



International Atomic Energy Agency

# GENERAL CONFERENCE

GC(XXXV)/COM.5/OR.75  
3 October 1991

GENERAL Distr.

Original: ENGLISH

THIRTY-FIFTH (1991) REGULAR SESSION

COMMITTEE OF THE WHOLE

RECORD OF THE SEVENTY-FIFTH MEETING

Held at the Neue Hofburg, Vienna  
on Tuesday, 17 September 1991, at 3.15 p.m.

Chairman: Mr. WILSON (Australia)

## CONTENTS

<u>Item of the agenda*</u>	<u>Paragraphs</u>
12 Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection (continued)	1 - 152
(a) Implementation of resolutions ) GC(XXXIV)/RES/529 and GC(XXXIII)/RES/508 ) )	
(b) Recommendations of the International ) Conference on the Safety of Nuclear ) Power: Strategy for the Future ) )	1 - 105
(c) Liability for nuclear damage )	
(d) Convention on the Physical Protection of Nuclear Material	106 - 113

---

[\*] GC(XXXV)/982.

---

The composition of delegations attending the session is given in document  
GC(XXXV)/INF/301/Rev.2.

<u>Item of the agenda*</u>	<u>Paragraphs</u>
(e) Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation	114 - 120
13 The Agency's budget for 1992	121 - 152

Abbreviations used in this record

ASSET	Analysis of Safety Significant Events Team
CMEA	Council for Mutual Economic Assistance
ERS	Emergency Response Service
ICRP	International Commission on Radiological Protection
INES	International Nuclear Event Scale
INSAG	International Nuclear Safety Advisory Group
IPERS	International Peer Review Service
IRS	Incident Reporting System
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NUSSAG	Nuclear Safety Standards Advisory Group
OSART	Operational Safety Review Team
PRIS	Power Reactor Information System
RADWASS	Radioactive Waste Safety Standards
RAPAT	Radiation Protection Advisory Team
RBMK	High-power channel-type reactor (Soviet Union)
TACF	Technical Assistance and Co-operation Fund
WAMAP	Waste Management Advisory Programme
WANO	World Association of Nuclear Operators
WCF	Working Capital Fund
WWER	Water-cooled and -moderated reactor (Soviet Union)

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

- (a) IMPLEMENTATION OF RESOLUTIONS GC(XXXIV)/RES/529 and GC(XXXIII)/RES/508
- (b) RECOMMENDATIONS OF THE INTERNATIONAL CONFERENCE ON THE SAFETY OF  
NUCLEAR POWER: STRATEGY FOR THE FUTURE
- (c) LIABILITY FOR NUCLEAR DAMAGE (GC(XXXIV)/RES/529, para. 6, GC(XXXV)/964)

1. Mr. LAMPARELLI (Italy) said his Government attached the highest priority to the Agency's activities in the field of nuclear safety. It appreciated the important role played by the Agency in promoting a "safety culture" and welcomed the valuable initiatives taken by the Secretariat to help Member States improve the safety of nuclear power plants. The time had come to give the entire international community better assurances about the safety of all operating plants. The Agency would be called upon to play a monitoring role in addition to promoting the application of improved, uniform safety standards.

2. The effects of nuclear accidents went well beyond national borders, as past experience had clearly shown. Italy welcomed the results of the International Conference on the Safety of Nuclear Power and strongly supported the establishment of a binding international safety regime through a convention, to be concluded under the Agency's auspices, covering safety objectives and an independent oversight mechanism. His delegation endorsed the findings on the subject contained in Chapter III of the Report of the Conference (GC(XXXV)/970) and the recommendations on future action agreed upon by the Board at its recent meetings.

3. It would take some time before concrete results were achieved; in the meantime, improved co-ordination of national nuclear safety activities should be instituted with the Agency's assistance. To that end, a number of steps should be taken. Existing regulatory and control procedures should be reviewed and any need for improvement identified. The simplification and harmonization of national procedures should be promoted, in particular by developing models for national safety regulations. Member States should issue periodic statements confirming their compliance with internationally agreed

standards. Programmes to assess the quality of national regimes, tailored if possible to individual countries or groups of countries, should be carried out. The Agency should be empowered to conduct safety peer reviews and OSART, ASSET and RAPAT missions at its own discretion, not just at a country's request. Participation in the Incident Reporting System should be extended to all nuclear operators worldwide, who should provide the Agency with all available information on safety-related events as soon as possible. Those events should be thoroughly assessed by the Agency with the assistance of national experts and international organizations, and the results should be disseminated among nuclear operators. All events of public interest should be reported to the International Nuclear Event Scale within 24 hours for immediate communication to all participating countries.

4. Turning to document GC(XXXV)/971, he agreed about the need to provide the Agency with full support in continuing the programme on WWER-440/230 plants but thought that steps should also be taken to initiate a similar project on RBMK reactors. The Soviet delegation had anticipated the need for such a project in its statement at the International Conference.

5. Concerning the document on liability for nuclear damage (GC(XXXV)/964), he referred to the comments made by his delegation at the recent meetings of the Board of Governors (GOV/OR.753, paragraph 37).

6. Mr. AAMODT (Norway) said that nuclear safety and radiation protection must have high priority among the Agency's activities, and Norway commended the Secretariat for its effective work in that area. It supported the conclusions of the International Conference on the Safety of Nuclear Power and looked forward to further Secretariat initiatives to establish a framework convention on nuclear safety, including the handling and disposal of radioactive waste.

7. Mr. PAREDES PORTELLA (Peru) said the report by the Board of Governors concerning liability for nuclear damage (GC(XXXV)/964) revealed that a number of important advances had been made, notably in relation to dispute settlement. All States should participate more fully in that work so that further progress could be achieved.

8. Ms. HUSSEIN (Egypt) said that nuclear safety and radiological protection formed the foundation for the Agency's work on the peaceful uses of nuclear energy. Though many countries had reduced the emphasis in their development efforts on nuclear energy after the Chernobyl accident, the Agency's activities had nevertheless helped to overcome the accident's negative impact. The agreements on rapid notification, emergency assistance and transport of radioactive waste were seminal documents.

9. The Standing Committee on Liability for Nuclear Damage had done important work: her delegation particularly supported its efforts in the area of dispute settlement. Egypt welcomed the Agency's role in studying the radiological effects of Chernobyl and in co-ordinating the efforts to modernize ageing reactors.

10. The Agency's services to Member States in evaluating their safety measures were important for the creation of confidence in nuclear energy use. She hoped that developing countries would receive the technical assistance necessary to implement the recommendations of OSART missions on raising safety levels.

11. The International Conference on the Safety of Nuclear Power had elaborated a strategy for future activities that represented an important step forward. Her delegation supported the results of the Conference, including the idea that nuclear safety was basically the responsibility of countries and their national institutions. Nevertheless, the developing countries should be given the opportunity to acquire advanced technology that would enable them to prevent accidents. International standards on nuclear safety should be established, and countries should apply them in the planning and operation of their nuclear facilities. Such standards must embody all possible means of protecting the environment and the population from the harmful effects of radioactivity.

12. The time had come for the Agency to find ways of overcoming the dangers posed by ageing reactors. Such efforts would require budgetary resources, but funds should not be allocated to the detriment of other Agency activities.

13. Radioactive waste must be disposed of properly, and the Agency's regulations on that subject must be elaborated into a binding international document. Every effort must be made to ensure public comprehension of the peaceful applications of nuclear technology and to overcome the problems of radioactive waste disposal. The events in the Gulf had revealed the need to convince the public of the viability of nuclear energy, and that goal could be achieved by the adoption of additional safety measures.

14. Mr. HOGG (Australia) said the work done by the Agency and the reports produced by the Secretariat were doing a great deal to help identify and solve the problems of nuclear safety. There was no room for complacency, however, for simply preserving the current high level of nuclear safety would require constant efforts.

15. Australia had given financial support for and participated in the International Conference on the Safety of Nuclear Power. The recommendations arising from the Conference would need further examination, but they represented a reasonable approach to the problems now facing the industry. The first recommendation noted that safety should be enforced primarily at the national level. Australia supported that argument and the idea of developing an international framework convention on nuclear safety. The whole idea, and the specific question of how the safety standards would be set and enforced, should be examined further. Some form of immediate action should be taken on the initiative, however, and he therefore supported the proposal that the Director General be invited to prepare an outline of the procedures required for developing a safety convention.

16. The recommendations of the International Conference on the Safety of Nuclear Power and the existing and proposed extrabudgetary reactor safety projects placed new pressures on the Division of Nuclear Safety. The safety programme and its budgetary impact must continue to be assessed through the existing process of consultation between the Secretariat and Member States. Extra projects must not interfere with that process.

17. Mr. PEÑAHERRERA (Ecuador) said the Agency must continue to place special emphasis on nuclear safety and radiological protection. It was essential to adopt the best possible measures for the protection of man and

the environment. More work should be done on the topic of liability for nuclear damage, with emphasis on the peaceful settlement of disputes.

18. Mr. KOSTENKO (Ukraine), referring to the International Chernobyl Project, expressed his Government's gratitude to the experts who had performed their tasks with a high degree of professionalism. Thanks also went to the Secretariat in general and to Mr. Gonzalez in particular for their selfless devotion to the project.

19. Unfortunately, the project's design had been flawed from the start. It had not encompassed any analysis of the health of those evacuated from the 30 km zone immediately following the accident, or of the residents of the most seriously affected regions, or of the persons engaged in cleanup operations - the so-called "liquidators". In fact, the main defect of the project scenario was that it did not take into account the interests of the Ukraine as the Member State of the Agency in whose territory the accident had occurred. The necessary emphasis had never materialized, and the Ukraine could not accept that.

20. The entire world community had a stake in Chernobyl research, especially in the analysis of the effects of small doses of radiation on large populations. A sound prognosis for the evolution of the situation would have to be made. His delegation therefore welcomed the comments made by the Director General on the priority of the Chernobyl project within the Agency's activities.

21. Mr. SHINOTSUKA (Japan) said his delegation agreed that improvements in safety were critical for promoting the peaceful uses of nuclear energy. Referring to the International Conference on the Safety of Nuclear Power, he noted that the Agency was not a supranational regulatory authority, and that the responsibility for safety lay essentially with the Governments of individual countries.

22. The objectives of a convention to provide an international framework for nuclear safety, and the feasibility of such a project, would have to be examined; the role of the Agency, moreover, would have to be given due consideration. His Government had contributed to the International Conference by providing experts and extrabudgetary assistance. It had also provided

experts for the project on WWER-440/230 reactors. Japan was considering further contributions to that project, including extrabudgetary assistance and the training of operators for such reactors.

23. Mr. AGRELL (United Kingdom) said it was essential, if the public were to have confidence in nuclear power and its future development, that the highest standards of safety should prevail, and be seen to prevail. The United Kingdom valued the Agency's efforts, following the Chernobyl accident, to improve operational safety standards through OSART and other advisory missions, regulatory peer discussions and the study of ageing reactors.

24. His delegation welcomed the report by the Director General on the use made by a growing number of Member States of the Agency's safety services. Such services had proven to be an effective way of spreading good practices and improving safety standards, and his delegation hoped more resources would be allocated to such efforts.

25. Like other members of the European Community, his delegation had endorsed the recommendations of the International Conference on the Safety of Nuclear Power, but it believed that careful consideration would have to be given to their implementation. The Conference had reaffirmed the fundamental principle that responsibility for nuclear safety lay with individual Member States. That principle should not be weakened in any way, but at the same time methods of increasing the transparency of national decision-making and strengthening the procedures for dissemination of information must be pursued.

26. A strong reaction had already been elicited by the International Conference's recommendation on the elaboration of a convention on nuclear safety. The Conference itself had urged that caution be exercised regarding the proposal. The United Kingdom strongly supported a step-by-step approach. While progress should not be limited by the pace of the slowest and most cautious, there was no advantage in producing proposals that could not command wide international support. The United Kingdom had supported the decision by the Board of Governors to invite the Director General to prepare an outline of the possible contents of a nuclear safety convention, drawing on the advice of standing groups like NUSSAG and INSAG and of nuclear safety experts from both national and international organizations. He hoped the General Conference would endorse that approach.



27. Mr. ORNSTEIN (Argentina), referring to item 12(c), said that his delegation was very satisfied with the work of the Standing Committee on Liability for Nuclear Damage, and noted from its report (Appendix to document GC(XXXV)/964) that significant progress had been made in a number of matters relating to the revision of the Vienna Convention on Civil Liability for Nuclear Damage. His country had been a party to the Convention for many years and continued to urge that all countries should accede to it.

28. Some of the measures under consideration were mainly technical and would presumably not present any difficulties; but there might be problems over others, such as nuclear damage caused by military installations, and environmental damage. Legal measures would have to be established to ensure the basic principle that all who suffered involuntary damage - whatever the source or place - should be adequately compensated.

29. His delegation believed that problems of international jurisdiction could be resolved regionally, without prejudice to broader jurisdiction in line with the universal scope of the Convention. The questions of single or plural jurisdiction, supplementary State guarantees for the payment of indemnities, and the more complex question of the scope of State liability, called for new analysis by the Standing Committee before a revision conference was convened.

30. Regarding item 12(b), his delegation considered that the International Conference on the Safety of Nuclear Power had been successful and that its conclusions, together with the new ICRP recommendations, could serve as guidance for future action by the Agency. In that connection, while there was a clear consensus that progress should be made towards formulating international safety criteria, there were strong doubts as to whether it would be appropriate to establish international standards through an international convention. Nuclear safety was based essentially on national regulatory systems and on meticulous respect for safety criteria and the rules of sound practice. Any action that would diminish the responsibility of national regulatory authorities would also reduce safety levels instead of raising them.

31. Obviously, a start could be made towards harmonizing criteria in respect of matters on which there had been uniformity of opinion at the Conference, such as the basic radiological safety standards currently being

revised in accordance with the new ICRP recommendations, the standards on transport (also being revised), and the nuclear safety criteria contained in INSAG 3.

32. In his delegation's opinion, the Agency could, with careful planning, progressively broaden the scope of its nuclear safety activities as and when that was deemed prudent.

33. Mr. CHIDAMBARAM (India) said that his delegation wholeheartedly supported any steps taken to improve safety. There were three dimensions to the problem: technical goals, involving improved reactor design with a view to enhancing safety - although, with only two serious exceptions, the safety record of the nuclear power industry had been very good; the development of safer operating procedures; and the enforcement of safety criteria and operating procedures, which, as many other speakers had emphasized, was the province of national regulatory bodies.

34. With regard to the improvement of reactor design, many laboratories, including some in his own country, were carrying out research and development work aimed at improving both engineered safety features and the interaction of passive safety features. The Agency had an important role to play in fostering the exchange of scientific information on such subjects, and the technical conclusions of the recent International Conference on the Safety of Nuclear Power and its technical findings constituted an excellent first step. It must be realized, however, that technical questions tended to be system-specific, and it would therefore be important for the Agency to convene scientific meetings for the exchange of information on the technical safety features of specific reactor types.

35. Mr. MAKIPENTTI (Finland) said that his country greatly appreciated the work done by the Agency to enhance nuclear safety and radiation protection and would continue to support it to the full. His delegation shared the view that more efficient international efforts would be needed to gain wide public acceptance of nuclear energy, and it therefore supported the proposal that work should begin, step by step, on a framework convention covering international safety standards, the parties to which would undertake binding

commitments. Nuclear safety was an international problem, and it was therefore necessary to secure international agreement on the main principles and to ensure that they were followed.

36. His Government also strongly supported the efforts to provide technological and financial assistance for Central and East European countries in the field of nuclear safety. Finland had participated in the Agency's extrabudgetary project on WWER-440/230 plants, from which a large number of recommendations for safety improvements had emerged. In addition, Finnish nuclear utilities had taken part in similar activities organized by WANO and in co-operation between WWER power plant operators in evaluating the priority of backfitting measures.

37. Mr. KANIEWSKI (Poland) commended the Secretariat on the results of its work on nuclear safety and on the documents prepared for the present item.

38. Document GC(XXXV)/961, on Member States' use of the Agency's services for advancing operational safety, was an impressive record of the Agency's services in the area of nuclear safety. In accordance with resolution GC(XXXIV)/RES/529, it responded to a specific question concerning operational safety, but it would be useful if in future such documents could include brief information on and evaluations of other missions - WAMAP and RAPAT for example - as well as missions sent to research reactors.

39. A comparison of the information in the Annex to the Appendix to document GC(XXXV)/961 with Table 2 of the Appendix gave the impression that the findings of missions were generally positive, although a large number of recommendations for improvements had been made. It was disturbing, however, to note that only 20% or so of the recommendations by OSART missions concerning radiation protection measures and emergency planning and preparedness were actually implemented by facility operators. An investigation should be made to see whether that was a regular occurrence; if it proved to be so, steps should be taken to remedy the situation.

40. Those were of course matters of special importance for the people employed at and living in the vicinity of power reactors, but any detection of excess radioactivity outside the plants would increase adverse comment in the media on nuclear power. As a result, national authorities often had to issue

denials of purported nuclear accidents. In that connection, the Agency should be collecting, through the IRS and using INES, all possible information on events which were significant for safety, and also on "non-events" which had no safety significance. That would greatly assist Member States in clarifying situations where rumour and irresponsible news mongering had to be countered.

41. Ms. BERTEL (France), referring to agenda item 12(b), said that her delegation welcomed the recent International Conference on the Safety of Nuclear Power and commended the Secretariat on the speed with which it had produced and distributed the conclusions and recommendations of the Conference to the members of the Board of Governors.

42. As emphasized by the President and by the Director General, the debates in the Conference marked an important stage in the progress of the international community towards a consensus on the objectives and criteria of safety. The conclusions and recommendations of the Conference summed up the essential points in the consensus and brought out the excellent level of safety already achieved in most operating facilities, as well as the essential role of national authorities in achieving that safety level.

43. Her delegation noted with satisfaction the recommendations concerning improvement of the safety of older reactors and the consensus in favour of strengthening action to upgrade the safety level of those installations to the required standard. It was to be hoped that the Agency would give priority to raising the safety standards of facilities currently in use. With regard to the USSR request concerning evaluation of the RBMK plants, the Agency should respond, in co-operation with the other competent international organizations, so that the tasks would be shared out according to the expertise and the means of each organization, in accordance with the general recommendations of the Conference. A major objective which her delegation believed could be achieved, in particular through the Agency's efforts, was the preparation of common safety criteria accepted by all and appropriate for use by national authorities in implementing their own regulations. The basic criteria drawn up by INSAG and NUSSAG offered a sound foundation on which international experts could build up a comprehensive set of criteria.

44. The consensus on basic criteria was an essential prerequisite for the preparation of a convention. In her delegation's opinion, bringing about such a consensus should be the first task for the working group to be set up by the Agency in response to the wishes expressed by the experts at the end of the Conference. It was essential, too, as stated in the conclusions of the Conference, to assess the advantages and disadvantages of a convention in the light of the basic object of strengthening safety throughout the world.

45. Incorporation of the Conference recommendations in the Agency's programmes and in the Medium-Term Plan would undoubtedly give rise to problems of finance. French representatives in the Agency's policy-making bodies had often said that they did not consider a proliferation of extrabudgetary projects desirable, but the effectiveness of the Agency's activities could be substantially strengthened by a rigorous selection of priorities and by sharing tasks with other national and international organizations.

46. Mr. GUZMAN MARTINEZ (Cuba) said that nuclear safety and radiological protection had become particularly important in recent years. While the debate at the recent Conference had shown that there was a convergence of opinion on the essential role of safety for the future of nuclear energy, it had to be borne in mind that nuclear safety was not confined to operational safety and was not - at least for the time being - anchored in binding legal instruments. It would be wrong to involve the Agency in tasks outside its competence and to divert it from its normal field of action.

47. His delegation considered that the main prerequisites for good management in matters of safety lay in strengthening national bodies and in securing unbiased international co-operation. To that end, the Agency could and should become a forum for unity by promoting the exchange of experience, notably in the field of nuclear safety.

48. Mr. STOIBER (United States of America), referring to agenda item 12(a), said that document GC(XXXV)/961 gave a clear and comprehensive account of the Agency's activities in the fields of nuclear safety and radiological protection. The Agency could be proud of its many accomplishments in those fields and of the increased use the international community - including

his own country - was making of its OSART programme. The ASSET and RAPAT programmes were of significant benefit to many Member States and the Agency's assistance in emergency situations had been exemplary.

49. His delegation was firmly committed to the principle that nuclear safety was the responsibility of individual operators and Member States. The Agency could continue to play an important role in co-ordinating international co-operation, but there were several technical areas where bilateral and international activities such as those carried out under the aegis of WANO could provide enough information exchange to ensure effective international co-ordination of efforts to improve safety without substantial Agency involvement. With the limited available resources, the Agency must take care not to duplicate the efforts of other organizations.

50. His delegation welcomed the Agency's report on the International Chernobyl Project (GC/XXXV)/962, produced in response to a request from the Soviet authorities, as an important contribution to the scientific study of the results of the accident. However, the Agency should not now undertake any new ventures in that area without obtaining Board approval first, lest regular programme activities were adversely affected. He also welcomed the Agency's study of WWER-440/230 plants, the follow-up activities in the Kozloduy plant resulting from the Agency's safety mission there in June, and the subsequent multinational meeting held in Vienna on 9 July. That activity, too, should continue to be financed on an extrabudgetary basis.

51. With regard to the conventions on early notification and emergency assistance, his delegation endorsed the appeal to parties to inform the Agency and other parties of their competent authorities and points of contact, in compliance with the provisions of the conventions themselves, and joined in the consensus to ask the Director General to report to the General Conference the following year.

52. With regard to agenda item 12(b), his Government noted with amazement the Secretariat's prompt report on the conclusions of the recently ended International Conference on the Safety of Nuclear Power in a magnificent volume (GC(XXXV)/970) and commended the Secretariat on its excellent management of the Conference, which had led to a very productive discussion of

a number of important safety issues. While his delegation had not had time to prepare detailed comments, it appreciated the importance of the proposals made at the Conference and would provide further comments at a later date. Meanwhile, it shared the United Kingdom's view on the importance of paragraph 1 in the Conference Declaration. It supported in principle the recommendations in paragraph 9 concerning a step-by-step approach to the preparation of an international convention, including Secretariat efforts to outline possible elements for such an instrument, but believed that the process should be carried out with great caution in view of the importance of such a convention, especially if it was to be a model for national regulatory structures. His country would participate in that effort in a positive but critical spirit and would try to put forward proposals that could command a broad measure of consensus. It would not, however, support a "least common denominator" approach: that would be counter-productive, and could well reduce rather than improve global nuclear safety.

53. It was essential to ensure that such a convention really helped those who needed help and did not result in reduced standards in nations which had already developed effective and stringent nuclear safety systems. Any convention must allow for the highest possible level of safety in countries of concern; not only would the context for the development of effective safety standards have to be carefully defined, it would also be important to identify and utilize some reliable national mechanism in each country to ensure that the standards were effectively implemented.

54. Mr. SAVERIJS (Belgium), referring to paragraphs 8 and 9 of document GC(XXXV)/961, said that in principle INES was merely a system for classifying the impact of nuclear events in relation to safety, not a reporting system. It was therefore designed for use in connection with a reporting or a notification system. The IRS, on the other hand, was a system of notification and a vehicle for reporting.

55. At the international level, it would be rational to have only one reporting system. The IRS would be very suitable, since it provided for a visual analysis of events for use by nuclear experts, but also a prompt notification system which would be useful in providing information rapidly for

the public. It would suffice to add the INES classification, remove the confidentiality clause on prompt IRS and ensure transmission as speedily as possible.

56. The IRS was far more comprehensive and technically sound than the INES system, which normally gave no more than an indication of safety impact.

57. Mr. FITZGERALD (Ireland) expressed his delegation's appreciation of the Agency's continued efforts in the safety field and of the reports it had provided. The Agency was the global intergovernmental body in which all matters relating to nuclear energy could be discussed by all Members. The work of other agencies, however important, was not a substitute for the efforts of the Agency, which his country supported.

58. With regard to the reports now before the Committee, his delegation commended the Agency in particular for its work on behalf of operational safety and for its technical services, which should be further strengthened and include the work of regulatory organizations. His delegation also supported the efforts that were being made to expand and intensify the accident and incident reporting system; a full exchange of information was particularly important in such situations, for only by broadening the pool of knowledge and experience would it be possible to reduce the risk of accidents and minimize their consequences.

59. Ireland had been pleased to contribute financially to and participate in the preparatory work for the International Conference on the Safety of Nuclear Power and considered that the outcome was an important document which deserved to be followed up and implemented. He understood that proposals to that end were to be put forward by the European Community and by the Director General, and Ireland would be pleased to support them.

60. Two points which his delegation considered particularly important were the move towards a convention on nuclear safety, which would underpin the adoption of the best standards available, and a recommendation by the Conference inviting the Agency to develop a more vigorous overview process with particular reference to the need to support national regulatory oversight. Concern had been expressed lest such developments might undermine



national responsibility, but that was not the intention of those who supported international co-operation in that area. Such worries perhaps reflected the fact that safety was a matter of concern to all people and could not be confined to national boundaries, so that methods and means were needed which would ensure the safety of all. His delegation also noted the report on efforts to strengthen and improve the Vienna Convention on Civil Liability for Nuclear Damage. Progress had been made with considerable difficulty, and his delegation recognized the problems that had arisen. It urged all countries to make greater efforts to continue work in that area.

61. His delegation fully supported the Agency's continued efforts to strengthen safety in all possible ways and would encourage any further developments in that area.

62. Mr. TITKOV (Union of Soviet Socialist Republics), referring to agenda item 12(a) and (b), said that his delegation took a positive view of the results of the recent International Conference on the Safety of Nuclear Power. The final document contained interesting recommendations and ideas which the Agency could well take into account and implement - within the framework of existing budgetary resources, possibly through a better distribution of existing programmes, and through extrabudgetary funds.

63. With regard to the proposal for a framework convention on nuclear safety, elaboration and study by the Secretariat of possible provisions would be very useful. Action should be based on the assumption that ultimate responsibility for measures to ensure nuclear safety must rest with operators and national administrations. With a view to securing a more rational utilization of resources for safety promotion, it was essential to ensure close co-operation with regional and bilateral activities. The Agency could play an important role in such co-ordination.

64. The WWER-440/230 reactor project was very useful, and USSR experts were taking an active part. Work to increase the safety level of those reactors had started in the Soviet Union and had continued within the framework of CMEA; it had continued in the Federal Republic of Germany and had benefited from the efforts of WANO members. Measures aimed at updating and modernizing those reactors were now being considered. If the Agency made greater use of

the results of work already carried out, that would enhance the value of the project and help to bring it to a successful conclusion somewhat earlier than otherwise anticipated.

65. Mr. PREUSCHEN zu LIEBENSTEIN (Germany) said that the safety of nuclear installations was absolutely essential to the use of nuclear energy. The Chernobyl accident had shown that safety was not the sole responsibility of national authorities, since such accidents had consequences for many nations, and not only neighbouring ones. It was also a matter for the international community, which had a common interest in any effort to maintain and improve the safety level of nuclear installations throughout the world. His delegation therefore appreciated the results of the International Conference on the Safety of Nuclear Power and shared the view that the time had come to agree on an international convention, similar to existing conventions in related areas. That would need time, but the necessary directives should be given so that the task could be undertaken as soon as possible. His delegation believed that the services established by the Agency over the years would provide a valuable basis for developing a binding international agreement.

66. Ms. LACANLALE (Philippines) said her delegation believed that safety remained a primary consideration in respect of the nuclear power option and that a vigorous information campaign would create an enlightened public and play a crucial role in building public confidence in nuclear power.

67. Her country's nuclear programme was now focused on four major areas, one of which was nuclear safety and radiation protection. It was particularly interested in the management of radioactive waste in view of the increasing use of nuclear techniques in the Philippines, and was accordingly anxious to develop its radiation protection infrastructure, which included the legal framework for licensing or otherwise controlling radiation use, and improving the technical capabilities for providing radiation protection services. The availability of qualified people to assess radiation protection programmes was an important element.

68. The recent publication of new ICRP recommendations confirmed that all who were engaged in the nuclear field remained anxious to ensure that the risk involved in the use of radiation was kept to a minimum. Developing countries

were likely to find it difficult to cope with the adjustments needed to implement the new recommendations, and it was hoped that that would be taken into account in planning and implementing radiation protection programmes.

69. Her delegation noted the success of the recently concluded International Conference on the Safety of Nuclear Power. Its findings merited serious consideration, particularly by those Member States which had been unable to participate. Her delegation was particularly interested in the proposal for steps to be taken towards a formalized international approach to all aspects of nuclear safety, including radioactive waste management and disposal. That would be a truly important contribution by the present generation towards the provision of an environment conducive to sustainable development for generations to come. She also welcomed the statement that safety should be enforced primarily at the national level.

70. The Conference had focused generally on nuclear power plants. It was known that fewer than 30 countries had continuing nuclear power programmes and/or operating nuclear power plants. While the safety of those plants was important, it was essential not to lose sight of the safety of research reactors in many developing countries. Any accident involving those reactors could have an impact on public perception of risks from nuclear energy and could lead to public acceptance problems.

71. In view of the zero-real-growth policy, her delegation believed that resources needed for implementing the recommendations of the Conference should come from extrabudgetary or voluntary resources. While appreciating the value of strengthening the Agency's nuclear safety programmes, her delegation believed that that should not be done at the expense of other equally important programmes. It therefore invited Member States to provide voluntary funding to implement the recommendations of the Conference.

72. Lastly, she wished to express her country's strong preference for dealing with nuclear safety issues in separate resolutions instead of in a general omnibus resolution, in order to reflect fully the sentiments of delegations on each separate issue.

73. Mr. PAPADIMITROPOULOS (Greece) said that his country appreciated the Agency's efforts to assist developing countries with nuclear safety, and particularly with the improvement of safety standards and the modernization of

national safety legislation. The waste management missions sent to a number of countries, including Greece, had been of particular value and he commended the tireless efforts of the staff of the Nuclear Safety Division.

74. He also appreciated the efforts made to strengthen international co-operation and fully endorsed the conclusions of the International Conference on the Safety of Nuclear Power. His country attached great importance to the improvement of safety measures; in that context, the step-by-step process towards their universal application should take into account existing national measures which had proven to be appropriate. The Agency had an important role to play in the work on an international convention.

75. The Agency's detailed description of the objectives, scope and organization of the project on the safety of WWER-440/230 plants deserved commendation. Assistance had already been initiated for the improvement of safety standards in Bulgarian power reactors and, thanks to Greek co-operation with its neighbour, his country had been kept informed of progress in the work undertaken.

76. Turning to the question of liability for nuclear damage, Greece wished to see a revision of the Vienna Convention on Civil Liability for Nuclear Damage and possibly its expansion to encompass state liability.

77. Mr. HASHIM (Malaysia) expressed his delegation's concern regarding the recommendations of the International Conference on the Safety of Nuclear Power. The Conference had been a success, and his delegation agreed that safety should be enforced primarily at the national level, by conscientious application of existing safety principles, standards and good practices at each plant, and within each national regulatory body, the best possible use being made of national legal frameworks and working practices. However, in view of the current budgetary situation and the zero-real-growth policy, implementation of the Conference's recommendations could well prove to be problematic. He therefore supported the Philippine proposal that funding should be provided from extrabudgetary contributions and hoped that such contributions would be generous.

78. Mr. McRAE (Canada) said that his country fully supported both the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. The Secretariat was to be congratulated for the work already accomplished on implementation of the Emergency Response System (ERS), which had been in operation since 18 January 1989.

79. He fully supported the Secretariat's efforts to increase the effectiveness of the ERS through further upgrading of the Agency's response plan and implementation procedures, the training of staff, and co-ordination with Member States and other organizations.

80. Canada fully supported the conclusions reached in April 1991 by the Working Group of the Standing Committee on Liability for Nuclear Damage and believed it was essential for the Standing Committee to continue its full and careful examination of all relevant issues, notably those involved in international State liability for transboundary damage and the relationship between civil and State responsibility. Within the Agency, Canada had called for the establishment of a universal regime on liability for transboundary nuclear damage. Although significant progress towards that goal could be made through improvements in the existing civil liability regime, notably the Vienna Convention, it was too early to conclude that a civil liability regime would attract universal adherence and meet the objective of ensuring the availability of prompt, adequate and effective compensation for the victims of transboundary nuclear damage. It was therefore important to consider elements of State liability to ensure that the issue was dealt with in a comprehensive way. He therefore welcomed the submission of a proposal on State liability by the delegations of Australia and Italy at the most recent meetings of the Standing Committee, as it provided a sound basis for future discussions.

81. The Agency's efforts in the area of nuclear safety and radiological protection were commendable, and the Secretariat's successful organization of a stimulating and thought-provoking International Conference on the Safety of Nuclear Power, a useful forum for the discussion of many issues of common interest which had arrived at a number of important findings.

82. The ninth finding, relating to the idea of a binding international nuclear safety convention, deserved considerably more discussion and reflection. There had been a wide range of views at the Conference on the desirability and feasibility of such a convention, particularly in the short term, and on whether such a convention would achieve the desired objectives. Canada, for its part, believed that improvements in the overall level of international nuclear safety could best be achieved by building on the Agency's established programmes, particularly the services it offered through OSARTs, ASSETs and other related missions, and the activities of INSAG and NUSSAG and the RADWASS programme, which were complemented by the growing, and highly valuable, activities of other multilateral bodies such as WANO.

83. An international convention would have to evolve slowly, in line with the step-by-step approach suggested in the ninth finding. All aspects and ramifications of the issue, including feasibility, should be thoroughly examined as a first step. Informal decisions could then be taken as to whether and how to proceed any further. It would be sufficient at present for a working group, or an experts' group, to examine the various issues and options considered during the Conference, which could then be reviewed by the Board at a later stage. Member States required more time to analyse the Conference's document in order to arrive at considered views as to the best way for the Agency to proceed.

84. A number of interested delegations were working on a proposal on the question of nuclear energy and sustainable development which was of direct relevance to the forthcoming Conference on Environment and Development, to be held in Brazil in 1992. He hoped that a finished text could soon be submitted to the Committee.

85. Mr. ALVAREZ GORSIRA (Venezuela) said that his country attached great importance to all the Agency's activities in the field of nuclear safety and radiological protection as they were of benefit to the entire international community. However, some activities in that field were of more direct benefit to the developing countries than others.

86. Activities directly relating to the safety of power reactors, such as design, siting and so on, should be financed from extrabudgetary funds. The Agency should also give close attention to the efforts of other organizations

in that field, as more funds would then be available to enhance the safety of nuclear applications in medicine, agriculture, industry and research, and to strengthen the infrastructure available for radiological protection work in developing countries. Although each State must necessarily remain primarily responsible for the safety of the nuclear installations in its territory, basic principles and standards should be developed at international level to help ensure the safe and risk-free use of nuclear technology. His delegation would be carefully examining the results and recommendations of the International Conference on the Safety of Nuclear Power, and in particular those conclusions which might have an impact or implications for developing countries, and possible financial implications for the Agency.

87. Venezuela had participated in the most recent meetings of the Standing Committee on Liability for Nuclear Damage, where many important topics had been discussed, but certain questions concerning proper and fair compensation for victims of nuclear accidents still remained to be considered. A comprehensive system of liability based on the responsibility of States was required, and he therefore reiterated his delegation's support for the efforts already in progress to obtain a firmer commitment on the part of the international community to ensuring appropriate compensation.

88. Mr. VERBEEK (Netherlands) reiterated his delegation's strong support for the Agency's services aimed at improving operational safety at nuclear installations all over the world. Those services contributed both to the quality of safety performance at individual plants and to the degree of confidence that nuclear safety experts and the general public could have with regard to the safety of nuclear installations. On the basis of his country's experience over the past few years with those safety services, the Netherlands regulatory authorities recommended much greater use of OSART, ASSET, IPERS and IRS. On the basis of recommendations from several OSART missions, a number of further measures had been implemented to strengthen safety regulations at the two power plants in the Netherlands. An ASSET workshop had also stimulated national experts to perform more systematic accident analyses, and international peer reviews had generated many practical suggestions for the operators. His country had supported the IRS by making expert services available and would suggest further efforts in that field to ensure continued

high-quality reporting, systematic analysis of trends, and identification of such generic issues as might arise from the data. Greater use of the Agency's nuclear safety services would of course have financial consequences which could not be met entirely by the users but would need to be accommodated to some degree in the Agency's budget.

89. His country had followed with interest the activities of the International Chernobyl Project, which had attracted wide interest in the national public media. On 5 September a bilateral agreement had been concluded between the Netherlands and Byelorussia for a two-year project involving a total expenditure of 10 million guilders (at present US \$5 million), the aim of which was to help the population in the affected areas to overcome potential medical and psychological consequences of the accident.

90. The Netherlands had made voluntary financial contributions in support of the project on the safety of WWER-440/230 plants, one purpose of which was to establish the risks involved in operating those reactors and suggest means of remedying them. Those efforts deserved the full support of Member States and his delegation would be following them with interest in the future.

91. His delegation had consistently stressed the urgent need for a more effective global system of nuclear liability. Work on the revision of the Vienna Convention had been making progress in the Standing Committee on Liability for Nuclear Damage. In the course of detailed discussions, specific texts had been prepared, and delegations should now indicate whether their governments were able in principle to accept the proposed changes in the regime established by the Vienna Convention, and whether they would agree to supplementing the regime with a system of funding by nuclear operators and States. His Government attached great importance to strengthening the liability system with supplementary funding which would make more resources available to victims without imposing an unreasonable burden on the industry. His delegation also supported the new Chairman of the Standing Committee in his difficult task of leading the discussions to a successful and - one could only hope - early conclusion.



92. Mr. MARTINENKO (Byelorussian Soviet Socialist Republic) said that his delegation welcomed the recommendations of the International Conference on the Safety of Nuclear Power, but believed that the strategy for the future should take into account all the lessons learnt by the international community from the Chernobyl accident. Coherent conclusions and useful recommendations could only be produced on the basis of systematic and continuous monitoring of the contaminated areas and the people affected, with careful analysis, dissemination and distribution of the resultant data. Particular importance should be attached to the way the human body was affected by low- and medium-level doses of radiation. Technological, biological and medical facilities were required to forecast the ways in which people and the environment would be affected. Systematic analysis of all aspects of the Chernobyl accident should be continued for the benefit of the international community, under the auspices of the Agency. Scientific and technological programmes aimed at further mitigating the accident's consequences were also required.

93. All those facts should be reflected in the resolutions of the Standing Committee and in resolutions taken by the Agency's General Conference. Given the unique nature of the radiological consequences and the unprecedented ecological problems caused by the Chernobyl accident, the international community should unite its efforts in studying all aspects of that tragic occurrence, whose long-term consequences would continue to affect the lives of thousands of people and also the environment in the coming millenium.

94. Mr. AFSAHI (Morocco) said that the International Conference on the Safety of Nuclear Power had produced some very important conclusions, whose implementation would require substantial financial resources. He shared the view of the Malaysian delegation that any programmes set up as a result of the Conference should be financed from extrabudgetary contributions.

95. Mr. HASHIMI (Pakistan) wished to reaffirm his country's commitment to enhancing nuclear safety. Nuclear energy had become a part of daily life, and no one could afford to be complacent about its safety.

96. His country had participated in, and made a very modest financial contribution to, the recently concluded Conference on the Safety of Nuclear Power. That Conference had made a number of recommendations which would

require substantial levels of funding if they were to be put into effect. Given the limited means of the Agency within the constraints of zero growth, how could the enhancement of nuclear safety best be achieved? One solution, as suggested by the representatives of Malaysia, the Philippines and Morocco, was to use extrabudgetary resources. The recent success of the WWER project made that solution a logical choice. Another answer lay in strengthening co-operation and the full and free exchange of safety-related information between all countries. The Agency had a key role to play, notably through the IRS and the PRIS. Wider adoption of the International Nuclear Event Scale by Member States would also be advantageous. Safety could likewise be enhanced by wider use of the Agency's safety services and missions, although those should be carried out only at the request of Member States.

97. The Agency was not, nor should it appear to be, a supranational regulatory body. Safety was the responsibility of national bodies and should be enforced by them. Thus, any standards developed by the Agency, while of immense value, would have to remain guidelines and could not be made mandatory.

98. Finally, many delegations seemed to have equated nuclear safety with the safety of nuclear power reactors, but nuclear safety encompassed a much wider range, including matters of great interest to the two thirds of the Agency's Member States which did not have power reactors.

99. He shared the view of Canada that any consideration of a safety convention should adhere firmly to a step-by-step approach.

100. The CHAIRMAN, drawing attention to document GC(XXXV)/964, which contained a report by the Board of Governors and, in the Appendix, a report by the Standing Committee on Liability for Nuclear Damage, noted that some speakers had already commented on the question of liability; however, some Committee members might still like to address that question.

101. Mr. HOGG (Australia) noted with pleasure the steadily growing attendance at the meetings convened to consider liability for nuclear damage. The increased participation obviously reflected the increasingly concrete and detailed nature of the discussions. His country's overall objective was to establish a comprehensive liability regime based on the principle that the risks entailed in nuclear activity must be borne by those carrying out the activity and that full compensation for injury or loss, including

environmental damage, must be assured. There could be no limitation of the operator's liability as that would be contrary to the "polluter pays" principle.

102. Moreover, his country held the view that a State was liable to provide full compensation for damage caused beyond the limits of its national jurisdiction by a nuclear operator under its jurisdiction or control. While a State might argue that that requirement could be satisfied in part by providing for a system of operator liability, the State would have to step in if such a system could not provide full compensation.

103. He welcomed the progress being made towards rationalization and extension of the liability regimes of both the Paris and Vienna Conventions. The Australian proposal to have the Installation State made liable for residual uncompensated nuclear damage - to be included in a revised Vienna Convention - was firmly on the agenda and his country would vigorously seek its adoption. A number of other issues remained to be resolved and he hoped that further negotiations could be successfully concluded within the additional meetings foreseen by the Secretariat.

104. Mr. STOIBER (United States of America) said that his delegation had reviewed the report of the Standing Committee on Liability for Nuclear Damage contained in document GC(XXXV)/964. Although the Committee had made important progress over the past year, its members remained far apart on many of the issues involved in modernizing and strengthening the international civil liability regime. The hasty convening of a revision conference should be avoided until the Standing Committee had completed all the necessary substantive and administrative preparations for a successful revision of the convention. As his delegation had explained in the past, the United States was not at present contemplating adherence to a revised international civil liability regime. However, the Standing Committee should explore flexible ways for States with different legal systems to implement the requirements of a new Vienna Convention.

105. Finally, his delegation remained opposed to premature actions such as efforts to establish an international instrument of State liability, or detailed discussions of State liability issues.

(d) CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL  
(GC(XXXIV)/RES/531, GC(XXXV)/INF/296 and Mod.1, GC(XXXV)/COM.5/95/Rev.1)

106. The CHAIRMAN invited the representative of the United States of America to introduce the draft resolution concerning the physical protection of nuclear material, which was contained in document GC(XXXV)/COM.5/95/Rev.1.

107. Mr. STOIBER (United States of America) said that the draft resolution was at present co-sponsored by eight Member States: Australia, Hungary, Czechoslovakia, Norway, China, the USSR, Turkey and Poland.

108. He welcomed the fact that all 12 Member States of the European Community had now fully adhered to the Convention. The Convention currently had 46 signatories, and 38 contracting States and one contracting organization. The draft resolution before the Committee was similar to resolution GC(XXXIV)/RES/531 which had been adopted by the General Conference in 1990. Among other things, it expressed the hope that the Convention would obtain the widest possible adherence, and appealed to each State party to the Convention to identify and make known to other parties, directly or through the Agency, the relevant organizations specified in Article 5.1 of the Convention, at the same time identifying the relevant function and competence of each organization; it also requested the Director General to establish and update periodically a comprehensive list of the central authorities and points of contact referred to in Article 5.1 of the Convention, specifying the relevant competences of those national authorities, and to report to the General Conference at its next regular session on the signature and ratification status of the Convention. Since the Convention was critical to the security of all Member States, he hoped that the General Conference would unanimously support the resolution.

109. Ms. LACANLALE (Philippines) and Mr. IONESCU (Romania) requested that their delegations be added to the list of co-sponsors of the draft resolution.

110. Mr. HOGG (Australia) said that the Convention on the Physical Protection of Nuclear Material was a very important element for trade in and protection of nuclear materials, and thus formed an important part of the overall nuclear non-proliferation regime based on NPT. States parties to that Convention undertook to ensure that appropriate levels of physical protection

were applied to nuclear material used for peaceful purposes while it was in international transit or in storage in connection with its shipment. Australia was a party to the Convention and encouraged wider adherence to it, as that would considerably strengthen the control regime for nuclear materials and would benefit all States, whether or not they had a significant nuclear programme. The first conference to review the Convention was to be held in June 1992, and there would be a preparatory committee meeting in Vienna in October 1991. Those meetings should consider ways of encouraging wider adherence to the Convention, and the scope for harmonizing the categorizations of nuclear material contained in the Convention and in documents INFCIRC/225 and INFCIRC/254. Attention should also be given to means of facilitating co-operation with respect to the implementation of the Convention and the production of the comprehensive list of contacts.

111. In conclusion, he said that his delegation was pleased to co-sponsor the draft resolution which had been prepared by the United States, and he urged other States to do likewise.

112. The CHAIRMAN, noting that there were no further speakers, asked whether the Committee was prepared to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXXV)/COM.5/95/Rev.1.

113. It was so agreed.

(e) PROHIBITION OF ALL ARMED ATTACKS AGAINST NUCLEAR INSTALLATIONS DEVOTED TO PEACEFUL PURPOSES WHETHER UNDER CONSTRUCTION OR IN OPERATION  
(GC(XXXIV)/RES/533, GC(XXXV)/INF/297)

114. The CHAIRMAN drew the Committee's attention to the report which had been prepared by the Director General for the sub-item in question and which was contained in document GC(XXXV)/INF/297.

115. Mr. AL-MATOOQ (Iraq) noted that in December 1990, within a month of the passing of Security Council resolution 678 which authorized the use of force against Iraq, the United Nations had passed resolution A/RES/45/58 concerning the prohibition of all armed attacks against peaceful nuclear facilities. Why then had the Agency not taken appropriate action when American forces bombed peaceful safeguarded Iraqi nuclear facilities? There

had been several Board meetings since that act of aggression had taken place and at no time had the problem been discussed, nor did there seem to be any plan to discuss the issue during the General Conference. He reminded the Committee that resolution GC(XXXIV)/RES/533, which had been adopted during the thirty-fourth regular session of the General Conference (1990), requested the Director General to inform the General Conference at its thirty-fifth regular session about developments in the area. He rejected the notion that such issues were not a proper subject for discussion within the Agency. The fact that the Agency had been called upon to implement certain actions under Security Council resolution 687 demonstrated that the issue was clearly within the Agency's competence and could therefore be discussed. Thus, the American acts of aggression should have been condemned, as well as the earlier Israeli aggression. Member States of the Agency had to be assured that peaceful safeguarded facilities would not in future be subjected to attack as the facilities in Iraq had been. The positions which had been maintained by certain countries concerning safeguards were false. If those States were so concerned about the survival and integrity of the safeguards system, why had they attacked safeguarded facilities and then accused Iraq of not complying with its safeguards obligations? Thus, document GC(XXXV)/INF/297 should contain detailed information about what had happened to the peaceful nuclear installations in Iraq earlier in the year. As it stood, it did not comply with the requirements of General Conference resolution GC(XXXIV)/RES/533.

116. Mr. STOIBER (United States of America) said that the intervention of the representative of Iraq illustrated a point which had been made by the United States delegation on many occasions, namely that discussion of the prohibition of armed attacks on nuclear facilities was not within the competence of the Agency. Armed attacks on peaceful nuclear installations involved issues of international peace and security and were therefore properly the concern of the United Nations Security Council in New York and the Conference on Disarmament in Geneva, or similar organizations which had the charter and the expertise to deal with issues of that nature. He also strongly opposed all attempts to specify in advance what actions the Agency should take in response to events which were by their nature unpredictable.

Any prejudgements as to what would constitute a violation of the IAEA's Statute, the United Nations Charter, or international law in general were unacceptable.

117. The coalition's attacks on Iraq's research reactors and other nuclear facilities reflected their judgement that the Iraqi nuclear programme was an appropriate military target. Despite Iraq's obligations under NPT, Saddam Hussein's interest in nuclear weapons had become increasingly clear in recent months and had to be seen in the context of Iraq's development and use of chemical weapons and ballistic missiles, as well as its other flagrant violations of international law. It was clear that Iraq had been secretly seeking to acquire a nuclear-weapons capability. Specifically, the Iraqis had attempted to procure secretly equipment and technology that might enable them to produce fissile material for nuclear weapons. Iraq could have shortened substantially the time it still needed to acquire a nuclear-weapons capability by using nuclear material from its existing research reactors. The attacks by coalition forces on Iraq's nuclear facilities had been fully consistent with applicable international law and with the provisions of Security Council resolution 678. The coalition forces had been co-operating with the legitimate Government of Kuwait, and had been authorized to use all necessary means to uphold and implement United Nations Security Council resolution 660 and all subsequent relevant resolutions, and to restore international peace and security in the area. Moreover, they had taken great care to confine their attacks to military targets as far as possible and thus avoid killing civilians.

118. Mr. AL-MATOOQ (Iraq) said that many of the things which the representative of the United States had said were simply untrue and were, moreover, irrelevant to the issue at hand. The important point was that peaceful safeguarded facilities had been subjected to military attack.

119. Mr. LAMPARELLI (Italy) noted with satisfaction the statement which the Yugoslav Ministry of Foreign Affairs had made in a letter dated 8 July 1991, cited on page 3 of document GC(XXXV)/INF/297, to the effect that the inviolability and safety of the Krsko nuclear power plant was a continuing and undiminished concern of the Yugoslav Government and of other appropriate

authorities. The Italian Government and the Italian public were very concerned about any possible attack on that plant, which was situated close to the Italian border.

120. The CHAIRMAN suggested that, since draft resolutions were in preparation for item (12), further discussion under that item be deferred until the draft resolutions had been distributed and the Members of the Committee had had time to consider them.

THE AGENCY'S BUDGET FOR 1992 (GC(XXXV)/955, GC(XXXV)/INF/302, GC(XXXV)/COM.5/97)

121. The CHAIRMAN drew the Committee's attention to the documents for the item, and noted that a draft resolution entitled "Strengthening of the safeguards system" had been submitted by 13 countries and was contained in document GC(XXXV)/COM.5/97. He then invited the representative of Australia to introduce the draft resolution.

122. Ms SCHICK (Australia) said that the Australian delegation was pleased to be able to give its approval to the Agency's budget for 1992 as set out in document GC(XXXV)/955, including the increase in the Working Capital Fund.

123. Nevertheless, while the achievement of zero real growth in the 1992 budget was something to be welcomed, Australia was concerned at the lack of substantive progress in the establishment of priorities for the various Agency programmes. In view of the continuing budgetary restraints which were being placed on the Agency, it was time for Member States and the Secretariat to grapple with that problem and assign clear priorities. She urged the Secretariat to continue to assess areas of work in which savings might be made. It was to be hoped that the preparation of the Medium-Term Plan for 1993-98 would lead to an improvement in that area.

124. The programmes on nuclear safety, radiation protection, radioactive waste management, human health and nuclear applications, as well as those on technical assistance and safeguards were of great importance to Australia. Australia recognized the key role of the technical assistance programme for Member States and its commitment to that programme was of long standing. It would once again be pledging a contribution to the TACF corresponding to its



share of the assessed budget – over one million Australian dollars – for 1992. It would also continue to provide extrabudgetary support for technical assistance, contributing 1.5 million Australian dollars for activities to be implemented under the regional agreement for Asia and the Pacific during the next triennium.

125. Australia also strongly supported the safeguards programme. Recent events in the world had significantly affected that programme and the Board of Governors was in the process of discussing the implications of those developments. It was evident that there was a political will among the Members of the Agency to strengthen the safeguards system. Australia and 12 other delegations believed that the Conference should commit an expression of that political will to paper in the form of a resolution which would be a clear statement of the need for prompt and effective action to strengthen the safeguards system. In document GC(XXXV)/COM.5/97, those States had submitted a draft resolution for the consideration of the Committee. The resolution seemed to have wide support, and she hoped that it would be adopted by consensus. It underlined the importance of effective safeguards, confirmed the resolve of the Conference to strengthen the safeguards system, welcomed the work being done by the Secretariat and the Board of Governors, and requested that they continue their efforts to develop effective measures as soon as possible. It did not make specific proposals about possible measures, as they were still under consideration by Member States. Nor did it seek to prejudge further work by the Secretariat or the outcome of the Board's discussions. The resolution was a statement of political will and did not have any budgetary implications. Any conclusions the Board came to on the matter would of course be subject to all the normal decision-making and budgetary procedures of the Agency.

126. Finally, in accepting the increase in the Working Capital Fund, she stressed that Australia remained opposed to any semi-automatic mechanism for yearly increases in that Fund, and pointed out that the root cause of the problem was the continuing non-payment and late payment by certain Member States of their assessed contributions to the Regular Budget. Such behaviour was not conducive to the smooth operation of the Agency and she urged them to rectify the situation.

127. Mr. KOSTENKO (Ukraine) said that his delegation was prepared to support the proposed budget for 1992.

128. With respect to the strengthening of safeguards, recent events in the world had led to a situation where the Agency had had to carry out special inspections in Iraq and was now faced with the problem of reinforcing the safeguards system. The matter had been discussed in depth at various meetings of the Board and the Director General had commented upon it in his opening statement. His delegation agreed that there was a need to strengthen the safeguards system and looked forward to seeing the results of the Secretariat's further work on document GOV/INF/613 and the addenda to that document. In conclusion, he lent his support to the draft resolution.

129. Mr. GOMES de MATTOS (Brazil) said that he had just seen the draft resolution for the first time and required clarification on one point. The representative of Australia had said that the draft resolution had no budgetary implications, and yet it called for a strengthening of safeguards and had been included under the budget item. It seemed to him impossible that it could not have budgetary implications and, before he was willing to give his support to it, he required an explanation of that point.

130. Mr. KUMAR (India) associated himself with the view expressed by the representative of Brazil.

131. Mr. MULTONE (Switzerland) lent his support to the draft resolution.

132. Ms. LACANLALE (Philippines), Mr. ORNSTEIN (Argentina) and Mr. PAREDES PORTELLA (Peru) also associated themselves with the views expressed by the representative of Brazil.

133. Mr. TALIANI (Italy) said that his delegation would like to co-sponsor the draft resolution.

134. With regard to the requests for clarification which had been made by certain delegations, he said that, since the matter was still only at the discussion stage, the draft resolution clearly could have no budgetary implications. The question of any budgetary implications would only arise when a point was reached where decisions had to be implemented.

135. Mr. NORDIN (Malaysia) and Mr. ABDELBARI (Algeria) associated themselves with the views expressed by the representative of Brazil.

136. Ms. SCHICK (Australia) said that the draft resolution had been submitted under the item on the Agency's budget for purely practical reasons. It did not mean that the Australian delegation thought that it would have budgetary implications. Any decisions which might be taken at some later time pursuant to discussions of the issue would be subject to the normal decision-making and budgetary procedures of the Agency, as she had already said.

137. Mr. SHIN (Republic of Korea) said that his delegation had already expressed its view on the issue during the morning meeting of the Committee. It was highly important that the credibility of the Agency and the safeguards system should be strengthened, and advantage should be taken of the current opportunity to reinforce international peace and security in the world. His delegation therefore strongly supported the draft resolution.

138. Mr. STOIBER (United States of America) commended the Director General and his staff on the preparation of the budget for 1992, and for having kept the overall budget on the path of zero real growth while maintaining an effective safeguards system. At the same time, it was important to realize that the Agency had been living with a zero-real-growth budget since 1984, during which time its safeguards responsibilities had increased significantly. He therefore urged the Secretariat to continue to look for new approaches which would save resources without prejudicing safeguards effectiveness.

139. He welcomed and supported the draft resolution in document GC(XXXV)/COM.5/97, which his delegation also wished to co-sponsor.

140. The United States Government continued to attribute great importance to the need to establish relative priorities for programmes, and to pursue the search for overlapping and superfluous activities which could be eliminated. Such measures were essential if the Agency was to cope with the anticipated continued funding constraints. In that regard, he applauded the savings which the Secretariat had achieved in the document itself by combining several scientific meetings dealing with related subjects, and also its undertaking to reduce the volume of documentation.

141. The proposed programme and budget for 1992 maintained a careful and reasonable balance of programme priorities which should be broadly acceptable. It was in the direct interest of all States to ensure that adequate resources were available to maintain the current levels of safeguards effectiveness. His delegation was therefore prepared to support the proposed programme and budget for 1992 as contained in document GOV/2495. He noted, however, that the level of the United States payments towards the 1992 budget was contingent upon the availability of funding.

142. He was also ready to support the Secretariat's proposal for an increase in the Working Capital Fund of US \$2 million, provided that it was financed from assessed budget contributions.

143. Mr. PAREJA CUCALON (Ecuador) said that his delegation was willing to support the draft resolution as long as it had no budgetary implications.

144. Mr. PAREDES PORTELLA (Peru) said that, in the light of the explanations which had been offered by the representative of Australia, his delegation was also able to support the draft resolution; however, specific mention should be made in operative paragraph 4 of the resolution that any measures which were implemented would not have budgetary implications.

145. Mr. IONESCU (Romania) said that his delegation was willing to support the draft resolution.

146. Ms. SCHICK (Australia) pointed out that the draft resolution contained no specific budgetary proposals, and repeated that any decisions which the Board might make pursuant to the resolution would be subject to normal Agency budgetary procedures.

147. Mr. PENG (China) requested that any final decision on the draft resolution be postponed until a later meeting in view of the fact that he had only recently received a copy of it.

148. Mr. KUMAR (India) thanked the representative of Australia for her explanations. He was still puzzled as to why a draft resolution which was supposed to have no budgetary implications, a fact about which it was strangely silent, had been tabled under a budget item. Moreover, it seemed

unlikely that any strengthening of the safeguards system could fail to have budgetary implications. He joined with the representative of China in requesting that any decision on the matter be postponed until a later meeting.

149. Mr. HASHIMI (Pakistan) joined with the representatives of China and India in requesting that a decision on the draft resolution be deferred until a later meeting because there were certain features of the draft resolution about which he wished to seek clarification from the sponsors. For instance, in preambular paragraph (a) of the resolution reference was made to document GC(XXXIV)/INF/291 which, as far as he was aware, merely contained a request from certain Member States for the circulation of an information document. Similarly, operative paragraph 3 welcomed the continuation by the Secretariat of its work on documents GOV/INF/613 and GOV/INF/613/Add.1, and on proposals made by the Board of Governors. As far as he was aware, no proposals had yet been made. It would therefore appear that several points still required explanation.

150. Mr. GUZMAN MARTINEZ (Cuba) said that his delegation had reservations about the content of the draft resolution and requested that any final decision on it be deferred until a later meeting.

151. The CHAIRMAN, noting that the Committee would return later to its discussion of the draft resolution, as had been requested by various representatives, asked whether the Committee was nevertheless prepared to recommend to the General Conference that it adopt draft resolutions A, B and C contained in Annex IV to document GC(XXXV)/955.

152. It was so agreed.

The meeting rose at 6.5 p.m.

