
Sixty-eighth regular session

Committee of the Whole

Record of the Sixth Meeting

Held at Headquarters, Vienna, on Thursday, 19 September 2024, at 8.10 p.m.

Chair: Mr LODDING (Sweden)

Later: Ms TANG (Singapore)

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¹ GC(68)/21

Abbreviations used in this record

CRP	coordinated research project
ICONS	International Conference on Nuclear Security
IRMIS	International Radiation Monitoring Information System
NPP	nuclear power plant
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations

13. Nuclear and radiation safety (continued) (GC(68)/11; GC(68)/INF/2; GC(68)/COM.5/L.9)

1. The CHAIR invited the coordinator of the draft resolution on nuclear and radiation safety contained in document GC(68)/COM.5/L.9 to update the Committee on the consultations held.
2. The representative of AUSTRALIA said that, following useful discussions, some proposals could be presented to the Committee. Approximately six paragraphs remained unresolved.
3. She said that the draft resolution was currently sponsored by Argentina, Armenia, Liechtenstein, Malaysia, New Zealand, Norway, the Republic of Moldova, Singapore, Switzerland, Thailand, the United Kingdom and the 27 member States of the European Union.

14. Nuclear security (resumed) GC(68)/7; GC(68)/INF/3 and 6; GC(68)/COM.5/L.15

4. The CHAIR invited the coordinator of the draft resolution on nuclear security contained in document GC(68)/COM.5/L.15 to update the Committee on the consultations held.
5. The representative of FRANCE, speaking on behalf of the European Union, said that, following consultations, acceptable wording on five paragraphs had been found. Some other paragraphs remained open.

16. Strengthening the Agency's activities related to nuclear science, technology and applications (resumed) (GC(68)/10; GC(68)/INF/4; GC(68)/COM.5/L.3, L.4, L.5, L.6, L.7, L.8, L.10, L.12 and L.13)

6. The CHAIR invited the coordinator of the draft resolution on nuclear power applications and nuclear knowledge management contained in document GC(68)/COM.5/L.10 to update the Committee on the consultations held.
7. The representative of FRANCE said that discussions on gender had continued, although no solutions had been found. The current wording appeared to be the closest to commanding consensus. She announced that El Salvador, Ghana, Poland and Serbia wished to be added to the list of sponsors.

13. Nuclear and radiation safety (resumed) (GC(68)/11; GC(68)/INF/2; GC(68)/COM.5/L.9)

8. The CHAIR invited the representative of Australia to update the Committee on the progress made on the draft resolution on nuclear and radiation safety contained in document GC(68)/COM.5/L.9.

9. The representative of AUSTRALIA said that paragraph (d) bis was a proposal reading as follows: “Recognizing that participating in and joining international nuclear safety instruments are sovereign decisions of a State, further recognizing that Codes of Conduct and their guidances are voluntary and non-legally binding, and noting efforts towards the widest possible participation in this regard.” It represented a potential solution in respect of a number of other proposed edits, and in that regard she thanked Iran for its flexibility in withdrawing its proposed amendments to paragraphs (s), 17, 23, 25 and 126.

10. Turning to paragraph 63, she said that, following consultations, the proposal was to replace “to develop technical documents” with “to develop relevant publications”.

11. Moving on to paragraph 81, she said that, following consultations, the proposal was to replace “and to continue to organize” with “including by organizing”.

12. The CHAIR invited the representative of New Zealand, as coordinator of the ‘Transport Safety’ chapter, to present an update on paragraph 95 bis.

13. The representative of NEW ZEALAND said that, following consultations, the proposal was that paragraph 95 bis would read: “Invites the Secretariat to continue working with the relevant UN specialized agencies, including the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), and other relevant organizations such as the regional United Nations economic commissions to increase awareness and knowledge about the safe and secure transport of radioactive material”.

14. The CHAIR invited the representative of Australia to continue through the draft resolution.

15. The representative of AUSTRALIA, drawing attention to paragraph 142, said that — in addition to the previous amendment to replace the words “and enhancing the capabilities of” with “and upgrading the performance of” — at the request of one delegation, the proposal was to add “in order to meet the needs of Member States in this regard” after the reference to IRMIS.

16. The CHAIR expressed his gratitude to the representatives of Australia and New Zealand and all those involved in the consultations. He said that consultations should continue on the outstanding paragraphs.

14. Nuclear security (resumed)

(GC(68)/7; GC(68)/INF/3 and 6; GC(68)/COM.5/L.15)

17. The CHAIR invited the representative of France to update the Committee on the progress made on the draft resolution on nuclear security contained in document GC(68)/COM.5/L.15.

18. The representative of FRANCE, drawing attention to paragraph (dd) bis, said that, following consultations, a compromise had been found by deleting the word “considerations”.

19. Moving on to paragraph 8, he said that, following consultations, a compromise had been found by replacing the wording “to strengthen nuclear security globally” with “with the aim to strengthen nuclear security worldwide”.

20. Turning to paragraph 37, he thanked the delegation of Saudi Arabia for updating the paragraph contained in the previous year’s resolution on nuclear security² without sacrificing the important notions that it contained. The proposed paragraph read: “Welcomes the first year of work at the Nuclear Security Training and Demonstration Centre (NSTDC) at Seibersdorf, inaugurated in 2023, and calls upon the Secretariat to continue to host activities at the NSTDC, ensuring that they are complementary and do not overlap with or duplicate the activities of Member States’ Nuclear Security Support Centres,encourages the Secretariat, in close consultation with Member States and the Friends of the NSTDC, to develop strategies to mobilize and manage its financial and technical resources to enable the long term sustainability and operation of the NSTDC, and notes the Secretariat’s progress in reviewing its ability to apply programme support costs from the extrabudgetary contributions in its continued operation, including through regular briefings and the IAEA’s Nuclear Security Review and Nuclear Security Report;”.

21. The representative of the RUSSIAN FEDERATION said that as agreement on paragraph 37 had been attained at the last minute, it seemed that not all the agreed wording had been incorporated into the latest proposal. After the words “extrabudgetary contributions”, the phrase “related to the NSTDC” was missing. Similarly, after “in its continued operation” the wording “calls on the Secretariat to keep Member States informed on progress made on the NSTDC” was missing. He called on the agreed wording to be reflected in the updated version of the draft resolution.

22. The representative of SAUDI ARABIA said that the representative of the Russian Federation was correct that some agreed wording had been omitted.

23. The CHAIR invited the representative of France to continue through the draft resolution.

24. The representative of FRANCE, turning to paragraph 52, said that, following consultations, it had been decided to delete the wording “and to mitigate the consequences of criminal and other unauthorized acts in case of such an event”.

25. The representative of the ISLAMIC REPUBLIC OF IRAN said that his impression of the consultations had been that agreement had been reached to use the same wording as in the previous year’s resolution. Yet the wording “bearing in mind the opportunities for further international cooperation” in the draft resolution did not correspond to the previous year’s resolution.

26. The representative of FRANCE said that the agreement had been to align with the previous year’s resolution with regard to deleting the wording “and to mitigate the consequences of criminal and other

² GC(67)/RES/8

unauthorized acts in case of such an event”. The wording “bearing in mind the opportunities for further international cooperation” had not been disputed during the previous weeks’ consultations.

27. The representative of the ISLAMIC REPUBLIC OF IRAN said that the wording from the previous year’s resolution should be used, and that potential improvements could be considered in the subsequent iteration of the resolution.

28. The CHAIR said that he understood that the representative of Iran was proposing that the paragraph end after the word “transport”.

29. The representative of FRANCE said that such an outcome would be unfair, as the wording in question had been discussed and seemingly agreed earlier that very day.

30. The CHAIR said that further consultations would be required on the paragraph.

31. He invited the representative of France to continue through the draft resolution.

32. The representative of FRANCE, drawing attention to paragraph 57, said that the wording being proposed following consultations — “Requests the Secretariat to continue the implementation of and to report on the coordinated research projects (CRPs) in the field of nuclear security and recognizes the progress made by the Agency in the last year;” — was similar to that in the previous year’s resolution. The aim was to underline the progress made by the Secretariat in implementing CRPs.

33. The representative of the RUSSIAN FEDERATION said that an important component of the previous year’s resolution did not appear in the current proposed paragraph: the wording “and to provide further information in this respect” was missing and should be included.

34. Concerning the phrase “recognizes the progress made by the Agency in the last year”, he said that according to the nuclear security reviews published at the start of 2023 and 2024, four new CRPs on nuclear security had been launched over the previous two years, with none concluded. It therefore seemed somewhat excessive to heap praise on the Secretariat or the Agency as a whole. Mindful that other countries found it important to send such a signal, he proposed retaining the phrase in question but replacing the word “recognizes” with “notes”.

35. The representative of FRANCE, speaking in her national capacity, expressed disappointment that after having moved away from the word “Welcomes” in the original version of the draft resolution, the word “recognizes” might also be deleted. The use of “notes” on its own being insufficient, she proposed instead “notes with appreciation”.

36. The representative of the UNITED STATES OF AMERICA, echoing the comments made by the representative of France, said that “notes with appreciation” would represent the maximum extent to which his delegation would be prepared to compromise. He also proposed deleting “and to report on” from the first line, as that was covered by the Russian Federation’s proposed addition.

37. The representative of the RUSSIAN FEDERATION said that the Committee should focus on changes made with respect to the previous year’s resolution, and not with respect to the original version of the draft resolution. The new wording “and recognizes the progress made by the Agency in the last year” represented a considerable step, in particular in the absence of any significant progress in that regard.

38. The representative of the UNITED STATES OF AMERICA pointed out that it was not the progress of the Secretariat that was being welcomed or noted with appreciation, but rather that of the Agency — in other words, the collective efforts of the Member States in conjunction with the Secretariat.

39. The representative of the ISLAMIC REPUBLIC OF IRAN proposed the wording “takes positive note of the progress made”.

40. The representative of the RUSSIAN FEDERATION, noting that the prospect of finding consensus risked slipping away, proposed the following wording: “Requests the Secretariat to continue the implementation of and to report on the coordinated research projects (CRPs) in the field of nuclear security and recognizes the progress made by the Agency in the last year, and also requests the Secretariat to provide further information in this respect;”.

41. The CHAIR, noting that the proposal appeared to enjoy consensus, welcomed the progress made on resolving that and several other paragraphs in the draft resolutions on nuclear and radiation safety and on nuclear security. He understood that further consultations would be required and intended to return to the draft resolution on nuclear security after a break.

The meeting was suspended at 8.50 p.m. and resumed at 9.30 p.m.

Ms Tang (Singapore), Vice-Chair, took the Chair.

42. The CHAIR said that work would continue on the draft resolution on nuclear security.

43. The representative of FRANCE said that no additional comments had been received on paragraphs (d) or (u) following the first reading of the draft resolution. Concerning paragraph (k), he said that no agreement had been reached on how to take account of the ICONS 2024 Co-Presidents’ statement, although he noted that the current wording enjoyed wide support.

44. The representative of AUSTRALIA said that his country had been honoured to serve as a Co-President of ICONS 2024, alongside Kazakhstan. Disappointingly, and despite lengthy and inclusive negotiations, no consensus had been reached on a ministerial declaration.

45. Although Australia had hoped to include more ambitious references to ICONS 2024 elsewhere in the draft resolution, in a spirit of compromise it had scaled back its proposals to the bare minimum. Paragraph (k) — which was not even an operative paragraph — contained a minimal, factual reference and his delegation was unable to accept it being pared back any further. His delegation had exercised maximum flexibility throughout the negotiations, and he called on others to follow suit.

46. The ICONS 2024 Co-Presidents’ statement sought to strengthen nuclear security and was of central importance to the General Conference resolution on the same topic. It would be curious not to have at least a minimal reference to the statement in the resolution on nuclear security. The proposed wording did not oblige any State to align with the statement, and he appealed to the collective interest in strengthening nuclear security: a precedent must not be set of omitting descriptions of major activities in that field, and it would run counter to the spirit of Vienna to produce a fundamentally incomplete resolution.

47. The representative of KAZAKHSTAN concurred with the representative of Australia that paragraph (k) contained the most restrained wording possible. Many concessions had been made — notably, the reference to the ICONS 2024 Co-Presidents’ statement had been moved from the operative to the preambular section of the draft resolution, on the understanding that it would remain there. He called on others to respect his delegation’s position in that regard.

48. The representative of PAKISTAN said that the recent tendency towards failing to finalize or reach consensus on major events’ final documents was incompatible with the spirit of Vienna. That trend must end, and efforts must be redoubled during future conferences to attain consensus. His delegation had proposed deleting the reference to the ICONS 2024 Co-Presidents’ statement and referring instead to the work of the Co-Presidents. The inclusion of a reference within the resolution to a document that had

not been adopted by consensus would serve as a disincentive to striving for consensus at future conferences, which was to be discouraged.

49. The representative of MEXICO said that it was regrettable that the efforts of Australia and Kazakhstan had not led to a final declaration at ICONS 2024. A high-level conference such as ICONS, held only every four years, deserved at least the acknowledgement reflected in the text proposed by Australia; the absence of such acknowledgement would be detrimental to the Agency and to the collective commitment to nuclear security.

50. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation had wished to add wording to express regret that ICONS had been unable to achieve consensus, and to encourage all future efforts to achieve consensus while highlighting the importance of the issue at hand. Acknowledging that some delegations had said that the current wording represented the minimum that they could accept, he said that it was the maximum for his delegation. The paragraph was very misleading — all were being invited to applaud the non-consensus-based outcome of a conference, which hardly made sense and would represent another failure. He said that it was preferable to work together with an eye to the future.

51. The representative of CANADA, noting the immense flexibility shown by Australia and Kazakhstan on the paragraph under discussion, said that ICONS 2024 had been the landmark nuclear security event of the previous year and its Co-Presidents' statement, endorsed by 76 Member States, had been a key outcome. Failing to refer to that critical document would render the draft resolution incomplete and would be unacceptable. While Canada valued consensus and had been disappointed at the lack thereof on the Co-Presidents' statement, it was not the case that resolutions could not cite non-consensus documents, in particular by means of phrases such as "taking note" and "noting". Indeed, a prohibition on referring to widely supported documents would incentivize those who wished to block consensus; therefore, that was precisely the dangerous precedent that should be avoided.

52. The representative of the UNITED KINGDOM said that although her country had aligned with the ICONS 2024 Co-Presidents' statement and would have preferred much more forceful language in the draft resolution, her delegation had been trying to find mutually acceptable wording. The wording "taking note" was reasonable and neutral. Moreover, simply because a document did not enjoy consensus did not mean that it had no value, and the fact that the Co-Presidents' statement had served as inspiration for work on the draft resolution clearly showed that Member States supported the work done earlier in the year. She appealed for maximum flexibility on the paragraph in question and for the current wording to be supported.

53. The representative of the UNITED STATES OF AMERICA said that her country, too, regretted that consensus had proved elusive at ICONS 2024 despite the Co-Presidents having exerted every possible effort. Sometimes, if proposals were quite simply mutually exclusive, consensus proved impossible.

54. Consensus required compromise, and simply "taking note" of the Co-Presidents' statement in paragraph (k) represented a substantial compromise. The draft resolution was supposed to note events that had happened over the previous year, and failing to mention ICONS 2024 and the Co-Presidents' statement would do a disservice to the extensive negotiations undertaken and substantive result achieved. She asked those delegations that were objecting to consider how they could exercise flexibility.

55. The representative of the SYRIAN ARAB REPUBLIC said that she wondered why some were insisting on taking note of a document that did not enjoy consensus, and that the proposal by Pakistan offered a possible path towards reaching agreement. As had been noted, consensus required compromise; perhaps, with more compromise and more effort, a ministerial declaration could have been

achieved at ICONS 2024. The spirit of Vienna was suffering, and it was inaccurate to pin the blame on only one delegation.

56. The representative of NEW ZEALAND said that Australia and Kazakhstan had shown commendable flexibility throughout negotiations on the draft resolution, which merited a commensurate response from others. The widely-endorsed Co-Presidents' statement needed to be included in the resolution on nuclear security. A neutral phrase, such as "taking note", was a way to mention important documents in a resolution even if they did not enjoy consensus. He appealed for maximum flexibility in that regard.

57. The representative of FRANCE, speaking in her national capacity, said that it was very important to mention ICONS 2024 — a high-level event on a valuable topic that took place only every four years — and the sterling efforts of Australia and Kazakhstan. She pointed out that the paragraph referred simply to the "Co-Presidents' Joint Statement", without ascribing it to Member States or implying that it had been adopted by consensus; indeed, it did not even mention the fact that a large number of Member States had aligned with the statement.

58. The representative of CHILE said that the ICONS 2024 Co-Presidents' statement covered topics that were important for the future of nuclear security, and cross-cutting issues — such as equitable geographical distribution — to which no delegation could object. It was important to be able to refer to a document even if it did not enjoy consensus, and the phrase "taking note" had been used previously. The current wording represented a compromise solution, as it did not welcome the statement.

59. The representative of the ISLAMIC REPUBLIC OF IRAN, pointing out that the phrase "taking note" was also used in relation to consensus documents, said that it should be clear when consensus had been reached and when it had not been possible — not taking note of something would demonstrate that the work done had been insufficient in certain respects. He recalled that efforts had been made during the negotiations on the draft resolution to avoid a wording that assigned blame to the ICONS Co-Presidents; the blame should be shared by all. Urging the Committee to avoid failing to reach consensus on the draft resolution, he proposed the wording "takes note of the need for maximum efforts to be made to reach consensus in the future in this regard".

60. The representative of the RUSSIAN FEDERATION, responding to the argument that the ICONS 2024 Co-Presidents' statement was important for the future of nuclear security, said that it was no more important than the draft resolution currently under discussion. He also noted that the 76 countries that had aligned with the statement represented fewer than half of the Agency's Member States.

61. He agreed that the long and arduous negotiations concerning the ICONS 2024 statement had resulted in a great deal of wording that had been used as inspiration for the draft resolution on nuclear security and noted that even those delegations that were opposed to referring to the statement wanted the subsequent nuclear security conference to result in a consensus-based ministerial declaration.

62. Despite the diverging positions, it seemed that wording that could command consensus was possible. He proposed deleting the wording about the ICONS 2024 Co-Presidents' statement in paragraph (k), and then adding a new paragraph immediately thereafter, which would note with regret that ICONS 2024 had not ended with the adoption of a consensus declaration, would welcome the efforts of the Co-Presidents leading to their statement, and would express hope for a consensus declaration at the subsequent conference. He hoped that that solution would encompass all the positions expressed.

63. The representative of ITALY proposed keeping paragraph (k) intact but adding "while underlining the need to make every effort to reach consensus" before "taking note of its Co-Presidents' Joint Statement". Such an addition would indicate that the work had fallen short, while still recognizing the ultimate result.

64. The CHAIR encouraged work to continue on finding consensus on what was clearly a highly important issue.

65. She invited the representative of France to continue through the draft resolution.

66. The representative of FRANCE, turning to paragraph (aa), recalled that the first two lines of the paragraph contained new wording on attacks or threats of attack against peaceful nuclear facilities. The current wording was the fruit of extensive discussions.

67. The representative of the ISLAMIC REPUBLIC OF IRAN said that the issue at hand had been one of the reasons that consensus at ICONS 2024 had proved impossible. Nuclear threats were growing, and cyber-attacks were becoming a frequently-used weapon. As well as asking for an operative paragraph on the topic, his delegation had proposed references to UN General Assembly and Security Council resolutions in order to link the draft resolution to efforts undertaken in other forums. His delegation did not understand why duly adopted UN General Assembly resolutions should not be mentioned in the General Conference resolution on nuclear security.

68. The CHAIR suggested that the Committee revisit paragraph (aa) in due course and invited the representative of France to continue through the draft resolution.

69. The representative of FRANCE said that paragraph 61 referred to the “principle of professionalism” in the Secretariat. Proposed amendments had been received from two delegations.

70. The representative of PAKISTAN said that the wording “inclusive workforce” was problematic for his delegation. Seeking to retain the constructive ambiguity inherent to the paragraph, his delegation wished to leave Member States with the right to interpret “inclusive workforce”. He therefore proposed replacing “within their national nuclear security regimes” with “in accordance with their national nuclear security regimes”.

71. The representative of the UNITED KINGDOM said that the paragraph concerned efforts to establish an inclusive workforce within the nuclear industry; amending the text as proposed seemed to lose that important element. Therefore, the current wording should be retained.

72. The representative of CHILE, supported by the representatives of COLOMBIA and BELGIUM, concurred with the representative of the UK. The proposed amendment altered the aim and the spirit of the passage — national nuclear security regimes should not be seen as the limiting factor when establishing an inclusive workforce. Accordingly, his delegation preferred retaining the current wording, which had been taken from the previous year’s resolution.

73. The representative of SWEDEN said that his delegation agreed that the proposed amendment changed the meaning. The part of paragraph 61 that applied to Member States contained the verb “encourages”, which should allay concerns. He called for the current wording to be retained.

74. The representative of the SYRIAN ARAB REPUBLIC said that her delegation supported the proposal made by Pakistan. Countries must act in accordance with their own laws; hence the word “within” did not make sense.

75. The representative of the UNITED STATES OF AMERICA said that even minor amendments could fundamentally change the meaning, and that her delegation, as a staunch defender of the current wording, could not accept any changes.

76. The representative of the ISLAMIC REPUBLIC OF IRAN said that the Committee was not engaged in a mechanical exercise of replicating the previous year’s wording; and if that approach was being taken in the current paragraph, then the same approach should be applied elsewhere.

77. Pointing out that Member States were being encouraged to establish an inclusive workforce without due regard for their national policies, circumstances and laws, he said that the proposal made by the representative of Pakistan did not fully address Iran's concerns. He proposed adding wording to state that the inclusive workforce should be established in accordance with domestic laws and regulations.

78. It had become clear over the preceding year that there were some different interpretations of the paragraph in question. The notion of "inclusive workforce" had been misunderstood and due attention had not been paid to countries belonging to the Organisation of Islamic Cooperation, which had a different understanding of the matter, in particular with regard to the notion of cultural diversity. The approach taken and different interpretations held by countries with different legal systems and culture should be respected. If Member States were encouraged to do something, they must be allowed to do so in compliance with their domestic laws and regulations. Accordingly, it was not possible to simply retain the wording from the previous year's resolution.

79. The representative of IRELAND, supported by the representative of ITALY, said that he agreed that the amendment proposed by the representative of Pakistan fundamentally changed the spirit of the draft resolution. He also pointed out that the notion of an inclusive workforce included that of cultural diversity.

80. The representative of URUGUAY, supported by the representative of JAPAN, said that her delegation preferred to retain the current wording.

81. The representative of AUSTRALIA, supported by the representatives of FRANCE, SWITZERLAND and the KINGDOM OF THE NETHERLANDS, said that the systematic attempts to insert caveats and to weaken the wording were disappointing. Noting the strong support previously expressed in the Committee to retain the current wording and stressing the importance of the principles contained in paragraph 61 — in particular that of an inclusive workforce — she said that paragraph (c) should allay concerns with regard to national laws and regulations. The current wording represented the best path towards consensus.

82. The representative of CANADA said that paragraph 61 had been extensively discussed and that the current wording appeared to be the optimal solution.

83. The representative of FINLAND said that his delegation supported the current wording of the paragraph. The proposed amendment restricted the scope of the paragraph, whereas, as pointed out by the UK, the current wording was intended to encompass industry and utilities undertaking nuclear security-related work.

84. The representative of NEW ZEALAND, supported by the representative of COSTA RICA, said that he echoed the observation made by the representative of the UK concerning the change to the scope of the paragraph, and that made by the representative of Australia regarding paragraph (c). The current wording should be retained.

85. The representative of DENMARK said that her delegation was in agreement with Australia, in terms of reading paragraph 61 alongside paragraph (c), and with Ireland, in that cultural diversity formed part of an inclusive workforce. She supported retaining the current wording.

86. The representative of MEXICO said that, although his delegation agreed with the majority of the interventions made on the topic, he wondered whether those present had learned from the previous year's session of the General Conference. He invited the Committee not to be transfixed by the spirit of Vienna and asked the Chair to make a ruling on the matter and report as appropriate. Prolonged negotiations eventually resulting in weaker wording did not aid the spirit of Vienna.

87. The representative of the ISLAMIC REPUBLIC OF IRAN said that he had been informed that efforts had been made over the preceding days to find a formula that might address the concerns raised by some delegations. His delegation stood ready to work with others in that connection.

88. The CHAIR said that there were indeed discussions under way on a possible compromise. That said, the strong sentiment expressed within the Committee was to retain the current wording language.

89. The representative of GERMANY noted the overwhelming support for retaining the current wording. She hoped that a consensus solution could be found, in the spirit of Vienna.

90. The representative of SOUTH AFRICA said that paragraph 61 struck a very delicate balance, hinging on the verb “encourages”, which made clear the non-compulsory nature. Read alongside paragraph (c), there were strong protections for Member States. The current wording should, therefore, be retained.

91. The CHAIR suggested that the Committee pause its discussion of paragraph 61.

92. The representative of the RUSSIAN FEDERATION inquired about the status of paragraph 54. Her delegation had previously proposed ending the paragraph after the name of the conference.

93. The representative of FRANCE said that he understood that the wording “and to consider holding such conferences on a regular basis” was to be replaced with “and looks forward to a future conference”.

94. The CHAIR invited the representative of France to continue through the draft resolution.

95. The representative of FRANCE said that, lastly, he wished to turn to paragraph 68. He recalled that the wording “and to issue the related technical document” had been added.

96. The representative of the ISLAMIC REPUBLIC OF IRAN said that the reference to a technical document was not acceptable, as a matter of principle and methodology. That type of document was not adopted by consensus, and any request for the publication of a document should be made via the Nuclear Security Guidance Committee.

97. The representative of the RUSSIAN FEDERATION said that it, too, could not accept a reference to a technical document — a non-consensus document with a lower status within the hierarchy of publications — in the draft resolution.

98. The representative of FRANCE, speaking in her national capacity, said that it was surprising to hear statements that no technical documents could be referenced in the draft resolution given that there had been a mention in the previous year’s resolution. Her delegation wished to see the reference retained.

99. The representative of the SYRIAN ARAB REPUBLIC said that her delegation was not in a position to accept a reference to any technical document. According to the Secretariat, such documents might contain confidential information that should not be published.

100. The representative of SWITZERLAND said that the Secretariat was being asked to review gaps in the nuclear security guidance, and the Member States would naturally want to be informed about the results. He therefore proposed replacing “and to issue the related technical document” with “and to inform Member States on the findings”.

101. The representative of the RUSSIAN FEDERATION said that the amendment proposed by the representative of Switzerland appeared promising. He wished to propose a similar amendment, to read “and to keep Member States informed”.

102. The representative of the ISLAMIC REPUBLIC OF IRAN said that the word “findings” was unclear. Any finding, review or update must happen via the Nuclear Security Guidance Committee.

103. The representative of FRANCE, speaking in her national capacity, said that her delegation required time to consider the proposed amendments.

104. The CHAIR invited the representative of Armenia to present a proposal concerning a previous discussion.

105. The representative of ARMENIA said that he had sought permission to facilitate discussions on a draft operative paragraph concerning attacks and threats of attack. Some were in favour of a very ambitious paragraph, although the gaps within international legal mechanisms posed some constraints. He proposed a paragraph 28 bis: “Recognizes that any attacks or threats of attacks against nuclear facilities devoted to peaceful purposes may compromise nuclear security, and calls upon Member States to uphold their respective commitments in this regard in line with international humanitarian law”.

106. The importance and delicacy of the matter was clear to all, and he hoped that the previous constructive spirit would again prevail.

107. The representative of PAKISTAN said that his delegation was convinced that nuclear facilities devoted to peaceful purposes must not be attacked under any circumstances. The wording in the proposed paragraph referring to international humanitarian law was insufficiently strong.

108. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation was ready to engage on improvements to the proposed paragraph. For one thing, it could be aligned with paragraph (aa) to include a mention of cyber-attacks. It was also important that it call on Member States to refrain from such attacks, and he noted that the link to international humanitarian law represented a limitation, meaning that such an attack would not be prohibited during peacetime.

109. The representative of FRANCE, speaking in her national capacity, said that her delegation would have to consult its capital on the proposal.

110. She noted that the matter had previously given rise to much discussion, without a compromise having been found. As such wording had not previously existed, there was a need to strike a balance and not be overambitious. The inclusion of a preambular paragraph was a first step forward; an operative paragraph could be considered for the future. Her delegation agreed that the preambular and operative paragraphs should be aligned, but it was not prepared to include wording referring to cyber-attacks, including in paragraph (aa).

111. The representative of the RUSSIAN FEDERATION said that the proposal by Armenia was highly commendable, given the absence of an existing operative paragraph on the topic. He noted, however, that although international humanitarian law was a very important area, it seemed to be quite distant from the Agency’s purview, and he therefore proposed deleting the words “in line with international humanitarian law” from the proposed paragraph. Moreover, noting that some other delegations wished to add to the wording, he proposed adding “and urges all Member States to refrain from such actions” to the end of the paragraph.

112. The representative of SOUTH AFRICA said that his delegation had consistently expressed support for a stronger norm in relation to attacks against peaceful nuclear facilities. The proposed paragraph was promising, and his delegation was also in a position to support a call on States to refrain from such attacks.

113. The representative of CHINA noted that the draft resolution was attempting to restrict State aggression against peaceful nuclear facilities and said that the Committee should consider whether such a step went beyond the General Conference’s mandate. Attacks against nuclear facilities had a bearing on international humanitarian law insofar as they might have radiological consequences; however, nuclear security was more concerned with losing control of nuclear material or its illegal acquisition,

and not so much with harm to people and the environment. His delegation said that work should continue in order to arrive at a satisfactory wording.

114. The representative of the UNITED STATES OF AMERICA said that the matter under discussion was very sensitive, touching as it did on international law. Noting that the proposed wording struck a very delicate balance and that her delegation would need to consult with its capital, she said that the proposed paragraph seemed to be at the very limit of what her delegation would be in a position to accept. Adding an operative paragraph on the topic was a major step, and the Committee should avoid trying to do more than what could realistically command consensus. She also noted that international humanitarian law was the relevant body of law in that regard; comments that appeared to contest that fact were surprising.

115. Turning to paragraph (aa), she said that her delegation could not accept the references — proposed by the representative of Iran — to other resolutions. It also found the addition of wording referring to cyber-attacks difficult to accept; the word “any” covered a range of possibilities. She advocated that wording derived from the ICONS 2024 negotiations be used.

116. The representative of KAZAKHSTAN agreed with the proposal to delete the reference to international humanitarian law, as the norms of that area of law were not truly applicable.

117. The representative of MEXICO said that his delegation was prepared to work on the proposed paragraph, which dealt with a very delicate issue, but would find it difficult to accept the deletion of the reference to international humanitarian law. He also recalled the conferences on the humanitarian impact of nuclear weapons held in Oslo, Nayarit and Vienna.

118. The representative of the SYRIAN ARAB REPUBLIC said that the proposed paragraph under discussion merited close attention. Her delegation stood ready to work with Armenia, and she expressed agreement with the representative of Iran concerning the question of cyber-attacks.

119. The representative of the UNITED KINGDOM said that although the proposed paragraph was commendable, her delegation harboured strong reservations about an operative paragraph, given the legal complexities already highlighted, and would require some time to consider. Her delegation had argued several times for separating out the notions of attacks and cyber-attacks, for the purposes of clarity, and accordingly had very strong reservations about including a reference to cyber-attacks in the proposed paragraph and in paragraph (aa). She also noted that proposals to remove the reference to international humanitarian law were puzzling: international humanitarian law provided the qualified protection for nuclear facilities, so it made sense to include it.

120. The representative of ARMENIA, expressing gratitude for all the comments made, said that the proposed paragraph strove to strike a delicate balance. Although international humanitarian law mainly concerned issues that were not directly related to security, it had been mentioned because of the lack of international legal instruments prohibiting attacks or threats of attack against nuclear facilities. His delegation wished to raise awareness about that lacuna and to consolidate efforts and find mechanisms in that regard, and he encouraged collective work to that end. The General Conference resolutions and unanimous decision cited in paragraph (aa) were a possible reference point, but referring to commitments in that connection might be interpreted to mean solely commitments contained in those resolutions or that decision. Seemingly the only other reference point was represented by the additional protocols to the Geneva Conventions — part of international humanitarian law — which contained provisions prohibiting attacks on NPPs, given the danger of radioactive releases. He acknowledged that international humanitarian law and the Geneva Conventions covered only situations of war or armed conflict, but they were the only instruments available.

121. The representative of EGYPT said that his delegation attached importance to the issue of preventing all kinds of attack against nuclear facilities devoted to peaceful purposes. His delegation stood ready to further improve the wording. He proposed replacing “international humanitarian law” with “international law”, which would address attacks at all times, and not just during wartime.

122. The representative of COLOMBIA said that his delegation strongly favoured any contribution that fostered peace, including in the context of nuclear security. Thanking the delegation of Armenia for all its efforts, he said that a paragraph along the lines proposed merited inclusion in the draft resolution.

123. The CHAIR, thanking the delegation of Armenia for its proposal, said that it would require further discussion. Mindful that time was short, she encouraged the delegation of Armenia to see if further discussion could bear fruit.

124. She said that the Committee would take a short break and that the Chair of the Committee would then announce whether its work would continue that evening.

The meeting was suspended at 11.25 p.m. and resumed at 12 midnight.

Mr Lodding (Sweden), Chair, resumed the Chair.

– General comments

125. The CHAIR said that while good progress had been made, he would evidently be unable to report to the plenary on the Committee’s work by the Friday morning deadline. He trusted that on the basis of the progress made, the Committee would be able to move forward, and suggested that it convene in the afternoon, after the plenary had completed its work in the morning. He encouraged delegations to use the intervening time for constructive conversations.

The meeting rose at 0.05 a.m.