



GC

International Atomic Energy Agency

GENERAL CONFERENCE

GC(XXXVI)/COM.5/OR.82

5 October 1992

GENERAL Distr.

Original: ENGLISH

THIRTY-SIXTH (1992) REGULAR SESSION

COMMITTEE OF THE WHOLE

RECORD OF THE EIGHTY-SECOND MEETING

Held at the Austria Center Vienna
on Tuesday, 22 September 1992, at 3.25 p.m.

Chairman: Mr. EL-SAIEDI (Egypt)

CONTENTS

<u>Item of the agenda*</u>		<u>Paragraphs</u>
12	Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection (continued)	1 - 78
	(b) Education and training in radiation protection and nuclear safety)	
	(c) Report on the preparation of possible elements of a nuclear safety convention	1 - 32
	(d) Liability for nuclear damage	33 - 63

[*] GC(XXXVI)/1027.

The composition of delegations attending the session is given in document GC(XXXVI)/INF/313/Rev.1.

<u>Item of the agenda*</u>	<u>Paragraphs</u>
(e) Implementation of resolution GC(XXXV)/RES/553 as a whole	64 - 72
(f) Convention on the Physical Protection of Nuclear Material	73 - 78
14 Strengthening of the Agency's main activities	79 - 93
15 The financing of safeguards	94 - 97

Abbreviations used in this record

ASSET	Analysis of Safety Significant Events Team
FAO	Food and Agriculture Organization of the United Nations
ICGFI	International Consultative Group on Food Irradiation
INSAG	International Nuclear Safety Advisory Group
NUSS	Nuclear Safety Standards
NUSSAG	Nuclear Safety Standards Advisory Group
OSART	Operational Safety Review Team
RAPAT	Radiation Protection Advisory Team
SAGSI	Standing Advisory Group on Safeguards Implementation
TACF	Technical Assistance and Co-operation Fund
WHO	World Health Organization

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN MATTERS RELATING TO
NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION (continued)

(b) EDUCATION AND TRAINING IN RADIATION PROTECTION AND NUCLEAR SAFETY
(GC(XXXV)/RES/552; GC(XXXVI)/1016)

(c) REPORT ON THE PREPARATION OF POSSIBLE ELEMENTS OF A NUCLEAR SAFETY
CONVENTION (GC(XXXV)/RES/553, para. 4; GC(XXXVI)/1020)

1. Mr. AGRELL (United Kingdom) expressed his support for the creation of an international convention on nuclear safety and for the framework which the expert group had established as the basis of its preparatory work on such a convention: national responsibility for the safety of nuclear installations, a concept which must not be diluted; the creation of a framework of fundamental principles, on which there was already a consensus thanks to the work of INSAG and NUSSAG; and a commitment to continuing discussions between the parties which would provide an opportunity for further progress. He hoped that the expert group could complete the drafting of a text as soon as possible and that the text would command wide support.

2. With regard to the proposal that there should be technical annexes to the convention, his country had always taken the view that, if the convention were to enjoy wide support, it should be kept simple and should be based on the existing consensus. It was undesirable to summarize further the existing NUSS codes in order to create technical annexes because such summaries would be too general. Furthermore, the NUSS codes, taken together, were a substantial body of work. They had not been drafted in regulatory form, and still less with a view to being turned into legal documents. Consequently, any attempt to attach detailed technical annexes to the convention would greatly complicate negotiations and run counter to the ultimate intention of the Board, which was to create a convention that would rapidly command a consensus and would leave the door open to further progress at a later stage.

3. Mr. STRULAK (Poland) said that his country attached great importance to the preparation of an international instrument on nuclear safety. Such an instrument should be as widely acceptable as possible, but it must also be meaningful. The convention should be periodically reviewed and a mechanism should be set up for its amendment so that it could respond to the changing and growing needs in the field of nuclear safety.

4. With respect to the text of the draft convention, there was a need to tackle the matter of assessment of the possible risk of the operation of nuclear facilities and the question of public access to safety information. A mechanism must also be created for settling disputes that might arise in the implementation of the convention.

5. Mr. McRAE (Canada) said that Canada was a strong supporter of the nuclear safety convention currently being drafted. Although progress was being made, several important issues remained to be resolved. The most important outcome of the convention would be a clear statement of principles that all contracting parties would undertake to follow in their nuclear programmes in order to develop and maintain a strong nuclear safety culture. Equally important would be the creation of an effective peer review mechanism through which contracting parties could demonstrate that their programmes met the principles of the convention or, if those programmes were not at the level expected of them by their peers, through which they could receive advice on how to improve their safety practices. Provided those important objectives were met, his delegation was flexible on the scope of the convention and much of the detailed wording. The convention had the potential to apply to more than just power reactors, but whether it was expanded to include activities such as radioactive waste management immediately or later through amendments or some other means was less important than establishing an effective document and review mechanism as soon as possible.

6. At the Committee's meeting that morning, the Italian delegation had referred to difficulties experienced by the group of experts. Canada was unaware of any serious problems, although the issues being dealt with were admittedly complex. However, there did seem to be a lack of clarity with regard to the co-ordination of the legal and technical aspects of the convention. He would be interested in hearing the views of the Secretariat on that aspect of the work.

7. Turning to item 12(b), he observed that a key aspect of the Agency's strategy was the "train-the-trainers" approach, which necessitated the development of training techniques. The Agency was proposing an ambitious programme of assistance to countries in that regard. Although the question of

the training of educators needed further work, its concept appeared to be well thought out and its objectives were laudable.

8. The Agency had observed that a large number of Member States had inadequate or even no radiation protection infrastructures. The logic of the current proposal was that training provided by the Agency for radiation protection personnel would eventually lead to the development of a self-supporting infrastructure in the countries concerned. While many elements of the proposed programme would contribute to that goal, there was a possibility that a developing country might become dependent on the Agency for such training and thus fail to achieve self-sufficiency. Canada therefore endorsed the idea of conducting periodic reviews to ensure that desired infrastructures were being set up effectively.

9. The Secretariat also recognized that resources for implementing the proposal had not been identified, and had drawn up a list of priorities. The Agency should carry out a survey of radiation protection training in Member States and produce realistic cost estimates before implementing any part of the programme.

10. Finally, although the Agency could play an important role in that area through its technical co-operation programme, he wished to stress that primary responsibility for such training must remain with the relevant authorities in Member States.

11. Mr. GOESELE (Germany) said that his country attached the utmost importance to the early conclusion of a convention on nuclear safety, but that that must not be achieved at the expense of the substance of the convention. It might be possible to dispense with detailed technical annexes, but specific rules and guidelines must be included in any such instrument. Furthermore, the convention must from the outset cover all nuclear reactors, facilities and activities in the civilian nuclear fuel cycle. Its implementation should be subject to a continuous process of joint review through, for example, a peer review mechanism. The convention should be the basis for permanent co-operation between Member States in the field.

12. Mr. HASHIMI (Pakistan) said that, to be really effective, the convention must be widely accepted. Any such instrument should contain at least some minimum binding international standards and should therefore concentrate on fundamentals rather than details. His delegation favoured a framework convention to which annexes could be added from time to time. Nuclear power plants should, however, be covered in such an instrument from the outset.

13. Pakistan endorsed the main points of the expert group's report. Primary responsibility for safety must remain with the national regulatory bodies. Furthermore, the principles contained in the Agency's Safety Fundamentals should form the obligations of the parties to the convention, and its implementation should be monitored through regular reporting and a review meeting of parties or a peer review mechanism. Many members of the expert group had stressed that the Agency's role regarding the convention should be restricted to providing technical advice. He urged all countries to make full use of the Agency's OSART, ASSET and other safety services.

14. Mr. SAVERIJS (Belgium) said his country was in favour of establishing a convention on nuclear safety. The sometimes precarious situation with regard to nuclear safety that had recently been revealed in certain European countries had amply demonstrated the need for an international instrument that would serve as a point of reference for national nuclear safety authorities. As to the choice between establishing a framework convention to which protocols and annexes could be added later and adopting the text of the convention together with any protocols and annexes at the same time, Belgium very much favoured the latter option. With respect to the coverage of the convention, he would not rule out a text relating to the entire fuel cycle, provided that nuclear power plants were taken fully into account.

15. An international system for monitoring the implementation of the convention was not desirable, and the Agency should not take on a new institutional role in that regard. On the other hand, the peer review concept should be further developed and should become an important element of the convention.

16. Mr. SCHMIDT (Austria) said that any international instrument on nuclear safety should take into account the interests of all the States involved and should therefore include standards that would ensure minimum safety levels in the operation of nuclear power plants. The convention must provide for the safety of countries which did not operate nuclear power plants but which might be affected by the transboundary impact of such installations. That aspect sometimes seemed to have been neglected.

17. The scope of the convention ought to be as wide as possible, but his delegation was flexible on that point and would not object if only some stages of the nuclear fuel cycle were included initially, provided that a mechanism was established that would allow the scope to be widened later to include other facilities.

18. The expert group should give further consideration to the question of annexes. In that connection, he did not understand why a representative of the Secretariat had stated earlier that annexes drafted by the Secretariat would be too general and therefore without value. On the contrary, it would be worth having some examples presented to the next meeting of the expert group. The recently accepted draft convention on the transboundary effects of industrial facilities could be useful as a model for that work. Moreover, it was not clear why certain delegations objected to the Agency's playing a role in the context of the convention. When the Agency was founded, the international community had entrusted it - in Article III of the Statute - with the task of establishing and providing for the application of standards of safety. Austria considered that the Agency should play a substantive role in implementing the convention, and should not just be the provider of services to a review conference. That was a basic issue which would have to be considered by the expert group at its forthcoming meeting.

19. Mr. EKECRANTZ (Sweden) said that the quality of day-to-day safety work in each country and each nuclear installation was the real basis for nuclear safety. Sweden welcomed the progress made towards drafting a nuclear safety convention through which Member States would commit themselves to ensuring the high quality of their safety efforts to accepting international peer reviews through an appropriate mechanism. The convention should cover

major areas of international concern such as nuclear reactors and waste management and disposal and should be designed in such a way that it could be gradually enlarged to include other types of nuclear installation and activity.

20. Mr. RIOBO PINONES (Chile) endorsed the view of those speakers who had stated that the convention must cover the whole of the fuel cycle. He was surprised that the expert group had apparently decided to leave out of the convention the question of nuclear waste. Resolution GC(XXXIV)/RES/530 had requested that the Agency keep under review the possibility of concluding a legally binding instrument covering the movement of radioactive waste across borders, and paragraph 3 of resolution GC(XXXV)/RES/553 referred expressly to nuclear waste. Thus the General Conference had on at least two occasions provided a mandate for including the subject in the expert group's work. That being the case, he hoped that the question would be taken up by the group when it met in October.

21. Chile did not believe that the convention should be confined to general principles. An instrument of that kind would be ineffective and might well discredit the Agency and harm the cause of nuclear energy. It was essential to strike a balance between a general convention with little substance which could readily command a consensus and one which, while widely acceptable, could contribute effectively to the attainment of a higher level of nuclear safety in Member States.

22. Mr. ARIAS-SALGADO (Spain) said that, in view of the need to harmonize safety levels in different countries, the time had come to establish an international convention on nuclear safety. The convention should be more than a mere declaration of intentions and should cover all fuel cycle facilities and radioactive waste. It should affirm the principle of each State's responsibility for safety, set forth fundamental safety principles and provide for mechanisms to verify compliance with those principles through peer review.

23. Mr. BAHMANYAR (Islamic Republic of Iran) said that the work being done on the nuclear safety convention was at least as important as efforts aimed at strengthening the safeguards regime, and expressed the hope that the expert group would succeed in completing their important task. However, to

be effective the convention must be broad in scope; limiting its application to civilian nuclear power plants, however attractive that option might seem at present, would not be sufficient in the long term.

24. Mr. TITKOV (Russian Federation) said his country had always supported the proposal to draft a nuclear safety convention, which it felt should form the basis for an international nuclear safety regime. He noted with satisfaction the significant progress made by the expert group in drafting the basic provisions of the convention.

25. Mr. VESELY (Czechoslovakia) expressed his deep appreciation of the Agency's assistance in enhancing the operational safety of his country's Soviet-designed nuclear power plants.

26. One of the main principles of the proposed safety convention should be national responsibility for the safety of all nuclear installations, including fuel cycle installations, on a country's territory. It was also important that the convention should not contain detailed technical guidance but that it should include minimum fundamental safety principles. The convention should thus avoid becoming either a technical standard or a very general declaration.

27. Mr. PELEN (France) said that, as a major nuclear power, his country attached great importance to safety as an issue that transcended national boundaries and to international co-operation in that field. Although the present level of nuclear safety in European countries was not uniform, there was no doubt that all of those countries were concerned with achieving the highest possible safety level.

28. The Conference on the Safety of Nuclear Power held in 1991 had emphasized the importance of establishing a binding international instrument on nuclear safety. The creation of such an instrument should not be seen as an isolated event but an integral component of measures to promote international co-operation in nuclear safety - for example, technical and financial assistance and meetings to promote a better understanding of safety issues in Europe. Such activities were being promoted by the Agency, within the framework of the Group of 24 and the Group of 7 industrialized countries, and by the European Community.

29. As one element of wider international co-operation, such a convention should be limited to the essentials: its aim should be to enshrine in law the basic safety principles on which agreement had already been reached by the international community, and it should also contain provision for the regular exchange of information between parties to the convention on how those basic principles were being implemented. An overambitious convention, containing all provisions imaginable, would attract no signatories but would simply scare off countries that would be afraid they could never reach the safety levels specified. In short, the convention should be a way of encouraging, not coercing, States to improve safety.

30. Mr. HELLAL (Algeria) said that the drafting of an international nuclear safety convention along the lines suggested in document GC(XXXVI)/1020 would increase the level of safety in nuclear installations around the world. However, it was important to ensure that the basic principles set forth in the convention did not affect the national sovereignty of States, since they alone were ultimately responsible for nuclear safety. The convention should contain a special mechanism to promote the transfer of technical information, the supply of equipment and software and the provision of manpower training in order to strengthen the ability of Member States to operate their nuclear facilities safely.

31. Mr. MIKHALEVICH (Belarus) said that, although his country did not have any nuclear power plants, it had been the major victim of the Chernobyl accident. Over 60% of the territory contaminated by the accident was situated in Belarus. His country considered it vital that nuclear safety and liability for nuclear damage be governed by international standards and welcomed the progress made in those areas. He shared the view of the French delegation that it would be counterproductive to produce a fully comprehensive convention on nuclear safety because such a convention would attract little support. A step-by-step approach should be adopted, with a gradual move towards consensus on legal obligations and the technical details of implementation.

32. The CHAIRMAN said he understood that draft resolutions relating to the nuclear safety convention and to education and training in radiation

protection and nuclear safety were being prepared and would be available for the Committee's consideration later in the week. He suggested that the Committee now move on to item 12(d).

- (d) LIABILITY FOR NUCLEAR DAMAGE (GC(XXXV)/RES/553, para. 11;
GC(XXXVI)/1009, 1009/Corr.1 and 1009/Add.1)

33. Mr. ORNSTEIN (Argentina) said that the report of the Standing Committee on Liability for Nuclear Damage once again reflected the difficulties experienced in reaching agreement on important amendments to the text of the Vienna Convention on Civil Liability for Nuclear Damage. His country had always supported amendments which would contribute to a more effective system of protection for possible victims and thus to increased public acceptance of nuclear activities.

34. Success in strengthening public confidence in the peaceful uses of nuclear energy would also depend on the level of support for the regime established by a revised Vienna Convention and, in particular, on the support of those States which had significant nuclear activities and might thus be liable to provide compensation for a nuclear accident. Without such support the convention would merely be a repository of philosophical and legal doctrines and of no value as a practical instrument for ensuring rapid and fair compensation for the victims of any future nuclear accident.

35. A major obstacle to consensus was the widely varying situations of the States participating in the work of the Standing Committee. A revised Vienna Convention should contain elements that would motivate all States to accept it, thereby creating a global legal framework for nuclear activities.

36. A question causing particular difficulty in the area of international State liability was the inclusion of non-peaceful installations in the Convention. That was opposed by States possessing such facilities, regardless of whether they recognized the right of possible victims to compensation.

37. A global and effective system would also require uniform criteria for assessing environmental damage.

38. He hoped that the Standing Committee would find a way of overcoming all those difficulties. It should proceed from the premise that it was preferable to have a legal regime which was less than perfect but was universally accepted than to have no regime at all.

39. Mr. EKECRANTZ (Sweden) said that there was an obvious link between reactor safety and liability for nuclear damage. Although the main thrust of Member States' efforts should be to enhance nuclear safety, there should be equal concern for ensuring compensation for the possible victims of a nuclear accident. The main purpose of both the Vienna and the Paris Conventions was to meet that concern. The Joint Protocol linking those two Conventions which had entered into force earlier in 1992 seemed to be fulfilling its purpose of extending the benefits of the special regime for civil liability for nuclear damage provided for in each of the Conventions. However, several States with nuclear plants had not yet acceded to either Convention or adopted relevant national legislation, which left some unfortunate legal uncertainties. It was very important that all States without nuclear power plants - particularly those States in regions with a high density of such plants - should also adhere to one of the Conventions in order to promote international co-operation in nuclear safety and to help secure full compensation for possible victims. He hoped that the difficult but important work of the Standing Committee concerning the Revision of the Vienna Convention and the drafting of a convention on supplementary funding could be accelerated so that a diplomatic conference could be held as early as 1993.

40. Mr. GOESELE (Germany) said that the main aim of efforts regarding liability for nuclear damage should be to achieve a universal international liability regime. All countries with nuclear facilities should support such a regime by acceding to the Paris or Vienna Convention. The accession of Eastern European countries and the Commonwealth of Independent States would be particularly welcome.

41. His country broadly supported the draft text currently being considered by the Standing Committee, although it would be seeking some amendments and clarification. The crucial issue of supplementary funding should be discussed on the basis of the draft prepared by the Secretariat.

42. He urged the Standing Committee - which had been working for over two years - to step up its efforts to reach agreement on the outstanding issues so that its conclusions could be submitted to a revision conference in 1993.

43. Mr. PENG (China) said that the task of establishing an international liability regime for nuclear damage was inevitably complex and arduous, given the wide variety of opinions that had to be reconciled. The difficulties could only be resolved by continuing to hold intensive discussions.

44. Many countries had established their own systems of liability for nuclear damage. Those systems were based on principles and regulations which varied in accordance with the differing conditions and legal systems of those countries. Any international legal framework - however perfect - could only be an edifice without foundation if it was not consistent with realities of individual States.

45. An international liability regime should not only strive to meet the needs of industrialized nations but should also consider the interests of developing countries if it was to achieve universal adherence. An improved regime should include measures for the timely and effective compensation of victims and also promote the development of nuclear energy worldwide, in particular in developing countries. He hoped that issue would be given due consideration by the Standing Committee.

46. Mr. HOGG (Australia) said that his country had sought, in the Standing Committee, to establish a comprehensive liability regime based on the premise that the risks associated with nuclear activities should be borne by those carrying out the activities and that full compensation should be provided for injury or loss, including environmental damage. Any limitation of operator liability would be contrary to the "polluter-pays" principle and therefore unacceptable.

47. Australia also took the view that a State should be liable to provide full compensation for damage caused outside its national jurisdiction by a nuclear operator under its jurisdiction or control. A State might argue that that requirement could be satisfied in part through a system of operator

liability; however, insofar as such a system did not provide full compensation - because of a possible limitation on the amount or nature of the operator's liability, for example, or because of the operator's inability to provide sufficient funds - the State must assume responsibility.

48. The progress being made towards rationalizing and extending the liability regimes of both the Paris and Vienna Conventions was welcome. Australia intended to pursue the adoption of its proposal to have the Installation State made liable for residual uncompensated nuclear damage in a revised Vienna Convention. A number of other issues, such as a system for settling disputes and claims for nuclear damage, and financial limits on liability, remained to be resolved. He hoped that negotiations would be successfully concluded within the additional meetings foreseen by the Secretariat, although it must be borne in mind that there was a lack of support for State liability from many of the States having major nuclear power programmes.

49. Mr. PELEN (France) said that his delegation's early misgivings had been confirmed at the first meeting of the Standing Committee when a number of countries had put forward proposals on the concept of liability. Although those proposals had been interesting intellectually, they had not usefully contributed to the revision of the Vienna Convention and much time had been spent in clearing the way for a more pragmatic approach. Some progress had since been made on definitions, although some required further work, particularly the definition of damage and damage to the environment and of the scope of the Convention. The reason no agreement had been reached on those definitions was that some of the proposals for their amendment reintroduced subjects on which no consensus existed - for example, the concept of State liability. Other outstanding topics were the settlement of disputes and supplementary financing for the compensation of victims.

50. It was to be hoped that, at its October meeting, the Standing Committee would complete its work on definitions and then proceed rapidly with the question of compensation.

51. Mr. FITZGERALD (Ireland) said that his country had always held the view that the issues of safety and liability were interrelated and that

countries with nuclear installations should, in addition to implementing the highest standards of safety, recognize their liability for possible trans-boundary damage. The underwriting of a satisfactory liability regime, by any country was, after all, an expression of confidence in its own safety regime.

52. A proper liability regime would ultimately be based on the concept of State liability and would either supplement or replace the Conventions on civil liability. In the interim, he hoped that the many shortcomings in the present civil liability conventions would be remedied through agreement in the Standing Committee on the main issues. Most of the outstanding issues related to the question of dispute procedures, including the handling of claims and limits on compensation, and, of particular importance to Ireland, the sharing of liability at some level between all the participants in the Convention, and the question of damage arising from accidents in military installations.

53. Ireland would support the efforts of the Standing Committee at its meeting in October and was in favour of convening a revision conference in 1993, where the work of the Standing Committee might be completed. He hoped that the conference would agree on revisions which would enable Ireland and other countries to participate in the Convention.

54. Mr. PAPADIMITROPOULOS (Greece) observed that the Standing Committee had made real progress towards the adoption of amendments to the Vienna Convention and on some fundamental issues such as the application of the Convention to military installations and procedures for settling disputes. Greece endorsed the proposal to incorporate elements of State liability and responsibility under public international law into an enhanced nuclear safety regime.

55. Reference had been made in the Standing Committee to a symposium entitled "Nuclear Accidents - Liabilities and Guarantees" scheduled for 31 August-3 September. He would be grateful for some information on the results of that symposium.

56. Mr. SERVIGON (Philippines) recalled that his country had put forward several proposals for the revision of the Vienna Convention with the aim of making it a more effective instrument for handling liability cases. The Philippines had long held the position that military nuclear installations should be covered by the Convention.

57. His delegation associated itself with the position of Australia with regard to full compensation and State liability and supported the idea of convening a revision conference in 1993.

58. Mr. TABET (Algeria) reaffirmed his Government's interest in a new international legal instrument on liability for nuclear damage. Algeria was not a party to the Vienna or Paris Conventions or to the Joint Protocol, but it would be commenting on the scope of the revised text of the Vienna Convention at the Standing Committee's meeting in October.

59. Mr. OSTROWSKI (Poland) said that his country was closely following the work of the Standing Committee and that of other bodies dealing with liability. Poland was surrounded by countries operating nuclear power plants and its Government was under constant public pressure on the issue of responsibility and liability. Since the lack of an adequate instrument on liability was hampering the development of nuclear power, work on that issue should be speeded up. Member States and the Agency should accord it higher priority.

60. Mr. VERBEEK (Netherlands) said that the legal complexity of the issues involved in international liability for nuclear damage and the problems caused by the existence of parallel liability regimes should not be underestimated. The significant progress made recently was therefore most welcome. The entry into force of the Joint Protocol linking the Paris and Vienna regimes earlier in the year had been a major step forward. His Government attached great importance to the upgrading of the Vienna Convention and hoped an increasing number of countries would subscribe to it - particularly countries with significant nuclear programmes.

61. His delegation supported the idea of convening a diplomatic conference in 1993 to review the Vienna Convention.

62. Mr. STURMS (Director, Legal Division), replying to a question raised by the delegate of Greece, said that, while no concrete results had been achieved at the symposium in question, informal consultations had led to a better understanding of such outstanding issues as a scheme for supplementary funding. Participants had also benefited greatly from the information given by experts from industry and the views of insurers on compensation and on the cost of handling claims.

63. The CHAIRMAN said he understood that a draft resolution on liability for nuclear damage was being prepared and proposed that the Committee move on to sub-item 12(e).

(e) IMPLEMENTATION OF RESOLUTION GC(XXXV)/RES/553 AS A WHOLE
(GC(XXXVI)/1021 and Add.1; GC(XXXVI)/INF/309)

64. Mr. ORNSTEIN (Argentina) said that document GC(XXXVI)/INF/309 provided extremely useful information on the use being made by Member States of the Agency's services for advancing operational safety. However, it did not discuss the Agency's policy for financing those services and the situation was consequently confusing. The Appendix to Annex 2 of the document contained a list of ASSET missions conducted since 1986 and scheduled up to the end of 1993 and indicated four different sources of financing. The situation for OSART missions was similar. The impression was that the Agency had no definite policy on the financing of those services. The Board should look into the matter as soon as possible and draw up an appropriate policy. Argentina could not agree to the use of the Technical Assistance and Co-operation Fund (TACF) to finance safety services. In the case of developing countries the costs should be shared, with the Member States covering the local expenses and the Agency financing the remainder from its Regular Budget.

65. Annex 1 of document GC(XXXVI)/1021 described the Secretariat's response to paragraph 10 of resolution GC(XXXV)/RES/553, which had requested the Director General to put forward specific proposals for action based on the 1991 International Conference on the Safety of Nuclear Power. Such action had not been possible in 1992 because of the financial crisis, nor would it be possible in 1993 because of the budgetary decisions taken by the Board at its

meetings in June 1992. The inconsistency between the General Conference's resolution and the resources available for its implementation might perhaps be rectified during discussions on the 1994 budget.

66. Annex 2 of document GC(XXXVI)/1021 concerned nuclear power plants built to earlier safety standards. It should be noted that safety problems did not occur because a reactor had been built to earlier safety standards, but because it had been built to inadequate standards - whether earlier or current - or because there were operational shortcomings. It would therefore be preferable to refer to that topic in future under a more suitable title such as "Nuclear power plants built to inadequate safety standards".

67. His delegation endorsed the work already done by the Agency and FAO in connection with the International Chernobyl Project and the actions proposed for the future.

68. Mr. STRATFORD (United States of America) noted from Annex 1 of document GC(XXXVI)/1021 that it had not been possible to fund all of the proposed programmes for nuclear safety from the 1993-94 budget. It had to be accepted that not everything which might be done could be done either in the area of safety or any other area, and that choices had to be made. The Board had formulated a budget for the Agency and had helped define priorities. In so doing the Board had taken the view that both safeguards and technical assistance should be protected from the final cuts needed to arrive at the budget submitted to the General Conference.

69. He appreciated the useful work carried out in respect of nuclear power plants built to earlier standards, and saw an increasing need for the Agency to co-ordinate its own work fully with that of other institutions.

70. With regard to safety principles for nuclear power plants, the Agency had neither the capability nor resources to take the lead in developing safety principles for reactor designs that were still in the process of technical and industrial development. Most of the principles likely to be applicable to new reactor types were already being used for current reactors.

71. The Agency was to be commended for its outstanding work in implementing the post-Chernobyl conventions. His country supported its continued activity in that area.

72. The CHAIRMAN said he understood that a draft resolution on the implementation of resolution GC(XXXV)/RES/553 as a whole was being prepared, and proposed that the Committee move on to sub-item 12(f).

(f) CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL
(GC(XXXV)/RES/555; GC(XXXVI)/INF/311)

73. The CHAIRMAN drew attention to document GC(XXXVI)/INF/311 containing a table showing the signature and ratification status of the Convention on the Physical Protection of Nuclear Material, on which a review conference was to be held from 29 September to 1 October 1992.

74. Mr. SCHERBA (Ukraine) said the Convention on the Physical Protection of Nuclear Material was an important element of the set of measures being implemented within the framework of the Agency for the purpose of strengthening the international system of nuclear safety and radiation protection.

75. Ukraine was currently setting up a national system of accounting for and control of nuclear material, and the physical protection of nuclear material was a key element of such efforts. His country was facing problems in connection with the training of staff for nuclear regulatory bodies, and the attendance of Ukrainian specialists at the international training course on physical protection to be held in April 1993 would therefore be very useful. The course would promote the attainment in Ukraine of a higher level of nuclear safety and radiation protection, which was particularly important since its territory served as a link for the transport of fresh and spent fuel between Russia, Czechoslovakia, Hungary and Bulgaria.

76. The Ukrainian Government was completing the necessary procedures for accession to the Convention on the Physical Protection of Nuclear Material and, pending their completion, had informed the Agency that Ukraine would comply with the Convention's requirements. His country was grateful for the invitation to participate as an observer at the forthcoming review conference on the Convention.

77. The CHAIRMAN assumed that the Committee wished to recommend that the General Conference take note of document GC(XXXVI)/INF/311 and request the

Director General to report to the General Conference in 1993 on the results of the conference to review the Convention on the Physical Protection of Nuclear Material, to be held in Vienna from 29 September to 1 October 1992.

78. It was so decided.

STRENGTHENING OF THE AGENCY'S MAIN ACTIVITIES (GC(XXXV)/RES/569;
GC(XXXVI)/1018; GC(XXXVI)/COM.5/110 and 110/Add.1 and 2)

79. The CHAIRMAN drew the Committee's attention to the draft resolution submitted by Nigeria on behalf of the Group of 77 and contained in document GC(XXXVI)/COM.5/110. The draft resolution was entitled "Practical utilization of food irradiation in developing countries", and a request had been made that it be considered under the item "Strengthening of the Agency's main activities" rather than the item "The Agency's programme and budget for 1993 and 1994".

80. Mr. EKECRANTZ (Sweden), referring to the draft resolution on the practical utilization of food irradiation in developing countries, said that the treatment of food using ionizing radiation and the import of such food were prohibited under Swedish law. His Government considered food irradiation to be a technique that was not in the best interests of Swedish consumers. It believed that irradiated food was not fresh in the proper sense of the term and that the quality of the product could be lower than was immediately apparent. The conclusions and recommendations contained in the draft resolution therefore did not reflect the views of countries like Sweden.

81. Mr. GOESELE (Germany) said the situation in his country was similar to that in Sweden. Although Germany would certainly not hinder efforts by other countries to develop food irradiation techniques, its own legal position did not countenance that practice.

82. Mr. PAPADIDIMITROPOULOS (Greece) said that his country participated in the work of the International Consultative Group on Food Irradiation (ICGFI) and in a number of associated projects. He endorsed the draft resolution, which made no reference to national legislation but merely conveyed a request to the Director General to pursue the investigation of food irradiation techniques.

83. Mr. HOGG (Australia) said the situation in Australia was similar to that in Germany. A moratorium on food irradiation had been in force in his country since December 1989. He was therefore unable to support the draft resolution.

84. Mr. McRAE (Canada), supported by Mr. AGRELL (United Kingdom), Mr. STRATFORD (United States of America) and Mr. TITKOV (Russian Federation), endorsed the draft resolution. It did not in any way prejudice national legislation, and it put forward an interesting proposal for a useful study.

85. Mr. NORENDAL (Norway) said that food irradiation had been authorized only for a limited range of products in his country. The following amendment to paragraph (b) of the draft resolution would make it more acceptable to countries like his own: the words "to many countries" should be inserted between "the benefits" and "of using irradiation".

86. Mr. IMMONEN (Finland) said that food irradiation was not permitted under Finnish law and that he was consequently unable to support the draft resolution.

87. Mr. LAMPARELLI (Italy) said he wished to associate himself with the comments made by the representatives of Germany, Australia and Finland. Although Italy participated in and contributed to the activities of ICGFI, that did not mean it would endorse the Agency's becoming involved in the commercial aspects of food irradiation.

88. Mr. RIOBO PINONES (Chile) endorsed the amendment proposed by Norway and said he hoped it had allayed the concerns expressed by a number of delegations.

89. Mr. PENG (China) expressed his support for the draft resolution, and in particular the request that the Director General carry out consultations with other United Nations organizations such as FAO and WHO with a view to preparing a detailed project proposal for discussion at the Board's meetings in February 1993.

90. Mr. GIOVANSILY (France) said his country welcomed many aspects of the food irradiation process and had acquired expertise in that area. France was also a member of ICGFI. It endorsed the draft resolution and wished to

stress the importance of the Agency's role in providing technical support to FAO and WHO in that sphere.

91. Mr. AGU (Nigeria), speaking on behalf of the Group of 77, said the Group had hoped the Committee would view the draft resolution as fundamental to the work of the Agency. He was encouraged by the support expressed by many countries. The Norwegian amendment to paragraph (b) was acceptable and he hoped that, with that change, other countries would be able to support the draft resolution.

92. The CHAIRMAN said that, if there were no objections, he would take it that the Committee of the Whole wished to recommend that the General Conference adopt the draft resolution on food irradiation contained in document GC(XXXVI)/COM.5/110, with the amendment proposed by the delegation of Norway.

93. It was so decided.

THE FINANCING OF SAFEGUARDS (GC(XXXV)/RES/561; GC(XXXVI)/1010)

94. The CHAIRMAN said that the Annexes to document GC(XXXVI)/1010, contained a report by the Informal Working Group on the Financing of Safeguards and a draft resolution by which current arrangements for safeguards financing could be extended for a further three years. The report of the Informal Working Group contained some recommendations that were not reflected in the draft resolution. If the Committee wished those recommendations to be implemented, an additional draft resolution would have to be adopted or the Conference would have to take a decision in some other way.

95. Mr. VETTOVAGLIA (Switzerland), Chairman of the Informal Working Group, introducing the Group's report, pointed out that the draft resolution contained in the Annex to the document was necessary because the previous arrangements for assessing Member States' contributions to safeguards were due to expire in December 1992. The draft resolution did not go far enough, however. In order for the Informal Working Group to continue its work, the General Conference must - as indicated by the Chairman of the Committee of the Whole - make a request to that effect, as it had done in resolution GC(XXXV)/RES/561.

96. He wished to draw attention to sub-paragraph 3(e) of the Group's report, in which the Group had recommended to the Board that the question of safeguards effectiveness and efficiency be examined in an appropriate setting decided upon by the Board and the General Conference. The question was still unresolved, and differing views had been expressed in the Board during 1992. In his statement to the Board at its meetings immediately before the current session of the General Conference, the Director General had indicated that he had given a mandate to SAGSI and had designated a number of additional independent experts to look into the matter. In addition, he wished to remind the Committee of the proposal put forward by Japan regarding SAGSI.

97. The CHAIRMAN suggested the Committee suspend its consideration of the draft resolution contained in document GC(XXXVI)/1010 to facilitate the further examination of the issue in the light of the comments made by the Chairman of the Informal Working Group.

The meeting rose at 5.40 p.m.

