International Atomic Energy Agency

GENERAL CONFERENCE

GC

GC(SPL.I)/OR.7
April 1987*

GENERAL Distr.

ENGLISH

FIRST SPECIAL SESSION: 24-26 SEPTEMBER 1986

RECORD OF THE SEVENTH PLENARY MEETING

Held at the Neue Hofburg, Vienna,
on Friday, 26 September 1986, at 10.30 a.m.

President: Mr. MANOUAN (Côte d'Ivoire)

CONTENTS

[*] A provisional version of this document was issued on 21 October 1986.

[**] GC(SPL.I)/11.

The composition of delegations attending the session is given in document GC(SPL.I)/INF/3/Rev.3.

87-1188
0811e/0125e

EXAMINATION OF DELEGATES' CREDENTIALS (GC(SPL.I)/17)

1. The PRESIDENT recalled that on the previous day the General Committee had met as a credentials committee to consider the credentials of delegates as provided for under Rule 28 of the Conference's Rules of Procedure. The Committee's report was set out in document GC(SPL.I)/17. Paragraphs 2-14 of the report described the manner in which the Committee had approached its task and reported the opinions expressed during the discussion. The Committee had agreed without a vote to recommend the adoption of the draft resolution contained in paragraph 15 of its report.

2. Since the appearance of that report, provisional credentials had been received for the delegations of France and Yugoslavia; that fact would be duly reflected in an addendum to be issued to document GC(SPL.)/17.

3. If there were no objections, he would take it that the General Conference wished to adopt the draft resolution contained in the Committee's report.

4. The draft resolution contained in document GC(SPL.I)/17 was adopted.

5. Mr. HADDAD (Syrian Arab Republic), speaking on behalf of the delegations of Algeria, Cuba, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Pakistan, Saudi Arabia, Sudan and Tunisia as well as of his own delegation, said that he must reserve the position of all those delegations regarding the credentials of the delegate of Israel, which were in their opinion invalid for a number of legal reasons:

(i) The borders of Israel were not internationally recognized because they included parts of the territories of other States illegally occupied and annexed by the Zionist entity;

(ii) Although Israel considered Jerusalem to be its capital, that city had been illegally annexed and its status as a capital had never been recognized by the international community;

(iii) Israel was governed by a Zionist régime, and Zionism had been declared by the United Nations General Assembly to be a form of racism equivalent to apartheid; and

(iv) The Zionist régime had persistently denied the original population of Palestine its right to self-determination.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION (GC(SPL.I)/2, 3 and 16) (resumed)

6. Mr. TETENYI (Hungary) wished first of all to express his country's deep sympathy and solidarity with the Soviet people and with the victims of the Chernobyl accident.

7. He was addressing the present meeting with ambivalent feelings. On the one hand, it was sad that the international community needed a major accident in order to achieve a preliminary consensus on the two draft conventions which were to be finalized. On the other hand, when the situation clearly demanded it, government experts had been able to set aside minor and even major differences and to produce the two draft conventions, which were testimony to the high sense of responsibility of the States Members of the Agency. That was a very encouraging development, considering that there had been forces which stressed the frontiers between different political social systems at a time when experience showed that radioactivity did not respect national borders.

8. Hungary, too, had been affected. Beginning with 30 April 1986, it had regularly informed the Agency, WHO and all European States about the radiation situation in Hungary. According to local measurements and medical predictions (recently incorporated in a general review of the radiation consequences of the Chernobyl accident), the population at large in Hungary did not have to fear adverse effects on health, as might be determined either now or at a later date, on an individual or even statistical basis. However, damage had been suffered: there was widespread anxiety and economic losses had resulted from unjustified restrictions which had been placed on imports from Hungary.

9. His delegation was very much interested in every measure that could help Member States not only to prevent accidents but also to alleviate their consequences should they nevertheless occur. It greatly appreciated the work towards that goal that had been done by the Agency, the Secretariat and by the Director General personally. It also valued the co-operative spirit shown by

Member States and expressed thanks to the Soviet Government for the open and detailed presentations of the situation made recently in Vienna by its specialists. In that way, experience gained at such a high price had been made available to any interested State and would contribute to increased safety of nuclear facilities all over the world.

10. Hungary was directly interested in the safe utilization of nuclear energy as a vital source of power. The fact that the number of nuclear power plants would grow imposed a responsibility. Thus his Government had decided to sign the conventions on early notification and reciprocal assistance and he was confident that it would be possible to make them operative at the earliest opportunity.

11. However, those measures were merely the first step along the road. Much work still lay ahead. The basis should be laid for a convergent reappraisal of safety philosophies. In that connection, he reminded delegates of a Soviet proposal for the development, within the framework of the Agency, of a comprehensive international system aimed at enhancing the safety of nuclear technology applications. That topic had been given priority in programmes of the Council for Mutual Economic Assistance as well. The programme for the amplification of the Agency's efforts in that area would be a step in the right direction, although some points needed further consideration. For instance, it should be specified that the aim was not merely improvement of existing reactor systems but - to the extent possible - the development of radically new, inherently safe reactor designs.

12. Another important Agency activity should consist in efforts to reach an international understanding on radiation dose and concentration threshold values, requiring specific steps to be taken, in respect either of the population as a whole or certain sectors of it (e.g. adolescents), and also in relation to protection of the environment.

13. In the latter connection, his delegation shared the anxiety of a number of States that nuclear facilities could be the target of violence and aggression. It hoped that the Convention on the Physical Protection of Nuclear Material would soon come into force. There was also the need for a legal instrument under which States would assume a mutual obligation never to attack nuclear research, power and fuel-cycle facilities of another State.

14. Most of the States represented at the present meeting would be facing new tasks imposed by the events of recent months. In that work, they would be counting on effective and fruitful co-operation with the Agency.

15. Mr. ZANNAD (Tunisia) expressed the hope that the discussions at the present session would produce results ensuring that the peaceful uses of atomic energy would never lead, through either human error or technical failure, to another nuclear accident in the world. He also wished to congratulate the Director General and the Secretariat on the action they had taken in connection with the Agency's statutory obligations immediately after the Chernobyl accident. Those activities had demonstrated that the Agency had not only the means but also the willingness to assume a more active role in promoting international co-operation in the peaceful uses of nuclear energy.

16. His country deplored the Chernobyl accident and its consequences for the station's staff and for the population affected by the escaping radioactivity. Although aware of the particular features of the Chernobyl facility, the international community intended to draw its own conclusions from the accident that had occurred there and to develop international co-operation enabling Member States to learn as much as possible from each other's experience and to reinforce nuclear safety and radiation protection so as to restore the confidence necessary for developing the peaceful use of nuclear energy. Like other delegations of the Group of 77, the Tunisian delegation had welcomed the Agency's expanded programme in that area for 1978 and 1979, which contained a number of appropriate and effective measures.

17. In addition, the Board of Governors had taken positive and constructive steps towards the codification of international nuclear law by convening a meeting of government experts to prepare drafts of international agreements on speedy notification and assistance in emergencies. At that meeting, held in July and August 1986, a consensus had been reached on the two draft conventions submitted to the special session for examination and adoption.

18. The Agency-sponsored meeting to analyse the Chernobyl accident had also been a success: it had yielded valuable information and given rise to recommendations for the Agency's action programme for 1987 and 1988 in matters of nuclear safety and radiation protection.

19. The Tunisian delegation wished to take the present occasion for recalling that one of the most important questions discussed at the meeting of government experts had been the range of application of the convention on early notification of a nuclear accident. It had associated itself with the general consensus on the draft convention as a whole, in the hope that it would be a first step towards a wider range of applications embracing all types of accident of nuclear origin. Tunisia had also taken note of the voluntary assurances of certain delegations of their intention of giving notification of all accidents, including those involving nuclear weapons.

20. As regards the convention on assistance in the event of a nuclear accident or radiological emergency, the Tunisian delegation considered that that instrument, too, represented only a first step towards the solution, by legal means, of the problems resulting from the nuclear activities of States, with a view to the establishment of a legal system, covering all the transboundary effects of nuclear accidents. In that connection, the provisions relating to the question of civil nuclear liability represented, at the present stage, only one factor which could contribute to reaching a satisfactory international solution.

21. Nuclear energy was now a technological, industrial and commercial reality on the international power scene and that, in spite of the technical hazards, the economic crisis and ecological movements rejecting civil and military uses of nuclear energy.

22. The world economic crisis had slowed down the growth in demand for power in many countries since the development of nuclear power continued to be very uneven in various regions of the world and only a limited number of industrialized countries were operating nuclear power reactors. For all those reasons, the discussions on the choices of energy forms for the future and on intermediate- and long-term trends in energy policy would remain open, especially in the developing countries, the more so since the prospects for extensive utilization of renewable sources of energy were far from negligible.

23. The adoption, signing and ratification of the two conventions by Member States represented progress towards strengthening nuclear safety and radiation protection. But that was not enough, and for that reason, Tunisia fully

supported the draft resolution submitted at the special session by the Group of 77 on the exchange of information and experience relating to nuclear facility management. It also endorsed without reservation the Group's draft resolution inviting the Agency to prepare a draft international agreement for the purpose of prohibiting armed attacks against any nuclear facilities.

24. In line with the Tunisian Government's position with regard to the codification of law governing treaties between States and/or international organizations, his delegation remained deeply committed to the principle of settling international disputes by negotiation or any other peaceful means acceptable to the parties concerned. Sharing the general attitude of assembled Members, it endorsed the final declaration of the special session of the General Conference (document GC(SB1-2)).

25. He wished to reiterate his country's full support of the Agency's activities in promoting the peaceful uses of nuclear energy and protecting mankind from any danger involved in such use. The Tunisian delegation would spare no effort as far as strengthening international co-operation was concerned.

26. Mr. MOTABBAKANI (Saudi Arabia) wished to pay tribute to the group of governmental experts and to the Director General and his staff, whose efforts had led to the drafting in such a short time of the two conventions representing a unique step in international law with a view to world co-operation in the peaceful uses of nuclear energy.

27. The titles and contents of the conventions were recognition of the fact that nuclear technology was far from being perfect, and he agreed with the view expressed by the Austrian Foreign Minister that the first of the many lessons of the Chernobyl accident was that in its present form nuclear energy was unsafe. Given the limits of human capability, technology would never be fully perfect, nor would human behaviour be fully error-free.

28. While the efforts involved in the drafting of the conventions should not be belittled, those texts ought to have reflected the suggestions which were deserving of attention. Article 1 of the notificiation convention should have been more comprehensive, although Article 3 improved the matter in that

the nuclear-weapon States were to make statements undertaking to notify all nuclear accidents which were likely to have transboundary consequences, provided such notification would not be prejudicial to national security.

29. A question which was not dealt with was that of compensation and civil liability. It would be desirable for the Agency to draft an international agreement defining liability for appropriate and fair compensation.

30. Whereas the present session was concerned with the legal bases for assistance and notification in cases of nuclear accidents caused by operational failures or human errors, another matter of the utmost importance in that connection was armed attacks on nuclear reactors. It was fortunate for the world as a whole that the reactor attacked had not contained any nuclear material. It was for the world community, which wished to eliminate the dangers of nuclear accidents, to lay the foundation of international co-operation under the aegis of the Agency in the prevention of such attacks on peaceful nuclear facilities. He expressed his support for the draft resolution submitted by the Group of 77 on the subject and hoped that it would be adopted by the Conference.

31. The industrial community had an important role to play in preventing nuclear accidents. Improvement and development of safety standards and equipment, safety systems for nuclear facilities, improvement of reactor design and construction and better training of technicians in the operation of nuclear power plants were among the factors that would ensure the safety of nuclear power and strengthen confidence in it. International co-operation in that area would enhance confidence in the future of nuclear power and its development for the benefit of mankind.

32. In conclusion, he wished to emphasize the Agency's important role in that vital sphere, and supported the proposed expanded nuclear safety programme and the recommendations of INSAG. As to the two conventions, he wished to assure the Conference that they would receive his Government's careful consideration.

33. Mr. KABBAJ (Morocco) recalled that the present special session of the General Conference had been convened as a result of the Chernobyl accident in order to consider the strengthening of international co-operation in

nuclear safety and radiation protection. The international community had reacted positively to that event by concentrating on what lessons could be drawn therefrom and on developing international co-operation at all levels to improve nuclear safety and to reduce the consequences of, and even eliminating, accidents. That accident had taught a valuable lesson about the use of nuclear energy at all stages from mining to waste treatment so that the harmful effects on human health and the environment could be prevented.

34. He wished once more to express his sympathy for the families of the victims of the accident, and to pay a tribute to the sense of responsibility displayed by the Soviet authorities in providing a wealth of data and documentation after the accident and during the Post-Accident Review Meeting. That had resulted in recommendations on dealing with the consequences of such accidents and on strengthening nuclear safety.

35. Morocco, which had included nuclear power in its national programmes, attached particular importance to international co-operation in nuclear safety and radiological protection since nuclear accidents in countries to the north of the Mediterranean might easily affect it, and also because of its economic and commercial links with European countries, especially those with significant nuclear facilities. For that reason, he wished to draw attention to the need for establishing radiation monitoring networks and for strengthening the existing systems, especially those covering developing countries.

36. Moreover, the Agency could contribute to the establishment of national quality control systems for analysis of samples of foodstuffs imported from regions affected by nuclear accidents since the developing countries which were not self-sufficient in food did not have the requisite means.

37. Thus, the geographic aspect and the complex and interrelated nature of nuclear energy made international co-operation essential with a view to the safe use of that source of energy. In that context, he commended the Secretariat's initiative, the work of the group of governmental experts which had drafted the two conventions in such a short time, and the spirit of responsibility and mutual understanding which had led to a consensus during the negotiations.

38. His delegation was fully prepared to sign those conventions during the present session and regarded them as forming the basis of fruitful co-operation in nuclear safety and radiation protection between countries, including those which were not yet using nuclear power.

39. The entry into force of the two conventions would strengthen nuclear safety and help in restoring confidence in the use of nuclear power in the mind of the world public, which had recently been shaken by the consequences of the Chernobyl accident and was following the deliberations of the present session with great interest.

40. While the Moroccan delegation had joined in the compromise about the draft convention on early notification, it would have preferred the latter to cover all nuclear accidents and radioactive releases from all nuclear activities, including military ones, if those might have harmful transboundary effects. It would welcome undertakings on the part of nuclear-weapon States to provide early notification in the event of accidents in their defence facilities.

41. Moreover, the conventions did not pay due attention to the question of liability of States in whose facilities nuclear accidents with transboundary implications occurred and compensations for States suffering damage as a result, especially the developing countries lacking the means for protection and monitoring. Morocco urged the world community to find a solution to the problem.

42. In the opinion of his delegation, one matter which remained without international regulation or control was armed attacks against peaceful nuclear facilities. The international community should take it upon itself to prepare an instrument for unanimous adoption prohibiting such attacks since those could give rise to harmful consequences for human health and the environment not only in the region where such attacks took place but also in its neighbouring regions.

43. In the interest of strengthening nuclear safety in the world, Morocco wished to repeat its appeal, which it had made on numerous occasions, about the cessation of nuclear co-operation with the Israeli and South African

régimes, whose nuclear programmes constituted a grave danger for the States in their regions and for the world as a whole.

44. He also condemned the existing nuclear co-operation between those two régimes, which was undoubtedly aimed at producing long-range means of destruction and represented a substantial danger for the safety and security of the world.

45. An important result of the Chernobyl accident was that the nuclear community had realized the need for reinforcing the Agency's role in the field of nuclear safety and radiological protection. In that connection, his delegation called for strengthening the Agency's existing mechanisms concerned with nuclear safety such as RAPAT, OSART and INSAG.

46. It was time to revise the important documents and codes in the Agency's safety series, which were intended for use by the relevant national institutions. Those should be further elaborated in the light of the new data.

47. Exchange of information on nuclear safety and radiological protection between countries, whether through the Agency or at the bilateral or multilateral level, was of great importance. Such exchange between the developed and developing countries was essential in enhancing nuclear safety and developing international nuclear trade. In that connection, he called upon the Member States possessing the relevant advanced technology to provide the countries which were planning nuclear activities with the minimum of information that would help them in developing those activities in the desired manner without detriment to safety.

48. In conclusion, he emphasized that the time had come for establishing an international safety regime for development of nuclear power programmes on the basis of intensive co-operation between all countries within the Agency's framework and at the bilateral and multilateral level, as had been called for by the recent non-aligned summit conference and by many heads of Government.

49. Mr. ERNER (Turkey) said his Government realized that considerable expertise and admirable diplomatic effort had gone into the draft conventions on early notification and on assistance in the event of nuclear accidents, which had finally been able to win the approval of participating government

experts. He wished to thank the Director General, the Board of Governors and the Secretariat for preparing the drafts which had served as a basis for the discussions.

50. He wished to make a few comments on certain substantive aspects of the two conventions. With respect to the one on emergency assistance, the Turkish delegation believed that the absence of the concept of pre-planning in the event of accidents would be considered an inherent deficiency by informed nuclear circles. Whatever the counter-arguments, non-inclusion of any contingency planning would be subject to critical appraisal.

51. The preambles of both conventions were rendered less satisfactory by the absence of a confirming paragraph asserting "the inalienable right of all countries to develop and utilize nuclear energy for peaceful purposes related to their economic and social development". Moreover, the provisions relating to the functions of the Agency had not been satisfactorily formulated, and in some paragraphs the traditional style used in conventions had been sacrificed for loose language, e.g. in Article 1.3 and in the heading of Article 5.

52. As regards the convention on early notification, his delegation wished to reiterate its understanding, which was the understanding of all the government experts who had produced the text, that the scope of application of Article 1 covered any nuclear reactor on land, at sea and in space. He also drew attention to the fact that, without covering nuclear tests and possible nuclear-weapon accidents - the radioactive consequences of which would not differ from those of other accidents - the scope of the convention would remain incomplete.

53. The conventions had been elaborated in intensive and laborious negotiations by government experts who had kept in mind the Director General's advice not to let the best become the enemy of the good. The texts of the conventions had proved to be the best attainable.

54. Obviously, the conventions stipulated only certain measures to be taken in post-accident situations. They did not deal with the prevention or recurrence of nuclear accidents such as those at Three Mile Island or Chernobyl, which had created a considerable awareness of the radiation hazards inherent in nuclear accidents and also of their transboundary effects.

55. Consequently, the most difficult and challenging nuclear issue facing mankind still remained unsolved. Assuming that nuclear energy would inevitably continue to be one of the available sources of energy, the expectations of a concerned world public lay in the development, production and commercialization of reactors which were inherently safe in design. The next generation of reactors embodying such designs and other technological advances, as well as improvements in the safety features of reactors now in operation and the development and acceptance of a possible mechanism for safeguarding the safety standards of nuclear reactors - all those things were exciting topics which would entail further creativity and innovation on the part of the nuclear community.

56. Turkey, with its rapid pace of industrialization and development and consequently with ever-increasing energy requirements, planned to make use of nuclear energy as far as its potential permitted. In that connection, he wished to recall Prime Minister Ozal's words after the Chernobyl accident to the effect that nuclear energy, when safely applied and managed, was indispensable for the welfare of mankind and that Turkey was therefore determined to draw benefit from its peaceful applications.

57. His Government, in the awareness that the utilization of nuclear energy should be conceived independently of the question of radiation protection, had, under the impact of the Chernobyl accident, taken serious measures in relation to the safety of the public at large. A Radiation Safety Committee had been set up under the chairmanship of the Minister of Industry and Commerce to assume responsibility on behalf of the Government. The Committee, which included representatives of all institutions concerned, while conducting sensitive measurement activities, took and implemented decisions relating to public health and food supply. It also regulated exports and imports in response to radiation safety requirements. In that connection his delegation concurred with the Director General's emphasis on the need to harmonize radiation protection limits applicable to foodstuffs and beverages.

58. In the light of what he (Mr. Erner) had stated, he would be signing the two conventions on behalf of his Government. They would then have to be ratified in accordance with national laws and regulations.

59. Mr. MORELLI PANDO (Peru) said it was encouraging to see that Member States were working towards an agreement on open assistance in the field of nuclear safety and radiological protection on the basis of two agreements, one on early notification of nuclear accidents and the other on assistance in the event of nuclear accidents and radiological emergencies which, although not always reflecting the wishes of the majority of parties, were the beginning of a process aimed at reaching new and improved agreements.

60. Article 1 of the agreement on early notification of a nuclear accident would have done better to cover the broad spectrum of nuclear accidents, including those mentioned in Article 3. It was in fact Article 3 that had been found unsatisfactory by many delegations, including his own, because it was not legally binding in the treatment of certain nuclear accidents. Nevertheless, it was of great political significance that the major nuclear powers had shown their willingness to give notification not only of accidents occurring in civil and military nuclear facilities, but also of cases in which there was a release of radioactive material due to accidents involving nuclear weapons and nuclear-weapon tests.

61. It was therefore vital that, just as the recent Board of Governors had done, the General Conference in its Final Document should take note of the statements made by various States as to the need for early notification of all nuclear accidents of radiological safety significance, and of the declarations made by several States on their readiness to give notification as well of nuclear accidents other than those specified in Article 1 of the convention on early notification.

62. The Final Document could not do less than reproduce in full the paragraph referred to, since it constituted, together with the texts of the agreements under consideration, an inseparable whole; the relationship between those three documents was a sine qua non for the consistency and lasting nature of the agreements that were being entered into.

63. It had to be stressed again that the approval of the agreements and the Final Document was the beginning of a process that would culminate in instruments that should deal equally with all nuclear accidents and

nuclear-weapon tests. Furthermore, that process should make it possible to improve and broaden the scope of the Agency's work in the field of nuclear activities, since the Statute contained nothing that would be an obstacle to such.

64. His delegation had urged, from the very beginning of the process of strengthening nuclear safety, that preferential treatment should be given to the situation in the developing countries. An increase in nuclear safety activities should provide for international co-operation which not only included those countries, but even gave preference to them. It was therefore encouraging to note the Director General's statement that special consideration would be given in that respect to the provision of advisory services and assistance to developing countries.

65. His delegation wished, in addition, to explain its position with regard to the subject of the settlement of disputes as reflected in the draft agreements. As was known, arbitration was a way of resolving conflicts that was applied by express agreement between the parties concerned and the validity of it was reflected by the arbitral commitment accepted by them. It was only that commitment which made the judge's ruling binding.

66. Unfortunately, the paragraphs in question did not accord with that legal practice and his delegation wished to express its reservations with regard to approval of the second paragraph of Article 11 of the Convention on early notification and the second paragraph of Article 13 of the Convention on assistance in the event of nuclear accidents and radiological emergencies. He asked for those reservations to be reflected in the relevant records.

67. In conclusion, he hoped that the so-called nuclear community, a privileged set of countries well developed in the use of a resource that was both valuable and equivocal, would manifest a renewed sense of international solidarity and communal interest.

68. Mr. CLADAKIS (Greece) said that the Chernobyl nuclear accident, with its serious transboundary effects, had underlined the urgent need for increased international co-operation in the field of nuclear safety and accident consequence mitigation at existing nuclear power plants. In his

Government's view, the Agency had a central and vital role to perform in such co-operation, and it had already given proof, not only of its extensive know-how, but also of its sound goodwill to mobilize its forces in the service of the international community by providing valuable institutional support in that nuclear emergency. The Director General and the Secretariat merited special commendation for their devotion and their swift and effective response during the period followng the Chernobyl accident.

69. The work which had been completed in the very short time of four weeks by the meeting of governmental experts in July and August, which had led to the adoption by consensus of the two draft conventions on early notification and on assistance in the case of a nuclear accident or radiological emergency, was also deserving of high praise. His Government regarded the conclusion of the two conventions as a matter of the utmost importance, and considered that their entry into force would constitute a further step towards strengthening international co-operation in the field of nuclear safety. That was why his Government had joined the consensus on the provisions regarding the scope of the convention on early notification even though it would emphatically have preferred a full-scope convention covering all kinds of nuclear accidents and activities. In that connection, his Government attached particular importance to the application of Article 3 of the convention on early notification by the nuclear-weapon States.

70. The Greek Govenment had empowered him to sign the two conventions at the present special session and would apply them provisionally, in accordance with Articles 13 and 15, respectively, under internal legislation pending their ratification by the Greek Parliament.

71. The Post-Accident Review Meeting, held at Agency Headquarters in August, had been attended by Greek experts who considered it to have been a great success owing to the efficient support of the Secretariat and the abundant and very detailed information about the Chernobyl accident furnished by the Soviet experts. In addition to expressing his country's deepest sympathy with the victims of that disaster, he wished to thank the Soviet authorities for the enormous amount of information they had provided on the accident and its immediate consequences, as a result of which the conclusions

and recommendations of the review meeting would constitute a valuable input to the expanded programme of action in the field of nuclear safety and radiological protection which was to be undertaken in the coming years.

72. In conclusion, he pointed out that the Chernobyl nuclear accident, besides its tragic and alarming conseqences, had also had a positive side. It had alerted the international community to the very serious hazards of radiological pollution, which could cover large geographical areas regardless of national boundaries, and had demonstrated the need for a world-wide infrastructure and preparedness, to meet that enormous challenge, which would exist as long as nuclear power remained an important source of energy for many countries.

73. His country, although it had postponed the nuclear option and relied on the development and exploitation of traditional sources of energy, was fully aware of the potential hazards and challenges which the use of nuclear power posed for the future of mankind, and was therefore eager and willing to co-operate fully on the international and regional levels in the field of nuclear safety and radiological protection.

74. Mr. CASTRO DIAZ-BALART (Cuba) said that although the Chernobyl accident had, like others before it, had a negative influcence on public opinion and had provided material for those who wished to discredit nuclear power, that should not serve as an obstacle to countries already using it, or to those, like Cuba, for whom it was becoming the only viable alternative.

75. Just as the accident at Three Mile Island had led, in 1982, to the establishment of Operational Safety Review Teams (OSARTs) and, in 1983, to an incident reporting system, the Chernobyl accident should serve as a basis for further enhancing international co-operation on nuclear safety and radiological protection. There was a need to demonstrate to world public opinion that any safety-related problems that might arise could and would be solved; such co-operation could only have a positive influence.

76. In that connection, Cuba welcomed the positive steps taken by the Agency since the accident to expand its nuclear safety and radiological protection activities, a process which Cuba was sure would continue to the

benefit of all Member States. Particularly noteworthy was the recent meeting of government experts in Vienna. He praised the extensive and detailed information provided to that meeting by the Soviet Union, and also commended that country's efforts to eliminate the consequences of the accident on its own territory. All States represented at the special session would appreciate the co-operaton shown by the Soviet authorities.

77. The two draft conventions represented a firm basis for wider co-operation among States, and although it was to be regretted that the convention on prompt notificaton did not cover accidents involving nuclear weapons and test activities, Cuba would sign both documents immediately following their adoption by the Conference.

78. Cuba was now fully absorbed in developing its own peaceful nuclear programme, including construction of its first nuclear power plant. From the outset, particular attention had been given to all aspects of nuclear safety, and no effort or resources would be spared in keeping abreast of new safety requirements.

79. His country's enemies, however, were now campaigning against its nuclear power programme, claiming that power plants using Soviet technology represented a threat to other countries in the area.

80. In response to that he stressed that nuclear safety and radiological protection in the WWER-type reactors to be used in Cuba's first nuclear power plant would be assured by means of very stringent measures covering design, construction (including the necessary containment systems), equipment assembly and proper training of staff for the future commissioning and operation of the power units. Quality control would also be assured at all stages, so that the core cooling system and overall leaktightness would remain fail-safe under any circumstances.

81. No country should have doubts about the safety of Cuban reactors, since Cuba, aware of its national and international responsibilities, would continue to abide by the established regulations and, in its efforts to contribute to further improving the international nuclear safety system, was prepared to enter into bilateral agreements on the basis of strict reciprocity, bearing in

mind the conventions shortly to be approved. It was, however, deplorable that for reasons more political than scientific in nature doubt should be cast over the safety of Cuban nuclear facilities, and even over Cuba's right to acquire such technology, by those whose own safety record was far from spotless.

82. Cuba supported measures related to the Revised Supplementary Nuclear Safety and Radiation Protection Programme, despite the budgetary increase it would incur. Among areas of concern, he laid particular emphasis on the man-machine interface, optimization of automation levels in power plant operation, accurate diagnosis of abnormal situations, updating of normative and regulatory documentation on the basis of experience gained in recent accidents and medical preparedness for treating persons affected by radiation.

83. Given the damage that could ensue from an accident in a civil nuclear installation, he expressed horror at the destruction that would follow the planned use of nuclear weapons. An international nuclear safety system could never be fully effective in the face of nuclear stockpiles, weapons testing and the prospect of the nuclear arms race being extended into space, not to mention the threat of military attack on nuclear installations. The Cuban delegation therefore welcomed the unilateral moratorium on nuclear testing declared more than a year previously by the Soviet Union and now extended to 1 January 1987.

84. All possible steps were necessary to end the arms race and to eliminate nuclear weapons by the end of the century, and also to formulate and adopt instruments forbidding military attacks against nuclear facilities.

85. Finally, the safety record of the nuclear industry was enviable when compared to that of other technologies, while recent accidents which had occurred in power plants must be seen as a major opportunity to introduce improvement. Cuba was convinced that, despite the views of those who opposed the peaceful use of the atom, nuclear power would continue to develop in the service of mankind.

86. Mr. CHUTHASMIT (Thailand) said that although nuclear power was highly valuable to mankind, it possessed harmful and potentially fatal characteristics which had always to be kept under control. That had been

demonstrated both at Three Mile Island and at Chernobyl, where human error had led to serious accidents. Clearly the time was right for the Agency and the international community to reconsider closely the safety aspects of nuclear power.

87. He emphasized the need for mechanisms to provide early warning and emergency assistance in the event of an accident, enhanced operator training programmes and the continual dissemination of safety information among States. It was also important that the public should recover their confidence in nuclear power, since no nuclear programme could survive without public support.

88. The special session of the General Conference represented a significant and commendable step toward increased nuclear safety. The two conventions before the session, which were now the subject of active consideration by the competent Thai authorities, were in principle acceptable to his delegation, and Thailand intended to sign them in the near future.

89. In conclusion, he gave an assurance that Thailand would make every endeavour to co-operate with the Agency and the international community on enhancing nuclear safety throughout the world.

90. Mr. BADRAN (Jordan) commended the Director General of the Agency and his staff for their efforts since the Chernobyl accident, which had increased the confidence of the international community in the Agency because of its rapid response and high efficiency, and had also increased the faith of the international community in the principal, vital role of the Agency in strengthening international co-operation in the utilization of nuclear technology; that faith and belief had been achieved through the scientific objectivity of the Agency.

91. The Chernobyl accident had proved that nuclear energy, while of absolute importance as a major source of energy for mankind, possibly for hundred of years to come, still required very careful treatment both nationally and internationally, and especially in the safety field. Nuclear safety did not depend on reactor design alone, but on other factors also; the most important of those were the man-machine interface, the responses of human

beings in the event of emergency or failure and standards of safety, the way such standards were applied and the degree to which they were observed. The Chernobyl accident had shown that there were many lessons to be learnt, of which the most important were as follows.

92. Firstly, nuclear accidents were no observers of political frontiers, and could thus affect several States and millions of people, regardless of their own positions on nuclear technology.

93. Secondly, nuclear accidents at peaceful nuclear facilities were, by definition and nature, easier to control and handle safely because of the inherent safety and the comprehensive safety precautions usually taken. Nevertheless, such accidents were a real danger to the human race, and thus implied that nuclear accidents at nuclear facilites of a military nature could be totally catastrophic, as such an accident might prove very difficult, or even impossible to control.

94. Thirdly, the Chernobyl accident had revealed, more than ever before, the importance of bilateral, regional and international co-operation in all possible fields, starting with the exchange of information on environmental radiological monitoring and extending to agreed standards and regulations for safety, for contamination thresholds for water, air, food and so on as well as management of radioactive wastes and contaminated materials. The Jordanian delegation therefore appreciated all the Agency's efforts in that direction; the expanded nuclear safety programme prepared by the Agency and the group of experts was thus to be welcomed.

95. Fourthly, the immense and commendable efforts on the part of the Soviet authorities to bring the accident under control before it became critical, not to mention the scientists, engineers, technicians, support staff, aircraft, machinery and so on required to that end, highlighted the fact that handling a nuclear accident in one country required the highest degree of preparation and capability, as well as the ability to make the right decision at the right time, the position of the developing countries or of those with limited capabilities was thus critically dangerous in the event of an incident at one of their own facilities or at a nuclear facility in a neighbouring State. The highest degree of organization and preparedness was required and it must be based on highly trained and experienced local manpower.

96. The nuclear safety issue was becoming a major concern of the international community and of a number of specialized organizations, and it was the Jordanian delegation's opinion that nuclear safety should be taken as a single integrated concept and not tackled piecemeal. Jordan considered that such a degree of integration could not be achieved other than by laying proper emphasis on the following.

97. Firstly, strengthening of international co-operation in the field of nuclear technology, both horizontally and vertically, to include engineering design, technical information, safety regulations, radiological protection, contamination limits and so on.

98. Secondly, commitment on the part of countries and institutions exporting nuclear technology to provide importing countries with all up-to-date information and safety developments throughout the life of the facility, and to consider the safety package as an integral part of the main contract with no further economic burden to impede application.

99. Thirdly, commitment on the part of the Agency's Member States not to attack peaceful nuclear facilities in other countries. If that commitment were not made, all the efforts exerted by the international community to prevent nuclear incidents arising from human error or engineering mistakes would be senseless, the more so as the consequences of such an attack might be far more dangerous than the consequences of human error.

100. Fourthly, the efforts of the Agency, its Member States and other institutions concerned must be directed towards creating nuclear-weapon-free zones, under the aegis of the United Nations, by means of bilateral, regional and international agreements covering both known and secret nuclear facilities. In such a way, the danger of nuclear incidents originating in a military facility could be minimized.

101. Jordan had frequently, and persistently advocated making the Middle East a nuclear-weapon-free zone. That some countries in that region might have nuclear military potential was definitely detrimental to the area's strategic stability. Such military potential, when added to the possibility of nuclear accidents at peaceful as well as para-military facilities, would

add a further dangerous element of fear and suspicion to the instability suffered by the Middle East, thus endangering to an ever greater degree the political peace of the region as well as reducing nuclear safety; such a situation ran directly counter to the efforts of the Agency and the international community directed towards enhancing nuclear safety internationally.

102. The Agency and the group of governmental experts were to be commended in drafting the texts of the convention on early notification of a nuclear accident and the convention on emergency assistance, both of which it supported and was prepared to ratify. However, it was Jordan's opinion that the conventions contained the following inaequacies.

103. Firstly, Article 1 of the convention on early notification covered only incidents at peaceful nuclear facilities, not facilities of a military nature; that omission was a major and very dangerous weakness. Those nuclear States which had declared their voluntary willingness to provide information concerning incidents not specifically referred to in the convention were to be commended. Jordan and a number of other countries called upon the General Conference to make the principle of voluntary notificaton regarding nuclear incidents of all types a binding commitment for all States.

104. Secondly, the convention on assistance omitted the principle of objective liability for damages of countries with nuclear facilities. That principle had been applied in a number of international conventions, such as the Paris Convention of 1960 and the Brussels Convention of 1962 on the marine transportation of nuclear materials, and the Vienna Convention of 1965. It was Jordan's hope that sufficient legal and political effort might be exerted to resolve the controversy of national sovereignty vis-à-vis compensation rights and that a form of words might be found for addition to the convention.

105. Thirdly, neither convention contained an article prohibiting attack on nuclear facilities or destruction resulting from hostile activities. Jordan reminded delegates that Article 56 of the first Geneva Protocol following the Geneva Conventions of 1949 stipulated the prohibition of military attack on facilities containing dangerous energy. In 1979, Sweden had presented a

document to the Disarmament Committee in Geneva indicating that the destruction of a 1160 MW nuclear reactor would result in dangerous radioactivity over an area of 3000 km^2. A nuclear reactor could thus be considered a source of dangerous energy in the terms of the 1949 Geneva Convention. Such a prohibition of attacks on nuclear facilities must be considered part and parcel of an integrated approach to nuclear safety. The existing draft conventions concentrated only on solving or managing any problems caused by nuclear accidents, and did not prevent them. However, the international community, in the final statement and resolutions emanating from the General Conference, expected not mere accident management, but rather that Member States should work together to prevent such accidents. For that reason, an agreement prohibiting attacks on nuclear facilities must be considered a necessary addition to the draft conventions. The Jordanian delegation therefore requested the General Conference and the Director General to take action towards drafting an agreement to that effect.

106. The Chernobyl accident had shown that nuclear safety was no longer a purely national matter, but was truly international in scope and that fact must find its proper practial interpretation in the international transfer of nuclear technologies. It was his delegation's belief that such an interpretation should be based on the following principles.

107. Firstly, international nuclear safety should not become a device by means of which the countries which were advanced in nuclear terms obtained technological domination of those which were not.

108. Secondly, the standards and procedures of an international nuclear safety system should not become an economic barrier preventing developing countries from meeting their energy needs with nuclear power. For that reason, Jordan supported the proposal for an ad hoc committee to review and develop the expanded nuclear safety programme of the Agency so that the interests of all countries would be observed.

109. Thirdly, the only way to enhance nuclear safety internationally was through a general strengthening of national capabilities through proper training and experience and through the provision and flow of information.

National experience in that field therefore became a means of international safety, and the most effective way to achieve that goal might perhaps be bilaterial and regional groupings to co-ordinate efforts and in which costs and responsibilities could be fairly and effectively shared.

110. Mr. MARTINS PIMENTA (Portugal) said that his delegation approved the two conventions under discussion, although they should be only a first stage in a process of constant improvement. Firstly, the improvements in the convention on early notification of a nuclear accident should concern the precise definition of the thresholds from which the notification procedure should start, harmonization of procedures, methods and standards for radiological monitoring of the environment, and the establishment of periodic intercalibration mechanisms. With such harmonization in view, the Agency should organize expert meetings to draft the necessary proposals, as harmonization would avoid misunderstanding in the interpretation of results.

111. Secondly, in the convention on assistance in the case of a nuclear accident or radiological emergency, improvements should be made concerning the rights and obligations of each State in order better to accommodate the position of Luxembourg, whose concern relative to Article 7 of that convention was shared by Mexico. In the event, therefore, of a request for assistance resulting from an accident occurring in another State, that State should defray all consequential costs.

112. General improvements might be made, firstly, by establishing principles, criteria and standards of safety of a mandatory nature, and the establishment of an organizational structure responsible for on-site verification; secondly, by drafting a convention on third-party liability in the event of a nuclear accident or radiological emergency, with a view to guaranteeing adequate compensation for transboundary damage. The Vienna and Paris Conventions could form a basis of reference for such a convention. Thirdly, international co-operation, particularly between neighbouring States, might be strengthened along the lines of the letter addressed to the Director General by the Danish delegation.

113. It was the Portuguese delegation's opinion that the above measures constituted a necessary condition for re-establishing public confidence in the peaceful utilization of nuclear energy, although his delegation remained aware of the effect of such measures on the competitiveness of nuclear power. However, the goal of profitability must never be considered more important than the health and safety of the population, nor could it justify serious damage to the environment. The Portuguese delegation was thus prepared to sign both conventions at the earliest possible opportunity.

114. Mr. CHERIF (Algeria) said that his delegation attached great importance to the present special session of the General Conference because the tragic accident at Chernobyl had reminded the world of the need to be more prepared for dealing with the potential hazards of nuclear energy and had demonstrated the international dimension of atomic energy; it was to be hoped that the questions and decisions which would be discussed during the session would contribute to strengthening international co-operation in nuclear safety and in the limitation of the consequences of nuclear accidents. The transboundary consequences in particular showed how interdependent States were and how they must co-operate if nuclear power was to be expanded further and if public opinion was to accept it as an instrument of progress and prosperity, rather than as a weapon of destruction.

115. His country had participated in the decision to establish a group of governmental experts to draft the two conventions on early notification and assistance in the case of a nuclear accident, and it considered that group to have performed excellent work which provided a basis for the deliberations of the present session. However, in order to be of genuine interest and to have a reassuring effect, the conventions must be signed, at the very least, by all States operating nuclear installations. Moreover, nuclear safety was an indivisible whole, and the agreements would therefore not be fully effective unless they provided for the notification of all events occurring in all nuclear facilities, whether civil or military, because any nuclear accident, whatever its source could have transboundary consequences and raise safety problems. Such a comprehensive scope was the very minimum which would be necessary in order to restore some measure of public confidence in nuclear energy.

116. Where safety was concerned, it was impossible to rest content with half measures. Any fragmentary approach would only add to the widespread distrust of the nuclear industry. The expanded programme prepared by the Secretariat, therefore, was a positive step towards the comprehensive approach to safety which would have to be taken in the near future. In particular, the initiation of a research project on the course of accidents, aimed at working out preventive measures and precise scenarios and emergency and rescue plans, was of considerable interest. Similarly, the strengthening of assistance to Member States in the field of nuclear safety and radiation protection deserved special attention. Such assistance should cover the entire spectrum of activities, from design standards to emergency procedures, and should include expert services, the provision of equipment and staff training. His delegation was also in favour of establishing a world-wide network for environmental monitoring with a central base located at the Agency, which would be fed with information by the various States. The purpose of such a base would be to act as an information centre, to harmonize standards, methods and techniques of surveillance and data collection and to provide assistance and advice which might be requested by Member States.

117. His delegation believed that it would be necessary, in addition to the two conventions under consideration, to adopt a convention prohibiting military attacks against nuclear facilities, in view of the radiological consequences which could result from such attacks, and also in view of the harmful effects on peace, security and the image of nuclear energy which such attacks might entail. The General Conference, at an earlier session, had already adopted a resolution on that matter, and his delegation considered that the Agency would be the appropriate framework for establishing such a convention, given the safety objectives involved. It would therefore be desirable for the Conference to recommend the convening of a group of experts who could draft such a convention for submission to Member States.

118. One aspect of strengthening international co-operation in nuclear safety which deserved particular emphasis was the responsibility of technology-supplying States, which must not only ensure that the technology was reliable, but also share with the recipient States their knowledge and experience gained with that technology.

119. With regard to the provision of assistance in the case of an accident, his delegation considered that activity to be one which should be fully integrated into the Agency's nuclear safety programme. Funds should be available at all times, not only for carrying out the functions listed in Article 5 of the draft convention on assistance, but also for helping developing countries to set up environmental monitoring equipment and to finance assistance operations in the case of a nuclear accident.

120. His delegation noted with satisfaction the spirit of co-operation and compromise which had inspired the delegations attending the present session and their will to keep each other informed and to help one another in the case of a nuclear accident. That attitude augured well for the rapid development and continued progress of the use of nuclear energy for peaceful purposes.

121. Mr. SHAPAR (Nuclear Energy Agency of the Organisation for Economic Co-operation and Development) said that years of fruitful international co-operation had seen the growth of nuclear power from an untried but promising technology to an established, mature industry which contributed to the well-being of people around the globe. The accident at Chernobyl had shocked the international community, but also made it aware that it must do everything in its power to learn every lesson the accident could provide.

122. The Chernobyl accident had also registered strongly in public opinion and might affect, to varying degrees, the nuclear power programmes of several States. It was not to be forgotten, however, that a number of Member States considered nuclear power to be an important source of electricity supply having economic and environmental advantages over other energy sources; to meet their energy needs, those countries intended to keep the nuclear energy option open in future while maintaining the highest safety standards.

123. The OECD countries had established, within the framework of the NEA, co-operation of a close and long-standing nature in the fields of nuclear safety and radiological protection. It was fair to say that that co-operation had contributed to the uniformly high standards of reactor safety and radiation protection maintained in the OECD area; by reason of the experience so gained in reactor operation, the NEA was well positioned to contribute to

similar efforts on a wider scale. That being so, the Steering Committee for Nuclear Energy of the OECD had one week previously re-emphasized the need to pursue international co-operation, on the widest possible basis, towards the prevention of accidents and the minimization of any effects they might have. The NEA therefore intended to continue to contribute, as efficiently as possible, to the Agency's initiatives.

124. At that same meeting, the Steering Committee for Nuclear Energy had discussed the implications of the Chernobyl accident for the work of the NEA. The Steering Committee had recognized that there were lessons to be drawn from the accident and had identified a number of areas for further NEA action of benefit to its Member States and which could also contribute towards the objectives of wider international co-operation. The subjects of some of those actions were as follows.

125. Firstly, the NEA intended to study the relevance of the Chernobyl accident to the safety of nuclear reactors in the OECD area, particularly in respect of operation, human factors and the management of accidents; the NEA wished fully to understand all aspects of the Chernobyl accident and its consequences, and wished to determine as soon as possible what their short- and long-term impacts might be. The first step in that direction was the pooling of RBMK design data and accident information with a view to modelling the event and calculating the behaviour of the major safety parameters. It was hoped that the scope of that work of analysis would later be expanded to include other countries by inviting the Agency to participate.

126. Secondly, the NEA intended to reinforce its Incident Reporting System, particularly by deepening its analysis of such incidents as could be the precursors of severe accidents; there was reason for confidence that the co-operation which had been developed between NEA and the Agency in the field of incident reporting and analysis would improve the quality of the results obtained.

127. Thirdly, the NEA expected to broaden the scope of its studies of severe accidents and to consider jointly the subject of limitation; work in that field, completed immediately before the accident, would be a sound basis for studies in greater depth. A particularly important area in that respect was the role of containment in reactor safety.

128. Fourthly, the NEA planned to examine the directions future work on reactor safety research and development should take in OECD countries, with the emphasis on international projects in which the greatest number of Member States could participate.

129. Fifthly, the NEA intended to tackle the extremely important subject of a more effective harmonization and a more coherent implementation of measures to protect against radiation exposure and radioactive contamination from accidents. Together with other organizations concerned, including the Agency, the NEA planned to review the criteria for intervention levels in terms of implementation and selection.

130. Sixthly, the problems in the field of communication of information to the public over the course of the Chernobyl accident had not escaped notice; it was an essential, difficult and challenging task to achieve public acceptance and comprehension of the essential facts in such circumstances, and experience had shown that much remained to be done in that field.

131. Lastly, the NEA intended to examine the development of international provisions of a more comprehensive and effective nature to deal with problems of third-party liability and compensation for nuclear accident victims; in that area, the joint competence of the NEA and the Agency would call for joint action.

132. The Council of the OECD had been made aware of the above proposals, and the Steering Committee would meet in December 1986 to consider a detailed programme and schedule.

133. It was his conviction that the resources of international co-operation, both at the Agency and in other fora, would make a significant contribution towards resolving the problems confronting the nuclear community; the NEA was prepared to play its part in promoting the co-operation required to maintain the highest levels of safety needed so that nuclear power might play its part in meeting the world's energy requirements.

The meeting rose at 12.53 p.m.