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Chair: Mr STUART (Australia)

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¹ GC(58)/22.

17. Strengthening the effectiveness and improving the efficiency of Agency safeguards (resumed)

(GC(58)/COM.5/L.2/Rev.1)

1. The CHAIR invited the representative of Austria to report on the progress made in the informal consultations on the draft resolution set out in document GC(58)/COM.5/L.2/Rev.1.

2. The representative of AUSTRIA said that the co-sponsors, in a spirit of consensus, had tried to take on board as many as possible of the concerns that had been expressed the previous day. Drawing attention to the paragraphs that had been added or modified since the previous version of the draft resolution, she noted that the phrase “will implement” in paragraph (g) should read “implements”. The co-sponsors recognized that further informal consultations on the draft would be necessary and invited all delegations to participate.

The meeting was suspended at 3.20 p.m. and resumed at 8.25 p.m.

14. Nuclear security (resumed)

(GC(58)/COM.5/L.3/Rev.1)

3. The CHAIR invited the representative of the Netherlands to report on the progress made in the informal consultations on the draft resolution set out in document GC(58)/COM.5/L.3/Rev.1.

4. The representative of the NETHERLANDS said that a team of representatives of EU countries — France, Germany, the Netherlands and the United Kingdom — had worked together on the draft. Many important, complex and interrelated matters had been discussed in the informal consultations, always with a commitment to strengthening nuclear security. Her delegation believed that the result was a balanced resolution and hoped that it could be adopted by consensus.

5. Drawing attention to the changes that had been introduced since the previous version of the draft resolution, she noted the need for one further correction: in paragraph (q), the phrase “at nuclear facilities” should be added after “further guidance on their implementation”.

6. The representative of SWITZERLAND, noting that his delegation and a number of others had previously proposed an amendment to paragraph (d), said that the revised text of paragraph (g) addressed all of their concerns in that regard. They were therefore willing to withdraw their proposed amendment and to endorse the draft resolution as it stood. That endorsement was echoed by the representatives of NEW ZEALAND, TURKEY and the UNITED STATES OF AMERICA.

7. The representative of the ISLAMIC REPUBLIC OF IRAN, expressing appreciation of the efforts made by the co-sponsors to achieve consensus during the consultations, said that his delegation still had some concerns. The reference to the Nuclear Security Summits in paragraph (n) was unacceptable as those summits had not been held in an inclusive manner. The suggestion made by the delegation of Cuba in that regard was acceptable to his delegation. Similarly, the last part of paragraph 12, which referred to initiatives that were not universal in nature, should be placed in brackets.

8. Lastly, his delegation had proposed that a preambular paragraph should be added to the draft resolution recognizing that any attack against a nuclear facility might result in sabotage or unauthorized removal of nuclear or other radiological material, thus endangering international peace and security. After consultations with other delegations, his delegation had agreed to replace the phrase “any attack” with the phrase “any terrorist attack”, but no final agreement on the wording of the proposed paragraph had yet been reached. His delegation stood ready to engage further with the co-sponsors in order to resolve the outstanding issues.

9. The representative of the REPUBLIC OF KOREA, referring to the comments by the representative of Iran, said that the wording of paragraph (n) had been very carefully crafted. The paragraph had originally listed all three Nuclear Security Summits but the current version merely noted the role that international processes and initiatives such as the summits could play. That was a neutral statement that had no particular implications. The suggestion made by the delegation of Cuba did not adequately capture the role of the Nuclear Security Summits in fostering political commitments at the highest level and giving an impetus to the Agency’s work. Moreover, the first part of the paragraph, which emphasized the need for the involvement of all Member States, had been added to accommodate the concerns of the Iranian delegation by keeping the principle of inclusiveness in mind. Nonetheless, it was still important to note the role that processes such as the Nuclear Security Summits could play.

10. With regard to paragraph 12, while it was true that not all States were involved in the Global Initiative to Combat Nuclear Terrorism and the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, both were open to all States that wished to join them. The paragraph was aimed at encouraging the Secretariat to continue to play a coordinating role in nuclear security-related initiatives, a principle that had been emphasized many times in many different forums. Moreover, on the subject of inclusiveness, she pointed out that not all Agency Member States were involved in all the Agency’s activities, such as the Incident and Trafficking Database (ITDB) or the Nuclear Security Guidance Committee (NSGC). That did not diminish the importance of those activities or of the Agency’s role in coordinating work and preventing overlaps. The references to the Global Initiative and the Global Partnership should therefore be retained. Nonetheless, her delegation was willing to work on wording that might address the concerns of the Iranian delegation.

11. The representative of FRANCE, reviewing the discussions so far on the Iranian proposal to include a reference to attacks against nuclear facilities in the draft resolution, noted that the proposal had been made some months previously. He said that the co-sponsors had considered the word “attack” insufficiently clear, since it could refer to a terrorist attack or an attack by a State or non-State actor. Incorporating a specific reference to terrorism was also problematic as the term was not properly defined in international law. The co-sponsors had suggested using the term “acts of nuclear terrorism”, together with a reference to the International Convention for the Suppression of Acts of Nuclear Terrorism, so as to make clear how the term should be understood. However, the Iranian delegation had not been willing to refer to that Convention since Iran was not a party to it.

12. The wording subsequently proposed by the co-sponsors — “malicious acts by non-State actors” — had not been acceptable to the Iranian delegation because it excluded attacks by State actors. The co-sponsors argued, however, that an attack by a State actor would be an act of war, and such acts had no place in an Agency resolution on nuclear security, which was clearly concerned only with illegal acts by non-State actors at nuclear facilities. It was true that some years previously a resolution on attacks by State actors against nuclear facilities had been adopted as a stand-alone resolution, but that had been in a totally different context. The co-sponsors of the current draft resolution could not support any wording that created ambiguity with regard to the origin of a malicious act against a nuclear facility. Hence no consensus on the Iranian proposal had yet been reached.

13. The representative of CANADA said that his Government had initially been in favour of stronger wording in paragraph (n), along the lines of “noting the important role that the Nuclear Security Summits play”. Knowing, however, that such wording would not be acceptable to some delegations, his delegation had worked to retain more moderate language in the interests of achieving consensus. The current wording thus already represented a significant concession and could not be watered down any further.

14. Similarly, the initiatives referred to in paragraph 12 were important ones that complemented the Agency’s work in the field of nuclear security; his Government would ideally have liked to strengthen the wording of that paragraph. His delegation could not, therefore, accept any dilution of the existing language.

15. The representative of AUSTRALIA said that, while his delegation understood the concerns of the Iranian delegation, extensive and transparent consultations on the draft resolution had been held in recent months, and the coordinators had tried to take a flexible approach. In particular, paragraph (n) was the result of protracted discussion and represented a finely balanced package aimed at meeting the concerns of all parties. Much progress had been made on significant substantive issues during the negotiations on the draft resolution. His delegation stood ready to work with all parties in a continued consultative approach.

16. The representative of the UNITED STATES OF AMERICA said that her delegation supported the comments of other speakers regarding the already extensive consultations on the draft resolution. The current wording of paragraph 12 represented a compromise in that, after many months of discussions, a decision had been made to refer specifically only to the Global Initiative and the Global Partnership, and not the various other international organizations and initiatives with which the Agency worked. Her delegation encouraged others to reflect on the efforts made to achieve consensus on that specific point.

17. In addition, her delegation agreed that it was important to preserve the carefully constructed balance between paragraphs (n) and (m), but was ready to continue discussing the matter.

18. The representative of INDIA said that, in his delegation’s view, the sponsors of the draft resolution had produced a good document but, owing to the time difference, he would not receive final clearance from his Government until the following morning.

19. The representative of JAPAN said that not all international initiatives were open to all participants and that the initiatives mentioned in paragraphs (n) and 12 had been mentioned in previous resolutions. In that context, he drew attention to paragraph 1, which affirmed the role of the Agency in coordinating international activities in the field of nuclear security, while avoiding duplication and overlap. To that end, it was natural for the Agency to reach out and exchange information with other international initiatives. He appealed to all participants to work together to reach a compromise.

20. The representative of the ISLAMIC REPUBLIC OF IRAN said that it was not enough to keep in mind the principle of inclusiveness: action was also needed. Forums that should be inclusive but were not set bad examples. In his delegation’s view, resolution GC(XXXIV)/RES/533, adopted in 1990, was not a one-off response to a specific situation. The issue had arisen again in 1999 under the item dealing with measures to strengthen international cooperation measures in nuclear, radiation and waste safety and the Convention on the Physical Protection of Nuclear Material, which was related to nuclear security, had also been considered. His delegation remained ready to continue discussions with the coordinators of the draft resolution.

21. The representative of FRANCE said that the representatives had clearly stated their positions. As the aim was to produce a consensus document, reference to resolution GC(XXXIV)/RES/533 might not be particularly useful since that resolution had been adopted by vote. Guidance from the Chair and other representatives on the proposed new operative paragraph would be welcomed. He wondered, in particular, whether his delegation's understanding that only non-State actors should be considered in the context of nuclear security was shared by the other delegations.

22. The CHAIR said that, while he was unable to offer the requested guidance, other representatives might wish to speak on the matter.

23. The representative of the UNITED KINGDOM said that her delegation supported the French proposal to refer only to non-State actors in the proposed paragraph.

24. The representative of the UNITED STATES OF AMERICA said that the paragraph in question should refer only to "non-State actors" and that the references to the Nuclear Security Summits and the other events should be retained in paragraphs (n) and 12 if the resolution was to be acceptable to his delegation.

The meeting was suspended at 9.15 p.m. and resumed at 9.30 p.m.

25. The CHAIR said that, while progress was being made on the draft resolutions under agenda items 14 and 17, more time was needed and he hoped that the sponsors of those draft resolutions would be able to report further progress at the next meeting.

The meeting rose at 9.35 p.m.