

# General Conference

**GC(57)/COM.5/OR.4**

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**Fifty-seventh regular session**

## Committee of the Whole

### Record of the Fourth Meeting

*Held at Headquarters, Vienna, on Wednesday, 18 September 2013, at 3.10 p.m.*

**Chairman:** Mr STRATFORD (United States of America)

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### Contents

Item of the agenda <sup>1</sup>		Paragraphs
16	Nuclear security ( <i>continued</i> )	1–71
18	Strengthening the Agency's activities related to nuclear science, technology and applications ( <i>resumed</i> )	72–128

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<sup>1</sup> GC(57)/24.

**Abbreviations used in this record:**

CPPNM	Convention on the Physical Protection of Nuclear Material
INPRO	International Project on Innovative Nuclear Reactors and Fuel Cycles
PACT	Programme of Action for Cancer Therapy
TC	technical cooperation

## 16. Nuclear security (continued)

(GC(57)/COM.5/L.10)

1. The CHAIRMAN invited the representative of Egypt to report on the consultations on paragraph (o) that had taken place during the lunch break.
2. The representative of EGYPT said that her delegation was grateful for the flexibility shown by the delegations of France and the United States of America in agreeing to the insertion of the words “inter alia” between “using” and “a graded approach” in that paragraph.
3. The representative of FRANCE recalled that, during the previous meeting, the representative of Switzerland had proposed the insertion of the words “of all nuclear and other radioactive materials, including those used for military purposes” after “effective nuclear security” in paragraph (d) and the addition of the words “in the field of peaceful uses of nuclear energy” at the end of that paragraph.
4. In the light of consultations on paragraph (d) during the lunch break, the drafting group would include in a revised version of the draft resolution (GC(57)/COM.5/L.10/Rev.1) a bracketed paragraph (d) bis reading as follows: “Mindful of the responsibilities of every Member State, in accordance with its respective national and international obligations, to maintain effective nuclear security of all nuclear materials, including those used for military purposes, asserting that the responsibility for nuclear security within a State rests entirely with that State, noting the central role of the Agency in facilitating international cooperation in supporting the efforts of States to fulfil their responsibilities to ensure the nuclear security of peaceful uses of nuclear energy.”.
5. The CHAIRMAN welcomed the fact that the Committee would thus be able to compare paragraphs (d) and (d) bis.
6. The representative of the RUSSIAN FEDERATION recalled that, during the previous meeting, his delegation had proposed the addition of the words “valuable expert discussions later reflected in” between “and taking note of” and “the President’s Summary Report” in paragraph (c).
7. The CHAIRMAN said that the proposal made by the delegation of the Russian Federation had been noted and would be reflected in the revised version of the draft resolution.
8. The representative of the RUSSIAN FEDERATION, referring to paragraph 7, pointed out that States were encouraged to “adopt” the 2005 Amendment to the CPPNM at one point and called upon to “ratify” the Amendment at another point.
9. In paragraph 5 of resolution GC(56)/RES/10, States had simply been called upon to “ratify” the Amendment.
10. Perhaps the Legal Officer for the Committee of the Whole could explain the discrepancies.
11. The LEGAL OFFICER FOR THE COMMITTEE OF THE WHOLE said that she did not know why the drafting group had chosen to use the words “adopt” and “ratify” in paragraph 7, but noted that paragraph 2 of Article 20 of the CPPNM read as follows:
  - “2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification,

acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.”

12. The CHAIRMAN proposed, following comments by the representatives of the RUSSIAN FEDERATION, BELGIUM and FRANCE and by the LEGAL OFFICER FOR THE COMMITTEE OF THE WHOLE, that the words “adopt” and “ratify” be replaced by “ratify, accept or approve”.

13. It was so agreed.

14. The representative of the RUSSIAN FEDERATION, referring to paragraph 9, said that the Nuclear Security Guidance Committee was overloaded with work and it would be unreasonable to call for an acceleration of the publication of Nuclear Security Series guidance documents. In his view, therefore, the words “and accelerate” should be deleted.

15. The CHAIRMAN took it that the Committee accepted paragraph 9 without the words “and accelerate”.

16. It was so agreed.

17. The representative of the RUSSIAN FEDERATION, referring to paragraph 10, suggested that it be amended to read “Encourages the Nuclear Security Guidance Committee, the Commission on Safety Standards and the Secretariat to continue implementing a coordination process ...”.

18. The representative of FRANCE pointed out that paragraph 10 as it stood was identical with paragraph 3 of the draft resolution considered under agenda item 15 (Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety).

19. The CHAIRMAN suggested, following comments by the DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY and the representative of FRANCE, that paragraph 10 be amended to read “Encourages the Secretariat, the safety standards committees and the Nuclear Security Guidance Committee to continue implementing a coordination process ...”.

20. The representative of ARGENTINA said that, in her view, that suggested formulation would complicate matters by raising questions about the respective obligations of the Secretariat and of the safety standards committees and the Nuclear Security Guidance Committee, which were made up of experts from Member States.

21. The representative of the RUSSIAN FEDERATION proposed, following comments by the representatives of AUSTRALIA and FRANCE, that paragraph 10 be amended to read “Encourages the Secretariat to continue facilitating, in close cooperation with Member States, a coordination process ...”.

22. The CHAIRMAN suggested that the proposal made by the representative of the Russian Federation be circulated in writing for later consideration.

23. The representative of EGYPT, referring to paragraph 12, proposed that the phrase “, with due regard to their mandate and membership,” be amended to read “within their respective mandate and membership,”.

24. The CHAIRMAN took it that the Committee accepted paragraph 12 with that amendment.

25. It was so agreed.

26. The representative of SWITZERLAND, referring to paragraph 14, suggested the deletion of the phrase “, on a voluntary basis,”.

27. The representative of FRANCE said that paragraph 14 was based on paragraph 11 of the Ministerial Declaration adopted at the International Conference on Nuclear Security, which contained the phrase “, on a voluntary basis,”.

28. The representative of SWITZERLAND, following comments by the representatives of the RUSSIAN FEDERATION, ARGENTINA, INDIA, POLAND and SAUDI ARABIA, withdrew his suggestion.

29. The LEGAL OFFICER FOR THE COMMITTEE OF THE WHOLE, responding to a question put by the representative of BELGIUM, said that States might have an obligation to exchange information under legally binding international instruments to which they were party — for instance, the CPPNM (Article 14). However, the voluntary exchange of information envisaged in paragraph 14 of the draft resolution now before the Committee did not seem inconsistent with such obligations.

30. The representative of the RUSSIAN FEDERATION said that paragraph 16 appeared to be an attempt to combine paragraphs 12 and 13 of resolution GC(56)/RES/10. However, those two paragraphs dealt with two different issues — States’ obligations under United Nations Security Council resolution 1540 (2004) and to the 1540 Committee, on one hand, and the security of nuclear and other radioactive material including radioactive sources supplied by the Agency, on the other. Paragraph 16 should be divided into two.

31. The representative of FRANCE said that the drafting group would, in the revised version of the draft resolution, propose two paragraphs covering the ground covered by paragraph 16.

32. The representative of the RUSSIAN FEDERATION suggested that paragraph 17 be amended to read “Encourages the Agency to make available assistance in the field of nuclear security, including, as appropriate, ...”. In practice, it was the Secretariat which drew up Integrated Nuclear Security Support Plans.

33. The representative of ARGENTINA said that, in her view, the suggested amendment risked creating an overlap with paragraph 18.

34. The representative of FRANCE said that the phrase “Encourages States to make further use of assistance ...” was based on paragraph 6 of the Ministerial Declaration.

35. The representative of the RUSSIAN FEDERATION, pointing out that the relevant part of paragraph 6 of the Ministerial Declaration read “We encourage States to make further use of such assistance where it is needed, ...”, proposed that paragraph 17 of the draft resolution be amended to read “Encourages States to make further use of assistance in the field of nuclear security, where such assistance is needed, including, ...”.

36. The representative of EGYPT said that, in drawing up Integrated Nuclear Security Support Plans, the Secretariat had access to a great deal of highly confidential information. She would therefore like to see the phrase “with due regard to the confidentiality of the information relevant to nuclear security” added at the end of paragraph 18.

37. The representative of the ISLAMIC REPUBLIC OF IRAN, referring to paragraph 19, proposed that, for the sake of consistency with paragraph (p), the word “revised” be inserted before “supplementary Guidance on the Import and Export of Radioactive Sources”.

38. The representative of SWITZERLAND suggested that “implement” be replaced by “take into account” in both places where it occurred in paragraph 19.

39. The representative of FRANCE pointed out that paragraph 10 of the Ministerial Declaration read "... a political commitment to implement the non-legally-binding Code of Conduct ...".

40. The representatives of ITALY, ARGENTINA and SAUDI ARABIA said that they preferred the word "implement".

41. The CHAIRMAN took it that the Committee wished to accept paragraph 19 with the addition of the word "revised" before "supplementary Guidance".

42. It was so agreed.

43. The representative of SWITZERLAND, referring to paragraph 20, suggested that the phrase " , unless exempted from regulatory control," be replaced by "if disposal or recycling is not possible,".

44. The CHAIRMAN, responding to a point raised by the representative of the RUSSIAN FEDERATION, proposed that the wording of paragraph 20 be replaced by that of paragraph 93 of the draft resolution recommended for adoption under agenda item 15: "Calls upon all Member States to ensure that there is adequate provision for safe and secure storage and disposition pathways for disused radioactive sealed sources so that such sources within their territories remain under regulatory control, and further encourages all Member States to develop arrangements, as practicable, to permit the return of disused sources to the supplier States;".

45. The representative of SWEDEN, referring to the suggestion made by the representative of Switzerland and to the words "disposal pathways" in paragraph 93 of that draft resolution, said that, in his understanding, the term "disposition" covered disposal and recycling.

46. The representative of ARGENTINA expressed approval of the wording proposed by the Chairman.

47. The CHAIRMAN took it that the Committee wished paragraph 20 to be replaced by the wording he had just read out.

48. It was so agreed.

49. The representative of the RUSSIAN FEDERATION, referring to paragraph 22, which described the Incident and Trafficking Database (ITDB) as an "effective mechanism", said that no criteria had been defined as a basis for measuring the ITDB's effectiveness.

50. Paragraph 16 of resolution GC(56)/RES/10 read "Notes the utility of the Agency's Illicit Trafficking Database (ITDB) ...", and he therefore proposed that paragraph 22 of the draft resolution now under consideration be amended to read "Notes the utility of the Incident and Trafficking Database (ITDB), which is a mechanism ...".

51. It was so agreed.

52. The representative of the ISLAMIC REPUBLIC OF IRAN said that the phrase "IAEA guidance" in paragraph 23 presumably referred to IAEA Nuclear Security Recommendations NSS No. 15.

53. If it did refer to that document, he proposed that the title be spelled out.

54. It was so agreed.

55. The representative of PAKISTAN suggested that the end of paragraph 25 be amended to read "... to consider establishing, where practical, national nuclear material databases, drawing on

assistance, upon request, from the IAEA;” Such language was similar to that used at the end of paragraph 18 of resolution GC(56)/RES/10.

56. The representative of the RUSSIAN FEDERATION expressed support for the suggestion made by the representative of Pakistan.

57. The representative of the UNITED STATES OF AMERICA called for retention of the phrase “a national nuclear forensics library and supporting material databases”.

58. The representative of AUSTRALIA, calling for the retention of that phrase, pointed out that it was preceded by the phrase “, where practical,”. He also called for retention of the phrase “and other relevant initiatives as necessary”.

59. The CHAIRMAN suggested replacing paragraph 25 of the draft resolution by paragraph 18 of resolution GC(56)/RES/10.

60. The representative of FRANCE said that he was not happy with that suggestion.

61. The CHAIRMAN invited the representative of France to hold consultations with interested parties on paragraph 25.

62. The representative of NORWAY proposed that paragraph 26 be placed in square brackets pending the outcome of consultations on paragraph (e).

63. It was so agreed.

64. The representative of the RUSSIAN FEDERATION suggested that paragraph 30 be amended so as to indicate that the annual Nuclear Security Report should include information on external users of the Incident and Trafficking Database (ITDB) and on past and planned activities of educational, training and collaborative networks. He would submit his suggestion to the Secretariat in writing.

65. The representative of FRANCE said that the drafting group had tried to accommodate the views of the Russian Federation by referring to “educational and collaborative networking”. However, it was open to consideration of the text to be submitted by the delegation of the Russian Federation.

66. The representative of CUBA recalled that, in paragraph 24 of the Ministerial Declaration adopted at the International Conference on Nuclear Security, the Agency had been called on “to consider organizing international conferences on nuclear security every three years.” That should be reflected in the draft resolution. She would engage in consultations with a view to formulating a paragraph for inclusion in the draft resolution.

67. The DIRECTOR OF THE OFFICE OF NUCLEAR SECURITY said that the Agency conferences to be held in 2014–2015 had been decided on within the framework of approval of the Agency’s Programme and Budget for 2014–2015. A decision on Agency conferences to be held in 2016, three years after the recent International Conference on Nuclear Security, would be taken in 2015, within the framework of approval of the Agency’s Programme and Budget for 2016–2017.

68. The representative of FRANCE said that, in his view, it would be premature to refer to a conference that would not be held until 2016 in a resolution adopted in 2013.

69. Responding to a question put by the representative of CUBA about paragraph 31 (Requests the Secretariat to implement the actions called for in this resolution in a prioritized manner within available resources.), he said that, given the resource constraints faced by the Agency, actions of greatest importance would be implemented first.

70. The representative of the RUSSIAN FEDERATION said that paragraph 31 appeared to imply that it was the Secretariat which would decide on the actions to be implemented first. He would prefer the wording of paragraph 24 of resolution GC(56)/RES/10: “Requests that the actions of the Secretariat called for in this resolution be undertaken subject to the availability of resources, ...”.

71. The representative of NEW ZEALAND suggested the insertion of “in a prioritized manner” after “to be undertaken” in that wording.

## **18. Strengthening the Agency’s activities related to nuclear science, technology and applications (resumed)** (GC(57)/COM.5/L.11)

72. The CHAIRMAN invited the Committee to take up the draft resolution contained in document GC(57)/COM.5/L.11, entitled “Strengthening the Agency’s activities related to nuclear science, technology and applications — Nuclear power applications”.

73. The representative of FRANCE, introducing section 1 (General) of the draft resolution, said that the words “the success of” at the beginning of paragraph 2 should be deleted.

74. The CHAIRMAN proposed, in the light of comments made by the representatives of CANADA and AUSTRALIA, the deletion of paragraphs (x) and 14; the important issue of disused sealed radioactive sources was referred to in the draft resolutions considered under agenda items 15 (Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety) and 16 (Nuclear security).

75. It was so agreed.

76. The representative of FRANCE, responding to a comment made by the representative of CUBA regarding paragraph 25, where reference was made to UN-Energy, said that the paragraph was virtually identical with paragraph 4 in section B.1 of resolution GC(56)/RES/11.

77. The CHAIRMAN, responding to a comment made by the representative of CUBA regarding paragraph 27 (Requests that the actions of the Secretariat called for in this resolution be undertaken as a priority subject to the availability of resources;), said that, in his view, the words “as a priority” implied that priorities would be set by Member States, whereas the words “in a prioritized manner” implied that priorities would be set by the Secretariat.

78. The representative of AUSTRALIA, referring to paragraph 21, asked why mention was made there of the IAEA Peaceful Uses Initiative (PUI).

79. The representative of FRANCE said that some of the funds contributed in support of the PUI were devoted to the development of the necessary national infrastructures in countries embarking on nuclear power programmes.

80. The representative of INDIA, introducing section 2 (Small and medium-sized nuclear reactors — Development and deployment), said it took account of some major developments that had taken place since 2011.

81. The CHAIRMAN, noting that no Committee members wished to comment on section 2, said he assumed that section 2 was acceptable to the Committee as it stood.

82. It was so agreed.

83. The representative of the RUSSIAN FEDERATION, introducing section 3 (Agency activities in the development of innovative nuclear technology), drew particular attention to paragraph (e), which pointed out that the membership of INPRO was continuing to grow, and to paragraph 7, which made it clear that INPRO membership was open to all interested Member States.

84. The CHAIRMAN took it that section 3 of the draft resolution was acceptable to the Committee.

85. It was so agreed.

86. The representative of FRANCE, introducing section 4 of the draft resolution (Approaches to supporting nuclear power infrastructure development), said that it reflected work done by — inter alia — the Integrated Nuclear Infrastructure Group (INIG) since 2011 in supporting the development of nuclear power in newcomer countries.

87. The CHAIRMAN took it that section 4 of the draft resolution was acceptable to the Committee.

88. It was so agreed.

89. The CHAIRMAN took it that the Committee wished to recommend to the General Conference the adoption of the draft resolution contained in document GC(57)COM.5/L.11.

90. It was so agreed

91. The CHAIRMAN invited the Committee to take up the draft resolution contained in document GC(57)COM.5/L.12, entitled “Programme of Action for Cancer Therapy”.

92. The representative of the PHILIPPINES, introducing the draft resolution on behalf of the Group of 77 and China, said that cancer remained one of the leading causes of death worldwide and the Group therefore attached great importance to the Programme of Action for Cancer Therapy (PACT).

93. The Group, which welcomed the upgrading of the PACT Programme Office to a division (the Division of PACT), looked forward to a discussion, in November in the Technical Assistance and Cooperation Committee, of the impact of the move of the Division of PACT from Major Programme 2 to Major Programme 6 on the Agency’s technical cooperation activities and on PACT.

94. The representative of AUSTRALIA, referring to paragraph (b) of the draft resolution, said he was not sure that it was correct to say that there had been an “alarming growth in cancer incidents, particularly in low- and middle-income (LMI) countries”.

95. The CHAIRMAN suggested that the word “alarming” be deleted from that paragraph. The growth in cancer incidents would be alarming if reference was being made not to the number of cancer sufferers but to the number of cancer cases detected.

96. The representative of the PHILIPPINES pointed out that paragraph (b) was identical with paragraph (b) of resolution GC(55)/RES/12.A.2 adopted in 2011.

97. The CHAIRMAN said that he had been informed by the Secretariat that there was a typographical error in paragraph (b) — the word “incidents” should read “incidence”.

98. The representative of AUSTRALIA said that, as paragraph (b) was identical with paragraph (b) of resolution GC(55)/RES/12.A.2 and “incidents” should read “incidence”, he no longer had concerns about the paragraph.

99. The DIRECTOR OF THE DIVISION OF PROGRAMME SUPPORT AND COORDINATION, DEPARTMENT OF TECHNICAL COOPERATION, responding to a question put by the representative of BRAZIL with regard to the phrase “with a view to ... making optimum use of the synergies between TC and PACT activities” in paragraph (m) and the phrase “the delivery of activities under the auspices of PACT, in close coordination with the technical cooperation programme” in paragraph (n), said that”, with the Division of PACT soon to come within Major Programme 6, “through the technical cooperation programme” would be more appropriate than “in close coordination with the technical cooperation programme”.

100. The representative of BRAZIL requested clarification of the wording of paragraphs 1 and 2.

101. The representative of SOUTH AFRICA said that paragraph 1 should be deleted. Its deletion had been agreed upon in informal discussions.

102. With regard to paragraph 2, she said there would be very little time for the preparation of a detailed report on the impact of the move of the PACT Programme Office for consideration in November.

103. The CHAIRMAN took it that the Committee agreed to the deletion of paragraph 1.

104. It was so agreed.

105. The representative of the UNITED STATES OF AMERICA proposed that paragraph 2 be amended to read: “Calls upon the Secretariat to brief Member States on the move of PACT from Major Programme 2 to Major Programme 6 at a date that would facilitate Member States’ discussion at the November 2013 meetings of the Technical Assistance and Cooperation Committee, and requests the Director General to report on the impact of this move on TC and PACT before the 2014 session of General Conference;” .

106. The CHAIRMAN took it, following comments by the representatives of SOUTH AFRICA, EGYPT and the UNITED STATES OF AMERICA, that the Committee accepted paragraph 2 as amended.

107. It was so agreed.

108. The representative of the PHILIPPINES, responding to a point raised by the representative of AUSTRALIA, proposed that the phrase “Calls on the Division of PACT to harness the benefits ...” be amended to read “Calls on the Division of PACT to continue to harness the benefits...”.

109. The CHAIRMAN took it that the Committee accepted paragraph 4 as amended.

110. It was so agreed.

111. The representative of AUSTRALIA proposed that in paragraph 17 “Urges” be replaced by “Requests”.

112. The CHAIRMAN took it that the Committee accepted paragraph 17 as amended.

113. It was so agreed.

114. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE, responding to a concern expressed by the representative of SOUTH AFRICA with regard to the words “its financial flexibility” in paragraph 19, proposed replacing them by “capacities and mechanisms to facilitate and support cancer control-related resource mobilization”.

115. The representative of MALAYSIA asked whether it might not be better to refer to “financial capacities” in the proposed wording.

116. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE said that the insertion of the word “financial” in the proposed wording might be confusing. The term “capacities” had a broad meaning, implying that the Division of PACT would retain all its capacities, not only its financial ones.

117. The representative of SOUTH AFRICA requested an assurance that the proposed wording implied that PACT’s current mechanisms would be retained.

118. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE said that she could give such an assurance.

119. The CHAIRMAN asked the representative of SOUTH AFRICA whether her concern was that the financial resources of the Division of PACT might be reduced.

120. The representative of SOUTH AFRICA said that her real concern was that the Division of PACT should be able to disburse its funds in the same way as in the past.

121. The DIRECTOR OF THE DIVISION OF BUDGET AND FINANCE said that she had proposed the words “capacities and mechanisms” for that very reason.

122. The CHAIRMAN took it that the Committee accepted paragraph 19 as amended.

123. It was so agreed.

124. The representative of AUSTRALIA proposed replacing, in paragraph 20, the words “its efforts” with “progress”.

125. The CHAIRMAN took it that the Committee accepted paragraph 20 as amended.

126. It was so agreed.

127. 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.12 as orally amended.

128. It was so agreed.

**The meeting rose at 6.40 p.m.**