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President: Mr. MANOUAN (Côte d'Ivoire)

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MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION (GC(SPL.I)/2 and Corr.1, 3, 4, 5, 6 and 7) (continued)

1. Mr. RAMANNA (India) expressed his appreciation for the way in which the Agency, its Director General and the Member States had focused their attention during the past few months on all aspects of nuclear safety following the unfortunate accident at Chernobyl - which the Soviet people had faced heroically - as well as the review of previous accidents in other parts of the world. It appeared that the Chernobyl accident had occurred essentially as the result of a chain of human errors, since it would not have happened at all if the necessary precautions had been taken for carrying out the experiments, which might have provided valuable information.

2. It was clear from the reports and discussions at various recent meetings that nuclear power reactors had developed to the stage where they could serve as a stable and economic source of electricity. The safety and environmental aspects of such systems were well under human control. The technology involved was relatively recent and lessons had to be learned from the accidents which had occurred. The safety of nuclear systems and their impact on the environment had caused misgivings throughout the world and the few nuclear accidents which had occurred had only strengthened them. In some countries anti-nuclear movements had expanded and certain others were thinking of reducing their nuclear power programmes. That trend was very unfortunate, since nuclear power was known to be viable and dependable and was one of the cleanest sources of power. The Agency and its Member States should endeavour to reverse that negative trend and the Director General's address at the previous meeting had provided a good deal of reassurance in that respect.

3. It was appropriate that in the wake of the Chernobyl accident, the Agency had undertaken to deal with all problems of safety arising in Member States. It had to some extent reactivated itself by concentrating on technical problems. That was why his country welcomed the various steps taken by the Agency in the past few months. In particular it noted the submission of two draft conventions, drawn up after prolonged discussions in the Board and elsewhere and open to signature by all countries. Although it was true that there had not been unanimous agreement on the scope of the draft

convention on early notification, all countries had nevertheless agreed to abide by it in a spirit of compromise. He regretted the fact that the text related only to the notification of accidents occurring in nuclear facilities, while those involving nuclear weapons had not been explicitly included. There was no real difference between an accident involving nuclear weapons and an accident occurring in peaceful nuclear facilities. It appeared that accidents involving nuclear weapons had been excluded as the outcome of opposition by the defence services in certain countries. That was why, following the reasoning that the best should not be allowed to become the enemy of the good, countries had been compelled to accept that important omission. It was a pity that the consensus thus reached had resulted in a convention which had congenital flaws.

4. His country welcomed the agreement on the text of the draft convention on assistance in the case of a nuclear accident or radiological emergency, which complemented the draft convention on early notification. Countries with nuclear programmes were convinced of the need to set up an international framework to facilitate the provision of assistance in the case of a nuclear accident or radiological emergency in order to limit its consequences. The Agency, which had participated during the past years in the formulation of guidelines in that connection, had an important role to play in co-ordinating all the activities associated with the provision of such assistance at the request of a State and to the extent that the State from which such assistance was requested was prepared to provide it. His country particularly welcomed the fact that the text had been drafted in such a way as to highlight the importance of mutual assistance while duly recognizing national sovereignty both with regard to the request for assistance and the provision of the assistance requested - as was demonstrated by the fact that the overall direction, control, co-ordination and supervision of the assistance would be the responsibility of the requesting State.

5. It was perhaps worth pointing out that, in addition to the steps taken to improve the safety of nuclear systems, the Agency should also concern itself with the development of reactor design. For example, there should be studies of the inherent safety of power reactors, such as ways of maintaining

a negative reactivity coefficient under all circumstances, limiting excess reactivity, selecting materials likely to reduce the risks associated with hydrogen, the availability of heat sinks, the improvement of control devices, multiple containment and so on.

6. A further point to stress was that in the case of nuclear technology, the most serious danger was associated not with power reactors but with nuclear weapons, which applied the same principle to destroy property and people. The effects of nuclear-weapon explosions were much more dangerous and had more serious consequences. They ignored frontiers and would continue to make themselves felt for as long as nuclear-weapons testing continued. That was not true of accidents occurring in power reactors, which were a completely different matter.

7. Nuclear disarmament was a subject of discussion the world over and his country had already had an opportunity to express its regret that the world was divided into countries which had nuclear weapons and those which had not. It was a great pity that it had not been possible to agree to include nuclear weapons in the conventions, even if only within the context of safety. His delegation could only hope that the situation was a temporary one and that all countries would agree not only to give notification of all nuclear accidents whatever the cause, but also to do away with the differentiation between nuclear-weapon and non-nuclear-weapon States. In that way mankind could survive by benefiting from the development of the peaceful uses of atomic energy, particularly nuclear power. His country did not see any alternative and it was going ahead with its programme, which should enable 10 000 MW of nuclear power to be produced by the end of the century.

8. Mr. SHIMURA (Japan) believed it was necessary to do everything possible to improve nuclear safety by genuinely learning from the Chernobyl accident, which had shown the world that a nuclear accident could have international repercussions and that international co-operation was essential for the promotion of the peaceful use of nuclear energy.

9. In the "Statement on the Implications of the Chernobyl Nuclear Accident" published at the meeting of the seven main industrialized countries held in May in Tokyo, two important measures had been proposed, namely the

establishment of a framework of international co-operation to provide mutual assistance in the case of a nuclear accident and the preparation of an international convention committing the parties to report nuclear accidents. His country therefore welcomed the preparation of the two draft conventions, one on the early notification of a nuclear accident, and the other on assistance in the case of a nuclear accident or radiological emergency. The drafting of those conventions marked a new step forward in the strengthening of international co-operation in the field of nuclear safety. His country was ready to take the immediate steps required in order to sign and ratify the conventions, should they be adopted at the current special session.

10. Since a nuclear accident could have consequences not only for the State in which it occurred but also in neighbouring States, it was worth recalling that current technology made it possible to predict the risks of contamination caused by a nuclear accident and to transmit such information promptly. It was therefore hoped that in the age of the so-called "information society" the fullest use would be made of advanced information technology in the implementation of the conventions. In that respect, his country had developed and was currently setting up a new system for the rapid evaluation of the radiological consequences for neighbouring regions resulting from accidents which might occur in nuclear power plants. That system could make an effective contribution to the implementation of the convention on early notification and Japan was ready to co-operate with the international community in that area.

11. The quality of the exchange of views and experience which had taken place at the Post-Accident Review Meeting was very impressive and the efforts made by the Soviet Government which, four months after the Chernobyl catastrophe was still engaged in difficult decontamination operations, reported to the meeting on the accident, were very commendable. Likewise, the frankness of the exchange of views between the Soviet experts and those from other countries who had shared their experience and expertise with a view to preventing the recurrence of a similar accident, was a true example of international co-operation.

12. There were, of course, still a number of points to be clarified. The investigations and analyses carried out in the Soviet Union and in other

countries would undoubtedly continue since a number of details regarding the accident remained unclear. His delegation believed that the results should serve to improve the safety of nuclear power plants. It felt, moreover, that the study of medical and ecological effects of radiation should continue over a long period of time. Japan, as the only country in the world to have been a victim of the atomic bomb, was very familiar with the effects of radiation on human beings. It therefore looked forward to hearing the conclusions of that particular study. It was to be hoped that the results would be made public and become available to nuclear experts in all countries since there were valuable lessons to be learned from it for the future promotion of the uses of nuclear energy. In that connection, he hoped that the recommendations submitted by the International Nuclear Safety Advisory Group (INSAG) to the current special session through the Board of Governors would be applied as soon as possible.

13. His country had begun to use nuclear energy for peaceful purposes at about the time when the Agency had been set up and had developed them in close co-operation with the Agency and other States. In view of its tragic experience, his country had adopted a nuclear policy which was designed to use the atom in the service of peace and to give absolute priority to safety. That policy was clearly reflected in the "Atomic Energy Act", which set forth the basic provisions for the utilization of nuclear energy. While conforming strictly to the above-mentioned policy, Japan had steadily promoted the use and development of nuclear energy. It had also taken all the necessary measures to ensure safety by means of strict inspections and examinations at all stages of the design, construction and operation of its nuclear facilities.

14. The Japanese Nuclear Safety Commission had been set up in 1978 as part of the action taken to strengthen safety control mechanisms. By evaluating the safety analyses carried out by the regulatory authorities and preparing safety standards taking into account operating experience and the results of incident analysis, it had made a significant contribution in various ways in the field of nuclear safety.

15. After the Three Mile Island accident - which had been construed as a serious warning - the Commission had set up an ad hoc committee which had

played an important role in improving nuclear safety, by gathering information, analysing the causes of the accident, and studying the numerous safety problems which the Commission had to give consideration to, and by preparing nuclear safety standards and guidelines.

16. Moreover, in order to make the responsibility of the authorities clear, everything related to nuclear reactor regulations, from the design to the operating stages, had been placed under the control of a single regulatory body in 1979. Furthermore, guided by the slogan "No nuclear power without safety", the governmental authorities and industrial groups had always made every effort to improve nuclear safety still further.

17. As a result of those efforts, his country had reached a high level of safety, as was demonstrated by the fact that there had been very few incidents in its nuclear power plants and the frequency of incidents was one of the lowest in the world. It could also be said that the efforts made by his country to ensure safety had made it possible to improve power plant performance and efficiency. However, his delegation believed that one could never be too careful in safety matters and that one should not be satisfied with the existing situation. A wide-ranging study of the Chernobyl accident was being performed both by the Nuclear Safety Commission and by the regulatory authorities and industrial groups. There was always the possibility that a small oversight might lead to a disaster. His country was firmly resolved to improve nuclear safety still further in accordance with its basic view that the accident should be analysed in depth and the many lessons learned from it so that even the tiniest defect in a nuclear power plant system could be detected.

18. His country had always worked closely with the Agency in the peaceful uses of nuclear energy. The Agency had achieved remarkable results in the past but, through its efforts in the wake of the Chernobyl accident, it had impressed upon world public opinion the fact that it was one of the main international organizations in the nuclear field and there was no doubt that the current special session would open a new chapter in its history which would prove to be just outstanding.

19. His delegation believed that the development of the uses of nuclear energy called for a firm commitment to ensuring safety, combined with an appeal to the wisdom of nations. He highly appreciated the work done by the Agency both with regard to analysis of the causes of incidents as well as to strengthening international co-operation in the case of a nuclear accident, and it was to be hoped that it would continue. In view of the Agency's role and objectives as an international organization which contributed not only to the development of the uses of nuclear energy but also to the prosperity and well-being of mankind, as well as to world peace, Japan was ready to make a positive contribution to the Agency's activities and to deal with the problems that occurred in co-operation with other Member States.

20. In conclusion, he wished on behalf of his Government to make a few comments on the nuclear policy of his country. Guided by the principle that nuclear energy should be used solely for peaceful purposes, his country had put its peaceful nuclear energy programmes into effect by giving absolute priority to safety. It had taken seriously the many lessons drawn from the incidents which had occurred on its territory and elsewhere. In order to improve the world energy situation, it was essential to continue to develop nuclear energy. His country took the Chernobyl accident to be a warning, but felt it should not be allowed to stand in the way of the expansion of that source of energy. It was of cardinal importance to promote the peaceful uses of nuclear energy without losing sight of the initial objective, which was to guarantee safety. Japan was determined to promote the use of nuclear energy for peaceful purposes and would do everything possible to make it safe.

21. Mr. JIANG (China) welcomed the holding of the current special session of the Agency's General Conference, the first of its kind which had been convened to examine the question of strengthening international co-operation in the area of nuclear safety, and to study and adopt two draft conventions - one on the early notification of a nuclear accident and the other on assistance in the case of a nuclear accident or radiological emergency - prepared recently by government experts. His delegation would do everything in its power to ensure that the current special session was successful.

22. Since mankind first began to develop nuclear power in the 1950s, more than 370 nuclear power plants had been built. The operation of power plants in various countries had shown that nuclear energy could be a safe, clean and economical source of energy provided that there was strict supervision of safety, that use was made of advanced technology and that it was properly managed. Indeed, until the present time, nuclear energy had had a good safety record compared with other sources of energy. With the gradual depletion of fossil fuels it remained the only possible energy source. However, like other advanced technologies, it could, while serving mankind, also involve certain risks. According to the statistics, a dozen serious accidents had occurred since the exploitation of nuclear power had first begun more than 30 years before. Of those accidents, the one at Chernobyl had been the most serious. Those accidents had been the result of human or technical errors. The lesson to be learnt was that in developing nuclear energy man must give absolute priority to safety. A nuclear accident resulted in serious human and material losses and led to serious contamination of the environment. Moreover, its effects could be felt beyond the frontiers of the country in which it occurred. That was why nuclear safety had attracted a good deal of attention from the international community. To strengthen international co-operation in the field of nuclear safety was the urgent task facing the international community.

23. His delegation noted with satisfaction that the Agency had recently adopted a series of measures aimed at strengthening co-operation in the field of nuclear safety. It had done a lot of useful things appreciated by many countries. The nuclear safety programme, in particular, was working well. In that connection, special mention had to be made of the meeting of government experts which had taken place from 21 July to 15 August 1986, under the auspices of the Agency and which had prepared the two draft texts under consideration in four weeks - an unprecedented event in the drafting of international conventions. That fact demonstrated the common will of the international community to strengthen international co-operation in the field of nuclear safety. From the outset, his Government had supported the Agency's efforts in preparing the two draft conventions and had participated actively

in that preparation. During the meeting, experts from his own and other countries had engaged in consultations and exchanged views on the provisions of common interest, thereby facilitating early agreement. His delegation was convinced that when they had entered into force the two conventions would play an important role in the notification of nuclear accidents in other countries and in the adoption of emergency measures at international level to reduce the harmful effects on the life and health of populations and contamination of the environment.

24. Although his delegation was not without certain reservations with regard to the provisions of the two draft texts under consideration, in a spirit of co-operation it would do everything to ensure that they were adopted without delay at the current special session. He would himself sign the two draft conventions on behalf of his Government, and his country would give notification on a voluntary basis of other nuclear accidents which might have transboundary radiological effects in addition to those specified in Article 1 of the draft convention on early notification.

25. A post-accident review meeting had also been held from 25 to 29 August, during which Soviet experts and experts from other countries had analysed the Chernobyl accident in a spirit of co-operation and with a desire to clarify the facts. The meeting had been successful and had enabled a great deal of useful experience and knowledge to be gathered. It had reaffirmed the common will of Member States to strengthen international co-operation in the field of nuclear safety and had demonstrated that the Agency would play a role in the promotion, organization and co-ordination of that co-operation.

26. China, as a developing country, was engaged in modernization, but its lack of energy resources considerably hampered its development efforts. That was why, given that situation and its needs, he believed that nuclear power needed to be developed gradually, in accordance with its national priorities, while at the same time ensuring progress in thermal and hydropower.

27. His country possessed many of the assets required for the development of nuclear power, for example, it had abundant resources as well as the necessary capability for designing and constructing nuclear facilities and for nuclear fuel reprocessing. Since China had first begun to develop nuclear

power 30 years previously, some 60 to 70 000 technicians and more than 1000 high-level scientists, researchers and nuclear engineers had been trained. The nuclear industry in his country had been re-oriented to serve the economic development of the country, as was demonstrated essentially by the development of nuclear power and the application of radiation and isotopes. The Qinshan (Zhejiang) power plant, construction of which had started in June 1983, was the first Chinese nuclear power plant. It had an installed capacity of 300 MW and was due to commence operations in 1989. A second unit was scheduled for later on. Initial plans for the construction of two additional nuclear power plants of 600 MW during the seventh five-year plan (1986-1990) had been drawn up. In addition to the nuclear power plant at Qinshan, a nuclear power plant with a total installed capacity of 1800 MW was under construction at Daya-Bay.

28. The development of nuclear power in China had, from the very outset, been based on safety and quality. In order to guarantee nuclear safety, his country had set up the National Nuclear Safety Administration, which supervised nuclear safety; it was not dependent on either the nuclear power plant operators or the competent authorities, but rather represented the interests of the people and acted on behalf of the State. That body was engaged in drawing up safety regulations and guidelines for nuclear facilities. It had recently published safety codes on site selection, design, operation and quality assurance, which constituted an important first step in the development of nuclear safety legislation in his country. Other documents dealing with safety and radiation management as well as provisions relating to their implementation would be published later on.

29. The National Nuclear Safety Administration exercised strict supervision of nuclear facilities and was responsible for granting licences. It had set up a group of more than 120 experts to carry out safety reviews in the Qinshan and Daya-Bay nuclear power plants. It was supervising the construction of those plants and would also supervise their operation. Nuclear safety projects contained in the seventh five-year plan covered safety regulations, nuclear safety analysis, probabilistic safety analysis, nuclear power plant simulation, structural and seismic research, experimental research on accident

conditions, quality assurance, in-service inspection techniques, radiation protection, emergency preparedness and so on.

30. The nuclear power industry in China was a recent one. Hence to ensure nuclear safety, his country needed the experience of other countries. It hoped to co-operate with all countries and all organizations willing to establish ties of harmonious co-operation founded on principles of equality and mutual benefit. It attached special importance to the unique role that the Agency played in strengthening international co-operation in the area of nuclear safety. His delegation hoped the Agency would extend and deepen international co-operation in that area in order to meet Member States' needs in new situations. It also hoped that the Agency would take effective measures, as a matter of priority, to increase its technical assistance to developing countries which had embarked upon the development of nuclear power and to improve their ability to prevent nuclear accidents. The reason was self-evident - nuclear safety was no longer the exclusive preserve of a single State. It was very important, in the interest of the whole international community, to increase aid to developing countries which had recently set up a nuclear industry and to ensure nuclear safety. China was convinced that with the support of all Member States the Agency would be able to live up to expectations and to shoulder the heavy responsibility that history had entrusted to it.

31. Mr. MADELIN (France) noted that over and above the considerable emotion caused by the Chernobyl accident in all countries, three points should be recalled: the absolute need to emphasize the safety of facilities, as was done in his country; the primary importance of providing information about nuclear power; and the ineluctable long-term role of nuclear power in meeting the planet's energy needs.

32. Any human activity involved risks. In France, as in all countries where man was the measure of all things, the protection of human beings was an imperative which no one could afford to ignore. Thus technology itself created forms of protection against the risks to which it gave rise. In that perspective, the French safety authorities, and French designers and nuclear

operators had, through the quality of their work, already been playing for a long time an essential role in ensuring the future of the country's nuclear programmes.

33. In the constant striving to improve safety, the feedback of experience and knowledge from every incident that occurred at a nuclear power plant were undoubtedly basic assets. An analysis of that kind was an indispensable part of the continuous study of the safety of facilities. Moreover, close international co-operation had been established in that area to gather and make use of data. Thus, the lessons learned from the Three Mile Island accident which had occurred in the United States in 1979 had led to a substantial improvement in the safety of French nuclear facilities.

34. The majority of cases studied had brought out the fact of human error. It was necessary to clarify what was meant by that notion. The man-machine interface was a complex unit in which an anomaly could not be attributed simply to the operator. Man committed errors which the machine did not prevent him from committing.

35. The gravity of the consequences of the error varied. The main aim of the designer of a nuclear facility should be to design a machine and safety systems which limited the effects of a possible error by the operator, i.e. a machine which was not open to error, a machine which took into account the risk of error. It was along those lines that efforts should be made to improve the safety of facilities. For years, the size of the French nuclear power system had made it possible to collect enough data on operating experience to make progress along those lines by means of successive improvements, including procedures which sometimes placed constraints on production.

36. Such precautions could never replace an indispensable effort in the area of training. His country devoted considerable financial resources to training, believing that it was an invaluable way of guaranteeing that safety procedures and regulations were observed. It was up to everyone to exercise their responsibilities in that area. The very nature of nuclear plants was such that the official authorities were justified in imposing special

constraints on them and in keeping them under extremely strict surveillance. That was a fundamental duty of the State. It was essential, in that respect, that each country should bear the full and complete responsibility for the safety of its nuclear facilities whether it concerned their design, construction, operation or maintenance. That national competence was essential for the consistency and effectiveness of safety regulations. The objective of maximum possible safety was incompatible with a diminishing of responsibility which would follow any attempt to internationalize that competence. Since it concerned such an essential cause, the responsibility could not be delegated. The full significance of international co-operation lay in that very clear sharing of responsibility.

37. His country had always sought to occupy a place consistent with the scale of its nuclear programme within the Agency, the Nuclear Energy Agency (NEA), the European Communities and the regular meetings of experts. It should be noted that France had been the first country to open one of its power plants to Agency teams in order to help develop the OSART (Operational Safety Review Team) missions. French experts were taking an active part in the implementation of services called upon to meet the requests of States which were responsible for nuclear facilities.

38. It was also because France attached the greatest importance to co-operation in the area of safety that it wished to improve the provision of information which was essential for that co-operation, essential for controlling possible accident or emergency situations, but above all essential for public acceptance of nuclear power. Obviously that information should cover accidents. It should be to the point, honest, prompt and accurate in order to limit the consequences of an accident situation and to avoid the risk of alarming public opinion. There was an undeniable duty to provide information. If that duty to provide information had been performed immediately by the Soviet authorities at the time of the Chernobyl accident, the problems of nuclear safety which were the subject of the current special session of the General Conference would undoubtedly be viewed in a different light by public opinion. The policy of keeping things secret was the worst policy. Moreover it was completely ineffective, since it was exposed by

increasingly accurate detection systems and increasingly rapid means of communication. The Chernobyl accident had been detected as soon as the initial effects had been felt outside the Soviet Union and the true nature of the situation had been immediately recognized in all Western countries.

39. His country was an open society and as such was not afraid of information. If nuclear power was well accepted in his country, it was precisely because considerable efforts had been made to provide information. Decisions affecting the construction of power plants had been taken following long procedures involving all interested parties; the operator remained in contact with the local population to supply all the operational information requested; very strict procedures were planned in the case of incidents or possible accidents. Following the Chernobyl accident, his country had set up a nuclear information office with a telematic information service largely available, free of charge, to the population. His country was going to extend that arrangement to provide teletext data on radiation protection and safety so that the public could know the radioactivity conditions in the country at any time and could obtain answers to essential questions about safety. Any failure to provide nuclear information could only act like a boomerang and damage the very principle of nuclear energy.

40. Such efforts were vital if nuclear power to was to meet mankind's electricity needs. The energy demand would keep increasing during the years to come. Fossil fuels other than uranium could perhaps cope with that demand at a reasonable cost. But, first, the problems of atmospheric pollution from the burning of coal, oil products and gas were beginning to cause serious concern in certain countries, and, second, it was well known that diversification of energy sources was for every country and therefore for France, a factor of security and independence. Nuclear power was a way of contributing to the energy supply under reasonably economic conditions, a means of diversifying energy sources and an effective instrument in the control of atmospheric pollution, provided of course that its exploitation was under complete control.

41. The serious accident which had occurred in the Soviet Union had stemmed from the use of a particular technology and should not call into question

reactors of different design in other countries with other approaches to safety. That fact was indeed the Agency's main justification. Each State had a duty to guarantee a high level of safety, but the Agency could help to draw up standards formulated by world experts as a group: that was the reasoning behind initiatives such as the NUSS programme. The Agency offered a very useful working framework. Preparation of the two draft conventions demonstrated that fact while highlighting two essential points: that it was necessary to provide information in the event of a nuclear accident, and that solidarity was called for in difficult circumstances. His delegation therefore urged all countries to accede to those two draft conventions and to conclude the necessary bilateral agreements for their implementation.

42. France would certainly sign those texts. Furthermore, irrespective of the commitments which it would take upon itself by becoming a party to the Convention on the Early Notification of a Nuclear Accident and in accordance with the option provided in Article 3 of that Convention, it planned to provide appropriate information on nuclear accidents likely to have significant transboundary effects in the area of radiological safety which were not covered by the Article 1 of the Convention. His Government would provide information on all nuclear accidents under the conditions set forth in the statement which the expert from his country had made on 15 August 1986, as reflected in the summary records of that meeting and reproduced in Annex V of document GC(SPL.I)/2.

43. France would therefore continue to take an active part in the programmes of action drawn up by the Agency, to which it wished to pay tribute for the way in which it had been able to learn from the Chernobyl accident, thereby demonstrating its ability to deal with that event.

44. Mr. MASSE (Canada) pointed out that it was the common concern caused by the tragic accident at the Chernobyl nuclear power plant and by its transboundary implications which had led to the convening of the present special session of the General Conference and had raised doubts in people's minds with regard to the use of the atom as an energy source. He was certain that the countries attending the Conference would be able to draw lessons that would allay such concerns.

45. In spite of the uncertainties which it might give rise to, nuclear technology was an important stage in the development of mankind. Thus, in the generation of electricity, medical applications and food irradiation it had become essential to human progress. Recalling Michelet's comment that man was his own Prometheus, he pointed out that the countries of the world should act together to ensure the prudent management of that technology and to make certain that its benefits outweighed its risks.

46. For Canada nuclear safety had always been a primary condition for the development of its nuclear programme. In the design, operation and regulation of the CANDU type reactor, it had always had the concept of maximum safety in mind and enjoyed complete confidence in that system. In the light of the recent events at Chernobyl Canada was determined more than ever to follow the same path, namely to use nuclear energy under safe conditions and for peaceful purposes. For Canadians that was a long-term commitment.

47. It had to be recognized that the public had apprehensions with regard to nuclear safety. Chernobyl had demonstrated that the effects of accidents could cross frontiers. The legitimate concerns of the public had to be met within the framework of full international co-operation. For that reason, his country had always supported the Agency's efforts to strengthen such co-operation.

48. Canada was proud to have been a pioneer in nuclear research and development. It had taken part in the creation of the Agency in 1957. Successive Canadian Governments had strongly supported the Agency in its two principal areas of activity - safeguards against proliferation and the peaceful uses of nuclear energy. The remarkable progress achieved by the Agency in pursuing the goals assigned to it was self-evident. His country considered the Agency to be the most important world forum for co-operation and technical assistance in the nuclear energy field.

49. Canada, for its part, had been active for a number of years in the Agency's safety programme. For 11 years a Canadian had headed the committee which had developed the Agency's nuclear safety standards (the NUSS programme). Those and other standards developed by the Agency in the fields

of radiation protection and transport of radioactive material had clearly shown and were still showing the advantages of information sharing and of working together.

50. It was obvious that the Agency would be called upon to play an even more active role in the wake of Chernobyl. That it had the means and the will to do so had already been proven. Two draft conventions had been prepared in record time during the preceding summer. Canada fully endorsed those drafts, while recognizing, of course, that they were framework agreements which would need further refining on certain points. Nevertheless, they represented a great step forward towards recognition of the mutual obligation of Member States, and should be welcomed.

51. The Post-Accident Review Meeting held at the end of August had also been a success. Canada was grateful to the Soviet Union, which had supplied detailed data to the world community so that the appropriate lessons could be learned. The recommendations which had resulted from that meeting had been incorporated into the expanded programme of activities on nuclear safety and radiation protection. His country supported the general outline of that programme, which should be approved in accordance with the Agency's normal procedure.

52. Since the wind knew no boundaries, it was on a planetary scale that the challenge of maintaining the atmosphere, water and earth in an ideal state should be taken up. On the other hand, nuclear safety was also the concern of each country. That was the paradox. Countries had a sovereign responsibility within their frontiers, and they alone could and should ensure that their nuclear facilities complied with the most stringent safety standards. Thanks to the Agency, Member States had in a spirit of international co-operation already set themselves safety goals and established guidelines within the framework of the NUSS programme. Nevertheless it was always for each State to translate them into requirements applicable at national level. Aware of its responsibilities to its people, Canada, itself had from the outset of its nuclear programme adopted safety standards which went beyond the NUSS programme.

53. Although the circumstances under which the Chernobyl accident had occurred were special, some general lessons could already be drawn from them: efforts must be intensified in order to prepare high-quality training programmes, responsiblities be defined more clearly, particular attention be paid to the human factor, efforts be concentrated on containment and control systems, and emergency measures be reviewed. Such action was essential and should be implemented without delay. It was therefore important for States, at the political level, to continue to keep track of progress very closely. Accordingly, he wished to suggest that the General Conference in 1987 should be held at ministerial level and should devote whatever time was needed to that important issue.

54. Nuclear safety had another dimension, of which the fullest account had to be taken - its effect on the public opinion of the various countries. The Chernobyl accident had shown more than ever to what extent public confidence was an important stake in the nuclear debate. The nuclear industry could not progress without public support. The Agency was therefore called upon to study that matter of vital interest to all its Member States. The goals which Member States sought to attain in the Agency might be jeopardized if there was failure to provide the public with proper information. Acceptance should be based on knowledge and not on propaganda.

55. As the Minister of Energy, he was aware of the need to compare the benefits and risks of energy in all its forms. Fossil fuels such as coal, oil and natural gas, which offered very great benefits, could also substantially affect health, the environment and the climate. The biomass energy, which was in theory renewable, was denuding many countries of their forest resources. Although solar energy was highly promising, the cost was prohibitive for large-scale electricity generation. While the conservation of resources and energy was an obvious necessity, economic and social development at world level likewise involved a higher rate of energy consumption. The categorical options were thus not easy. Nuclear energy itself was produced from abundant resources. Its risks could be overcome. It had its place among the range of energy sources which the world would need during the coming decades. During the Tokyo Summit in May, the leaders of the seven industrial nations had stated that nuclear power, properly managed, would be increasingly used.

56. In Canada, where nuclear power was an important source of energy, the provinces were responsible for developing resources in their territories. Thus, by 1992 the province of Ontario would have in operation 20 CANDU reactors with a total capacity of 14 000 MW, accounting for more than 60% of its total electricty production. The provincial Government had decided to complete on schedule the Darlington power plant, one of the largest in the world with a capacity of 3400 MW. It had also decided to review the safety, design and operation of the CANDU reactors, together with the action to be taken in emergencies. That review was to be carried out under the supervision of a committee of experts of international standing.

57. In performance the CANDU reactors were regularly at the top of the list. In 1985, 5 of the first 15 reactors in the world had been CANDU. The Point Lepreau reactor in the province of New Brunswick had come second in the world the preceding year; Wolsung 1, another CANDU, built in the Republic of Korea, had been fifth. In short, the CANDU technology represented a safe, reliable and competitive source of energy.

58. In conclusion, he pointed out that Canada was fully committed to sustaining and developing all its peaceful nuclear activities, right from research and development through radioisotopes, uranium, heavy water and nuclear energy for electricity and heat, up to waste management, in a way that was both safe and competitive. He also wished to stress his country's desire for greater international co-operation in those areas, for better public understanding, and more specifically for greater co-operation on nuclear safety within the programme proposed by the Agency. He was confident that, by acting together the countries of the world could meet the challenge of using nuclear energy for the greater prosperity and well-being of all peoples.

59. Mr. KHAN (Pakistan) noted that the nuclear accident at Chernobyl with its transboundary effects had once again shown that in nuclear matters all States were interdependent in spite of the differences that might exist in their socio-economic and political systems. The prompt response of many countries in offering help, the openness of the USSR in sharing its knowledge of the causes of the accident, the sense of responsibility shown during discussions at the expert group meetings, and above all, the commendable role

played by the Agency all augured well for international co-operation in the field of nuclear safety. The General Conference had thus met in the present special session in order to identify and initiate specific measures to ensure and strengthen safety in the use of nuclear energy and to preserve nuclear power as a safe and economically viable means of meeting the world's energy needs.

60. The Post-Accident Review Meeting on the Chernobyl accident had been very productive and instructive, due in particular to the frank and highly competent presentations by experts from the USSR. That accident had affected the credibility of nuclear energy in the eyes of the public at large, whose faith in the infallibility of technical experts had been badly shaken. The new credibility gap that had emerged should not be underestimated. Efforts were needed to restore confidence in the viability of nuclear power as a safe source of energy so that mankind could continue to benefit from that option.

61. Yielding to the temptation to politicize or to make capital out of the Chernobyl tragedy would certainly be short-sighted and counter-productive. No country could assume that such an accident could not possibly occur on its own territory because of its technological superiority. Such complacency could be fatal. Nor should that incident be used - because it had occurred in an advanced country - to imply that nuclear power was not safe for developing countries and to use that as an argument for denying nuclear power technology to energy-deficient developing countries. Efforts should be directed towards making nuclear energy safe everywhere.

62. Pakistan fully supported the Agency's expanded nuclear safety programme, which should continue to be the focal point for strengthening international activities and co-operation in that area. His delegation appreciated the timely action taken by the Director General in response to the new situation created by the Chernobyl accident.

63. He supported the two draft conventions now before the General Conference; in his opinion they represented a milestone in the evolution of

international nuclear law. Although those efforts were steps in the right direction, they were not enough. Other steps must be taken to prevent such accidents by making nuclear power plants safer.

64. Countries having the necessary technical know-how should step up their research activities on safety-related problems, including improvement of existing reactors and development of new reactor concepts which were inherently safe, could be used in a variety of countries and were capable of overcoming human error or equipment failure by fully containing the consequences and avoiding a disaster. The Agency could, within its limited resources, ensure the co-ordination necessary for sharing experience and knowledge relating to the safety of nuclear plants.

65. It was obvious that in view of the complexity of nuclear safety technology no single country could go it alone in the nuclear energy field. Resources and knowledge had to be pooled in order to keep the operation of the existing nuclear power plants safe, with such improvements in procedures and systems as might be necessary. In that regard, a great responsibility lay with the supplier States which, over the preceding 30 years, had built large power reactors at home and abroad. It was of paramount importance for the supplier States and the advanced countries to continue sharing safety-related information with the recipient States and users to help them make sure that the nuclear facilities supplied did not constitute any safety hazard and operated in a satisfactory manner. That was a moral and technical responsibility, which they could not shrug off on the pretext of narrow political considerations. They must overcome their past inhibitions in view of the grave consequences which a nuclear accident might give rise to if pertinent safety-related information was withheld.

66. To help to prevent such accidents in the future, his delegation, together with other members of the Group of 77, had submitted a draft resolution urging supplier States to come forward and willingly and generously share all nuclear safety-related information with the recipient States. The Agency would have to play a central role in that regard by acting as a clearing-house for information.

67. Another important step to prevent accidents was not to cause them deliberately through an armed attack on a nuclear facility. Such an attack could either completely destroy a nuclear facility or cripple its safety system. The radioactive releases resulting from such an armed attack could affect many neighbouring States and even far-off countries. Pakistan therefore held that there should be an agreement not to carry out, encourage or support any armed attack on nuclear facilities anywhere. An attack of that kind would be disastrous from the standpoint of both safety and acceptance of nuclear energy as a power source.

68. It was in that spirit that Pakistan had joined the Group of 77 in sponsoring a draft resolution requesting the Agency to help draft an international convention prohibiting any armed attack on nuclear facilities. That would be fully in conformity with resolution GC(XXIX)/RES/444 adopted unanimously by the General Conference in 1985. In his opinion, initiation of the process of drafting such a convention under Agency auspices would contribute substantially to attaining the objectives of that resolution. He was aware that there could be other international fora where such a convention might formally be adopted, but considered the Agency to be the most competent body for the preparation of a comprehensive agreement on the subject.

69. The Chernobyl incident had been a warning to all. Everything had to be done to avoid any unplanned or deliberately caused uncontrolled release of radioactivity. To that end there was need to work together to prevent any further accidents at existing nuclear plants by sharing nuclear safety know-how and by prohibiting armed attacks on nuclear facilities.

70. For the foreseeable future nuclear energy was the only viable option which could make up for the shortage of conventional energy resources in many countries and satisfy the growing energy needs for the social and economic development of a large segment of the world population.

71. Mr. SITZLACK (German Democratic Republic) said that his country had been using nuclear power for electricity production for more than 20 years. Its nuclear power plants had been constructed in close co-operation with the Soviet Union and other countries of the socialist community. The extensive

experience it had accumulated during their operation had resulted in an availability factor of more than 80%. No major operating incident had ever occurred in the German Democratic Republic.

72. That had been achieved by means of efforts at the national level to ensure the safety of nuclear installations. Plant safety and the protection of man had always received priority over other considerations, and would continue to do so. It was only on that condition that the leaders of the country had decided to expand the use of nuclear power in a controlled and progressive manner.

73. Although absolute safety could not be guaranteed either by the law or by technical or other measures, since in theory failure or damage could never be completely ruled out in a technical facility, nuclear technology had reached a stage which, when all considerations were taken into account, justified controlled industrial use of nuclear power. However, the peaceful use of nuclear energy in his country was currently undergoing close scrutiny.

74. Another matter deserving mention was the control of nuclear fuel. Diversions of fissionable materials from the nuclear fuel cycle could be very dangerous if those materials were reprocessed, enriched and used for non-peaceful purposes. His country had therefore been one of the first to sign and ratify the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and had placed the nuclear materials within its jurisdiction under Agency safeguards. By that gesture it wished to demonstrate its political will to renounce nuclear weapons. By creating an atmosphere of mutual confidence, the Agency was, with its safeguards system, playing a key role in international nuclear co-operation.

75. However, the fact that the stockpiling of nuclear weapons had now reached a point where they could destroy the whole of mankind could not and should not be forgotten. That fact, which was more important than any other consideration, meant that it was not possible to speak of peaceful uses of atomic energy without thinking at the same time of a matter that was equally crucial for life on Earth, and without seeking all possible ways of ridding mankind of the nuclear scourge. Erich Honecker, General Secretary of the

Socialist Unity Party and Head of State of the German Democratic Republic, had frequently stressed the need to attach absolute priority to efforts to avert the nuclear threat and to safeguard peace in that manner. For the same reason the population of his country had welcomed the proposals by the General Secretary of the Central Committee of the Soviet Communist Party, Mr. Mikhail Gorbachev, concerning the gradual elimination of nuclear weapons by the year 2000 and the cessation of all nuclear-weapon tests.

76. The future of humanity depended on the implementation of those proposals, which would also enable developing countries to receive the aid they so urgently required. Moreover, the peaceful uses of nuclear energy would appear in a completely different light. Inexhaustable sources of energy could thus become available to mankind if very strict safety standards were applied and, in particular, if more resolute action could be taken in developing nuclear fusion technology with a view to its practical application. The Agency, which was obliged under its Statute to promote the exclusively peaceful uses of nuclear energy for the benefit of mankind, would thereby improve its already excellent record as a world centre encouraging scientific and technical progress in that sphere.

77. Recalling that the purpose of the peaceful uses of nuclear energy was to supply energy through the medium of nuclear installations of high reliabiity and availability, and in accordance with the principle that plant safety and the protection of man were more important than any other considerations, he noted that, as far as his own country's responsibilities were concerned, there was need for a very extensive national system comprising the following elements: nuclear legislation governing, in particular, questions of safety and radiation protection; the issue of State licences obliging the operating organization to comply strictly with the requirements and limits imposed by the competent national authority and to notify immediately the organization issuing the licence of any irregularity and to deal promptly with any deviation from normal operation; special requirements applicable to design and construction of all systems and components of nuclear installations drawn up in accordance with the latest scientific and technical know-how and with a view to the automatic correction of human errors;

arrangements for the scientific operation of plants, in particular, periodic in-service inspections and maintenance on a scientific basis; specific requirements relating to training and the qualifications of plant staff, especially continuous training for normal operation and training in plant operation in the event of an incident, so that operating staff would be able to respond promptly and appropriately to any unusual event; continuous supervision by the operator of all aspects of safety and radiation protection and, in particular, independent checks by the competent national authority, including an environmental monitoring and medical inspection programme throughout the country.

78. In order to achieve, on the basis of the requirements laid down at a national level, an even higher level of safety in the peaceful uses of nuclear energy throughout the world, atomic energy legislation should be harmonized further. To that end, the Agency had established the NUSS programme, had organized scientific conferences and other meetings and had put out many publications; he encouraged it to continue with that work as far as it was able in order to intensify yet further the international exchange of scientific and technical information.

79. In order to limit the frequency and consequences of nuclear accidents as far as possible, it would also be necessary to benefit from all the information available internationally, for example, that gathered by the Incident Reporting System (IRS) or by OSART, RAPAT or ASSET missions.

80. Where research was concerned, it was particularly important to carry out new studies and evaluations on the effects of radiation on man and the environment and to concentrate at an international level on improving understanding of radiation-induced biological processes.

81. The recommendations made on the strengthening of international co-operation on the operating safety of nuclear power plants made at the Post-Accident Review Meeting were particularly useful for any concerted action in the future.

82. With the draft conventions on prompt notification of a nuclear accident and on assistance in the case of a nuclear accident or radiological emergency

drawn up by governmental experts, the Agency had made an important contribution to protection against nuclear hazards. It was now a matter of urgency to create the conditions necessary for the implementation of the conventions.

83. His Government supported unreservedly all measures concerning health and safety. His country would therefore play an active role in the examination and implementation of the recommendations made at the Post-Accident Review Meeting. For the same reason, it attached considerable importance to the conventions and would conscientiously fulfil its obligations arising out of them. It also approved the international exchange of data on radioactivity levels. In that connection, it would be submitting to the Director General further radioactivity measurement results in the coming month.

84. The use of nuclear power could be controlled only by not treating it as just one problem among others. The reasons for that were that it was based on complex scientific considerations, that the protection of man and the environment and plant safety should be considered as a whole and, in particular, that nuclear energy could be immensely destructive. Any State using nuclear power, like the nuclear community as a whole, faced a task of historical importance, which was to ensure that any misuse of it should be prevented and that it should be used only in accordance with the Agency's objectives so as to contribute to peace, health and prosperity throughout the world.

85. Mr. LINDBLOM (Finland) said that it was still too soon to assess all the consequences of the Chernobyl accident in relation to the future use of nuclear power in the world. However, it was already clear that the accident had profoundly influenced the attitude of the public, and probably also that of many political leaders, with regard to the use of nuclear power. The accident had shown that much remained to be done to improve international mechanisms relating to nuclear safety, radiation protection and assistance in a nuclear emergency. The crucial question was whether an analysis of the events of April and May, carried out in a calmer mood in the coming months, would or would not show that the scientific, technical and social premises for the use of nuclear power remained basically valid - as the report by the

International Nuclear Safety Advisory Group (INSAG) appeared to indicate - and whether, in addition, it would be possible to put right quickly the obvious shortcomings in international co-operation arrangements. The future use of nuclear power as one of the principal sources of energy throughout the world depended on the result of that work.

86. The accident had shown once again, and in an even more forceful manner, that harnessing of the atom for peaceful purposes was an extremely complex task. It had provided a clear reminder that, although the purpose of nuclear power plants was to produce electricity, the most important task of operators was to remain constantly in control of the reactor which, in turn, demonstrated the need for a proper understanding of the processes involved in a reactor in order to be able to establish and maintain - in the words of the INSAG report - a "nuclear safety culture". It would not, however, be sufficient merely to improve the human element. It was also necessary to improve the controllability of reactors, and the design and construction should be constantly refined.

87. The accident had also shown very clearly that the use of nuclear power plants should be based not only on sound scientific and technical considerations but also on a well-organized infrastructure for it to be possible, as in the case of Chernobyl, to take the action necessary to minimize the consequences of a nuclear accident. The event had also shown that, if a serious accident occurred, most countries, if not all, needed outside assistance to cope with the situation. Similarly, it was now known that much larger areas could be contaminated following a nuclear accident than had been thought earlier. It had also been possible to detect serious defects in the international warning system and a lack of consistency in the use of intervention levels for radiation protection measures.

88. It had become clearer that nuclear power, which was a national responsibility, presented problems of an international nature: an accident in a nuclear power plant was an international matter, as was the attitude of the public towards nuclear power and its safety. Even countries which did not use nuclear power needed to have radiation protection facilities. Many of those problems could be solved only in international bodies. It was gratifying that

the international nuclear community, in promptly adopting various measures, had already shown that the whole world was aware of that. A good example of acceptance of international responsibility had been shown by the successful holding of the Post-Accident Review Meeting held in August, which had been marked by both the clarity and candour with which Soviet experts had presented information on the accident and by the constructive spirit which had prevailed throughout the meeting. The decisions by the Board relating to evaluating and intensifying the Agency's nuclear safety activities represented a further demonstration of the will to work for the establishment of an international nuclear safety regime.

89. The speed with which governmental experts had drawn up two draft international conventions also showed the intensification of efforts with a view to taking concerted international action. The consensus achieved testified to the political will of participating Governments to overcome their differences of opinion in order for the two conventions to be concluded. In that connection, his Government attached considerable importance to the statements by the nuclear-weapon States in connection with Article 3 of the convention on early notification. Finland would naturally have wished the convention to have contained a global undertaking.

90. The Finnish Government was ready to adopt and sign the two new conventions in Vienna during the current week, subject to ratification. Certain internal arrangements were necessary before it could legally consent to be bound by all provisions of those conventions. Nevertheless, on behalf of his Government, he restated the commitment made in May in the Board, according to which Finland would do everything possible to ratify the conventions in the very near future and that, until then, it would act in accordance with their spirit and objectives. It would also do all it could to provide the Agency with the means it needed to carry out its expanded nuclear safety activities effectively.

91. The two conventions would represent a framework for the conclusion of detailed arrangements adapted to different geographical situations and administrative structures. Between neighbours, it would be possible - and frequently desirable - to go beyond the general provisions of the conventions

themselves. In a nuclear accident, the time factor might be a key one when a nuclear installation was situated near the territory of another State. Since 1965, Finland had had an agreement on emergency assistance with three other Nordic countries and the Agency. It would naturally have to consider how the new global arrangement fitted in with that agreement.

92. In a very short time the international community had succeeded in producing a number of remarkable results. Much remained, however, to be done, in particular, in the expansion and strengthening of the international regime for third-party liability in the nuclear sphere, in ensuring broad adherence to existing and new treaty arrangements, and in harmonizing the intervention levels for radiation protection measures. Many of those tasks called for close co-operation between the Agency and other international organizations. The results achieved during the summer gave grounds for believing that the efforts needed to carry out those tasks, which were far from easy, would produce results useful to Member States.

93. With regard to the draft convention on early notification of a nuclear accident, his Government believed that a system which went beyond that foreseen by the draft convention was necessary to protect the populations of neighbouring countries to the extent appropriate in the event of large quantities of radioactive material being released over a number of days following an accident. The continuous provision of information regarding releases and contamination in countries affected was of primary importance. Finland would do all it could to support measures taken in that connection by the World Meteorological Organization (WMO) with a view to establishing an information system covering the transport of radioactivity by air masses. In addition to the co-operation required between the Agency and WMO, co-operation arrangements should be concluded between competent national authorities to set up such a system quickly.

94. The conventions, regimes and harmonization efforts mentioned all related to measures which, it was hoped, would never have to be adopted. In the final analysis, it was much more important to prevent accidents than to mitigate their consequences. Clearly, there was still more to be done in that connection. It was necessary, on both the national and international levels,

to redouble efforts to achieve a high level of nuclear safety, both by modernizing existing facilities and by ensuring that plants were fitted with new safety equipment. But it was not enough to know that reactors were safe; people also needed convincing that everything necessary had been done. One way of doing that was of course to be more open and to publish information on national safety requirements and on the verification of their application. That would clearly be facilitated if it were possible to develop international safety standards for nuclear power plants and to expand the means available for verifying, on an international scale, that those standards were being complied with.

95. Whether the role of nuclear power was to be increased or reduced in national energy programmes, environmental problems would be faced in the future, and those were problems which were international by nature and which called for international co-operation. It was not easy to convince the public of the safety of nuclear power. But to believe that the use of fossil fuel was an easy international solution to the problem of the environment would be to refuse to face up to reality. It was a difficult task for Governments to make a selection from the various energy options. In those circumstances the Agency's task should not be to tilt the balance in favour of nuclear power by attempting singlemindedly to promote its use. The Agency should rather encourage measures aimed at increasing nuclear safety by means of international co-operation in order to show that all efforts had been made in the context of international co-operation with a view to improving nuclear safety, both by minimizing the risk of human error and by technical means.

96. In all international endeavours to make nuclear power safer the Agency would continue, as in the past, to play an essential role, and he wished to pay a tribute to it for the excellent work it had done following the events at Chernobyl. It was in the interests of all Member States that the Agency's safety activities should be expanded and strengthened further. That required, however, that all Member States gave their full support to the Agency and demonstrated a genuine will to co-operate in the future.

97. Mr. BERG (Luxembourg) wished to state his Government's position on the draft convention on assistance in the case of a nuclear accident or radiological emergency, since that convention concerned his country.

Luxembourg had no nuclear facilities but one of the world's largest nuclear power plants, which had four reactors of 1300 MW(e) each, totalling 5200 MW(e), had been constructed nine kilometres from its border. More than two thirds of the population of Luxembourg lived within 30 kilometres of that plant, and the capital was 25 kilometres away. Almost all Luxembourg's hospitals and its industrial and economic potential were also within the impact zone.

98. In the event of a severe accident at that frontier power plant, the Government of Luxembourg might be obliged to evacuate a very large proportion of its population. However, since Luxembourg did not have the space necessary to receive and find temporary accommodation for the population to be evacuated, part of the latter might have to find such temporary accommodation in neighbouring countries, in particular, in the country in which the nuclear accident had occurred. Would it not be profoundly unjust, if the population of Luxembourg had to be evacuated to that large neighbouring country in which the nuclear accident had taken place and which had provided assistance, for that State to have the right to require prompt reimbursement of all the costs of assistance in accordance with Article 7 of the convention on assistance, which related to the reimbursement of costs?

99. He recalled that, during the meeting to draft the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency, the governmental experts from Luxembourg had insisted in the strongest possible terms that the draft convention should contain the following provision: "When the State which agrees to provide assistance to a requesting State is the State on the territory of which the nuclear accident has taken place, that assistance shall be provided without cost". That entirely justified and equitable requirement had been rejected, in particular, by some of the larger nuclear-weapon States. However, the attitude of the representatives of France, the country mainly concerned by that request by Luxembourg, had been one of understanding and openness, unlike that of other nuclear Powers. It was true that Article 7 relating to the reimbursement of costs, contained a number of provisions which had been introduced to take some account of the legitimate request by Luxembourg, but they were vague and unbinding.

100. It was not conceivable that the Luxembourg Chamber of Deputies would agree to ratify the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. Ratification would mean that the State of Luxembourg, which did not have nuclear installations and therefore did not expose other countries to nuclear hazards, would recognize its obligation, if Luxembourg should be the victim of a nuclear accident, to pay promptly and in full on presentation of a bill the cost of assistance to countries providing it, including the country causing the accident. Obviously, that would go against Luxembourg's vital and legitimate interests.

101. The right conferred by Article 7 on States providing assistance to require full reimbursement of the costs of assistance was particularly unjust because the sums awarded to victims as payment of damages in the case of a nuclear accident were subject to a ceiling under the Paris Convention and the Supplementary Brussels Convention of 1960. It was therefore possible that, if Luxembourg was the victim of a nuclear accident, it would have to pay more in assistance costs than the sum it would receive as damages. In those circumstances, it was understandable that his country would not be able to sign and ratify such a convention. The only acceptable principle in connection with the payment of damages as a result of a nuclear accident was that "the polluter pays", the application of which had also been demanded by the representative of the Federal Republic of Germany. He also stressed that assistance costs to be paid by countries which were victims of a nuclear accident were an integral part of nuclear damages.

102. It was highly regrettable that, in the draft convention on assistance, the problem of third-party nuclear liability had not been broached. Since that question had been evaded, that of the reimbursement of assistance costs should therefore also have been excluded since it was part of nuclear third-party liability. It was very important that a convention governing the problem of third-party nuclear liability at the international level in accordance with the principle that "the polluter pays" should be drawn up in the very near future under the auspices of the Agency. Until the question of third-party nuclear liability, including that of the reimbursement of

assistance costs, had found a satisfactory international solution, it would not be possible for his Government to sign and ratify the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, for it would be against the vital and legitimate interests of the State of Luxembourg.

The meeting rose at 5.40 p.m.