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President: Ms MANGKLATANAKUL (Thailand)

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The composition of delegations attending the session is given in document GC(67)/INF/6

¹ GC(67)/24

Abbreviations used in this record

CSA	comprehensive safeguards agreement
HEU	high enriched uranium
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
OPCW	Organisation for the Prohibition of Chemical Weapons
OSCE	Organization for Security and Co-operation in Europe
PMO	Policy-Making Organ
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
USA	United States of America
VIC	Vienna International Centre
ZODIAC	Zoonotic Disease Integrated Action

24. Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT

(GC(67)/1/Add.4 and GC(67)/23)

1. The PRESIDENT said that the item had been included at the request of China. It was covered by an explanatory memorandum contained in document GC(67)/1/Add.4 and by document GC(67)/23.
2. Mr LI Song (China) said that it was the tenth time that AUKUS nuclear submarine cooperation had been discussed as a stand-alone agenda item at China's suggestion. There had been two new developments since the sixty-sixth regular session of the General Conference: first, the AUKUS partners had formally announced their cooperation plan, and Australia had proposed to invoke Article 14 of its CSA and consult with the Secretariat on a relevant safeguards arrangement; second, an increasing number of Member States had recognized the impact and challenges that AUKUS posed to the international nuclear non-proliferation regime and the Agency's safeguards system, and had participated more actively in the discussions, which had continued to deepen.
3. In light of the evolving situation, in-depth discussions had been held at the March, June and September series of Board meetings, on matters including the nature and far-reaching impact of AUKUS, how the Agency's safeguards system had historically been developed and improved, the application of Article 14 and the role of the Secretariat. China had participated earnestly in the discussions and advocated an open, inclusive, transparent and sustainable intergovernmental discussion process. In May 2023, China had organized a seminar on AUKUS at the VIC, the outcomes of which had been published in document INFCIRC/1091. During the first session of the Preparatory Committee for the 2026 NPT Review Conference, AUKUS had once again been a focus of attention. A Chinese think tank and the Permanent Mission of Australia had each held a side event on AUKUS, and States Parties to the NPT had discussed aspects such as the impact of AUKUS on the international non-proliferation regime.
4. Not only would AUKUS have a severe security impact in the Asia-Pacific region and worldwide, it also posed a serious challenge to the international non-proliferation regime and the safeguards system. It was the first time that nuclear weapon States were cooperating with a non-nuclear-weapon State in a military alliance on nuclear powered submarines, which involved the transfer of a naval nuclear propulsion reactor and weapons-grade nuclear materials. AUKUS constituted a grave proliferation risk and ran counter to the object and purpose of the NPT. It was a classic case of unilateralism and double standards.
5. The matter could not be considered a routine safeguards issue. Indeed, the emergence of AUKUS had made it difficult to form a unified paradigm for naval nuclear propulsion within the Agency's framework. The fact that the application of Article 14 to Brazil's national nuclear submarine programme had sparked no controversy clearly showed that there was a fundamental difference between the two programmes.
6. The safeguards arrangements for AUKUS involved complex political, security, non-proliferation, legal and technical issues, many of which touched on new areas not covered by the Agency's routine safeguards practices. Intergovernmental discussions in 2023 had shown that Member States held profoundly different views and concerns. Whether and how Article 14 could be applied to AUKUS must not be decided by the AUKUS partners and the Secretariat alone.

7. Given the complexity and sensitivity of the issues at hand, any arrangement aimed at addressing or resolving them would set an important precedent and have a significant impact on the implementation of the safeguards system and the improvement and development of related practices. Whether and how such a precedent was applied to other countries in the future would also have an immeasurable, far-reaching impact on global and regional security and on the authority, integrity and effectiveness of the international non-proliferation regime, inevitably affecting the authority and universality of the Agency's safeguards system. The matter must be taken seriously, considered deeply, and handled properly by Member States, including the AUKUS partners.

8. Every important change to the Agency's safeguards system had been achieved through a consensus-based, Member State-driven process, with broad Member State participation. That important tradition of inclusiveness and consensus had ensured that the safeguards system kept pace with the times, on the basis of universal acceptance by Member States. Upholding that tradition was in the shared interest of all Member States, including the AUKUS partners.

9. As the Agency developed and improved its safeguards system, many different views and concerns were likely to emerge. Arduous as the discussions, consultations and negotiations to reach a consensus might be, they were a necessary and unavoidable step if genuine multilateralism was to be preserved. According to Australia, the USA and the UK, the AUKUS cooperation would be a long-term process — discussions on AUKUS among Member States were likewise only the first step. Member States had sufficient time, and should have sufficient patience, to address the challenges posed by AUKUS through intergovernmental discussions.

10. One such challenge concerned the role of the Secretariat. Parties expressing differing opinions on that issue should not be accused of challenging the Secretariat's independence and professionalism. Rather, those differences must be fully discussed among Member States in order to achieve a consensus that could then serve as the basis for the Secretariat's work. The Director General had stated that the Secretariat was willing to listen carefully to Member States' views on AUKUS. China hoped that the Secretariat would not only listen to but also respect the different views expressed and facilitate intergovernmental discussions. The Secretariat should also keep Member States informed, in a complete and timely manner, of any developments and the Secretariat's interactions with the AUKUS partners.

11. China had its own position regarding AUKUS but had always believed that the associated challenges should be addressed collectively by Member States. China's views and proposals were merely its contribution to the intergovernmental discussion; the views of all other parties, including the AUKUS partners, would be taken into careful consideration. China had no intention of imposing its proposals on others, and neither should the AUKUS partners.

12. Member States expressing different views and taking part in intergovernmental discussions should not be accused of politicizing the issue. After all, AUKUS was not the concern of just a few countries but of all Member States. Safeguards arrangements for AUKUS could not be handled privately between the AUKUS partners and the Secretariat, nor should communication between the AUKUS partners and the Secretariat be separate from the ongoing intergovernmental discussion process within the Agency.

13. All Member States were called upon to adopt a responsible attitude towards the international non-proliferation regime and the Agency's safeguards system, and together stand firm to advance open, inclusive, transparent and sustainable intergovernmental discussions and appropriately address the new practices and challenges brought about by AUKUS. The AUKUS partners were urged to respond to the international community's concerns with tangible actions, fulfil their non-proliferation obligations in good faith, and engage in candid and transparent communication with other Member States on the basis of equality and mutual respect. The Chinese delegation stood ready to continue engaging in dialogue

and cooperation with all Member States, including the AUKUS partners, in a responsible and professional manner.

14. Mr OTHMAN (Syrian Arab Republic) said that, as AUKUS involved the illegal transfer of nuclear weapons material, it was fundamentally an act of nuclear proliferation constituting a direct violation of the NPT. Never before had two nuclear-weapon States transferred — flagrantly and unlawfully — nuclear weapons material to a non-nuclear-weapon State. The transfer of such material in such quantities posed a serious threat to the safeguards regime, the NPT and global peace and security.

15. Australia's request to begin negotiating an arrangement with the Agency under Article 14 of its CSA was unprecedented and highly controversial. Syria called on all Member States to work towards an agreed formula, through the ongoing intergovernmental dialogue on naval cooperation among the three AUKUS countries, by focusing on the core issue and establishing the facts in order to prevent nuclear proliferation and protect the NPT and international peace and security. The AUKUS partners must refrain from taking any further steps in their programme of cooperation on nuclear submarines. The partners' efforts to apply safeguards arrangements that had been individually agreed with the Secretariat represented an attempt to shirk their non-proliferation obligations.

16. Mr BERTI OLIVA (Cuba) said that the AUKUS partnership and the transfer of naval nuclear propulsion technology posed a high proliferation risk. It was of concern to Cuba that AUKUS ran counter to the spirit and letter of Articles I, II, III and IV of the NPT, rendering even more remote any likelihood of achieving a world free of nuclear weapons.

17. Under the NPT, nuclear weapon States undertook not to transfer nuclear weapons or other devices, either directly or indirectly, and non-nuclear-weapon States made a reciprocal commitment not to receive such weapons. Furthermore, AUKUS would pose many challenges in terms of safeguards. The Agency must therefore prioritize prevention and not wait for proliferation to occur, in line with the model CSA.

18. At a time when the world was confronting a multidimensional crisis, global powers such as the USA insisted on increasing their military budgets, financing the modernization of their nuclear arsenals and forming new alliances that threatened international peace and security. AUKUS would set a precedent for countries seeking to build nuclear-powered submarines that would pose serious proliferation problems and create an obstacle to the transparent, verifiable and irreversible elimination of nuclear weapons. Against that backdrop, Cuba welcomed the intergovernmental debate initiated on AUKUS within the framework of the Agency's mandate.

19. Mr MOLEKANE (South Africa) said that naval nuclear propulsion had been anticipated during the NPT negotiations and had not been prohibited. Many decades later, however, the precedent-setting AUKUS project had now brought the issue to the fore. The fact that HEU would be transferred from nuclear weapon States to a non-nuclear-weapon State for a non-proscribed military purpose gave rise to substantial safeguards-related, legal and other concerns.

20. South Africa considered the Agency's response to the safeguards issues concerning current naval nuclear propulsion projects such as AUKUS to be a significant development and, in that regard, wholly supported the Agency's established tradition of shaping safeguards evolutions through open, inclusive, Board-driven technical processes. Fully confident in the Agency's execution of its safeguards mandate, his country believed that, far from being micromanagement, safeguards development based on negotiated Member State agreements or understandings enhanced Member States' legal clarity and common purpose in supporting the Agency in that task.

21. Additional States were also likely to seek Article 14 arrangements in the future. It was therefore essential to have agreed and universally applicable principles, benchmarks and modalities to guide the

negotiation and implementation of those individual arrangements, regardless of the States involved. South Africa had encouraged the Board to take the lead in giving structure and focus to the robust and timely debate already under way on those important issues.

22. Ms HERNANDEZ (Bolivarian Republic of Venezuela) thanked China for having added the item to the agenda, noting that AUKUS had been discussed at several consecutive Board meetings. Venezuela had expressed its concerns about the potential proliferation and safeguards implications of the partnership, which involved the transfer of tonnes of nuclear material from two nuclear weapon States to a non-nuclear-weapon State. AUKUS could also have implications for global strategic stability, international security, regional peace and stability and the global non-proliferation regime.

23. Arguments according to which Article 14 of Australia's safeguards agreement could encompass the modalities of AUKUS needed to be treated with caution. Questions remained as to whether Article 14 — which was more than 40 years old — was sufficiently clear or suitable to be applied to AUKUS or other current and future programmes.

24. It should be for the Board to interpret Article 14 and discuss its implementation. The Agency had a responsibility to assist all Member States in maintaining and promoting the relevant intergovernmental review process and in jointly exploring and resolving all aspects of the application of Agency safeguards to AUKUS. It was therefore important to continue intergovernmental discussions under the current agenda item at the Board and the General Conference.

25. Mr ULYANOV (Russian Federation) said that his country had consistently supported the inclusion of the item on the agenda of the PMOs and was grateful to China for its sustained efforts in that regard. The fact that the issue of the transfer from the UK and the USA to Australia of highly enriched nuclear material for nuclear-powered submarines had been discussed by the Board for the eighth time and had been included on the agenda of the General Conference for the second time was testament to Member States' growing interest in the subject.

26. In the context of the Agency's mandate, the AUKUS project had two important dimensions: the need for a broad, open and inclusive discussion of the unprecedented challenge it posed to the NPT regime and the Agency's safeguards system; and the development of a credible formula for verification activities relating to nuclear material intended for the reactors of future submarines.

27. The Secretariat and the AUKUS participants had not paid due regard to Member States' requests for an inclusive discussion. The AUKUS participants claimed that they were acting in a transparent manner, but that was not the case at all: the discussion on the safeguards aspects of the AUKUS project was taking place behind the scenes, and the Russian Federation did not accept that it was merely a bilateral, routine interaction between the concerned States and the Secretariat. Member States should be able to remain informed, ask questions and understand where the discussion was leading. The past two years had clearly shown that there were still serious disagreements among Member States on the issue. The more the Secretariat and the AUKUS participants continued their discussions behind closed doors, the more the rift would grow, with negative consequences for the Agency's safeguards system. Such a scenario should be avoided.

28. With regard to the development of a formula for verification activities, he said that for the first time in its history, the Agency was dealing with the invocation of Article 14 of a CSA. That was an unprecedented test of the strength of the safeguards system, and the Agency was in uncharted territory. Moreover, it was impossible to ignore the fact that the AUKUS project involved the transfer of several tonnes of HEU from two nuclear weapon States to a non-nuclear-weapon State so that that State could subsequently withdraw the nuclear material from safeguards. Since such action clearly fell outside the scope of Article 14, a completely new approach was needed, and it would be unacceptable for that to be agreed upon behind closed doors by three countries that were part of a military alliance. The Agency

had a long-standing tradition of developing new approaches to verification activities with the participation of all interested Member States. Departing from that practice would mean that the safeguards system was at risk of being ‘privatized’ and inevitably undermined by a small group of Member States. Unsurprisingly, many Member States would not tolerate that and believed that it was important to make their views known before it was too late.

29. The Russian Federation, like many other Member States, insisted on the need for a comprehensive multilateral discussion on the AUKUS project within the Agency’s PMOs and under a separate agenda item. If necessary, the process could involve other bodies such as a special committee or an international group of experts so that specialists from the Secretariat and interested countries could discuss all verification-related aspects of the AUKUS project in a technical manner.

30. Any agreement on verification activities in relation to the AUKUS project should be subject not only to a discussion but also to the Board’s approval. The Director General had stated that the verification formula would be presented to the Board “for appropriate action”. The only appropriate action would be to approve or reject the formula that had been worked out behind closed doors.

31. Ms MURILLO CENTENO (Nicaragua), expressing her country’s support for document INFCIRC/1130 submitted by China to the September Board meetings, said that the direct transfer of nuclear material from nuclear weapon States to a non-nuclear-weapon State was of concern. The nuclear submarine cooperation set a negative technical and legal precedent for the global disarmament and non-proliferation regime, which the Agency safeguards system was supposed to guarantee.

32. Any agreement to address or resolve the complex and sensitive AUKUS issue would have a significant impact on the improvement and development of the Agency’s safeguards system and relevant safeguards practices, and an immeasurable and far-reaching effect on global and regional security and on the authority, integrity and effectiveness of the international nuclear non-proliferation regime. It would also inevitably affect the authority and universality of the Agency’s safeguards system. Those issues must be discussed and addressed appropriately by the concerned Member States. The Secretariat was urged to continue exploring and resolving issues around the AUKUS cooperation, taking into consideration the fact that all three States had concluded safeguards agreements with the Agency.

33. Every major improvement and development concerning the Agency’s safeguards system had been achieved through consensus-based, Member State-driven processes, with broad Member State participation. The important tradition of inclusiveness and consensus ensured that the safeguards system kept pace with the times, and its recognition by all Member States increased its universality. It was therefore in the common interest of all Member States, including the AUKUS partners, to maintain that tradition.

34. Nicaragua hoped that the Secretariat would listen carefully to Member States’ different views, facilitate intergovernmental dialogue on AUKUS and provide full and prompt updates on its interactions with the three countries on the issue.

35. Mr KHOKHER (Pakistan) said that the inclusion of the agenda item was justified in view of its highly important subject matter. The cooperation on naval nuclear propulsion and initiation of the AUKUS security partnership was unprecedented from a safeguards perspective. The Agency could certainly develop experience in that particular area over time. The involvement of not one but three countries added a further layer of complexity, raising several pertinent and valid questions of both a legal and technical nature.

36. The Agency’s safeguards system had evolved through a transparent and inclusive process, which had ensured not only that it remained non-discriminatory and fit for purpose, but also that it was perceived and accepted as such by the international community. The Agency’s handling of the issue,

and the eventual safeguards approach and arrangements to be applied, would constitute a major landmark in the evolution of the safeguards system. The issue should therefore not be treated as a routine matter. Preservation of the credibility, integrity and effectiveness of the Agency's safeguards system should be the foremost consideration. Pakistan therefore supported the calls for more information and transparency on the AUKUS project, and for thorough and structured discussions at the Agency on all relevant dimensions of the matter.

37. The Director General's affirmation that the Secretariat would exercise its non-proliferation mandate in an impartial, objective and technical manner when engaging with the AUKUS partners was welcome, as was his commitment to keeping the Board and Member States informed and submitting the relevant safeguards arrangements to the Board for appropriate action.

38. Pakistan had consistently upheld the principle that all States must comply with their respective safeguards obligations. The Agency's safeguards system was not an end in itself, rather a means of promoting and preserving regional and global peace and stability — an overarching objective that must remain paramount for the Secretariat and Member States.

39. Mr BIGGS (Australia), speaking also on behalf of the UK and the USA, said that document GC(67)/23, circulated on 21 September 2023, had reiterated the three countries' concerns regarding the addition of the agenda item by one Member State. The AUKUS partners did not support the inclusion of the agenda item and understood from their extensive consultations that the majority of Member States were of a similar view. Although Australia had not sought to intervene during the politically-motivated agenda item, the serious nature of the disinformation and mischaracterizations required a response.

40. Regarding the transparency of engagement with the Agency, the AUKUS partners understood that Member States had genuine questions regarding naval nuclear propulsion in CSA States, and would continue to engage in good faith with all Member States, consistent with their commitment to openness and transparency. To that end, Australia had provided an update on its acquisition of naval nuclear propulsion technology during the General Debate, as it had done in 2022. Updates had also been provided at each Board meeting since the partnership had been announced in September 2021 and two INFCIRC documents had been published over the preceding year to update Member States.

41. It was important to deal in facts, not disinformation. Australia had welcomed the Director General's September 2022 and June 2023 reports on its acquisition of naval nuclear propulsion technology, and his various statements to the Board, including the one made in June and set out in document 2023/Note 44. Throughout the process, the Director General had been clear that he was mandated and authorized by the Board to develop an Article 14 arrangement between Australia and the Agency pursuant to Australia's CSA. Moreover, he had committed to bringing that arrangement to the Board for appropriate action once it had been developed. As was standard practice, Australia's CSA had been approved by the Board and was being implemented by the Agency. The suggestion that his country would seek to bypass the Board in the development of the Article 14 arrangement was false.

42. All Member States relied upon and trusted the Agency to undertake its critical safeguards function with integrity and independence and, under the provisions of Board-approved safeguards agreements, they relied on the Secretariat to develop and implement safeguards approaches across the entire nuclear fuel cycle — bilaterally and in confidence. Moreover, Member States trusted the Secretariat to draw conclusions regarding their compliance with safeguards obligations.

43. The AUKUS partners were confident that the Director General had the ability and mandate to develop — as per his stated intent — a robust safeguards approach for Australia's naval nuclear propulsion programme that would enable the Agency to continue to meet its technical safeguards objectives established for Australia. His country's Article 14 arrangement would not remove nuclear material from Agency oversight. Throughout the lifecycle of Australia's programme, the Agency would

be able to continue to verify and conclude that there had been no diversion of declared nuclear material, no misuse of facilities, and no undeclared nuclear material or activities.

44. Contrary to what some delegations had suggested, Australia did not seek to impose a template or model Article 14 arrangement. The Agency would need to account for State-specific factors when developing such an arrangement for any State.

45. Mr IMANISHI (Japan) expressed support for the work of the Secretariat and the Director General in accordance with the Statute and the safeguards agreements and additional protocols of the parties concerned. The Board had, in fact, already authorized the Director General to implement those instruments. Proposing additional processes after an established procedure had been agreed upon would not preserve the safeguards regime; rather, it would undermine the legitimate work of the Secretariat as previously authorized by the Board, to the detriment of the credibility, integrity and efficiency of the Agency. As such, additional processes would also be contrary to the interests of Member States.

46. Mr MAZUMDAR (India) said that the Agency was the only technically capable, independent and impartial body mandated to undertake technical consultations on possible safeguards implications with the AUKUS parties. In that regard, India appreciated the parties' stated commitment to meeting the highest non-proliferation and safeguards standards and their extensive outreach to Member States to address any concerns. India noted that the results of such consultations would be presented to the Board for appropriate action.

47. Mr CHIKONDO (Zimbabwe) said that the AUKUS arrangement was one of the most complex challenges to the nuclear safeguards regime, largely because of the envisaged transfer of highly enriched nuclear material from a nuclear weapon State to a non-nuclear-weapon State.

48. Despite the AUKUS partners' repeated declarations of their commitment to upholding the highest non-proliferation standards, the mere promise of good behaviour offered insufficient guarantees. Given the current environment of deep mistrust and the high proliferation risks arising from the unprecedented arrangement, AUKUS had the potential to set back international efforts to rid the world of nuclear weapons, to say nothing of the inherent danger of triggering an arms race and thus threatening world peace.

49. In view of all those intricacies and sensitivities, Zimbabwe supported the call for a standing item on AUKUS on the agenda of the PMO meetings to ensure regular feedback from the Director General, deepen Member States' insight, and promote openness, constructive dialogue and the Vienna spirit.

50. Mr SHAALAN (Egypt) said that the safeguards arrangements anticipated under the AUKUS naval nuclear propulsion programme would set an important precedent that must be handled with transparency and due diligence, within a clear institutional framework aligned with the NPT and the Agency's mandate and characterized by integrity, non-discrimination and non-politicization.

51. Accordingly, while Egypt noted the AUKUS parties' commitment to transparency and their emphasis on cooperation with the Agency, as well as the Director General's report in that regard, it stressed the need to continue the ongoing intergovernmental process so that the Board and the General Conference could follow up on the matter and its repercussions.

52. He concluded by thanking China for its efforts and underscored his country's support for the Agency's role and work on the important issue.

53. Mr TORABI (Islamic Republic of Iran), stressing the inalienable right of all NPT States Parties to use nuclear energy for peaceful purposes without discrimination, the fact that neither the NPT nor CSAs prevented non-nuclear-weapon States from employing naval nuclear propulsion reactors for non-proscribed military activities, and the prohibition contained in the NPT on nuclear weapon States

providing assistance to non-nuclear-weapon States in acquiring nuclear weapons, said that the principles governing non-proliferation should not be open to interpretation. Western countries had shown double standards in that regard, and no one could assure the international community that the principle of non-proliferation would be fully adhered to.

54. The AUKUS cooperation — concerning the ambiguous military use of nuclear technology, the transfer of hundreds of tonnes of unsafeguarded weapons-grade nuclear material to Australia, and the provision of assistance to Australia in developing capabilities to operate nuclear submarines designed to be capable of carrying and delivering nuclear weapons — had prompted serious concerns as to the nature, purpose and proliferation risks of Australia's naval nuclear propulsion programme and had raised the spectre of a disastrous nuclear arms race in East Asia.

55. Despite assurances from the UK and the USA that they would not assist Australia in acquiring nuclear weapons through the AUKUS partnership, their past behaviour was grounds for legitimate concern: the Israeli regime had obtained weapons-grade fissile material stocks from a US naval propulsion reactor fuel plant in the late 1960s. In addition, the two nuclear weapon States involved in AUKUS had been the original nuclear weapon proliferators. The USA had been responsible for proliferation to the UK, then the UK had engaged in proliferation to France, and then all three had brought about proliferation to the Israeli regime. Now it seemed that the UK and the USA were paving the way to engage in the proliferation of nuclear weapons to Australia. Iran firmly reminded the two countries of their non-proliferation obligations, which they were urged to fulfil.

56. Lastly, Iran emphasized that the elements presented in the Director General's report did not and would not entail the introduction of any additional standards or obligations for States or the Agency, nor did they involve any change in how existing obligations were to be interpreted.

57. Ms BERNAS (Philippines) said that her country appreciated the Agency's ongoing engagement and technical discussions with the AUKUS parties regarding the safeguards implications of Australia's acquisition of nuclear-powered submarines, and also the development of suitable verification measures for that arrangement.

58. The Philippines took note of the level of engagement shown by Australia and its commitment to observing the highest non-proliferation standards. Her country was fully confident that the Agency, through the Department of Safeguards, would hold the AUKUS parties to that commitment, in accordance with the relevant safeguards agreements. The Philippines trusted the Agency to inform Member States of any difficulties faced in the implementation of any safeguards agreement and encouraged the AUKUS parties to continue extending their full support and cooperation to the Agency throughout the process.

59. Mr LULASHNYK (Canada) said that the cooperation among the AUKUS partners was envisioned under both the NPT and the Agency's safeguards system. His country remained fully confident that a suitable arrangement to address the safeguards implications of Australia's naval nuclear propulsion programme would be agreed upon in accordance with the participating States' legal requirements, including those under the NPT and Agency safeguards.

60. Canada fully supported the Agency's essential role in providing impartial and evidence-based safeguards verification in support of the non-proliferation regime and had full confidence in the Agency's capacity and credibility as it worked with the relevant parties to develop an appropriate and effective safeguards approach for the initiative. His country opposed any efforts to undermine the Agency's authority or to create parallel processes in that regard.

61. Ms MONTERRUBIO VILLAR (Spain), speaking on behalf of the European Union, said that Türkiye, North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Iceland and Liechtenstein aligned themselves with her statement.

62. The European Union attached great importance to the NPT and the integrity of the nuclear non-proliferation regime and was of the view that the Agency was the competent body to ensure full, impartial, independent and objective implementation of safeguards. Full consideration must be given to any proliferation implications and risks. The Secretariat's role and responsibilities, including its mandate to engage directly with Member States on safeguards and verification matters, must be respected without undue pressure. It was not necessary to have a standing item on AUKUS on the agenda of the PMO meetings or to establish parallel intergovernmental processes, given the ongoing work by the Secretariat. The European Union looked forward to further reporting by the Director General on Agency safeguards in relation to naval nuclear propulsion programmes, as appropriate.

63. Mr LEE Yoonseok (Republic of Korea) said that his country noted with satisfaction the AUKUS countries' firm commitment to setting the highest nuclear non-proliferation standard for Australia's naval nuclear propulsion programme in consultations with the Agency. The Republic of Korea commended the Director General's professional engagement with the AUKUS countries and welcomed the transparent process, which was to be guided by the Agency's statutory mandate and safeguards standards. His country supported the Agency's independent and impartial work to develop an effective arrangement under Article 14 of Australia's CSA to enable the Agency to meet its technical safeguards objectives.

64. Ms ŽVOKELJ (Slovenia) said that her country strongly supported the Agency's work across its mandate and commended the AUKUS partners' transparent approach to Australia's acquisition of nuclear-powered submarines. Slovenia was convinced that the AUKUS partners would continue working with the Secretariat towards their goals, with full respect for their international obligations and would keep the Board informed of developments, as appropriate.

65. Mr MOFADAL EL NOUR (Sudan) said that dialogue was the only way to overcome the current impasse on AUKUS. Given the partnership's potential to set a precedent for other countries and for the nuclear non-proliferation regime, the Sudan appealed sincerely to the AUKUS partners and other Member States to do their utmost to open new avenues of cooperation and understanding on the matter, ensuring that the atom was harnessed for peace and development.

66. Mr LI Song (China) thanked delegations for taking part in the discussion of the item, which had been included on the agenda at the request of his country. In response to certain views expressed, he said that China's only political motivation was its belief that AUKUS should not be regarded as a routine safeguards issue, and that the responsible course of action was a comprehensive review of the impact of AUKUS on the Agency's safeguards system and of its far-reaching implications for the international non-proliferation regime.

67. Expressing different views on AUKUS was not politicization — suppressing diverging views and preventing broad participation in discussions was politicization. The range of views expressed at the current meeting further illustrated the need for Member States to continue strengthening communication and dialogue on the matter. AUKUS was a new issue that involved new safeguards practices and topics, and China looked forward to broader Member State participation in discussions at current and future Agency meetings. Member States had the right and the need to discuss the matter calmly, patiently and in depth.

68. It was hoped that the AUKUS partners would participate more actively and constructively in the intergovernmental discussion process going forward, as that was the most positive and effective way for them to engage with other Member States. China called on the Secretariat and Member States to take

real action to address the risks and challenges posed by AUKUS, defend the NPT, further improve and strengthen the safeguards system, fulfil the Vienna spirit and engage in true multilateralism.

69. The PRESIDENT said that all comments and views expressed would be reflected in the summary records.

25. Nuclear safety, security and safeguards in Ukraine (GC(67)/10 and GC(67)/L.2)

70. The PRESIDENT drew attention to document GC(67)10, containing a report by the Director General on nuclear safety, security and safeguards in Ukraine, and to the draft resolution set out in document GC(67)/L.2, submitted by Canada, Costa Rica, Finland and Singapore.

71. Ms GARCÍA GUTIÉRREZ (Costa Rica), speaking also on behalf of Canada, Finland and Singapore, said that the inclusion of the important item on the agenda, the Director General's continued reporting on nuclear safety, security and safeguards in Ukraine, and the Secretariat's tireless and committed efforts on the issue — despite extremely challenging circumstances — were appreciated.

72. The four co-sponsors were proud to introduce the first ever draft General Conference resolution on nuclear safety, security and safeguards in Ukraine. The broad cross-regional support for the text signalled the Conference's unequivocal endorsement of the Agency's efforts to uphold nuclear safety and security and effective safeguards implementation in Ukraine in the context of the armed conflict. It was imperative that the Agency's highest policy-making body underscore its full support for the implementation of the seven indispensable pillars for ensuring nuclear safety and security during an armed conflict and emphasize the importance of the five principles to help ensure nuclear safety and security at the Zaporizhzhya NPP, announced by the Director General in May 2023 at the UN Security Council.

73. The draft resolution also provided strong support for the Agency's continued presence at the Zaporizhzhya NPP and other Ukrainian nuclear facilities, and for its comprehensive programme of technical assistance on nuclear safety and security in Ukraine, which had so far included more than 53 missions and a total of 116 Agency staff members on the ground.

74. The co-sponsors, like many other delegations, remained deeply concerned about the nuclear safety and security situation in Ukraine, in particular at Zaporizhzhya NPP, which the Director General considered difficult and challenging. As the draft resolution made clear, the withdrawal of all unauthorized military and other unauthorized personnel and the return of the plant to the control of the competent Ukrainian authorities consistent with the existing licence would ensure the safe operation of Zaporizhzhya NPP.

75. The draft resolution had been developed through an open, transparent and inclusive process. Two earlier drafts had been circulated among regional groups and the broader membership and an informal, open consultation had been held on 18 September 2023. No written proposals had been received from any delegation and it was hoped that the item would be considered in a predictable, smooth and respectful manner. The final text was focused directly on nuclear safety, security and safeguards issues in Ukraine, in line with the Agency's mandate and considered to present a balanced reflection of Member States' views on that critically important matter.

76. Costa Rica urged all Member States to give the draft resolution their firm backing and convey a clear message to the Director General and the Secretariat regarding the value of their efforts to support nuclear safety, security, and safeguards implementation in Ukraine.

77. Ms MONTERRUBIO VILLAR (Spain), speaking on behalf of the European Union, said that North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, Georgia, Iceland, Liechtenstein and San Marino aligned themselves with her statement.

78. It had been more than 18 months since the Russian Federation had launched its full-scale invasion of Ukraine, in violation of international law, including the UN Charter and the very principles of the Agency's Statute. The invasion had severe consequences for Ukraine's nuclear facilities, including the looting of the Chernobyl site and the illegal seizure of Zaporizhzhya NPP.

79. The European Union continued to condemn the Russian Federation's war of aggression against Ukraine in the strongest possible terms. It was gravely concerned about the increasing nuclear safety and security risks, with potentially severe consequences for Ukraine and its neighbouring countries, as well as wider global repercussions. None of those had existed before the Russian invasion.

80. As a consequence of the Russian Federation's aggression, and as reported by the Director General, Zaporizhzhya NPP had lost its main source of cooling water following the destruction of the Kakhovka dam. Its main off-site power supply line suffered frequent disconnections; maintenance work was being neglected in the absence of sufficient spare parts and personnel; and the operating staff were conducting their duties under constant intimidation from Russian forces, increasing the risk of mistakes. The Ukrainian regulator's orders to place all six units in cold shutdown and the Agency's recommendations were being ignored. Most worryingly, the Agency had reported a continued significant Russian military presence at the site, with outward-facing mines and military activity near the site. Moreover, the war had made the Agency's safeguards activities more challenging.

81. The European Union was deeply grateful to the Agency and the Director General for their great determination and decisiveness in the unprecedented circumstances. It recalled the Agency's clear stance that the attempted illegal annexation of four regions of Ukraine had no validity under international law, as set out in the UN General Assembly resolution of 12 October 2022². The European Union strongly supported the Agency's continued presence at Ukraine's NPPs, in full respect of the country's sovereignty and territorial integrity. It appreciated the 'seven pillars' and 'five principles' announced by the Director General. Agency experts on site must have unrestricted and timely access to all locations to monitor implementation.

82. Regrettably, the Russian Federation had shown no sign of respecting the 'seven pillars' or the 'five principles'. It had failed to comply with the three Board resolutions³ adopted in 2022, or with previous consensus resolutions adopted by the General Conference stating that any armed attack on or threat against nuclear facilities devoted to peaceful purposes constituted a violation of the principles of the UN Charter, international law and the Statute of the Agency.

83. It was time for the General Conference to address the nuclear safety and security situation at Zaporizhzhya NPP, as well as safeguards implementation. The Agency needed Member States' support for its work to help maintain nuclear safety and security in Ukraine. The Russian Federation must leave Zaporizhzhya NPP in order for the competent Ukrainian authorities to ensure its safe and secure operation and for the Agency to safely implement safeguards, in accordance with Ukraine's CSA and additional protocol.

² A/RES/ES-11/4

³ GOV/2022/17, GOV/2022/58 and GOV/2022/71

84. The European Union thanked Canada, Costa Rica, Finland and Singapore for their tireless and transparent efforts, which had resulted in a balanced draft resolution for consideration by the General Conference, and called on all Member States to support the text. The European Union would stand with Ukraine for as long as necessary and would continue to support it and the Agency's nuclear safety and security work.

85. Ms MOCANU (Republic of Moldova) said that her country remained deeply concerned about the situation in Ukraine, and in particular the challenging nuclear safety and security situation at Zaporizhzhya NPP, where all 'seven pillars' had been compromised as a result of the Russian Federation's military invasion.

86. The reports of increased military activity in the vicinity of the plant and the numerous explosions reported by the Agency's experts over the previous week were alarming. While the assurance that there was no damage to the plant itself was appreciated, the potential risks posed by such activities could not and should not be underestimated given the critical importance of ensuring the safety and security of nuclear facilities. Her country therefore called on the Russian Federation to adhere to the Board resolutions and completely and unconditionally withdraw all its armed forces and military equipment from Ukraine's entire territory, respecting Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders. The Republic of Moldova reiterated its strong condemnation of the Russian Federation's unprovoked and unjustifiable war of aggression against that country, which was a gross violation of international law, the principles of the UN Charter and the Agency's Statute.

87. The Republic of Moldova supported the Agency's work in Ukraine to ensure nuclear safety and security while upholding safeguards obligations. Accordingly, it echoed the Director General's call for Agency staff to have full access to various areas of the plant in order to monitor compliance with the 'five principles'. Her country also commended the Agency's ongoing efforts to secure alternative sources of cooling water for Zaporizhzhya NPP, given the destruction of the Kakhovka dam three months previously. Moreover, her country commended the Agency staff working in Ukraine on their dedication, and the Agency's valuable support and technical assistance to Ukraine, including the development of a new programme of assistance.

88. The Republic of Moldova would support the draft resolution. It was time for the General Conference to address the issue. The Russian Federation must withdraw from Zaporizhzhya NPP, which Ukraine had operated safely, securely and peacefully for decades. It must return full control of the plant to the legitimate and sovereign Ukrainian authorities to ensure its safe and secure operation and the safe implementation of Agency safeguards in accordance with Ukraine's CSA and additional protocol. Her country would remain steadfast in its solidarity for Ukraine and reaffirmed its commitment to supporting the Ukrainian people in their fight for a peaceful and prosperous future.

89. Mr ULYANOV (Russian Federation) requested that the draft resolution on nuclear safety, security and safeguards in Ukraine set out in document GC(67)/L.2 be put to a vote. The Russian Federation did not support the text and would vote against it.

90. It was completely unacceptable that the co-sponsors of the draft resolution were attempting to draw the General Conference and the Board of Governors into a discussion on aspects that did not fall within their mandate or that of the Agency as a whole. He was compelled to reiterate that the withdrawal of military personnel and issues relating to sovereignty, territorial integrity and the state ownership of nuclear facilities were not within the Agency's competence. The General Conference was clearly not an appropriate forum for such matters, which should be discussed and resolved in more suitable forums such as the UN Security Council, the Organization for Security and Co-operation in Europe (OSCE) and the UN General Assembly.

91. Canada and Finland, as the main co-sponsors of the resolution, had behaved in ways that risked a repeat of the situation at the Organisation for the Prohibition of Chemical Weapons (OPCW), a previously successful international organization that had been crippled by the rampant politicization of its work. His country was firmly convinced that that scenario must not be replicated at the Agency, where a more careful approach was warranted.

92. Moreover, the instigators of the draft resolution were pursuing an approach that was completely one-sided, far removed from reality and even dishonest. Under the pretext of concern for nuclear safety and security, they were glossing over — and thereby actually encouraging — the criminal actions of the Ukrainian authorities and army, which had subjected Zaporizhzhya NPP to rocket and artillery fire for many months in 2022. The Director General, during his three visits to the plant, had seen at first hand the consequences of those strikes and the remnants of missiles. Moreover, the Ukrainian army continued to terrorize the satellite town of Enerhodar, compromising the power lines supplying energy to facilities there. The co-authors of the draft resolution were not trying to create even a semblance of impartiality; instead, they were seeking to create the false impression that all problems were the fault of the Russian Federation. In doing so, they were effectively giving Ukraine their blessing and *carte blanche* to continue shelling nuclear facilities, which could result in a radiological catastrophe. Such actions were extremely dangerous.

93. A number of countries had suggested that the draft resolution should call on both the Russian Federation and Ukraine to refrain from actions that might threaten nuclear security. It was understandable that Canada and Finland had prevented that: they did not care much about nuclear security. Their priority had been to ensure that the resolution contained anti-Russian political sentiment. It contained gross distortions of the actual situation at Zaporizhzhya NPP, and directly called for the withdrawal of Russian military personnel from the plant, which was utter nonsense. Thirty years previously, such professional mistakes would have been frowned upon, but since Canada and Finland considered such distortions of the true situation to be normal, they were not in the least embarrassed by them.

94. He had listened with amazement to the statement made by the representative of Spain on behalf of the European Union, who had made the absurd suggestion that there was a substantial military presence at Zaporizhzhya NPP. The five Agency experts currently at the plant could see what was happening on the ground — there were no military units there and never had been, as the Secretariat could confirm. A small group of just over 20 officers from the Russian radiological, chemical and biological defence forces were present at the plant, and it should be obvious to everyone that they were there in case of any radiation incidents. The station was guarded by Rosgvardiya — the Russian national guard — which was not part of the Russian armed forces and not related to the Russian Ministry of Defence, a fact that could easily be verified. Moreover, there had been regular rotations of UN and Agency staff at the plant. Although Zaporizhzhya was the largest nuclear power plant in Europe, it was virtually impossible to hide anything there, and his country had nothing to hide anyway. The Ukrainian national guard protected the NPPs controlled by Kyiv — that was a normal, widespread practice. Reiterating that there was no military presence at Zaporizhzhya NPP, he said that if the representative of the European Union made such a false statement again, his country would request the European Union to prove it. However, the European Union would be unable to do so.

95. The references in the draft resolution to previous Board resolutions calling on Russia to cease all actions against and at nuclear facilities also raised serious questions. At several previous Board meetings, he had tried unsuccessfully to ascertain what was meant, because his country genuinely did not understand. The Russian Federation had never launched any attacks against nuclear facilities, nor had any attack ever been launched from Zaporizhzhya NPP. Furthermore, the heavy weapons and ammunition that would be necessary to launch such attacks had never been stationed at the plant. The Agency's own staff could see that for themselves at any time and he wondered why they were not

trusted. The sole objective of all of the actions taken by the Russian Federation was to ensure nuclear safety and security, and his country would not cease its work in that regard, despite the preposterous calls from Canada and Finland for it to do so.

96. Ukraine on the other hand had committed — and continued to commit — criminal acts against Russian nuclear power plants, including Zaporizhzhya. By way of example, he said that from 18 to 29 August 2023, Ukrainian armed forces had launched two drone attacks and four artillery assaults on the city of Enerhodar. On 11 September 2023, there were a further four drone attacks, targeting residential buildings in the city. On an almost daily basis, the Russian military was detecting and neutralizing dozens of Ukrainian drones that had been launched with the intention of attacking and causing provocations at Zaporizhzhya NPP: there had been 82 such episodes in the period 18–25 September alone. Some of those facts could easily be found in the Agency’s information circulars.

97. Such attacks by Ukraine contravened the Director General’s seven indispensable pillars for ensuring nuclear safety and security during an armed conflict. In particular, Ukraine’s actions were in flagrant violation of the third pillar, which stated that operating staff must be able to fulfil their safety and security duties and have the capacity to make decisions free of undue pressure. Ukraine’s drone attacks on Enerhodar — where the plant’s staff and their families resided — were a form of intimidation and part of a campaign of psychological terror that was gaining momentum. Staff at the plant regularly received phone calls and text messages threatening physical violence, and Ukraine was posting intimidating information on social media networks. The evidence was on the Internet: the Secretariat knew that, and it also knew all of the relevant Internet addresses. Why, then, did it not analyse the facts of the psychological terror being perpetrated against the plant’s staff?

98. In order to ensure that the pillars formulated by the Director General were not undermined, and in the interests of nuclear safety and security, it was extremely important to condemn the dangerous actions of the Kyiv regime. The draft resolution submitted to the General Conference had provided an opportunity to warn Ukraine against such actions, albeit in ‘soft’ terms, but the co-authors clearly had no interest in doing that. He reiterated that the resolution was not about nuclear safety: it was a political document that had nothing to do with the Agency’s mandate. His country insisted that the Agency’s experts at Zaporizhzhya NPP record the direction of the shelling of the plant, its industrial site and Enerhodar as well as the consequences of such attacks, and that the data obtained be included in the Director General’s public reports.

99. During the Director General’s first visit to the plant on 1 September 2022 — over a year previously — local residents had handed him a box containing a total of 23 000 signatures from the residents of Enerhodar and the surrounding areas, requesting that he do something to stop the endless Ukrainian shelling of the city and its civilians and calling on the international community to pay heed to a very dangerous situation. Those lone voices in the wilderness had gone unheard by Canada and Finland.

100. For all the reasons given, the Russian Federation would vote against the draft resolution.

101. Ms KROIS (Poland), congratulating Ukraine on becoming a Board member, said that its election as a member from the Eastern European Group was a clear recognition of its nuclear potential. It was, however, regrettable that the Board membership came at a difficult time for the country, its people and the nuclear sector as a whole.

102. The first draft General Conference resolution on Ukraine was an historic moment that could be related to earlier General Conference decisions⁴ stating that any armed attack on and threat against nuclear facilities devoted to peaceful purposes constituted a violation of the principles of the UN Charter,

⁴ GC(53)/DEC/13 and GC (XXXIV)/RES/533

international law and the Agency's Statute. Noting that the Russian Federation had done nothing to implement those earlier consensus decisions of the General Conference or the three Board resolutions adopted in 2022⁵, she said that the Russian Federation's lack of respect for the Board and the Agency and its irresponsible behaviour as a nuclear State was highly disturbing and deplorable. Its actions in and around Ukrainian nuclear facilities, in particular the illegal annexation of Zaporizhzhya NPP, would never be accepted. Never before had a Member State and permanent member of the Security Council militarily occupied another State's nuclear installation devoted to peaceful purposes. The international community would not accept that aggressive seizure, war atrocities and fake referenda as a means of claiming territorial ownership.

103. The draft resolution and the related Board resolutions — which Poland had initiated or supported — provided clear guidance to the Agency on how to comprehensively address the nuclear safety, security and safeguards implications of the situation in Ukraine, including through the Agency's continued presence and provision of the necessary assistance. Her country strongly supported the Director General's effort to ensure the regular rotation of Agency experts and the establishment of the rules of nuclear safety and security around the plant, including the 'five principles', in full respect of Ukraine's sovereignty and in compliance with international law and order.

104. Poland called on the Russian Federation to fully and effectively implement the current draft resolution and the earlier resolutions; withdraw its military equipment and all personnel, including Rosatom and Rosgvardiya staff, from Zaporizhzhya NPP; and return full control of the plant to its rightful owner, Ukraine.

105. Expressing appreciation to the sponsors for their cross-regional efforts to draw the General Conference's attention to the urgent need for action, Poland stood ready to take up the Russian delegation's suggestion to visit the plant.

106. Mr CHIKONDO (Zimbabwe), sharing the deep concerns about safety and security at Zaporizhzhya NPP, said that his country commended the dedication and selflessness of Agency staff and their continued presence at all nuclear sites in Ukraine to ensure that the facilities remained safe and secure and to monitor observance of the 'five principles'. Zimbabwe also welcomed the Russian authorities' cooperation in the process.

107. It was paramount to continue supporting the Director General's efforts to implement the necessary security, safety and safeguards measures in Ukraine in an impartial, objective and professional manner. His country welcomed the Director General's call for the establishment of a nuclear safety and security protection zone around Zaporizhzhya NPP and urged the concerned parties to exercise the utmost restraint and refrain from launching any attacks against the plant.

108. The solution to the situation in Ukraine lay in dialogue, not in the provision of increasingly sophisticated and controversial weaponry and armaments to the conflict area. Any further escalation of the conflict would only heighten the risk of a nuclear accident or incident in Ukraine, with devastating consequences for the country and its neighbours. Given the already precarious and challenging circumstances at Zaporizhzhya NPP, de-escalation of the conflict, which was the only absolute guarantee of the safety and security of Ukraine's nuclear facilities, must be the immediate priority.

109. Mr ULYANOV (Russian Federation) said that, contrary to the suggestion made by the representative of Poland, his country had not invited the European Union to visit Zaporizhzhya NPP. The Russian Federation had said that if the European Union repeated its claim that there was a massive

⁵ GOV/2022/17, GOV/2022/58, GOV/2022/71

Russian military presence at the plant, his country would demand proof of that from the European Union, which would be unable to provide it.

110. The Russian Federation had invited Agency experts to maintain a permanent presence at the plant and was making every effort to provide them with the most comfortable conditions possible. Agency experts were taken to Enerhodar to do their shopping and had been provided with accommodation, which did not exist on site. Moreover, his country had procured armoured vehicles so that Agency staff could cross the contact line safely.

111. Agency staff had a duty to provide the international community with accurate and objective information. It would therefore never occur to them to report that there was a Russian military base or heavy weapons at Zaporizhzhya NPP, because that was simply not the case. Agency staff had even been given the opportunity to access the rooftops of reactor buildings despite the fact that — to the best of his knowledge — that was not done in any other country. He wondered what his colleagues in the Secretariat thought that Agency staff might find there: tanks, rocket launchers or artillery systems, perhaps? According to the Director General's 'five principles' there should be no heavy weapons at the plant. Requests for access had already been granted and it would be possible to arrange access to the rooftops of other reactor buildings in the near future. His country genuinely did not understand why that should be necessary, but as the Agency experts were guests of the Russian Federation, it was trying to accommodate their requests.

112. Mr PINDER (Bahamas) said that his country associated itself with the statements by Poland and the Republic of Moldova.

113. Ms HERNANDEZ (Bolivarian Republic of Venezuela) said that, although her country would be unable to exercise its right to vote, it still wished to express its views. Venezuela continued to believe in dialogue and negotiation and considered that resolutions, such as the one in question, should bring together all concerned parties, respect the Agency's mandate and avoid politicization. Peace was the only solution, and Venezuela called on all those involved to de-escalate the crisis, including those fuelling it through financing, armaments and the media.

114. Mr TSYMBALIUK (Ukraine), aligning himself with the statements by Poland and the Republic of Moldova, said that the issue of nuclear safety and security in Ukraine had remained high on the Agency's agenda since the very start of the Russian Federation's full-scale invasion of his country in February 2022. The discussion was focused mainly on the constant technical degradation of the biggest nuclear facility in Europe — Zaporizhzhya NPP. Only Ukrainian sovereignty over the NPP was recognized by the Agency, and to contradict that position was to totally disregard the 141 UN member States that had voted for the General Assembly resolution on Ukraine in February.

115. Zaporizhzhya NPP, seized and then occupied by the Russian army following an attack on the facility, had been under unauthorized Russian control since 4 March 2022 — the day after the Board's adoption of a resolution calling loud and clear on the Russian Federation to cease all actions against Ukrainian nuclear facilities. The city of Enerhodar, where the plant's personnel had lived, had also been attacked and Chornobyl NPP, another Ukrainian facility, remained occupied by the Russian army.

116. Under the barrels of Russian guns, Ukrainian personnel at Chornobyl NPP had survived their longest ever shift to avoid another nuclear incident. The personnel at Zaporizhzhya NPP likewise continued their heroic service under such conditions. Despite their efforts, the nuclear safety and security situation at Zaporizhzhya NPP was constantly deteriorating, with so-called managerial decisions being made by Russian military and other personnel, in violation of the current regulatory licence. The plant now only produced electricity to meet its own needs. The Russian violation at Zaporizhzhya NPP went far beyond the 'seven pillars' to affect much wider thematic areas.

117. The reported parking of Russian military trucks inside turbine halls and the setting of combat positions on the rooftops of nuclear reactors had nothing to do with nuclear safety, which had been absolutely disregarded by Russian military and other personnel at Zaporizhzhya NPP. The Russian Federation continued to ignore all three Board resolutions calling on it to cease its actions against Ukrainian nuclear facilities, and in particular Zaporizhzhya NPP. It was untrue that the issues raised were politicized and irrelevant and that the Agency had no mandate to discuss them. Any matter influencing nuclear safety and security fell within the Agency's purview, and Member States had an obligation to discuss it.

118. The situation at Zaporizhzhya NPP was further compounded by the Russian Federation's inadequate behaviour, which might lead to a severe nuclear accident. The only solution to that pressing problem was the complete withdrawal of all unauthorized military and other unauthorized personnel from the Ukrainian plant and its prompt return to Ukraine as the rightful owner, in line with paragraph 2 of the draft resolution. The Russian Governor's Freudian slip had been interesting: the text of the draft resolution made no mention of the withdrawal of Russian personnel. As to the Russian delegation's claim that it had invited the Agency mission to the plant, it was nonsense to think that an aggressor could invite anyone onto the territory of another country.

119. Ukraine was deeply grateful to the co-sponsors for the draft resolution and welcomed the comprehensive and transparent preparation process. Ukraine would, of course, vote in favour and encouraged all Member States to follow suit.

120. The PRESIDENT, noting the lack of consensus, recalled that the Russian Federation had requested a vote on the draft resolution set out in document GC(67)/L.2. In accordance with Rule 72 of the Rules of Procedure of the General Conference, the vote would be taken by show of hands and, in accordance with Rule 70, a simple majority of Members present and voting were required.

121. There were 69 votes in favour and 6 against, with 33 abstentions. The draft resolution was adopted.

122. Mr ULYANOV (Russian Federation) said that his country was delighted by the result of the vote, which needed no further explanation. Given that the result was so disappointing for Canada and Finland, he wondered if they regretted having submitted the draft resolution to the General Conference.

123. He expressed his country's deep gratitude and respect to all States that, in the face of unprecedented pressure, had refused to support the resolution. In doing so, they had taken a very important step that would help to ensure the normal functioning of the Agency and address the issue of ensuring nuclear safety at Zaporizhzhya NPP. There was therefore every reason to be optimistic.

124. Ms HOLGATE (United States of America), speaking in explanation of vote, said that her country was proud to have voted for the resolution alongside many others. The USA continued to strongly support the Agency's nuclear safety, security and safeguards activities in Ukraine. It appreciated the Ukrainian staff's continuing bravery and the Secretariat's determination in undertaking essential efforts to help maintain safety, security and safeguards at all Ukraine's nuclear facilities, as indicated in the Director General's latest report.

125. From the very start, the Russian Federation's deplorable actions had put at risk the safe operation of Ukraine's nuclear facilities, placing the Ukrainian staff and the surrounding population in harm's way. The Russian Federation's behaviour was the antithesis of that of a responsible Member State and was completely unacceptable. Since setting out the 'seven pillars', the Director General had focused international attention and mobilized assistance to forestall a potential disaster. Meanwhile, the Russian Federation's hypocrisy had remained on full display. Although the Russian Federation claimed to support the 'seven pillars', its actions were the sole reason that the Director General continued to report

that all of them had been — and continued to be — compromised at Zaporizhzhya NPP and that the situation there remained precarious. The Russian Federation was continuing to take actions at the plant that violated at least two of the ‘seven pillars’. It was starting to bring reactor unit 4 into a hot shutdown, thus violating the operating licence issued by the competent regulatory authority, which required the reactor to be kept in a cold shutdown state, and placing the plant at greater risk of a nuclear incident.

126. The USA thanked those Member States that had responded to Ukraine’s nuclear safety and security assistance requests, and the Secretariat for helping to coordinate that international assistance. All Member States were encouraged to continue supporting the Agency, where possible, in the implementation of its nuclear safety, security and safeguards missions in Ukraine.

127. The USA particularly appreciated the Agency’s support and assistance missions and the work of its experts and inspectors to assess safety and security and apply safeguards at Ukraine’s NPPs. Their continued presence and courage helped to provide transparency, even under the most difficult conditions within Ukraine’s internationally recognized borders, and there was an essential need for the Agency’s presence in the country in a way that fully respected its national sovereignty and territorial integrity.

128. Regarding Zaporizhzhya NPP, the USA fully supported the Director General’s ‘five principles’ and encouraged all sides to observe them to avert a nuclear catastrophe. Her country unequivocally supported Ukraine’s proposal to demilitarize the plant and called on the Russian Federation to withdraw all Russian personnel — military and civilian — from the plant and to return full control to the competent Ukrainian authorities, which were the rightful owners and remained best equipped to ensure its ongoing safety and security, having done so responsibly for decades.

129. The USA was pleased that the Agency had been able to conduct essential safeguards activities in Ukraine and continued to find no indication of the diversion of declared nuclear material or any indication that would give rise to a proliferation concern. In applying safeguards in Ukraine, the Agency must act in accordance with the country’s CSA and additional protocol.

130. The only solution to problems recklessly created by the Russian Federation was for that country to withdraw its unauthorized personnel completely and unconditionally from within Ukraine’s internationally recognized borders. Member States must continue to hold the Russian Federation to account for its actions.

131. Mr GLENDER RIVAS (Mexico), speaking in explanation of vote, said that his country had voted in favour because of the serious risk posed by the armed conflict to the safety and security of nuclear facilities and material in Ukraine. Although it would have preferred a more technical resolution, Mexico sought to support the Director General’s efforts to stabilize the situation using the Agency’s own technical instruments and capabilities. The Agency’s discussion of the situation in Ukraine must be in full compliance with its mandate.

132. Recalling that various General Conference resolutions had reaffirmed that any attack on or threat against peaceful nuclear facilities constituted a violation of the principles of the UN Charter and international law, Mexico supported the ‘five principles’ and the ‘seven pillars’ and urged all parties to observe them.

133. Mr LI Song (China), speaking in explanation of vote, said that his country had voted against the resolution, which clearly went beyond the Agency’s mandate and introduced a number of political elements that undermined the Agency’s professionalism and independence. The countries involved had not conducted comprehensive consultations with Member States and had forced through the draft resolution by putting it to a vote, which was not a constructive way to proceed.

134. China attached great importance to the issue of nuclear safety and security. In early 2023, it had issued a position paper on the political settlement of the crisis in Ukraine, in which it had explicitly

called for the safety of NPPs to be maintained. China would continue to support the Agency and the Director General in meeting their nuclear safety, security and safeguards responsibilities in strict accordance with their mandate. At the same time, China urged the parties concerned to exercise maximum restraint so as to avoid any human-induced nuclear safety or security accident. The nuclear safety issue was only one aspect of the crisis in Ukraine and its resolution ultimately depended on prospects for a political settlement. Only by promoting de-escalation and a swift return to peace could the risks to nuclear safety and security be fully eliminated. Calling on all parties to act responsibly to enable a proper resolution of the crisis, he said that China was ready to continue playing a constructive role to that end.

135. Mr KHOKHER (Pakistan), speaking in explanation of vote, said that his country shared the international community's concerns regarding the situation in Ukraine and the risks posed to nuclear safety and security. The best way of eliminating those risks was to halt the ongoing conflict and, as a consistent advocate for the peaceful resolution of disputes, Pakistan appealed strongly for dialogue and diplomacy to that end.

136. As a technical body with a clearly defined mandate, the Agency should steer clear of broader regional and global security matters, which were best addressed in the relevant multilateral forums. Involvement in such matters could lead to the politicization of the Agency and compromise its ability to deliver on its mandate effectively, impartially and independently. His country had, therefore, been constrained to abstain.

137. Pakistan appreciated the Agency's support to uphold nuclear safety, security and safeguards in Ukraine and backed its missions and programme of assistance to the country in accordance with its mandate. All sides were urged to exercise the utmost restraint and uphold the 'seven pillars'. Any actions that could jeopardize the safety and security of nuclear material and installations must be avoided, and measures must be taken to enable the Agency to fully and safely resume its safeguards activities in Ukraine.

138. Mr BENGU (South Africa), speaking in explanation of vote, thanked the drafters of the resolution for their efforts to develop a text that would garner maximum support. South Africa backed the efforts of the Director General and the staff of the IAEA Support and Assistance Mission to the Zaporizhzhya Nuclear Power Plant to maintain nuclear safety, security and safeguards at Ukraine's NPPs in extremely challenging circumstances.

139. As with the 'seven pillars', South Africa supported the 'five principles' as an essential, technically based response to the current nuclear challenges at Zaporizhzhya NPP. It had, however, decided to abstain because certain elements of the resolution, specifically paragraph 2, went beyond the Agency's mandate.

140. Mr NATHALANG (Thailand), speaking in explanation of vote, said that the deteriorating situation in Ukraine remained of deep concern to his country. The ongoing conflict had posed serious threats to the safety and security of nuclear facilities and the well-being of personnel. The safety and security of all nuclear facilities established and operated for peaceful purposes were of paramount importance and must not, under any circumstances, be affected or disrupted. All parties should adhere strictly to their respective legal obligations and fully observe the 'seven pillars' and the 'five principles'.

141. Thailand reaffirmed its unequivocal support for the Director General and the Agency in discharging their mandates and upholding the principles of nuclear safety, security and safeguards in Ukraine in an impartial, objective and professional manner. The dedication of Agency staff on site in ensuring the safe and secure operation of the NPPs was to be commended.

142. The Agency was a technical organization with well-defined mandates for nuclear safety, security and safeguards and it was imperative to avoid any politicization of such technical aspects of its work. As some elements of the resolution could be addressed more appropriately in other multilateral forums, Thailand had, therefore, decided to abstain.

143. All parties should work towards a sustainable and peaceful resolution of the conflict by engaging in dialogue and diplomacy, exercising the utmost self-restraint and avoiding actions that could further jeopardize the safety and security of Zaporizhzhya NPP.

144. Mr BERTI OLIVA (Cuba), speaking in explanation of vote, said that, given his country's stance on the non-politicization of the Agency's work, the discussion of matters far removed from the Agency's purpose and mandate were of concern. While Cuba attached great importance to nuclear safety, security and safeguards implementation in all the countries concerned, General Conference resolutions must retain their balanced and technical nature.

145. Ms VIEIRA SANTOS (Brazil), speaking in explanation of vote, said that her country highly appreciated and supported the Agency's activities and the Director General's personal efforts to ensure safety, security and safeguards implementation in Ukraine. Brazil remained deeply troubled by the military activity in the area surrounding Zaporizhzhya NPP, which posed very serious nuclear safety and security risks with potentially catastrophic consequences for the entire region and beyond.

146. Her country had, however, decided to abstain, as certain elements of the resolution went beyond the Agency's statutory functions and were better addressed in the appropriate forums, in particular the General Assembly and the Security Council. Brazil once again called on all parties to fully observe the 'seven pillars' and the 'five principles' to protect Zaporizhzhya NPP until the complete cessation of hostilities.

147. Mr NAZIRI ASL (Islamic Republic of Iran), speaking in explanation of vote, said that his country attached great importance to the safety and security of all NPPs. However, the resolution, which had been adopted with limited support, was a clear departure from the Agency's mandate. In Iran's view, it would actually heighten tensions among the concerned parties, rather than contribute to peace and security. Dialogue, not confrontation, was needed at the current stage. Furthermore, the resolution did not serve the objectives enshrined in the Statute. Accordingly, Iran had opposed it.

148. The PRESIDENT, noting that there were no further requests for the floor, said that all comments and views expressed would be reflected in the official records.

— **Interim oral report by the Chair of the Committee of the Whole**

149. Mr CSERVENY (Hungary), Chair of the Committee of the Whole, reported on the outcome of the Committee's deliberations on agenda items 9, 10, 11, 12, 15, 16, 22, 23, 26 and 27.

150. Under item 9, "The Agency's Financial Statements for 2022", the Committee recommended that the Conference adopt the draft resolution set out in document GC(67)/4.

151. Under item 10, "The Agency's Programme and Budget 2024–2025", the Committee recommended that the Conference adopt draft resolutions A ("Regular Budget Appropriations for 2024"), B ("Technical Cooperation Fund Allocation for 2024") and C ("The Working Capital Fund for 2024") set out in document GC(67)/5.

152. Under item 11, "Amendment to Article XIV.A of the Statute", the Committee recommended that the Conference adopt the draft decision set out in document GC(67)/L.4.

153. Under item 12, “Scale of assessment of Member States’ contributions towards the Regular Budget for 2024”, the Committee recommended that the Conference adopt the draft resolution set out on page 3 of document GC(67)/12/Rev.1.

154. Under item 15, “Strengthening of the Agency’s technical cooperation activities”, the Committee recommended that the Conference adopt the draft resolution contained in document GC(67)/L.8.

155. Under item 16, “Strengthening the Agency’s activities related to nuclear science, technology and applications”, the Committee recommended that the Conference adopt the draft resolutions contained in document GC(67)/L.3 in the following way: A. Non-power nuclear applications: 1. General; 2. Support to the African Union’s Pan African Tsetse and Trypanosomosis Eradication Campaign (AU-PATTEC); 3. Renovation of the Agency’s Nuclear Applications Laboratories at Seibersdorf; 4. Zoonotic Disease Integrated Action (ZODIAC) Project; B. Nuclear power applications; C. Nuclear knowledge management.

156. Under item 22, “Promotion of Efficiency and Effectiveness of IAEA Decision Making Process”, the Committee had agreed to make the following report to the Conference of its discussions. The importance of maintaining and promoting the efficiency and effectiveness of the Agency’s decision making processes and strengthening the Agency and its governing bodies had been highlighted. The expansion of the Board’s membership, enhancing the role and authority of both the General Conference and the Board, and the importance of maintaining an appropriate balance between the two bodies had been underlined. The importance of the direct engagement and participation of all Member States in the decision making process on issues related to the Agency’s work and the sovereign equality of Member States had been emphasized. The relevance and importance of the process currently under way for the timely ratification of the amendment of Article VI of the Statute had been referred to, and some views and suggestions had been expressed in that context. The issue of the use of electronic voting by the General Conference — following the example of the UN General Assembly — had also been raised.

157. Under item 23, “Restoration of sovereign equality in the IAEA”, the Committee had not been in a position to recommend the draft resolution in document GC(67)/COM.5/L.14. There had been some proposals provided by one delegation, which had been distributed to the members of the Committee. However, there had been broad support in the Committee for the original text submitted by Kazakhstan.

158. Under item 26, “Amendment to Article VI of the Statute”, the Committee recommended that the Conference adopt the draft decision contained in document GC(67)/L.7.

159. Under item 27, “Personnel”, the Committee recommended that the Conference adopt draft resolution A, “Staffing of the Agency’s Secretariat”, and draft resolution B, “Women in the Secretariat”, set out in document in document GC(67)/L.9.

160. Expressing appreciation to all the Committee members for their flexibility, he looked forward to the continuation of their constructive approach to reach consensus on the outstanding agenda items.

161. The PRESIDENT thanked the Chair for his report and commended his management of the Committee’s work.

The meeting rose at 9.20 p.m.