

General Conference

GC(53)/COM.5/OR.3

Issued: January 2010

General Distribution

Original: English

Fifty-third regular session

Committee of the Whole

Record of the Third Meeting

Held at Headquarters, Vienna, on Wednesday, 16 September 2009, at 10.25 a.m.

Chairman: Mr SMITH (United Kingdom)

Contents

Item of the agenda ¹	Paragraphs
16 Nuclear security — measures to protect against nuclear terrorism	1–80

¹ GC(53)/COM.5/1.

Abbreviations used in this record:

NSF

Nuclear Security Fund

16. Nuclear security — measures to protect against nuclear terrorism

(GC(53)/16 and Supplement, GC(53)/18 and GC(53)/COM.5/L.8)

1. The representative of FRANCE, introducing the draft resolution contained in document GC(53)/COM.5/L.8, said that since the General Conference's fifty-second regular session the international community had stepped up its efforts to increase the security of nuclear materials and facilities, taking into account the threat to international security posed by nuclear and radiological terrorism.
2. The number of incidents reported to the Agency under its Illicit Trafficking Database (ITDB) programme highlighted the need to intensify information exchange and international cooperation in support of the prevention of illicit trafficking in nuclear and other radioactive materials.
3. Referring to paragraph 13 of the draft resolution, he congratulated Côte d'Ivoire on becoming the 108th Member State participating in the ITDB programme.
4. Noting that the draft resolution had been submitted by the 27 Agency Member States constituting the European Union, he said that the European Union had for many years been the main contributor to the NSF.
5. The representative of LEBANON, speaking on behalf of the Agency's Arab Member States, proposed two additional paragraphs. The first paragraph read: "Emphasizing that the continued existence of nuclear weapons and nuclear materials not subject to full-scope safeguards significantly undermines the effectiveness of international cooperation in the area of nuclear security and of combating nuclear terrorism". The second paragraph read "Stresses that the most effective way to prevent terrorists from acquiring nuclear weapons is through the total elimination of such weapons, and emphasizes that progress is urgently needed in the area of nuclear disarmament in order to help maintain international peace and security as well as contribute to combating nuclear terrorism".
6. The representative of the RUSSIAN FEDERATION proposed the insertion in paragraph 7, after "initiatives", of the words "inter alia, the Global Initiative to Combat Nuclear Terrorism".
7. The representative of ARGENTINA said that there had been no consultation with his delegation on the draft resolution, which had been tabled only the day before. His delegation needed more time in which to study it.
8. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation also needed more time in which to study the draft resolution.
9. The representative of BRAZIL said that, relative to previous years, there had been some improvement in the process of consultation on the draft resolution submitted under the nuclear security-related agenda item. He hoped that the consultation process would be improved further in future years.
10. The representative of PAKISTAN said that the consultation process certainly needed to be improved.

11. The representative of EGYPT, supported by the representative of the LIBYAN ARAB JAMAHIRIYA, said that the title of the draft resolution should refer to nuclear security as well as to nuclear and radiological terrorism.
12. The SECRETARY OF THE COMMITTEE said that the title of the draft resolution as circulated was not that submitted by the sponsors and that that had been a regrettable oversight on the part of the Secretariat.
13. The CHAIRMAN said that the mistake would be corrected.
14. The representative of GERMANY said that the draft resolution had been consulted upon widely and that it differed only slightly from resolution GC(52)/RES/10, adopted in 2008.
15. Referring to the additional paragraphs that had been proposed, he said that discussion of the draft resolution should focus on what the Agency could do in order to improve nuclear security; political issues more appropriately discussed elsewhere should be discussed elsewhere.
16. The representative of EGYPT said that close similarity between the draft resolution and resolution GC(52)/RES/10 did not necessarily mean that Member States should be happy with the draft resolution. Resolution GC(52)/RES/10 had been adopted only after a vote.
17. The representative of AUSTRALIA, welcoming the draft resolution, said that the focus should be on activities that fell within the Agency's mandate and capabilities.
18. He proposed a new paragraph, to be inserted after or amalgamated with paragraph 7, reading "Requests the Agency to coordinate its efforts as appropriate with other multilateral initiatives to ensure efficiency of use of resources and integration of approaches".
19. The CHAIRMAN took it that the Committee wished to examine the text paragraph by paragraph, beginning with the title.
20. It was so agreed.
21. The representative of EGYPT suggested that the title of the draft resolution read "Nuclear security and measures to protect against nuclear terrorism".
22. The representative of ARGENTINA suggested that the title read "Nuclear security measures to protect against nuclear terrorism".
23. The representative of JAPAN, having expressed support for the draft resolution, endorsed the suggestion made by the representative of Egypt.
24. The representative of INDONESIA, having expressed support for the proposal made by the representative of Lebanon on behalf of the Agency's Arab Member States, endorsed the suggestion made by the representative of Egypt regarding the title, which should avoid giving the impression that nuclear security measures consisted only of measures to protect against nuclear terrorism.
25. The representative of the ISLAMIC REPUBLIC OF IRAN echoed the comments of the representative of Indonesia regarding the title of the draft resolution.
26. The representative of QATAR, having urged the Committee to accept the additional paragraphs proposed by the representative of Lebanon, expressed support for the title suggested by the representative of Egypt.
27. The representatives of BRAZIL, PAKISTAN, LEBANON and MALAYSIA expressed support for the suggestion made by the representative of Egypt.

28. The representative of SPAIN noted that the titles suggested by the representatives of Egypt and Argentina did not contain the words “and radiological”.
29. The representative of AUSTRALIA suggested — following comments made by the CHAIRMAN and the representatives of FRANCE, EGYPT, the UNITED STATES OF AMERICA, the UNITED KINGDOM and CANADA — that the title read “Nuclear security, including measures to protect against nuclear and radiological terrorism”.
30. The CHAIRMAN took it, in the absence of objections, that the Committee wished to accept that suggestion.
31. It was so agreed.
32. The representatives of EGYPT and INDONESIA requested clarification as regards the meaning of paragraph (d).
33. The representative of the ISLAMIC REPUBLIC OF IRAN called for the deletion of paragraph (d).
34. The representative of ARGENTINA said that a preambular paragraph was usually followed by a corresponding operative paragraph. What was the operative paragraph corresponding to paragraph (d), and why did paragraph (d) refer to one particular methodology and not to any other?
35. The representative of FRANCE, pointing out that paragraph (d) was identical with paragraph (d) of resolution GC(52)/RES/10, adopted in 2008, urged that it be retained given the great importance of the threat-based risk assessment methodology for the Agency’s activities in the field of nuclear security.
36. The representative of the SYRIAN ARAB REPUBLIC, calling for deletion of the paragraph, said that the fact that it had appeared in an earlier resolution did not mean that it had to be retained.
37. The representative of EGYPT said that the fact that a certain phraseology had been used in an earlier resolution did not mean that the Committee should not try to improve on it.
38. He asked what the words “threat-based risk assessment methodology” meant.
39. The representative of the UNITED STATES OF AMERICA said that in his delegation’s view, it would be useful if the Secretariat commented on the phraseology of paragraph (d).
40. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY said that the phraseology reflected a fundamental principle that had been recognized as important for physical protection; when a country or a facility operator designed a physical protection system, there should be built into the system a way of assessing whether there was reason to take additional measures. Accordingly, there was a need for a methodology for defining a design basis threat and adjusting the definition from time to time. The Secretariat had, together with Member States, developed a methodology for design basis threat definition, and it promoted the methodology through workshops, advised on its application and helped countries to bring together the various national entities that should be involved in its application.
41. The representative of FRANCE, replying to a question asked by the representative of EGYPT about the information needed for such an assessment, noted that section F.1.2., Objectives, of the Nuclear Security Plan 2010-2013 (contained in document GC(53)/18), describing the objectives of the collection of such information, read “To develop and maintain a comprehensive information platform which effectively supports the implementation of the Nuclear Security Plan 2010–2013, an updated threat analysis and good understanding of global nuclear security needs;...”.

42. The representative of EGYPT wondered whether, in the light of the information just provided by the Director of the Office of Nuclear Security, paragraph (d) could be reformulated to read “Noting the assistance provided by the Secretariat to Member States in the area of design basis threat evaluation”.
43. The representative of AUSTRALIA, calling for the retention of paragraph (d) as it stood, said that threat-based risk assessment was an essential part of nuclear security. Although not all States adhered to the Code of Conduct on the Safety and Security of Radioactive Sources, it might be worth noting that the Code of Conduct specified that every State “should define its domestic threat, and assess its vulnerability with respect to this threat...”.
44. The representative of CANADA, also calling for the retention of paragraph (d) as it stood, said, in response to the intervention of the representative of Argentina, that, although the paragraph was not followed by a corresponding operative paragraph, its phraseology reflected — as stated by the Director of the Office of Nuclear Security — a fundamental principle that had been recognized as important for physical protection, so there was no need for a corresponding operative paragraph.
45. The representative of the UNITED STATES OF AMERICA, advocating the retention of paragraph (d) as it stood, said that the reference by the Director of the Office of Nuclear Security to the need for a methodology for defining a design basis threat and adjusting the definition from time to time made it clear that a reference to threat-based risk assessment was the very least that should be included in the draft resolution.
46. The representative of ARGENTINA said that nobody denied that threat-based risk assessment methodology was essential, but it was not clear why it had been singled out rather than other methodologies.
47. The representative of BRAZIL, having expressed support for the comment made by the representative of Argentina, suggested that paragraph (d) be amended to read “Recognizing that the use of threat-based risk assessment methodology may contribute to the enhancement of the effectiveness of national nuclear security measures”.
48. The representative of ARGENTINA endorsed the suggestion made by the representative of Brazil.
49. The representative of the SYRIAN ARAB REPUBLIC said that paragraph (d) should be amended in such a way as to reflect the role of the Secretariat.
50. The representative of LEBANON said that, having listened to the Director of the Office of Nuclear Security, his understanding had been that the end product of a threat-based risk assessment was a definition of the design basis threat. He would welcome clarification of the relationship between threat-based risk assessment and design basis threat.
51. The representative of INDIA said that besides threat-based risk assessment methodology there existed risk assessment methodology, which was used in — for example — the safety area. Perhaps paragraph (d) could be changed to read “Recognizing the relevance of risk assessment methodology in defining a design basis threat”. That would disconnect the concept of “threat-based risk assessment” from that of “design basis threat”.
52. The representative of EGYPT, welcoming the suggestion made by the representative of Brazil, suggested the insertion of the words “by Member States” before “may contribute” in the suggested wording.

53. Also, having listened to the representative of India, he thought that it might be a good idea to delete the words “threat-based” and merely to refer to “risk assessment methodology”.

54. The representative of FRANCE said that his delegation was sympathetic to the suggestion made by the representative of Brazil, but would like the words “may contribute” to be replaced by “is relevant” — words used in paragraph (d) of the draft resolution as submitted to the General Conference.

55. The CHAIRMAN proposed that the Committee defer further consideration of paragraph (d).

56. It was so agreed.

57. The representative of ARGENTINA, referring to paragraph (f), suggested that the words “safety and” be deleted. The resolution had nothing to do with nuclear safety.

58. It was so agreed.

59. The representative of INDONESIA, referring to paragraph (g), suggested that the reference to United Nations General Assembly resolution 60/78 be replaced by a reference to the most recent relevant General Assembly text — namely, resolution 63/60.

60. Suggesting that the part of the paragraph after “International Convention for the Suppression of Acts of Nuclear Terrorism” be deleted, he said that it related to activities not falling within the Agency’s competence.

61. The representative of the ISLAMIC REPUBLIC OF IRAN suggested that the phrase “other actions of the international community” be replaced by the phrase “other relevant legally binding instruments”.

62. He also suggested the deletion of the final phrase — “, which constitute valuable contributions to the protection against nuclear and radiological terrorism”.

63. The representative of EGYPT suggested that the words “other actions of the international community to combat the proliferation of weapons of mass destruction and” be replaced by “other international efforts to”.

64. He endorsed the suggestion that the final phrase of paragraph (g) be deleted.

65. The representative of BRAZIL, expressing support for the suggestion made by the representative of Egypt, said that references to combating the proliferation of weapons of mass destruction should be paralleled by references to the other side of the coin — nuclear disarmament.

66. The representative of INDONESIA said that, notwithstanding his second suggestion (that the part of paragraph (g) after “International Convention for the Suppression of Acts of Nuclear Terrorism” be deleted), he could go along with the suggestion made by the representative of Egypt.

67. The representative of URUGUAY expressed support for the suggestion of the representative of the Islamic Republic of Iran that “other actions of the international community” be replaced by “other relevant legally binding instruments”.

68. He also expressed support for the comment made by the representative of Brazil about references to nuclear disarmament.

69. The representative of AUSTRALIA said that, if the suggestion made by the representative of Egypt was accepted, there would be no reference to combating the proliferation of weapons of mass

destruction in paragraph (g), so there would be no need to include a parallel reference to nuclear disarmament.

70. The representative of EGYPT said that the purpose of his suggestion had been to obviate the need for such parallelism in paragraph (g), on the understanding that there would be parallel references in other parts of the text.

71. The representative of the UNITED STATES OF AMERICA suggested the formulation “..., and other international efforts to prevent illicit access to weapons of mass destruction and related materials”.

72. His delegation would prefer that the phrase “, which constitute valuable contributions to the protection against nuclear and radiological terrorism” not be deleted.

73. The representative of EGYPT said that he could go along with the formulation suggested by the representative of the United States of America, with the insertion of “by non-State actors” after “illicit access”.

74. In his view, the final phrase — “, which constitute ... terrorism” — should be deleted.

75. The CHAIRMAN said that in his view there was no pressing need for that phrase.

76. The representative of BRAZIL said that he too would like the phrase “by non-State actors” to be inserted after “illicit access” in the formulation suggested by the representative of the United States of America.

77. The representative of the ISLAMIC REPUBLIC OF IRAN queried the use of the word “illicit” in that context; it was hard to imagine how non-State actors could gain legal access to weapons of mass destruction and related materials.

78. The CHAIRMAN said that the point made by the representative of the Islamic Republic of Iran was a very valid one. The text should speak either of preventing “illicit access” or of preventing “access by non-State actors”.

79. He suggested, following comments by the representatives of the UNITED STATES OF AMERICA and EGYPT, that informal consultations be held on paragraph (g) and that the Committee revert to it later.

80. It was so agreed.

The meeting rose at 1 p.m.