

# General Conference

**GC(53)/COM.5/OR.4**

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**Fifty-third regular session**

## Committee of the Whole

### Record of the Fourth Meeting

*Held at Headquarters, Vienna, on Wednesday, 16 September 2009, at 3.10 p.m.*

**Chairman:** Mr ISMAYILOV (Azerbaijan)

**Later:** Mr SMITH (United Kingdom)

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<sup>1</sup> GC(53)/COM.5/1.

**Abbreviations used in this record:**

CPPNM	Convention on the Physical Protection of Nuclear Material
NAM	Non-Aligned Movement
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NSF	Nuclear Security Fund

## **16. Nuclear security — measures to protect against nuclear terrorism (continued)** **(GC(53)/COM.5/L.8)**

1. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (i), called for the deletion of the phrase “and noting also the implementation of the European Union strategy against proliferation of weapons of mass destruction adopted in December 2003”. His delegation was not familiar with that strategy, which dealt with issues outside the Agency’s mandate.
2. The representative of FRANCE, calling for the retention of the phrase, said that the strategy was the basis of the European Council’s very substantial contribution in support of the Agency’s nuclear security activities.
3. The representative of the ISLAMIC REPUBLIC OF IRAN said that his delegation could nevertheless not accept a phrase relating to something with which it was not familiar.
4. The representative of GERMANY said that the text of the European Union strategy was available to all as a public document.
5. The representative of the UNITED STATES OF AMERICA said that his delegation would like paragraph (i) to be kept as it stood.
6. The representative of BRAZIL said that his delegation would prefer the reference to the European Union strategy to be deleted.
7. The representative of EGYPT said that his delegation could not accept paragraph (i) if it included a reference to the European Union strategy.
8. The representative of ARGENTINA said that funds had been made available for implementation of the European Union strategy because it responded to interests of countries belonging to the European Union but not necessarily of other Member States of the Agency, and the latter could not therefore be expected to support the inclusion of a reference to the strategy.
9. The representative of CUBA expressed support for deletion of the reference to the European Union strategy.
10. The representative of FRANCE pointed out that in paragraph (i) it was envisaged that the implementation of the strategy would merely be noted by the General Conference.
11. The sponsors of the draft resolution could not accept deletion of the reference to the strategy.
12. The representative of INDONESIA said that referring to the European Union strategy “against proliferation of weapons of mass destruction” would mean singling out the efforts of countries belonging to one particular regional group in a field far wider than that covered by the draft resolution.
13. He suggested that the last part of paragraph (i) be amended to read “and noting also other national, regional and international contributions in this regard”.
14. The representatives of EGYPT, the ISLAMIC REPUBLIC OF IRAN, BRAZIL and ARGENTINA expressed support for the suggestion made by the representative of Indonesia.

15. The representative of the RUSSIAN FEDERATION said that his delegation could not support the suggestion made by the representative of Indonesia. It would prefer the last part of paragraph (i) to be kept as it stood.
16. The representative of the LIBYAN ARAB JAMAHIRIYA, having expressed support for the suggestion made by the representative of Indonesia, said that, in order to reflect the efforts of countries belonging to another group, it would be appropriate to insert in paragraph (i), after “the Statement on Counter-Terrorism made in L’Aquila on 8 July 2009”, a reference to the Declaration of the NAM Summit held in Sharm el-Sheikh in July 2009.
17. The representative of GERMANY, agreeing with the representative of the Libyan Arab Jamahiriya, said that paragraph (i) could include references to the efforts of countries belonging to still further groups. It would then be appropriate to retain the references to the European Union strategy and the Global Initiative to Combat Nuclear Terrorism.
18. The representatives of CANADA, FRANCE and the UNITED STATES OF AMERICA wondered whether it would be possible to obtain a copy of the Declaration of the NAM Summit in order to assess its relevance to nuclear security.
19. The representative of EGYPT, having expressed support for the inclusion of a reference to the Declaration of the NAM Summit recently held in Sharm el-Sheikh, said that he wondered why the delegation of the Russian Federation was opposed to the suggestion made by the representative of Indonesia.
20. The representative of the RUSSIAN FEDERATION said in response that it would be inappropriate to exclude a reference to the Global Initiative to Combat Nuclear Terrorism as there were few initiatives relating directly to the fight against nuclear terrorism.
21. The representative of the UNITED STATES OF AMERICA endorsed the response of the representative of the Russian Federation.
22. The representative of BRAZIL said that references to the efforts of countries belonging to various groups would, in his view, need to be paralleled by references to — for example — the 13 practical steps towards nuclear disarmament agreed upon at the 2000 NPT Review Conference.
23. The representative of the LIBYAN ARAB JAMAHIRIYA said that he would not insist on the inclusion in paragraph (i) of a reference to the Declaration of the NAM Summit if that would simplify the discussion of that paragraph.
24. The representative of the UNITED STATES OF AMERICA — following interventions by the representatives of EGYPT, FRANCE, BRAZIL, the ISLAMIC REPUBLIC OF IRAN, GERMANY and ITALY — suggested the insertion of the words “nuclear security measures contained in” between “the implementation of” and “the European Union strategy” and the addition of “and the Summit of the Non-Aligned Movement held in Sharm el-Sheikh, Egypt, between 11 and 16 July 2009.
25. The CHAIRMAN — following comments made by the representatives of EGYPT, GERMANY, BRAZIL and the LIBYAN ARAB JAMAHIRIYA — said that, if there were no objections, he would request the Secretariat to prepare a new version of paragraph (i), reflecting the suggestion just made by the representative of the United States of America and with brackets reflecting interventions made by other representatives, for consideration at a later meeting.
26. It was so agreed.
27. Referring to paragraph (j), the representative of ARGENTINA, supported by the representatives of EGYPT, BRAZIL and INDIA, said that, while the first part of the paragraph mentioned

“fundamentals, recommendations and guidance”, the second part spoke only of “the Agency’s recommendations”. He suggested that the phrase “the Agency’s recommendations” be replaced by “these documents”.

28. The representative of BRAZIL, supported by the representatives of INDIA, the ISLAMIC REPUBLIC OF IRAN and EGYPT, said that the phrase “related to enhancing nuclear security” should be replaced by “on nuclear security” in order to avoid value judgements about the documents concerned.

29. The representative of AUSTRALIA said that in his view the phrase “related to enhancing nuclear security” should be retained.

30. The CHAIRMAN said that, if there were no objections, he would request the Secretariat to prepare a new version of paragraph (j), reflecting the Committee’s discussion, for consideration at a later meeting.

31. It was so agreed.

**Mr Smith (United Kingdom) took the Chair.**

32. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (k), suggested that the words “internationally accepted” be deleted, since it was not clear what constituted internationally accepted guidance.

33. The CHAIRMAN took it that there were no objections to that proposal.

34. It was so agreed.

35. The representative of ARGENTINA, referring to paragraph (l), said that, in his country’s view, nuclear security was merely one aspect of nuclear safety; a secure nuclear facility was not necessarily a safe one. Accordingly, he considered that the paragraph should start with the phrase “Noting that an integrated approach to nuclear security ...”.

36. The representative of the UNITED STATES OF AMERICA, supported by the representative of FRANCE, said that, in his opinion, the present version of the paragraph was perfectly logical.

37. The representative of ARGENTINA, supported by the representative of EGYPT, suggested — as an alternative amendment to the paragraph — the deletion of the phrase “in the safety area”. An agreement on preventing releases of radioactivity into the environment, for example, was of little relevance to nuclear security.

38. The CHAIRMAN proposed that the present version of the paragraph be kept unchanged.

39. It was so agreed.

40. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (n), said that “unauthorized removal” should be replaced by “diversion”, which was the word used in paragraph (n) of resolution GC(52)/RES/10, adopted in 2008.

41. He suggested that “where applicable,” be added after “States’ Systems of Accounting for and Control of Nuclear Materials,” and that the final phrase (“, to the extent to which such control procedures are applicable”) be deleted.

42. The representative of the UNITED KINGDOM said that “unauthorized removal” was used in the CPPNM and was more appropriate for a resolution on nuclear security.

43. The representative of EGYPT agreed to the suggested addition of “where applicable” and deletion of the final phrase.
44. He suggested the substitution of “unauthorized access to nuclear materials” for “diversion of nuclear materials”.
45. The representative of INDIA said that, in his view, “as applicable” was preferable to “where applicable”.
46. The representative of CANADA said that, in his understanding, “unauthorized removal” applied to actions carried out by individuals or groups of individuals and “diversion” applied to actions carried out by States.
47. His delegation could go along with the addition of “where/as applicable”, but it would like the final phrase to be retained.
48. The representative of BRAZIL said that his delegation preferred the wording used in paragraph (n) of resolution GC(52)/RES/10. The addition of “where/as applicable” in the position suggested might run counter to the aim of encouraging all States to place all their nuclear facilities under safeguards.
49. The representative of EGYPT said that he could accept the wording used in paragraph (n) of resolution GC(52)/RES/10.
50. The representative of INDIA said that the wording of paragraph (n) of resolution GC(52)/RES/10 was acceptable, but his delegation would like “where/as applicable” to be added as suggested.
51. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY, responding to a request for clarification made by the representative of AUSTRALIA, said that “unauthorized removal” was more likely to be spoken of in the nuclear security field than “diversion”, which — within the Agency — was normally associated with the implementation of safeguards agreements.
52. The CHAIRMAN recommended that “unauthorized removal” be retained.
53. The representative of EGYPT suggested that “where/as applicable” and “, to the extent to which such control procedures are applicable” be bracketed for the time being.
54. The CHAIRMAN asked whether the suggestion of the representative of Egypt was acceptable to the Committee.
55. It was so agreed.
56. The representative of LEBANON, recalling that during the previous meeting he had, speaking on behalf of the Agency’s Arab Member States, proposed two additional paragraphs, proposed that the preambular paragraph be inserted after paragraph (n).
57. The CHAIRMAN said that he did not think that the Committee’s time would be used most effectively if the proposed additional preambular paragraph was discussed in the Committee at the present time as very intensive discussion would no doubt be needed. He suggested that the proponents of the proposed additional preambular paragraph and the sponsors of the draft resolution consult on the paragraph outside the Committee.
58. The representative of EGYPT said that he regretted having to challenge the Chairman’s suggestion. The proposed additional preambular paragraph should be discussed in the Committee on an equal footing with other preambular paragraphs of the draft resolution and any suggested

amendments to that paragraph should be reflected in the Committee's official records, even if the discussion posed difficulties for some delegations.

59. It took States many years to develop nuclear weapons, and it would take a terrorist group acquiring natural uranium or yellow cake even longer to develop such a weapon. It was a universally held fear, however, that a terrorist group would acquire a ready-made nuclear weapon. The draft resolution now under discussion contained no response to that fear, which was the great nuclear security nightmare. The proposed additional preambular paragraph would help to rectify matters.

60. As regards "the continued existence of nuclear weapons and nuclear materials not subject to full-scope safeguards", some nuclear-weapon States, including the United States of America, were making moves towards nuclear disarmament, so the subject was not taboo and should be discussed in the Committee.

61. The representative of LEBANON, expressing support for the intervention of the representative of Egypt, said that the Agency's Arab Member States had proposed the additional preambular paragraph in good faith. They acknowledged that the paragraph was controversial, but the Committee spent much time in discussing controversial paragraphs.

62. The representatives of QATAR and TUNISIA expressed support for the comments made by the representative of Lebanon.

63. The representative of EGYPT read out the text of the proposed paragraph ("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") and said that he would welcome comments on it.

64. The CHAIRMAN said that it was for the members of the Committee to decide how the Committee's business should be conducted. His concern was that the Committee's business should be conducted as expeditiously as possible.

65. He had no objection to the proposed additional preambular paragraph being discussed formally in the Committee, but he believed that the paragraph would — like a number of other paragraphs — benefit more from informal consultations outside the Committee.

66. The representative of the UNITED STATES OF AMERICA, recalling that during the previous meeting the representative of Lebanon had also proposed an additional operative paragraph, suggested the addition after paragraph (n) of a paragraph reading "Recalling UN General Assembly Resolution 60/78, which states that progress is urgently needed in the area of disarmament and non-proliferation in order to help to maintain international peace and security and to contribute to global efforts against terrorism".

67. The representative of EGYPT said that the suggestion made by the representative of the United States of America was a positive one, although the suggested text did not address the issue of nuclear weapons and nuclear materials not subject to full-scope safeguards.

68. The representative of the SYRIAN ARAB REPUBLIC said that she agreed with the representative of Egypt.

69. The representative of LEBANON asked for clarification as to whether the representative of the United States of America intended that the paragraph suggested by him should replace both the paragraphs proposed by the Agency's Arab Member States, or just the preambular one.

70. The representative of the UNITED STATES OF AMERICA said that he intended that both proposed paragraphs should be replaced.

71. The representative of EGYPT suggested that the preambular paragraph suggested by the representative of the United States of America be discussed further when the operative part of the draft resolution was reached.

72. The representative of the ISLAMIC REPUBLIC OF IRAN said that he would have preferred it if there were no reference to non-proliferation in the paragraph suggested by the representative of the United States of America — which he otherwise found acceptable.

73. There had recently been fresh calls for nuclear disarmament, notably from the United States of America and the Russian Federation, a major breakthrough, and he assumed that the suggestion of the representative of the United States of America had been made in that context.

74. The representative of EGYPT, referring to the first of the comments just made by the representative of the Islamic Republic of Iran, said that, in his country's view, progress as regards nuclear non-proliferation included the universalization of full-scope Agency safeguards.

75. The representatives of FRANCE and the RUSSIAN FEDERATION welcomed the suggestion made by the representative of the United States of America.

76. The CHAIRMAN said that, if there were no objections, he would request the Secretariat to include the preambular paragraph text read out by the representative of Egypt and the one suggested by the representative of the United States of America in a revised version of the draft resolution — both in square brackets — for members to discuss further outside the Committee.

77. It was so agreed.

78. The representative of EGYPT, referring to paragraph (q), proposed that the word “direct” and the phrase “over the years” be deleted.

79. It was so agreed.

80. The representative of EGYPT, referring to paragraph (s), said that it was important to ensure the confidentiality of all information relevant to nuclear security and proposed that the phrase “, particularly information that might be of interest to terrorists” be deleted.

81. It was so agreed.

82. The representative of the SYRIAN ARAB REPUBLIC, referring to paragraph 2, suggested replacing “Calls upon” by “Encourages” or “Invites”. In her view, such a change would underline the voluntary nature of the provision of the envisaged support.

83. The representative of the ISLAMIC REPUBLIC OF IRAN expressed support for the suggestion made by the representative of the Syrian Arab Republic.

84. The representative of EGYPT, having expressed support for that suggestion, said that it was unclear who the recipient of the envisaged political, financial and technical support would be. He suggested the deletion of the words “to provide political, financial and technical support, including... and radiological terrorism, and”.

85. The representative of FRANCE pointed out that the wording of paragraph 2 was identical with that of paragraph 3 of resolution GC(52)/RES/10 and said that it reflected the wording of relevant decisions taken by the Board of Governors.

86. The first element of paragraph 2 (“to provide political, financial and technical support, including... and radiological terrorism”) was general, while the second element (“to provide the

Nuclear Security Fund the political ... to the extent possible”) was specific. In the opinion of the sponsors of the draft resolution, both elements were relevant and should be retained.

87. The CHAIRMAN suggested that “Calls upon” be retained and that “invites Member States” be inserted before “to provide the Nuclear Security Fund”.

88. The representative of EGYPT suggested that the paragraph be amended to read “Encourages Member States to provide the Nuclear Security Fund with political support, financial means and in-kind contributions in a manner which enables flexibility to the extent possible”.

89. The representative of FRANCE, supported by the representative of SPAIN, said that with such an amendment the first element of the paragraph would be lost and that “Encourages” was too weak.

90. The representative of the UNITED KINGDOM, expressing support for the retention of “Calls upon”, said that he saw no reason for departing from the wording approved by the General Conference in 2008. Recently, when approving the Nuclear Security Plan 2010-2023, the Board of Governors had called upon all Member States to continue contributing on a voluntary basis to the NSF and had recommended to the General Conference that it call upon Member States to contribute to the NSF.

91. The representative of GERMANY said that his delegation strongly favoured “Calls upon” but could go along with “Strongly encourages”.

92. The representative of CANADA, advocating the retention of both elements of the paragraph, suggested that the words “to the Agency” be inserted in the first element in order to identify the recipient of the envisaged support.

93. The insertion of “invites Member States” before “to provide the Nuclear Security Fund” — suggested by the Chairman — might be helpful.

94. The representative of EGYPT said that his delegation could also go along with “Strongly encourages”.

95. The representative of LIBYAN ARAB JAMAHIRIYA said that the scope of paragraph 2 as currently worded was too wide and that the focus should be on the provision of support to the NSF.

96. The representative of FRANCE suggested that the paragraph read “Calls upon all Member States to provide to the nuclear security programme political, financial and technical support, ...”, thus identifying the recipient.

97. The representative of the UNITED STATES OF AMERICA, having advocated the retention of both elements of the paragraph, suggested the insertion of “, through bilateral and regional cooperative arrangements,” after “Calls upon all Member States to provide”.

98. The representative of EGYPT expressed support for that suggestion.

99. The representative of the SYRIAN ARAB REPUBLIC said that her delegation could go along with the suggestion.

100. The representative of AUSTRALIA suggested that the additional phrase read “, including through bilateral and regional cooperative arrangements”.

101. The representative of JAPAN, having advocated the retention of “Calls upon”, said that his delegation could go along with the suggestion made by the representative of Canada or that made by the representative of France for identifying the recipient of the envisaged political, financial and technical support.

102. The CHAIRMAN proposed that paragraph 2 be bracketed pending the results of informal discussions held outside the Committee.

103. It was so agreed.

104. The representative of LEBANON recalled that during the previous meeting he had proposed the following operative paragraph on behalf of the Agency's Arab Member States: "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".

105. He suggested that the paragraph be inserted after paragraph 2.

106. The representative of CANADA recalled that the representative of the United States of America had said that he intended that the preambular paragraph suggested by him to follow paragraph (n) should replace both the paragraphs proposed by the Agency's Arab Member States.

107. The representative of LEBANON, supported by the representative of the LIBYAN ARAB JAMAHIRIYA, said that the two paragraphs proposed by the Agency's Arab Member States were complementary and should both be incorporated into the draft resolution.

108. The representative of the UNITED STATES OF AMERICA said that his delegation was in favour of the issue of nuclear disarmament being addressed in the preamble of the draft resolution, but not in an operative paragraph.

109. The representative of CANADA, supported by the representative of the UNITED KINGDOM, said that there were fora more appropriate than the General Conference for discussing nuclear disarmament.

110. The representative of GERMANY, supported by the representatives of FRANCE, the UNITED KINGDOM and the UNITED STATES OF AMERICA, said that by far and away most of the nuclear material that became lost had been in use for non-military purposes and only a very small amount was highly enriched uranium, so the greatest security risk was from nuclear material in civilian use, and not in nuclear weapons, which were in any case presumably better guarded.

111. The representative of the RUSSIAN FEDERATION agreed. The issue of nuclear disarmament was being examined in fora such as the Global Initiative to Combat Nuclear Terrorism, and his country, which had launched that initiative together with the United States of America, did not think that it should be examined within the Agency — a technical organization.

112. The representative of LEBANON said that the risk of nuclear material being stolen was admittedly greater in the civilian sector than in the military sector, but the potential harm from the stealing and misuse of even one nuclear weapon was far greater than that from the stealing and misuse of nuclear material from the civilian sector.

113. The purpose of the Agency's Arab Member States in proposing the operative paragraph was not to launch a discussion on nuclear disarmament within the Agency, but to raise awareness within the Agency of the fact that issues relating to nuclear weapons were related also to nuclear security and nuclear terrorism.

114. The CHAIRMAN urged the Committee members with strong views to consult outside the Committee on the preambular paragraph proposed by the Agency's Arab Member States, the preambular paragraph suggested by the representative of the United States of America and the operative paragraph proposed by the Agency's Arab Member States.

115. The representative of AUSTRALIA, referring to paragraph 3, suggested that the phrase “its early entry into force” be replaced by “the early entry into force of that amendment”.

116. The CHAIRMAN suggested inserting “where applicable” before “to accelerate ratification of the amendment to the Convention”.

117. He took it that the two suggestions were acceptable to the Committee.

118. It was so agreed.

119. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY — following comments made by the representatives of ARGENTINA and AUSTRALIA with regard to paragraph 4 — said that document INFCIRC/225<sup>2</sup> had been in existence for many years, unlike the nuclear security series documents. When the work of revising document INFCIRC/225 had begun, it had become clear that a fuller package of nuclear security guidance documents was required from the Agency. In the Director General’s Advisory Group on Nuclear Security, there had been a discussion of whether it would be desirable to make document INFCIRC/225 conform to that fuller package, rather than having two parallel guidance tracks. The conclusion reached had been that the work on revising document INFCIRC/225 should continue, but in such a way as to make the document completely consistent with the corresponding document in the nuclear security series.

120. She took it that the language of paragraph 4 was meant to reflect that situation.

121. The CHAIRMAN proposed — following comments by the representative of CANADA — that paragraph 4 be kept unchanged.

122. It was so agreed.

**The meeting rose at 7.05 p.m.**

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<sup>2</sup> The current version of this document is INFCIRC/225/Rev.4 (Corrected) and is the document that is being revised.