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## THIRTY-FIFTH (1991) REGULAR SESSION

### COMMITTEE OF THE WHOLE

#### RECORD OF THE SEVENTY-EIGHTH MEETING

Held at the Neue Hofburg, Vienna  
on Thursday, 19 September 1991, at 11.30 a.m.

Chairman: Mr. WILSON (Australia)

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[\*] GC(XXXV)/982.

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

Abbreviations used in this record

CEC	Commission of the European Communities
ICRP	International Commission on Radiological Protection
ILO	International Labour Organisation
NEA	Nuclear Energy Agency (of OECD)
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OECD	Organisation for Economic Co-operation and Development
UNCED	United Nations Conference on Environment and Development
WHO	World Health Organization

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

(a) IMPLEMENTATION OF RESOLUTIONS GC(XXXIV)/RES/529 and GC(XXXIII)/RES/508  
(GC(XXXV)/COM.5/101, 102, 105) (resumed from meeting 76)

1. The CHAIRMAN invited the Committee to examine the draft resolutions contained in documents GC(XXXV)/COM.5/101 and 102.

2. Mr. BENINSON (Argentina), introducing the draft resolution in document GC(XXXV)/COM.5/101, said that it referred to progress made by the Agency on revision of the Basic Safety Standards for Radiation Protection taking into account the 1990 ICRP recommendations. That work, in which several United Nations specialized agencies and international organizations (WHO, ILO, NEA and CEC) were involved, was important because it aimed to achieve regulatory consistency in radiation protection by undertaking an evolutionary, rather than a radical, revision of the Standards. Through the draft resolution, the General Conference would take note with appreciation of the progress made, emphasize the importance of such consistency, and endorse the Agency's approach, which allowed for extensive consultations on the new standards so that there would already be a consensus on them when it came to their adoption.

3. With regard to the draft resolution in document GC(XXXV)/COM.5/102, one of the main problems at the root of misconceptions about radiation protection and nuclear safety was a lack of knowledge, at various levels, about the fundamental issues at stake. The Agency had made great efforts to improve information on those matters. A small working group had met two years previously to establish guidelines on the subject. It had emerged quite clearly - as confirmed recently by a second working group - how vital it was that the work should continue. The draft resolution under discussion took into account the need to achieve a common level of understanding and requested the Director General to prepare, for consideration at the Conference's following regular session, a comprehensive proposal which would be the result of work currently being undertaken by the Agency.

4. The CHAIRMAN said that, if there were no objections, he would take it that the Committee of the Whole wished to recommend that the General Conference adopt the draft resolution contained in document GC(XXXV)/COM.5/101.

5. It was so decided.

6. The CHAIRMAN said that, if there were no objections, he would take it that the Committee of the Whole wished to recommend that the General Conference adopt the draft resolution contained in document GC(XXXV)/COM.5/102.

7. It was so decided.

8. The CHAIRMAN invited the representative of Brazil to introduce the draft resolution contained in document GC(XXXV)/COM.5/105, entitled "The Agency's contribution to sustainable development".

9. Mr. JAGUARIBE (Brazil) explained that the draft resolution was basically intended to call the attention of UNCED to a number of environmental questions on which the Agency was working. Operative paragraph 1 contained the main elements of the draft and requested the transmission of specific documents to UNCED. Paragraph 2 was intended to strengthen inter-agency co-operation as a means of contributing to sustainable development. The draft resolution had been drawn up in the hope that it would be adopted by consensus, and accordingly its sponsors were prepared to make amendments that other delegations might want in order to achieve that end.

10. Mr. BENINSON (Argentina) said that, as a co-sponsor of the draft resolution, his delegation of course fully supported it; however, it had noticed that in preambular paragraph (d) there was a discrepancy between the Spanish text and the English and French texts: whereas the latter used the word "recommendations", the Spanish used the word "normas". The Spanish text should therefore be brought in line with the other versions.

11. Mr. KOSTENKO (Ukraine), Ms. BERTEL (France), Mr. STOIBER (United States of America), Mr. NORENDAL (Norway), Mr. GOLOUBKIN (Union of Soviet Socialist Republics), Mr. VEGLIA (Monaco), Mr. JURZA (Czechoslovakia), Mr. IONESCU (Romania), Mr. SALAS BARAHONA (Peru) and Mr. AGRELL (United Kingdom) requested that their delegations be added to the list of co-sponsors of the draft resolution.

12. Mr. LAVIÑA (Philippines), speaking on behalf of the Asian Group, said that the members of that Group would like clarification of what was meant by "regulatory activities" and "recommendations" in paragraphs (b) and (d), respectively, of the preamble. In paragraph (e), they would prefer the wording "... in the areas of electricity, the environment ...". Finally, they would like paragraph 1(b) of the operative part to specify which meetings of the Board of Governors and which session of the General Conference it referred to.

13. Mr. JAGUARIBE (Brazil), replying to the delegate of the Philippines, explained that in preambular paragraph (b) "regulatory activities" were understood to mean Agency activities in the field of safety. The word "recommendations" in paragraph (d) had been preferred to the original word "standards", which some delegations had felt to be over-restrictive, whereas the word "recommendations" seemed to be more broadly acceptable and to cover all criteria, present or future, defined by the Agency in the field of nuclear safety. In paragraph (e), the amendment proposed by the delegate of the Philippines, namely to replace the word "and" by a comma, would change the sense of the text, since it had been intended to refer to the relationship between electricity and the environment. As for operative paragraph 1(b), it referred to the decisions which would be taken by the General Conference in the field of safety.

14. Mr. HASHIMI (Pakistan) pointed out that, in Agency terminology, "regulatory activities" generally meant safeguards. Moreover, it had often been said that the Agency ought not to be considered a regulatory body in the field of safety. With regard to preambular paragraph (d), he suggested replacing the words "internationally agreed recommendations" by the words "basic safety standards of the Agency". In operative paragraph 1(b), it should be specified which meetings of the Board of Governors were meant.

15. Mr. McRAE (Canada) noted that, as a co-sponsor of the draft resolution, his delegation fully endorsed the remarks made by the representative of Brazil in response to the delegate of the Philippines. To the representative of Pakistan he replied that the word "regulatory" used in paragraph (b) should be understood in a very broad sense. In paragraph (d), the word "recommendations" had been preferred to the word "standards" because,

as already explained by the representative of Brazil, some delegations had considered the latter word too limiting. With regard to paragraph (e), the word "electricity" was in fact understood to mean "electricity production". As to operative paragraph 1(b), it could be made to refer specifically to the current session of the General Conference.

16. In any case, all the remarks and suggestions that had been made were of a purely formal nature, and the substance of the draft resolution seemed to enjoy broad support. He therefore proposed that a small group meet to prepare a text acceptable to all.

17. Mr. KANIEWSKI (Poland), said that as a co-sponsor of the draft resolution, his delegation fully supported the remarks made by the representatives of Brazil and Canada. In particular, the expression "regulatory activities" in paragraph (b) denoted the activities carried out by the Agency in connection with a whole range of issues affecting the environment, including that of radioactive waste. Paragraph (e) referred specifically to the type of issues identified in that area by the Executive Summary published following the Senior Expert Symposium on Electricity and the Environment, held in Helsinki in May 1991, according to which "The development and deployment of technology options from the three broad energy source areas of fossil fuel, nuclear and renewable energy will be affected by three major driving forces: environmental challenges, energy security concerns and economic competitiveness."

18. The CHAIRMAN proposed deferring discussion of the matter, as suggested by the representative of Canada, so that interested delegations could meet to prepare a text likely to enjoy general support.

19. It was so agreed.

STAFFING OF THE AGENCY'S SECRETARIAT (GC(XXXIV)/RES/541, GC(XXXV)/968, GC(XXXV)/COM.5/99) (resumed from meeting 77)

20. The CHAIRMAN invited the Committee to resume discussion of agenda item 18, "Staffing of the Agency's Secretariat". He recalled that a draft resolution issued in document GC(XXXV)/COM.5/99 had been examined at length during the two previous meetings and had since been the subject of consultations that had resulted in a new version of operative paragraph 2 of

the text which had been distributed in manuscript form. He asked the representative of Egypt to introduce the revised draft resolution.

21. Mr. FARAHAT (Egypt) reported that the delegations involved had been able to reach agreement and had decided on the following amendments to the draft resolution in document GC(XXXV)/COM.5/99: In paragraph (c) of the preamble, the word "still" had been inserted between the words "Secretariat" and "remains", in paragraph (e), the words "existing imbalance" had been put into the plural, and in operative paragraph 1, the words "steps taken" had been replaced by the words "efforts made". Finally, operative paragraphs 2 and 3 of the original draft had been replaced by a new paragraph 2 reading:

"Requests the Director General to continue these efforts, in keeping with the provisions of Article VII.D of the Statute, within the period of four years as specified in resolution GC(XXXIII)/RES/521, to achieve this goal and to report annually on the continuing implementation of General Conference resolution GC(XXV)/RES/386 to the Board of Governors and the General Conference, reflecting the percentage of posts held by nationals of developing countries, both region-wise and gender-wise."

22. Mr. FITZGERALD (Ireland) said that, generally speaking, his delegation approved the aims of the draft resolution under discussion. Ireland had of course always been in favour of increasing the number of nationals from developing countries in the Agency's Secretariat. However, they were not the only countries to be under-represented. For example, Annex I of the Director General's report (GC(XXXV)/968) showed that the number of Irish nationals in the Secretariat, which had amounted to two in 1987 and three in 1985, had dropped to zero in 1990. The revised version of the draft resolution would thus be acceptable to the Irish delegation on condition that a minor change was made in operative paragraph 2 by replacing the words "of developing countries" with the words "of all countries".

23. Mr. FARAHAT (Egypt) understood the concern expressed by the representative of Ireland but pointed out that the sponsors of the draft resolution had guarded against that objection by explicitly stating in paragraph (f) of the preamble that "the implementation of this resolution would not affect the due representation of any particular area".

24. Mr. STOIBER (United States of America) thanked the sponsors for the considerable improvements they had made to their draft, but felt that the

words "region-wise and gender-wise" at the end of the new operative paragraph 2 were unclear; he suggested using instead the phrase "both by region and by gender". What was wanted was a report which clearly indicated the percentage of posts occupied by nationals from countries in all the geographical regions, in particular from developing countries, as well as a breakdown of those posts by gender. The end of the paragraph could therefore read simply "the percentage of posts held by nationals of all countries, both by region and by gender". The necessary information would then be available to form an opinion as to whether or not progress had been made. Moreover, the breakdown of posts by gender was presumably intended also to show whether women from developed countries were being recruited. However, the proposed wording of the new paragraph 2 suggested that that information was being sought only in respect of women from developing countries.

25. Mr. SALAS BARAHONA (Peru) noted that the text proposed by Egypt was a rather toned-down version of the original draft, which had referred to posts at the senior and policy-making levels. In order to reach a consensus, it might perhaps be sufficient to modify slightly the suggestion made by the representative of the United States so that the end of the new operative paragraph 2 would read: "... the percentage of posts held by nationals of all countries with a description for developing countries, both by region and by gender".

26. Mr. FARAHAT (Egypt) said that, in a spirit of compromise, the sponsors were prepared to accept the proposal made by the United States, amended to read: "... the percentage of posts held by nationals of all countries, particularly developing countries, both by region and by gender".

27. Mr. LOOSCH (Germany) felt able to accept the proposal made by the representative of Egypt, although the addition of a reference to developing countries seemed to weaken the emphasis placed on the words "the continuing implementation of General Conference resolution GC(XXV)/RES/386".

28. The CHAIRMAN said his impression was that the Committee could agree to a version of the last part of the new operative paragraph 2 distributed in manuscript form which would read: "... reflecting the percentage of posts held by nationals of all countries, particularly developing countries, both by region and by gender". He proposed that the



Committee of the Whole should recommend to the General Conference that it adopt the draft resolution contained in document GC(XXXV)/COM.5/99 as amended during the current meeting.

29. It was so decided.

THE AGENCY'S BUDGET FOR 1992 (GC(XXXV)/955, GC(XXXV)/COM.5/97, Add.1-2, Mod.1 and Rev.1) (resumed from meeting 75)

Draft resolution in document GC(XXXV)/COM.5/97/Rev.1

30. Mr. COUSINS (Australia), speaking on behalf of the sponsors of the draft resolution, thanked the delegations which had provided assistance and made suggestions. The sponsors had carefully examined these suggestions, and informal consultations had taken place. As a result, a draft resolution revised in the following way had been distributed: preambular paragraph (a) had been amended to make direct mention of the document referred to; in preambular paragraph (b) the word "promote" had been replaced by the words "can promote", and in preambular paragraph (c) the word "important" had been replaced by "constructive". Operative paragraph 1 had been changed to bring it in line with the terminology of the Statute; operative paragraph 2 had been amended to include a reference to the Statute and to the effectiveness and efficiency of the safeguards system; and operative paragraphs 3 and 4 had been combined into a new paragraph 3 in which note was taken of the decision adopted by the Board the previous week.

31. The sponsors believed that those amendments replied to some of the concerns expressed by delegations and hoped that any outstanding differences could be settled in the course of the current meeting. He added that the Union of Soviet Socialist Republics and Kenya had asked to be included among the co-sponsors of document GC(XXXV)/COM.5/97/Rev.1. From remarks that had been made it was clearly the general desire that the General Conference should adopt a resolution on the matter. Doubts had been raised whether the Agency's budget for 1992 was the proper agenda item under which to consider the draft resolution. The sponsors thought it was, especially since numerous resolutions had been adopted in the past under the budget item.

32. Mr. IYENGAR (India) remarked that, as everyone knew, a single recent incident had cast doubt upon the effectiveness of the Agency's

safeguards system. Everyone agreed that the system should be strengthened so that such incidents could not recur. His delegation believed, however, that a technical solution was more appropriate than a general declaration. The safeguards system was based on various agreements: the NPT, safeguards agreements with the Agency, and bilateral or multilateral safeguards agreements. Consequently, the problem would have to be looked at in detail in order to find a solution which would help give Member States confidence that nothing untoward could happen.

33. While agreeing with the sponsors of the draft resolution that the General Conference's attention should be drawn to the necessity of strengthening the safeguards system in order to avoid similar situations, he wished to put forward a number of suggestions aimed at placing the emphasis of the draft resolution in document GC(XXXV)/COM.5/97/Rev.1 on what the Agency ought to do to make the system more effective. For example, in the preamble, paragraph (b) was important, but paragraphs (a) and (c) were not really necessary. As to the operative part, he fully endorsed paragraph 1. Paragraph 2, however, was already contained in paragraph 3, where effective measures to strengthen the safeguards system were mentioned and where the Board of Governors and the Director General were requested to continue their efforts. His delegation had prepared an alternative draft in which the Board of Governors and the Director General were requested to continue their efforts to develop effective measures to strengthen the effectiveness and efficiency of the safeguards system in conformity with the Statute (that was to say, to prevent the misuse of nuclear energy for non-peaceful purposes), without, of course, diminishing the resources devoted to promotional activities.

34. In fact, the solution to the problem might not even require additional resources. The Secretariat and the Director General should think very carefully about ways in which effective changes could be made. His delegation, for its part, supported changes which would improve efficiency. With the Chairman's permission, he would distribute to the members of the Committee an alternative text of the draft resolution submitted in document GC(XXXV)/COM.5/97/Rev.1 containing the amendments he had just proposed.

The meeting rose at 12.40 p.m.