulty of achieving consensus on text dealing with international law, said that he was open to finding wording acceptable to all parties which avoided the repeated mention of State's sovereign rights.

143. The representative of CUBA, while noting the Chair's desire to make progress with the rest of the draft resolution, said that his delegation supported South Africa's proposal and suggested that the Committee consider it in more detail.

144. The representative of BRAZIL, expressing her delegation's support for South Africa's proposal, said that, although imperfect, the text could provide a way out of the impasse.

145. The CHAIR took it that that the Committee wished to hear South Africa's proposal.

146. It was so agreed.

147. The representative of SOUTH AFRICA proposed adding a paragraph (c) bis that read: “Acknowledging that accepting, ratifying or acceding to international legally or non-legally binding instruments, including in the area of nuclear security, is a voluntary and sovereign decision of a State as recognized by applicable international law”.

148. The representative of the UNITED KINGDOM, thanking delegations for their efforts to find a way forward, said that the repeated mention of sovereign rights should be avoided. Her delegation had to seek legal advice on any reference to international law and was therefore unable to accept the text at the current stage.

149. The representative of CANADA, noting that her delegation would likewise need to consult with its capital, said that it was unclear what international law could affect a State’s ability to join an international agreement, given that it was that State’s sovereign and voluntary decision. Her delegation was willing to consider South Africa’s proposal, to avoid further repetition in the text.

150. The representative of the UNITED STATES OF AMERICA said that South Africa’s proposal raised many tricky legal issues. Since paragraph (c) did not seem to have quelled Iran’s concerns, it was perhaps best for delegations to continue the discussion outside the Committee.

151. The representative of SOUTH AFRICA, underscoring the immense efforts that had gone into negotiating paragraph (c), said that it should not be reworded.

152. The CHAIR urged delegations to continue consultations to find common ground on the wording related to international law.

The meeting rose at 1.05 p.m.