



# General Conference

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## Sixty-first regular session

# Committee of the Whole

## Record of the Third Meeting

*Held at Headquarters, Vienna, on Tuesday, 19 September 2017, at 3.10 p.m.*

**Chair:** Mr STALDER (Switzerland)

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<sup>1</sup> GC(61)/25.

**Abbreviations used in this record:**

IPPAS	International Physical Protection Advisory Service
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
SDGs	Sustainable Development Goals
USA	United States of America

## 16. Nuclear security

(GC(61)/14 and 24; GC(61)/INF/6 and Corr.1; GC(61)/COM.5/L.10)

1. The representative of FRANCE, introducing the draft resolution contained in document GC(61)/COM.5/L.10, said that negotiations on the text had been conducted in a climate quite different to that of the previous year. The starting point had been resolution GC(60)/RES/10, adopted by consensus by the General Conference at its 60th regular session, and the process had been informed by the International Conference on Nuclear Security, held in December 2016, and the approval of the Nuclear Security Plan 2018–2021. Five meetings of Member States had been held since July 2017, proceeding on the basis of consensus. The resultant text incorporated a number of amendments and technical updates. She expressed appreciation to all Member States for their constructive approach and active participation in the consultation process. One further technical update was still required in paragraph 3 of the draft resolution to reflect the approval of the Nuclear Security Plan 2018–2021 by the Board of Governors the previous week. Eight additional Member States had expressed their desire to sponsor the draft resolution: Albania, Australia, Georgia, Japan, Liechtenstein, Montenegro, Norway and the Republic of Korea.

2. The representative of JAPAN, supported by the representative of the UNITED STATES OF AMERICA, drew attention to another technical update needed in the text: in paragraph 28, the words “Notes the development of supplementary guidance” should be altered to “Welcomes the approval by the Board of Governors of the supplementary guidance”.

3. The representative of SPAIN said that, following the approval of the Nuclear Security Plan 2018–2021, paragraph 3 of the draft resolution should be amended to read: “Calls upon the Secretariat to continue to implement the Nuclear Security Plan 2014–2017 (GC(57)/19 and Corr.1) and to implement the Nuclear Security Plan 2018–2021 (GC(61)/24) in a comprehensive manner”.

4. The representative of CHINA requested clarification of the term “in a comprehensive manner” in the context of paragraph 3 of the draft resolution.

5. The representative of SPAIN said that the same wording appeared in paragraph 3 as originally drafted. It reflected the fact that the Secretariat was expected to implement the Nuclear Security Plan in its entirety.

6. The representative of the RUSSIAN FEDERATION expressed support for the amendment proposed to paragraph 3. He sought clarification as to exactly when the Nuclear Security Plan 2018–2021 would supersede the Nuclear Security Plan 2014–2017 and suggested that the relevant dates should be made explicit in the text.

7. The representative of SPAIN replied that it had been the understanding of those drafting the text that the current plan would run until 31 December 2017, with the new plan coming into effect on 1 January 2018.

8. The HEAD OF THE PROGRAMME DEVELOPMENT AND INTERNATIONAL COOPERATION SECTION OF THE DIVISION OF NUCLEAR SECURITY confirmed that such was the case. He added that there were some areas common to both plans, which would lead to certain projects continuing uninterrupted.

9. The representative of the RUSSIAN FEDERATION suggested that the words “accordingly and” be inserted between “(GC(61)/24)” and “in a comprehensive manner” so as to clarify that only one plan would apply from 1 January 2018.

10. The representative of the PHILIPPINES, welcoming the exhaustive consultations that had been held on the draft resolution in preparation for the 61st regular session of the General Conference, suggested that, in paragraph 17, the words “in cooperation with Member States” should be inserted after the first occurrence of “encourages the Secretariat” in order to emphasize the need for Member States to have input into the areas of activity it covered. In paragraph 20, the words “with a view to developing and building human resources in this regard” should be inserted after “skills and knowledge of personnel” so as to highlight the importance of human resources development as a goal of nuclear security education and training. She expressed the hope that her proposed amendments would not affect the balance and consensus achieved on the text so far.

11. The representative of the RUSSIAN FEDERATION expressed support for those amendments.

12. The CHAIR took it that the Committee agreed to amend paragraphs 17 and 20 as suggested by the representative of the Philippines.

13. It was so agreed.

14. The representative of GERMANY, welcoming the transparent manner in which negotiations on the text of the draft resolution had been conducted over several months, said that, faced with an unprecedented wave of cyber attacks against the computer systems of public installations and private companies, it would be naive to think that such attacks would spare nuclear facilities. In the context of nuclear security, cyber security was of great importance, and the Agency should provide support and guidance to Member States upon request. It was regrettable that the topic was not covered adequately in the draft resolution. Nevertheless, in the interests of preserving the hard-won 2016 consensus, he was willing to support the text as it stood.

15. The representative of the ISLAMIC REPUBLIC OF IRAN, expressing support for the comments made by the representative of Germany, said that, in the interests of consensus, he had opted to withdraw certain amendments on cyber security, which he had proposed during the negotiation process but which had not enjoyed sufficient support.

16. The representative of ARMENIA said that, while he would not block consensus on the draft resolution, he would make a statement to the General Conference on his Government’s understanding of the term “non-State actors” with reference to terrorists and criminal groups.

17. The representative of EGYPT said that various amendments proposed during the process of negotiating the text of the draft resolution, particularly in terms of the relationship between disarmament and nuclear security and the issue of comprehensiveness, had enjoyed a degree of support, including from his delegation, but had not been the subject of consensus. Despite that, he stood ready to join the consensus on the text before the Committee, given the specific context in which resolutions on nuclear security were negotiated and the approach taken.

18. The representative of the RUSSIAN FEDERATION, acknowledging the work done by the drafters of the text and the welcome efforts of all concerned to preserve the previous year’s consensus, emphasized that the references to United Nations Security Council resolutions 1540 (2004) and 2325 (2016) in preambular paragraph (o) and paragraph 21 concerned not the resolutions themselves but the obligations that flowed from them. Security Council resolution 2325 had absolutely no effect on the obligations of Member States set out in resolution 1540, and the inclusion of references to it in the draft resolution should not be interpreted as extending those obligations in any way. He said that he was ready to join the consensus on the draft text as it stood.

19. The CHAIR took it that the committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(61)/COM.5/L.10, as amended.

20. It was so decided.

21. The representative of the UNITED STATES OF AMERICA said that his delegation had supported the approach taken to drafting the text, using resolution GC(60)/RES/10 as a basis and including only technical updates or new proposals that would command the full support of Member States. It had therefore refrained from putting forward a number of proposals in areas that it felt should have been addressed.

22. Agency assistance in the area of nuclear security was requested by Member States precisely because it supported their ability to use nuclear technology in a positive and secure way. Such assistance was voluntary and provided at the specific request of Member States. It consisted mainly of capacity building, helping to develop regulations and best practices, training technical and security experts, and assisting Member States in taking a holistic approach to the peaceful uses of nuclear energy. It was hoped that all interested Member States might work together to develop a more balanced message about the real relationship between nuclear security and peaceful uses, ensuring that there was no implication of negativity in the role of nuclear security within the Agency. Suggestions as to how that message could best be communicated to Member States and the general public would be welcome. The Agency's work in facilitating access to the peaceful uses of nuclear technology and applications unquestionably saved lives, and public awareness needed to be raised concerning the significant contributions it made to world health and economic development.

23. Over-reliance on extrabudgetary contributions impaired the operation of the Division of Nuclear Security and, by extension, the Agency's ability to realize its full potential to pursue a one-house approach to assisting Member States. While not all activities should be funded from the Regular Budget, it was neither efficient nor sustainable to pay key staff using irregular and unpredictable extrabudgetary funds. The draft resolution should have emphasized the need for further progress in regularizing the staffing of the Division of Nuclear Security. It was to be hoped that progress could be made through further collaboration among Member States on the issue, avoiding what appeared to be artificial historical divisions. It was important for there to be an understanding as to how the Agency's efforts in those areas complemented one another and helped to promote the peaceful uses of nuclear technology in a secure way.

24. He expressed appreciation for the fact that the process of reaching consensus on the draft resolution had been much smoother than in 2016 and looked forward to working with all Member States in laying the groundwork for a more ambitious resolution in 2018.

25. The representative of SWITZERLAND said that the draft resolution, as agreed, was in substance a technical update of resolution GC(60)/RES/10. It was regrettable that the discussions and commitment of Member States over the preceding year on such an important topic had not been reflected in any substantive changes to the text. Switzerland had made several suggestions during informal consultations, concerning strengthening support for regional efforts in nuclear security, the timely implementation of IPPAS recommendations, and a comprehensive approach to securing nuclear materials, both civilian and military. Although it was appreciated that the issue of interfaces had been addressed, it was regrettable that informal discussions had not resulted in consensus on other important issues.

26. The representative of NEW ZEALAND, welcoming the transparent and inclusive nature of the informal consultations on the draft resolution, expressed the hope that the consensus would provide the basis for a more ambitious resolution in 2018. He requested that New Zealand be added to the list of sponsors of the draft resolution.

27. The representative of SOUTH AFRICA, commending the management of the consultation process, said that her country would have preferred stronger wording on the topic of military material and expressed support for the statement made by the representative of Egypt concerning disarmament. Nevertheless, she expressed satisfaction that consensus had been reached on such an important draft resolution.

28. South Africa's view of the relationship between nuclear security and peaceful uses differed from that of the USA. The three pillars of the NPT were all important to South Africa and so, on principle, it would not wish to see any conditions imposed on the peaceful uses of nuclear energy. South Africa would uphold that principle in any discussions on the matter, while attempting to accommodate the views of other Member States.

29. The Agency's motto, "Atoms for Peace and Development", recognized that the Agency was not simply a security institution but had an important role to play in empowering countries and ensuring that they were able to implement national and regional development plans, such as the African Union's Agenda 2063: The Africa We Want and the SDGs. The issue of funding should be considered holistically, in relation to both the promotional and non-promotional activities of the Agency.

30. The representative of CUBA expressed support for the comments of the representative of the Russian Federation concerning the reference to Security Council resolution 2325, which should be viewed as a purely technical update to the text of the draft resolution. Cuba would have preferred to see the reference to Nuclear Security Summits deleted from the text, owing to their exclusive and limited nature, and mention made of the relationship between nuclear security and nuclear disarmament, but had chosen to prioritize consensus.

31. The representative of BRAZIL expressed appreciation for the open and transparent manner in which the draft resolution had been negotiated. He particularly welcomed the agreed wording of paragraphs 27 and 28, which, unlike some other resolutions of the General Conference, referred appropriately to the Code of Conduct on the Safety and Security of Radioactive Sources and supplementary guidance documents. In response to the statement made by the representative of the USA, he echoed the views expressed by the representative of South Africa on the issues of budgeting and the peaceful uses of nuclear energy. Paragraph 7 of the draft resolution did not present a negative image of nuclear security. The wording approved reflected the extent of the agreement that could be reached on the matter, as did the Ministerial Declaration of the International Conference on Nuclear Security: Commitments and Actions, held in December 2016. His delegation's views on budgeting had been expressed in full during discussion of the Nuclear Security Plan by the Board of Governors at its September 2017 session.

32. The CHAIR thanked Member States for their constructive and flexible approach to negotiating the draft resolution.

## 25. Personnel

### (a) Staffing of the Agency's Secretariat (resumed)

### (b) Women in the Secretariat (resumed) (GC(61)/18 and 19; GC(61)/COM.5/L.6)

33. In the light of informal consultations held since the Committee's second meeting, the representative of the UNITED KINGDOM proposed that a clause should be added to preambular paragraph (f) of section B of the draft resolution contained in document GC(61)/COM.5/L.6, to read: "and noting the important role of Member States in encouraging women to apply for senior and policy-making positions in the Secretariat".

34. The representative of the RUSSIAN FEDERATION queried whether the proposed addition would sit well in that paragraph, which dealt with statistical information.

35. The representative of the UNITED KINGDOM replied that, as the statistics in question referred to the percentage of applications received from well qualified female candidates for positions in the Secretariat, the proposed addition would serve to clarify the link between the current situation and the role that Member States could play in facilitating such applications.

36. The representative of the RUSSIAN FEDERATION, endorsing the principle of equal gender representation within the Secretariat, said that he would prefer such an addition to be made to preambular paragraph (i), in line with the proposal made by the representative of the United Kingdom at the Committee's second meeting, but in stronger terms. He suggested the following wording: "and noting the importance of Member States pursuing this principle in their efforts to encourage their candidates, including women, to apply for senior and policy-making positions in the Secretariat".

37. The representative of GUATEMALA questioned the use of the phrase "including women" in a text that focused specifically on women in the Secretariat. She expressed a preference for leaving preambular paragraph (i) unamended and placing the proposed additional clause elsewhere.

38. The representative of COSTA RICA, supported by the representative of SOUTH AFRICA, proposed changing the words "including women" in the text suggested by the representative of the Russian Federation to "particularly women".

39. The representative of the RUSSIAN FEDERATION expressed support for that suggestion.

40. The representative of the UNITED KINGDOM said that he could support the proposal of the representative of the Russian Federation, with the suggested amendment, if his own proposal to amend preambular paragraph (f) did not garner support.

41. The representative of GUATEMALA said that she was prepared to accept the addition of a clause along the lines proposed but would prefer it to form a separate preambular paragraph.

42. The representative of SOUTH AFRICA expressed support for the inclusion of the text proposed by the representative of the Russian Federation, as amended, either as a single paragraph or as two separate paragraphs.

43. The CHAIR suggested that the additional text could form a new preambular paragraph (i) bis, reading: "Noting the importance of Member States pursuing this principle in their efforts to encourage their candidates, particularly women, to apply for senior and policy-making positions in the Secretariat".

44. The representative of the UNITED KINGDOM asked whether such wording left it unequivocal that the principle referred to was that of equal gender representation.

45. The CHAIR expressed the view that the reference was sufficiently clear. He took it that the Committee agreed to the addition of preambular paragraph (i) bis using the wording he had suggested.

46. It was so agreed.

47. The representative of SLOVENIA, referring to paragraph 7 of section B of the draft resolution, to which he had proposed amendments at the Committee's second meeting, said that, in the interests of consensus, he could accept the further amendments to that paragraph subsequently proposed at the same meeting by the representative of the Russian Federation. The paragraph would then read: "Takes note of the role of the Vienna International Gender Champions and the Group of Friends for Women in Nuclear as platforms for stronger action to promote gender equality in the IAEA and its Secretariat, and encourages all Member States in a position to do so to join both initiatives and to actively support the Agency's efforts to meet the terms of this resolution".

48. The representative of the UNITED KINGDOM said that, although he preferred the version of the paragraph suggested by the representative of Slovenia, he could agree to the wording "takes note of", but requested clarification regarding the expression "in a position to do so". Were certain States not in a position to join the initiatives in question?

49. The representative of the RUSSIAN FEDERATION said that, while he recognized, and had no objection to other States joining, those initiatives, his delegation had received no instructions to join them and he was therefore not in a position to do so.

50. The representative of COSTA RICA expressed her preference for the text of the paragraph as proposed by the representative of Slovenia but said that she could accept the wording proposed by the representative of the Russian Federation. She emphasized, however, that individuals, rather than States, were invited to join the initiatives, on a voluntary basis. Needless to say, individuals only joined the initiatives if they were in a position to do so; the words "in a position to do so" were therefore redundant and should be deleted.

51. The representative of ARGENTINA expressed support for retaining the original operative verb "recognizes" in paragraph 7 and suggested that the second part of the paragraph should be shortened to read: "encourages all Member States to actively support the Agency's efforts to meet the terms of this resolution".

52. The representative of the RUSSIAN FEDERATION asked why, if the act of joining those initiatives was a voluntary and personal step taken by individuals, reference was being made to it in a draft resolution of the General Conference. Resolutions of intergovernmental bodies were adopted in order to send a message to their Member States or secretariats. If the initiatives in question were aimed at individuals, rather than States, the Committee should delete not only the words "in a position to do so" but also the reference to Member States. With a view to achieving consensus, he suggested that the second part of paragraph 7 should be amended to read: "encourages all interested parties to join both initiatives and to actively support the Agency's efforts to meet the terms of this resolution".

53. The representative of the UNITED STATES OF AMERICA said that, while he could agree to the wording "encourages all interested parties", the alternative wording "invites all Member States" might also be acceptable to many delegations. He expressed his preference for the wording originally proposed by the representative of Slovenia, however, and stressed the importance of retaining the reference to the need to join the two initiatives.

54. The representative of the UNITED KINGDOM suggested that the paragraph should be split in two. The first of the two resulting paragraphs would use the wording proposed by the representative of Slovenia. The second, reading “Encourages all Member States to actively support the Agency’s efforts to meet the terms of this resolution”, would thereby refer to the entire draft resolution, rather than only to the paragraph citing the two initiatives, and would reflect the point made by the representative of Costa Rica.

55. The representative of the RUSSIAN FEDERATION agreed that the paragraph should be split in two but said that the word “recognizes” would be inappropriate in the first of the resulting paragraphs, as it suggested that the initiatives referred to were well advanced. He suggested that more neutral wording, such as “notes”, should be used.

56. The representative of the HOLY SEE agreed with that suggestion. He suggested that the order of the two paragraphs that would result from splitting paragraph 7 should be reversed.

57. The representative of the ISLAMIC REPUBLIC OF IRAN, welcoming the suggestion to divide the paragraph in two, said that he could not agree to the use of the term “recognizes” in the first new paragraph but that the expression “in a position to do so” would be appropriate in the second.

58. The representative of ARGENTINA suggested that, if the term “recognizes” was unacceptable to certain delegations, it could be replaced by “acknowledges”, which was more positive and less formal than “notes” or “takes note of”. Emphasizing that resolutions adopted by consensus formed the backbone of the Agency’s work and that all Member States were expected to abide by them, she expressed the view that the use of the expression “in a position to do so” in a paragraph that, as amended, referred only to the terms of a General Conference resolution would undermine that expectation.

59. The representative of AUSTRALIA said that one of the key purposes of the paragraph was to underscore the need for interested parties to join the initiatives referred to therein. If the paragraph were split in two, its focus would be diluted. It was important to ensure that that original emphasis was maintained.

60. The representative of the RUSSIAN FEDERATION said that he could not agree to the use of either “recognizes” or “acknowledges” and that the expression “in a position to do so” should be retained. He suggested that the text should be redrafted, taking into account the views expressed by delegations, with a view to achieving consensus.

61. The representative of the UNITED STATES OF AMERICA, supported by the representatives of SLOVENIA and MEXICO, expressed a preference for changing the word “recognizes” to “notes”. He suggested that the second new paragraph should refer both to encouraging interested parties to join the two initiatives and to encouraging all Member States to actively support efforts to meet the terms of the resolution.

62. The representative of the HOLY SEE, supported by the representatives of SOUTH AFRICA and GUATEMALA, said that it would be more logical for the words “and encourages all interested parties to join both initiatives” to be added to the first new paragraph. The second new paragraph could then begin: “Encourages Member States to actively support...”

63. The CHAIR took it that the Committee agreed to divide paragraph 7 of the draft resolution into two new paragraphs, which would read:

“Notes the role of the Vienna International Gender Champions and Friends for Women in Nuclear as platforms for stronger action to promote gender equality in the IAEA and its Secretariat and encourages all interested parties in a position to do so to join both initiatives;

“Encourages Member States to actively support the Agency’s efforts to meet the terms of this resolution; and”

64. It was so agreed.

65. The CHAIR also took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(61)/COM.5/L.6, as amended.

66. It was so decided.

**The meeting rose at 4.55 p.m.**