
Fifty-seventh regular session

Committee of the Whole

Record of the Third Meeting

Held at Headquarters, Vienna, on Wednesday, 18 September 2013, at 10.05 a.m.

Chairman: Mr STRATFORD (United States of America)

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¹ GC(57)/24.

Abbreviations used in this record:

HEU high-enriched uranium

15. Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety (continued)

(GC(57)/COM.5/L.6/Rev.3)

1. The CHAIRMAN said that agreement had been reached by the relevant parties on an amendment to paragraph (ff) of the draft resolution contained in document GC(57)/COM.5/L.6/Rev.2 — the replacement of “Taking note” at the beginning of that paragraph by “Aware”.
2. The amendment was reflected in the draft resolution contained in document GC(57)/COM.5/L.6/Rev.3, and he took it that the Committee wished to recommend to the General Conference that it adopt that draft resolution.
3. It was so agreed.

18. Strengthening the Agency’s activities related to nuclear science, technology and applications (resumed)

(GC(57)/COM.5/L.1/Rev.1)

4. The CHAIRMAN invited the Committee to take up the draft resolution contained in document GC(57)/COM.5/L.1/Rev.1, entitled “Non-power nuclear applications”.
5. The representative of MALAYSIA, introducing the draft resolution on behalf of the Group of 77 and China, said that the words “fission-based large-scale” should be inserted between “releases stemming from” and “molybdenum-99/technetium-99m production” in paragraph (o), and “[experts]” in paragraph 17 and “[IAEA]” in paragraph 21 should be deleted.
6. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(57)/COM.5/L.1/Rev.1 with those amendments.
7. It was so agreed.

16. Nuclear security

(GC(57)/16; GC(57)/19 and Corr.1; GC(57)/INF/6; GC(57)/COM.5/L.10)

8. The CHAIRMAN invited the Committee to take up the draft resolution contained in document GC(57)/COM.5/L.10.
9. The representative of FRANCE, introducing the draft resolution, said that representatives of Member States of the European Union were traditionally responsible for conducting the consultations on General Conference draft resolutions concerning nuclear security. In the current year, the

consultations had been conducted by representatives of France, Germany, the Netherlands and the United Kingdom.

10. They had conducted extensive consultations during and after the Agency-organized International Conference on Nuclear Security held from 1 to 5 July 2013, in Vienna, and four draft texts had been circulated to all Member States.

11. They had tried to accommodate all comments received, seeking to maintain the Vienna spirit of consensus that had led to the adoption of a Ministerial Declaration at the International Conference.

12. The representative of the RUSSIAN FEDERATION, referring to paragraph (c), requested clarification of the status of the Summary Report of the President of the International Conference on Nuclear Security. His delegation considered that, if the Summary Report merely reflected the President's views, it should not be given such prominence in the draft resolution.

13. The representative of FRANCE said that the Ministerial Declaration had been adopted by consensus. However, the Russian Federation had expressed some reservations. An earlier version of the draft resolution had referred to those reservations, but the reference had been deleted in the current version in response to recommendations made by some Member States.

14. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY drew attention to document GC(57)/19, containing the Nuclear Security Plan 2014–2017, which had been approved by the Board of Governors the previous week. The Summary at the beginning of the document stated that the Plan built on “General Conference resolutions, the Ministerial Declaration and, where appropriate, the conclusions and recommendations from the Conference.” The conclusions and recommendations from the Conference, the President's Summary Report, would, inter alia, be included in the Conference proceedings to be published early in 2014.

15. The representative of the RUSSIAN FEDERATION said that the Nuclear Security Plan reflected only the most salient points made in the President's Summary Report — points on which a consensus existed among Member States. He therefore considered it inappropriate that the General Conference should take note of the Summary Report as a whole.

16. The representative of FRANCE said that extensive technical discussions had taken place during the Conference on issues of major relevance to nuclear security. They were reflected in the President's Summary Report rather than in the Ministerial Declaration. Although the Summary Report was not a consensual document, many delegations had requested during the consultations on the draft resolution that some reference be made in it to those technical discussions.

17. The representative of AUSTRALIA said that the President's Summary Report reflected discussions among some 1300 experts of technical issues. His delegation therefore considered it appropriate that note be taken of the Summary Report.

18. The representative of HUNGARY said that his delegation, whose support for the reference to the Summary Report was unrelated to the fact that Hungary had provided the President of the Conference, considered it important that the views expressed by numerous experts in technical discussions be taken note of. Moreover, the words “taking note of” were neutral; they did not signal agreement or disagreement.

19. The representative of the RUSSIAN FEDERATION proposed the following wording: “taking note of valuable technical expert discussions later reflected in the President's Summary Report”.

20. The representatives of AUSTRALIA and FRANCE said that the proposed wording was acceptable to them.

21. The CHAIRMAN took it that the Committee could accept paragraph (c) with the wording proposed by the representative of the Russian Federation.
22. It was so agreed.
23. The representative of SWITZERLAND proposed inserting the following words after “effective nuclear security” in preambular paragraph (d): “of all nuclear and other radioactive materials, including those used for military purposes”.
24. He further proposed adding the following phrase at the end of paragraph (d): “in the field of peaceful uses of nuclear energy”.
25. The representatives of EGYPT, BRAZIL and NEW ZEALAND expressed support for the proposed amendments.
26. The representative of INDIA said that his delegation was opposed to the first proposed amendment but could accept the addition of the phrase “in the field of peaceful uses of nuclear energy” at the end of paragraph (d).
27. The representative of PAKISTAN said that his delegation was opposed to both proposed amendments.
28. The representative of SINGAPORE said that her delegation was strongly in favour of the first proposed amendment but opposed to the second one.
29. The representative of FRANCE said that during the consultations on the draft resolution there had been extensive discussion of the amendments proposed by the representative of Switzerland, but, as there had been no consensus on them, the additional wording had not been included in paragraph (d).
30. The CHAIRMAN proposed that the additional wording be placed in square brackets.
31. The representative of the RUSSIAN FEDERATION recalled, in connection with the adoption of the Ministerial Declaration at the International Conference on Nuclear Security, that his country had entered a reservation to the effect that ensuring due nuclear security on its territory was a responsibility of every State and that a linkage of nuclear security and international cooperation in that area with dynamics in the sphere of nuclear disarmament was unfounded and counterproductive, leading to the emergence of artificial hurdles to strengthening nuclear security. Also, his country had stressed that nuclear disarmament was not mentioned either among the objectives or among the functions of the Agency as set forth in the Statute, and had noted that questions of nuclear security of nuclear materials and facilities used for military purposes were outside the scope of the Agency’s competence. With those reservations the Russian Federation had not objected to the adoption of the Ministerial Declaration.
32. He proposed a new paragraph, to follow paragraph (c), reading “Mindful that nuclear disarmament is not mentioned either among the objectives or among the functions of the Agency listed in the Statute of the IAEA, and that questions of nuclear security of nuclear materials and facilities used for military purposes are outside the scope of the IAEA’s competence,”.
33. The representative of BRAZIL proposed the addition of a paragraph reading as follows: “Recalling that, as stated in Article III.B.1. of the Statute, the Agency should conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies,”.

34. The representative of the RUSSIAN FEDERATION said that it was not clear to him which policies of the United Nations were relevant to the draft resolution on nuclear security now under consideration.
35. Regarding paragraph (e), he pointed out that in 2012 there had been no such preambular paragraph in resolution GC(57)/RES/10 and said he was surprised that it appeared so early among the preambular paragraphs of the draft resolution now under consideration.
36. The representative of FRANCE said that, during the consultations on the draft resolution, no reservations had been expressed regarding paragraph (e), which was a lead-in to paragraph 26.
37. The representative of the RUSSIAN FEDERATION said that, in his view, there was no need for paragraph (e); paragraph 26 stated all that needed to be stated on the subject of minimizing the use of HEU.
38. The representative of NORWAY said that paragraph (e) should be retained.
39. The CHAIRMAN proposed that paragraph (e) be placed in square brackets.
40. The representative of CANADA said that his delegation had misgivings about the phrase “, as emphasized for instance by the 16th NAM Summit held in Teheran in August 2012,” in paragraph (j).
41. The representative of the RUSSIAN FEDERATION said that he did not consider paragraph (k) to be very useful and that he would prefer to see, as an alternative, an operative paragraph along the lines of paragraph 20 of the Ministerial Declaration.
42. The representative of CUBA, supported by the representative of BRAZIL, said that paragraphs (j) and (l) should not be separated by paragraph (k), and that the language of paragraph (k) should be based on paragraph 20 of the Ministerial Declaration.
43. The representative of FRANCE said that the location of paragraph (k) could be changed.
44. The CHAIRMAN proposed that paragraph (k) be placed in square brackets.
45. The representative of CUBA, supported by the representative of the BOLIVARIAN REPUBLIC OF VENEZUELA, expressed a reservation regarding paragraph (l). The Nuclear Security Summits held in Washington D.C. and Seoul had not been inclusive, and her delegation could therefore not go along with the General Conference’s noting the role that they could play in facilitating synergy and cooperation in the area of nuclear security.
46. The representative of the ISLAMIC REPUBLIC OF IRAN, agreeing with the representative of Cuba, said that the words “in an inclusive manner” in paragraph (l) seemed out of place in a paragraph referring to the two past Nuclear Security Summits, which had not been inclusive.
47. He would like the phrase “, including the Nuclear Security Summits... in The Hague in March 2014,” to be placed in square brackets.
48. The CHAIRMAN said that it would be placed in square brackets.
49. The representatives of GERMANY, the REPUBLIC OF KOREA and ROMANIA said that paragraph (l) should remain unchanged.
50. The representative of the UNITED STATES OF AMERICA said that, if the phrase “, including the Nuclear Security Summits ... in The Hague in March 2014,” was going to be placed in square brackets, perhaps the phrase “as emphasized for instance by the 16th NAM Summit held in Teheran in August 2012,” in paragraph (j) should also be placed in square brackets.

51. The representative of FRANCE, referring to paragraph (k), said that, following consultations, his delegation did not object to its deletion.
52. The representative of NICARAGUA said that, although his country was not in favour of international processes and initiatives which were not inclusive, his delegation could live with paragraph (l) as it stood, because the wording had been widely negotiated.
53. The representative of EGYPT said that her delegation wished the phrase “, using a graded approach,” in paragraph (o) to be deleted. It had not appeared in 2012 in paragraph (m) of resolution GC(56)/RES/10 and its value was unclear.
54. The representative of FRANCE said that the “graded approach” concept featured prominently in, for example, IAEA Nuclear Security Series No. 13 (Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5)).
55. The representative of the UNITED STATES OF AMERICA said that her delegation was puzzled by objections to the inclusion of the phrase “, using a graded approach,” in paragraph (o). The “graded approach” concept was well understood in the nuclear security area.
56. The CHAIRMAN said that the phrase “, using a graded approach,” could be placed in square brackets.
57. The representative of the RUSSIAN FEDERATION proposed that “(INFCIRC/225/Rev.5)” be inserted in paragraph (o) after “IAEA Nuclear Security Series No. 13”, since that was how the document in question was commonly referred to.
58. The CHAIRMAN took it that the Committee accepted the proposal made by the representative of the Russian Federation.
59. It was so agreed.
60. The representative of BELGIUM said that it was unclear why a reference was made in paragraph (o) solely to “sabotage of nuclear material and nuclear facilities”. Document INFCIRC/225/Rev.5 also addressed other malevolent acts. She therefore proposed the insertion of the words “and other malevolent acts” after “sabotage”.
61. The CHAIRMAN took it that the Committee accepted the proposal made by the representative of Belgium.
62. It was so agreed.
63. The representative of CUBA, referring to preambular paragraph (p), asked why the phrase “, as approved by the Board of Governors,” had been included. It had not appeared in 2012 in paragraph (n) of resolution GC(56)/RES/10.
64. The representative of FRANCE said that, as he recalled, the delegation of the Islamic Republic of Iran had requested the insertion of the phrase “, as approved by the Board of Governors in 2011” after the words “the revised supplementary Guidance on the Import and Export of Radioactive Sources.” The drafting team had added the phrase “, as approved by the Board of Governors in 2003,” after the reference to the Code of Conduct for the sake of consistency.
65. The CHAIRMAN took it that the Committee accepted paragraph (p) as it stood.
66. It was so agreed.

67. The representative of the RUSSIAN FEDERATION, referring to paragraph (q), pointed out that it spoke of “nuclear and other radioactive material”, whereas paragraph (o) of resolution GC(56)/RES/10 spoke only of “radioactive material”. He wondered why the reference to nuclear material had been added.

68. The representative of FRANCE said that the phrase “nuclear and other radioactive material” was commonly used in the area of nuclear security.

69. The representative of the RUSSIAN FEDERATION said that, in his view, the addition of the reference to nuclear material was more than a consistency issue.

70. The representative of FRANCE said that, since the words “radioactive material” covered nuclear material, in the interest of reaching a consensus he could agree to the deletion of the words “nuclear and other” in paragraph (q).

71. The CHAIRMAN took it that the Committee accepted paragraph (q) without the words “nuclear and other”.

72. It was so agreed.

73. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph (r), said that he was not certain that the subject of non-nuclear technologies was relevant when speaking of nuclear security.

74. The representative of INDIA said that his country’s position was that radioactive materials were being used safely and securely.

75. The representative of EGYPT wondered whether the reference to non-nuclear technologies was appropriate. Paragraph (r) appeared to her delegation to run counter to the Agency’s promotional role in the field of peaceful uses of nuclear energy.

76. The representative of SOUTH AFRICA said that, while he saw the technical merit of paragraph (r), he would like it to be accompanied by something based on the Statute, such as a reaffirmation that the Agency was seeking to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world.

77. The representative of the UNITED STATES OF AMERICA said that her country would not wish to undercut the Agency’s leading role in promoting the safe, secure and beneficial use of atomic energy. It was therefore prepared to consider the addition of language along the lines envisaged by the representative of South Africa.

78. The use of linear accelerators instead of cobalt-60-based radiotherapy in cancer treatment was just one example of a non-nuclear technology constituting “an alternative without nuclear security risk”.

79. The representative of COSTA RICA said that, in his delegation’s view, paragraph (r) needed to be made much clearer.

80. The representative of the RUSSIAN FEDERATION said that the reference to non-nuclear technologies looked odd in the context of a draft resolution about nuclear security.

81. The Statute required that the Agency seek to promote “the contribution of atomic energy to peace, health and prosperity throughout the world”, and, although some Member States had decided not to continue with the development of peaceful uses of nuclear energy at home, they were continuing to work within the framework of the Agency in pursuance of its statutory objectives.

82. The representative of FRANCE suggested that the phrase “non-nuclear technologies” be replaced by a phrase such as “X-ray devices or linear accelerators”.
83. The representative of the BOLIVARIAN REPUBLIC OF VENEZUELA said that the Agency should concentrate on helping States to deal with radioactive materials rather than recommending that they not use such materials for certain purposes.
84. The representative of INDIA said that his delegation would like paragraph (r) to be deleted.
85. The representative of the RUSSIAN FEDERATION, having welcomed the suggestion made by the representative of France, said that the Committee should not allow its consideration of the draft resolution as a whole to be held to ransom by an issue that did not relate to nuclear security.
86. The representative of the UNITED STATES OF AMERICA said that the present wording of paragraph (r) seemed not to capture the essence of what was intended. Her delegation would be happy to discuss the issue informally with other interested delegations in the hope of arriving at a consensus on it.
87. The representative of COSTA RICA said that a phrase like that suggested by the representative of France would introduce a level of detail that was not appropriate in the type of draft resolution currently under discussion.
88. The representative of the SYRIAN ARAB REPUBLIC said that her delegation could not go along with the suggestion made by the representative of France. Paragraph (r) had no place in the draft resolution and should therefore be deleted.
89. The CHAIRMAN invited the United States delegation to consult with other interested delegations on paragraph (r) and report back to the Committee in due course. In the meantime, the entire paragraph would be placed in square brackets.
90. The representative of the RUSSIAN FEDERATION, referring to paragraph (u), proposed that “Recognizing” be changed to “Commending”.
91. The CHAIRMAN took it that the Committee accepted paragraph (u) with that change.
92. It was so agreed.
93. The representative of the ISLAMIC REPUBLIC OF IRAN proposed the addition, after paragraph (v), of a paragraph on the following lines: “Recognizing that any attack on nuclear facilities may result in sabotage or unauthorized removal of nuclear material, thus endangering regional and international peace and security,”. His delegation could be flexible as regards the precise wording of the paragraph.
94. The representatives of CUBA, the BOLIVARIAN REPUBLIC OF VENEZUELA and the SYRIAN ARAB REPUBLIC expressed support for the proposal made by the representative of the Islamic Republic of Iran.
95. The representative of ITALY said that the issue of attacks on nuclear facilities had been considered in 2009, but not in the context of nuclear security.
96. The representative of the UNITED STATES OF AMERICA, supported by the representative of GERMANY, said that her delegation had problems with the paragraph proposed by the representative of the Islamic Republic of Iran.

97. As it currently stood, the draft resolution dealt well with the issue of attacks on nuclear facilities by non-State actors, and, in her delegation's view, the proposed paragraph would make the achievement of consensus on the draft resolution more difficult.

98. The representative of LITHUANIA said that the proposal made by the representative of the Islamic Republic of Iran risked politicizing the draft resolution, which was not desirable.

99. The representative of NICARAGUA said that his delegation, which did not wish the draft resolution to be politicized, welcomed the proposal.

100. The representative of CUBA said that her delegation did not consider that the paragraph proposed by the representative of the Islamic Republic of Iran would politicize the draft resolution.

101. The CHAIRMAN suggested that the proposed preambular paragraph be placed in square brackets.

102. The representative of the RUSSIAN FEDERATION said that, when the Board had adopted the Nuclear Security Plan 2014–2017, the Deputy Director General for Nuclear Safety and Security had made an important comment which had been repeated by the Governor from the Russian Federation. In the light of that comment, he proposed that, in paragraph 2, the words “to implement the plan in a comprehensive and coordinated manner” be amended to read “to implement the plan in a comprehensive manner and in close coordination with Member States”.

103. The CHAIRMAN noted that there were no objections to that proposal.

104. The representative of the RUSSIAN FEDERATION, referring to paragraph 3, said that the Board had taken note of the Nuclear Security Report 2013. That was welcome; however, his delegation had made a number of comments on the report and, trusting that the Secretariat would take note of them, had naturally not insisted that the Director General amend the report. He therefore proposed that “Welcomes” in paragraph 3 be changed to “Takes note of”.

105. Paragraph 89 of the Nuclear Security Report 2013 mentioned three goals and priorities for 2013/2014, but the Agency's overall goals and priorities in the area of nuclear security were much broader than that. He therefore proposed that the phrase “and particularly the goals and priorities for the coming year” in paragraph 3 be deleted.

106. The representative of CUBA said that her delegation supported the proposals made by the representative of the Russian Federation.

107. The CHAIRMAN noted that there were no objections to the two proposals.

108. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph 4, said that it was not clear what level of effectiveness of nuclear security would count as “highly” effective. His delegation therefore proposed that the word “highly” be placed in square brackets.

109. The representative of MEXICO proposed that the phrase “maintain highly effective nuclear security” be changed to “maintain and achieve highly effective nuclear security”.

110. The representative of the ISLAMIC REPUBLIC OF IRAN said that he did not object to the proposal made by the representative of Mexico, but it did not address his concern about the word “highly”.

111. The representative of SINGAPORE said that the phrase “highly effective nuclear security” had been used — as a compromise formulation — in the third preambular paragraph of the Ministerial Declaration adopted at the International Conference on Nuclear Security: “We encourage all States to maintain highly effective nuclear security, ...”.

112. Her delegation would prefer the formulation “the highest level of nuclear security”.

113. The representative of NEW ZEALAND recalled that paragraph 2 of resolution GC(56)/RES/10 read “Calls upon all Member States to maintain the highest possible standards of nuclear Security ...;” and said that her delegation preferred that formulation. It could, however, go along with the use of the compromise formulation in the Ministerial Declaration.

114. The representative of CUBA said that her delegation could also go along with the use of that compromise formulation.

115. The representative of FRANCE said that his delegation could go along with the insertion of “and achieve” after “to maintain” as proposed by the representative of Mexico.

116. Beyond that, perhaps the Committee should make a choice between the phrase “highly effective nuclear security”, as used, after long discussions, in the Ministerial Declaration, and the phrase “highest possible standards of nuclear security”, as used in resolution GC(56)/RES/10.

117. The representative of the UNITED STATES OF AMERICA said that her delegation had argued against the use of the word “standards” because it raised significant legal issues for her country with regard to implementation. Her delegation was prepared to consider other formulations but would prefer the compromise formulation used in the Ministerial Declaration.

118. The CHAIRMAN requested interested delegations to hold consultations on paragraphs regarding which there were doubts and report back to the Committee.

The meeting rose at 1.05 p.m.