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on Thursday, 19 September 1991, at 3.55 p.m.

Chairman: Mr. WILSON (Australia)

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Abbreviations used in this record

INSAG	International Nuclear Safety Advisory Group
INWAG	International Waste Management Advisory Group
NPT	Treaty on the Non-Proliferation of Nuclear Weapons (reproduced in document INFCIRC/140)
NUSSAG	Nuclear Safety Standards Advisory Group

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

- Draft resolution on the Agency's contribution to sustainable  
development (GC(XXXV)/COM.5/105)

1. The CHAIRMAN said he understood that discussions had taken place between the sponsors of the draft resolution contained in document GC(XXXV)/COM.5/105 and the representatives who had suggested alterations at the previous meeting.

2. Mr. JAGUARIBE (Brazil) said that, as a result of consultations between the representative of Canada and representatives who had suggested changes in the draft resolution, it had been agreed to propose the following amendments:

In preambular paragraph (b) the word "regulatory" in the third line to be deleted;

In preambular paragraph (e), second line, the word "generation" to be inserted after "electricity" and the words "and also" to be deleted; in the third line the word "environmental" to be inserted before "monitoring";

In operative paragraph 1(b) the words "of the September 1991 meetings of" to be inserted after "decisions" in the third line and the word "by" to be deleted.

3. Mr. COUSINS (Australia) said that the amendments improved the text and his delegation would join the sponsors.

4. Mr. LAVIÑA (Philippines) said that the Asian Group would also join the sponsors.

5. The CHAIRMAN said he took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(XXXV)/COM.5/105 with the amendments that had just been read out.

6. It was so decided.

- Draft resolution in document GC(XXXV)/COM.5/100/Rev.1

7. Mr. VERBEEK (Netherlands), introducing the draft resolution contained in document GC(XXXV)/COM.5/100/Rev.1 on behalf of the Member States of the European Community, said that a number of amendments had been made to the original draft resolution set out in document GC(XXXV)/COM.5/100:

In preambular paragraph (a) the words "and GC(XXXIV)/RES/530" had been added;

In preambular paragraph (c) the word "plant" had been replaced by the word "installation", in conformity with the wording in preambular paragraph (d);

In preambular paragraph (d) the words "firm plans" in the third line had been replaced by the words "sound practices", and in the last line the words "all categories of" had been inserted before the word "radioactive";

In operative paragraph 4, "1992" had been inserted in the second line after "February"; the word "framework" in the second line and the phrase "examining the merits of various options and" in the third line had been deleted; and "INWAG" had been inserted after "NUSSAG" in the fifth line;

In operative paragraph 8 the words "for the analysis and feedback of operating experience" had been inserted after "Incident Reporting System", in the interests of accuracy;

In operative paragraph 12 the last line had been amended to read "... endeavours in the important field of safety assessments of reactors built to earlier safety standards", which was a useful broadening of the scope of the paragraph;

In operative paragraph 13 the following words had been added: "and requests him to come forward with proposals for specific actions to address the problems identified in the report to be taken under the Agency's approved programme for 1992 and considered within the framework of the 1993-94 biennial programme and the Medium-Term Plan".

8. Mr. KANIEWSKI (Poland) said that the draft resolution, which dealt in a comprehensive manner with all the essential current and future issues relating to nuclear safety and radiological protection, was extremely important. His delegation would join the sponsors.

9. Mr. McRAE (Canada) said that his Government subscribed to the general objective of the draft resolution, which it understood to be the intensification of efforts by Member States under the aegis of the Agency to implement internationally agreed measures to improve and strengthen safety in the nuclear industry and to develop such measures further. That was a desirable objective in itself, but Canada believed that it would also be an important element in gaining public acceptance of nuclear power. His delegation had therefore stated in the Board that it believed safety should be one of the Agency's priority issues in the Medium-Term Plan.

10. His delegation had also expressed concern - which was shared by other speakers in the Board and the Committee - about the Agency's approach to the problem. For example, while recognizing that the idea of a convention might have value if it resulted in a practical framework arrangement which made due allowance for different national systems and technologies, Canada also realized that primary responsibility lay with national authorities. His delegation therefore regretted that the text of the resolution did not include any reference to the need to take account, in formulating safety criteria, of technical differences in reactor types. If such a reference were included in the text, the implication would be that any international regime ultimately established would be genuinely comprehensive and hence more effective. He therefore proposed that the following clause be added at the end of operative paragraph 9: "... which takes into account the characteristics of the various reactor types."

11. Mr. ALVAREZ GORSIRA (Venezuela) suggested that in operative paragraph 2 the word "Endorses" should be replaced by the words "Takes note of", since there had been no time to study the conclusions and recommendations.

12. Regarding operative paragraphs 10 and 13, his delegation was concerned about the possible financial implications of the requests to the Director General to come forward with specific proposals for action.

13. He also suggested that a reference to State liability should be made in operative paragraph 11 in the context of damage arising from a nuclear accident.

14. Mr. RIOBO (Chile) supported the amendment to operative paragraph 2 suggested by Venezuela but proposed that the introductory phrase should be "Notes with appreciation". A number of Latin American and other delegations had not had time to study the document in question. His own delegation, after a preliminary look at the report, had serious doubts about the reference to international co-operation on nuclear waste, which needed clarification.

15. He also suggested that in operative paragraph 4 the second and third lines should be amended to read: "... an outline of the possible actions in this matter, inter alia a nuclear safety convention ..." In his opinion it would not be appropriate to ask the Secretariat for views on a convention, since that needed further thought and discussion. The words "inter alia" would cover possibilities other than a convention.

16. With reference to operative paragraph 10, he questioned how the "additional actions to be taken under the Agency's approved 1992 programme" would be financed. His delegation could not accept that paragraph without further information, and he suggested that the Secretariat should be asked to prepare a paper setting forth in detail what funds would be available for the purpose and from what sources they would be drawn.

17. Mr. DIRCKS (Deputy Director General, Department of Administration) said that no additional resources had been included in the 1992 budget, which the Committee had endorsed the previous day. There were no funds in the budget for any new initiative.

18. Mr. BENINSON (Argentina) strongly endorsed the Canadian proposal concerning reactor types. He also suggested that in operative paragraph 3 the word "integrated" should be replaced by the word "harmonized".

19. Mr. LAVIÑA (Philippines) said that, while in general he agreed with the provisions of the draft resolution and found the objectives comprehensible, he was not in favour of omnibus resolutions and had in the past asked for a separate resolution on each topic. He maintained his reservations as to the form of the draft resolution.

20. He agreed with the comments of the representative of Venezuela concerning the inclusion of a reference to State liability in operative paragraph 11.

21. Mr. KOSTENKO (Ukraine) said that, while the revised draft resolution was clearly an improvement, he still had some difficulties over operative paragraph 13. His delegation would be pleased to take note of the remarkable work done by an international group of experts, which had borne fruit thanks to the efforts and co-operation of the Secretariat and the Director General. However, he had already referred to certain shortcomings in the project which he would not now take time to repeat, and felt sure that members of the Committee would understand his position. Thus he supported the provisions in the draft resolution but proposed that the words "with appreciation" in operative paragraph 13 should be deleted. His delegation would then support the draft resolution.

22. Mr. STOIBER (United States of America) strongly supported the idea of a comprehensive resolution on the vital goal of nuclear safety. It was logical to gather together the basic subjects which were so important to the Agency in the field of safety.

23. He agreed with the objections to the word "Endorses" in operative paragraph 2 and suggested that it should be replaced by the words "Takes positive note of". He also agreed with the Argentine representative's proposal that the word "integrated" in operative paragraph 3 should be replaced by the word "harmonized". In operative paragraph 4, he thought that the word "contents" in the second line implied too much detail at the present juncture and suggested that the word "elements" would be preferable. He could also accept the Chilean amendment.

24. With regard to operative paragraph 9, he could support the Canadian amendment, although he would prefer to have the paragraph omitted altogether. As a compromise, he suggested redrafting the paragraph to read: "Invites the Director General to set up a small group of experts to consider the development of safety principles for the design of future reactors, using a step-by-step approach based - inter alia - on the work of INSAG."

25. Regarding the proposal to introduce the idea of State liability in operative paragraph 11, that was a controversial issue and he would prefer the paragraph to remain as it stood. He supported the Ukrainian proposal to delete the words "with appreciation" in operative paragraph 13.

26. Mr. MALU wa KALENGA (Zaire) said that, despite the importance of the recent Conference on the Safety of Nuclear Power, it was unrealistic to treat its report as a kind of bible, when representatives had been faced with the impossible task of studying some 250 pages in the very short time available - to say nothing of the 650-page report on the International Chernobyl Project. He shared the reservations that had been voiced on operative paragraphs 2, 9 and 10. The whole draft resolution should be reviewed. He endorsed the comments of the United States representative.

27. Mr. BAKSHI (India) said that there seemed to be some inconsistency between the title of the draft resolution, "Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection" and its provisions. He assumed that the draft resolution was based on the report of the recent International Conference on the Safety of Nuclear Power. Paragraph 1 of the declaration of the Conference stated: "There was general agreement that safety should be primarily enforced at national level, by conscientious application of existing safety principles, standards and good practices at each plant, and within each national regulatory body, making best use of national legal frameworks and working practices." It thus placed the emphasis on national responsibility. Moreover, the reference to civil liability in operative paragraph 11 was inappropriate, because if safety functions were enforced more strictly, accidents should not be expected.

28. With regard to operative paragraph 2, he agreed with other speakers that the word "Endorses" was perhaps inappropriate, since members of the Committee were not in a position to endorse the major findings, conclusions and recommendations of the Conference. He also considered that the directive to the Director General in operative paragraph 4 was premature at the present stage and that the directive in operative paragraph 10 was not consistent with the title of the draft resolution and was too specific at the present juncture.



29. Mr. MARTINENKO (Byelorussian Soviet Socialist Republic) said that his delegation would join the sponsors of the draft resolution provided the words "with appreciation" were deleted from operative paragraph 13, as proposed by the Ukraine and supported by the United States of America. That would bring operative paragraph 13 into line with operative paragraphs 11 and 14.

30. Mr. GUZMAN MARTINEZ (Cuba) said that a resolution was useful only insofar as it was precise, and he had difficulty with some of the provisions in the present draft resolution. For example, operative paragraph 4 seemed to concentrate solely on the idea of a new convention. It should be made clear that there were other possibilities.

31. He did not understand the meaning of operative paragraph 5 and suggested that it be deleted. In any case, its objectives were already covered elsewhere in the draft resolution.

32. With regard to operative paragraphs 10 and 13, he had the same difficulties as other speakers. It was not clear how the measures in question could be implemented under the budget already adopted. One possibility would be for the matter to be taken up under the Medium-Term Plan.

33. Mr. SALAS BARAHONA (Peru) agreed with other representatives that in operative paragraph 2 of the revised draft resolution the word "Endorses" should be replaced by "Takes note of" or some similar expression, since delegations had not had enough time to study the findings, conclusions and recommendations of the Conference.

34. As to the financial implications of operative paragraphs 10 and 13, it should be made clear in the former case that the funding of such additional actions would have to come from extrabudgetary resources; in the latter, it was clearly over-ambitious to expect the actions called for to be included in the approved programme for 1992.

35. The references to the Medium-Term Plan should be omitted in both places, since the types of action requested were too specific to be included in the Plan, the purpose of which was to set out the broad lines of the Agency's future strategy.

36. Finally, he welcomed the suggestion by the representative of Venezuela that specific reference should be made in operative paragraph 11 to the question of State liability.

37. Mr. BENINSON (Argentina) felt that omitting the words "with appreciation" from operative paragraph 13 would do the Secretariat a great injustice in view of the sheer volume, extreme interest and general excellence of their work on the International Chernobyl Project, the report on which was considered in scientific circles to be a work of reference on the subject.

38. Mr. FITZGERALD (Ireland) recalled that the General Conference had, at its regular session in 1990, requested that an international conference be held specifically on safety in order to examine all aspects of the subject and to chart the way for the future. The sponsors of the present draft resolution had therefore considered it essential to take account of the outcome of the safety conference and to stress the need for a comprehensive statement on safety. Such a statement was, moreover, expected by the Agency's Member States and the general public. The draft resolution did no more than suggest some ideas for further reflection and reiterate some basic problems which he felt sure were undisputed.

39. Mr. KUCHINOV (Union of Soviet Socialist Republics), having expressed his agreement with the comments made by the representative of the United States of America on operative paragraphs 2 and 9, said that he could support the draft resolution as a whole if there was a clear understanding that the specific actions called for in paragraph 13 were to be funded from resources already available. He also took note of the comment by the representative of Argentina on that paragraph.

40. Mr. TALIANI (Italy), noting the general support for the draft resolution within the Committee, said that the phrase "all aspects of the question of liability" in paragraph 11 must naturally encompass State liability. As for paragraph 13, he agreed with the representative of Argentina that the words "with appreciation" should be retained. While the report might not be fully comprehensive, it was none the less most impressive.

41. Mr. ALER (Sweden) was satisfied that most of the amendments suggested by his delegation had been incorporated in the revised draft resolution, including the reference in preambular paragraph (a) to resolution 530 adopted the previous year on the transboundary movement of radioactive waste. He could accept the text as it stood and felt that, for the sake of consensus, some of the suggestions made during the present discussion could also be incorporated, including the two amendments proposed by the representative of the United States of America regarding paragraphs 2 and 9.

42. Mr. von PREUSCHEN (Germany) said, with regard to the comments on paragraph 13, that the Secretariat had devoted a great deal of effort and thought to the International Chernobyl Project, which had been intended to provide a basis for further assistance to the affected areas. Although he would not actually block a consensus on the matter, he none the less urged the members of the Committee to reconsider the proposal to delete the words "with appreciation", which he felt were entirely justified in view of the degree of organization required for the Project and the volume of additional contributions and funds involved.

43. Mr. VERBEEK (Netherlands), responding on behalf of its sponsors to the comments on the draft resolution contained in document GC(XXXV)/COM.5/100/Rev.1, said that most of the comments had been constructive and could be incorporated in the text. On a general level, he noted that the Committee seemed to be broadly in favour of an omnibus resolution, although he acknowledged the reservations expressed by the representative of the Philippines.

44. With respect to the comments on paragraph 2, the Chilean representative's suggestion of replacing "Endorses" by "Notes with appreciation" seemed a good way of dealing with the concern that "Endorsed" conveyed the impression that representatives had had plenty of time to acquaint themselves with the findings, conclusions and recommendations of the Conference and were wholly in agreement with them.

45. Moving on to paragraph 3, he had no objection to the proposal by the representative of Argentina to replace the word "integrated" by "harmonized" if it was felt, as the representative of the United States suggested, that "integrated" implied too great a degree of international control.

46. With regard to paragraph 4, he explained that the request to the Director General to prepare an outline of the possible contents of a nuclear safety convention was a response to a voluntary offer made by the Director General himself during a meeting of the Board the previous week. The sponsors would be perfectly willing, however, to make any improvements felt to be necessary in the wording of the paragraph.

47. Regarding paragraph 5, he noted that the wish expressed by one speaker to have the paragraph deleted entirely seemed to be based on considerations of intelligibility rather than substance. If that were the case, the sponsors would indeed attempt to render its meaning more clearly.

48. Having noted that the suggestions made on paragraphs 6, 7 and 8 were acceptable, he supported the proposal by the representative of Canada to add a final phrase to paragraph 8 stating that the criteria in question would take into account the characteristics of the various reactor types. The new text of the paragraph proposed by the United States with the Soviet Union's support would require closer consideration.

49. With regard to the questions raised by the representatives of Venezuela, Chile and Peru about the means available within the present Regular Budget for the additional activities proposed in paragraphs 10 and 13, it would in fact be possible to cover a modest part of those activities within the budget. The references to the Agency's approved 1992 programme had been included for the specific purpose of indicating that there was no intention to deviate from that programme. The proposal by the representative of Peru to delete the reference to the Medium-Term Plan from both paragraphs called for more detailed discussion with the co-sponsors.

50. Still on the subject of paragraph 13, he pointed out that an expression of appreciation did not imply total agreement, so that it should be possible to retain the phrase "with appreciation".

51. Regarding the inclusion of a reference to State liability in paragraph 11, he agreed with the representative of Italy that the phrase "all aspects of the question of liability" included that concept. As to the question whether the paragraph should be retained at all - a doubt raised by the representative of India - he pointed out that since the draft before the Committee was what had been called an omnibus resolution, and since it had been submitted under item 12 of the agenda, one of the sub-items of which was liability for nuclear damage, the sponsors felt it entirely appropriate to retain the paragraph.

52. Mr. MALU wa KALENGA (Zaire) stressed that in his comments on paragraph 13 he had not meant to suggest that he did not appreciate the work done by the Secretariat on the report on the International Chernobyl Project, but simply that he had not had time to read it, let alone take note of it.

53. As far as paragraph 10 was concerned, he felt that it should be redrafted to avoid giving the impression that the additional action would be based solely on the findings of the International Conference on the Safety of Nuclear Power.

54. The CHAIRMAN suggested that the co-sponsors consult with any other delegations wishing to make amendments to the draft resolution so that discussion could be resumed on a new revised draft resolution as soon as possible.

55. It was so agreed.

THE AGENCY'S BUDGET FOR 1992 (resumed)

- Draft resolution on strengthening of the safeguards system  
(GC(XXXV)/COM.5/97/Rev.1 and Rev.1/Mod.1)

56. Ms. BERTEL (France) said that she had been prepared to support the draft resolution in document GC(XXXV)/COM.5/97/Rev.1 before the alternative draft suggested by India (GC(XXXV)/COM.5/97/Rev.1/Mod.1) had been submitted. She now wanted to see the reaction to the latter draft before committing her delegation.

57. Mr. JAGUARIBE (Brazil) said that the subject under discussion was exceptionally important. Brazil was concerned about the safeguards issue and particularly about strengthening the efficiency of the system. There were, however, some problems with the draft proposed in revision 1. Preambular paragraph (a) referred to a matter which was extraneous to the Agency, since the Agency was not responsible for the enforcement of NPT. That in itself would impede a consensus approach, which he thought the meeting should try to achieve. Moreover, the question of budgetary implications needed clarification.

58. Operative paragraph 2 of the resolution contained the phrase "under the Statute", whereas India's alternative draft used the wording "in strict accordance with the Statute". The latter would be acceptable if the word "strict" were omitted. However that might be, he felt that the resolution could well be adopted by consensus once all the concerns expressed, including those of India, had been taken into account. The result would be a very specific text, but one which avoided delicate issues.

59. Mr. VILAIN XIII (Belgium) noted that the draft resolution in document GC(XXXV)/COM.5/97/Rev.1 bore the names of about 22 countries. It was thus by no means a unilateral initiative. In its present form it already reflected broad agreement among a large number of Member States. Before producing the revised text, the Chairman had called a small meeting of some 20 representatives who had engaged in open discussion. Thus the text of the draft was already the outcome of very broad consultations. It seemed strange that the meeting should now be confronted with an alternative text under the same document number. He was of the opinion that the rules should be observed, which in the present case meant that the Committee should be considering only Rev.1, not Rev.1/Mod.1. If members of the Committee wished to propose amendments, they should be formulated as amendments to the text that was before the Committee for discussion.

60. Secondly, India's proposed amendment of what was operative paragraph 3 in Rev.1 and operative paragraph 2 in the alternative text was somewhat surprising. It would be remembered, no doubt, that one result of the advance consultations organized by the Chairman was that the General Conference could not do less than recall the conclusion reached by the Board of Governors the

previous week, reflected in the text as, "Takes note of the decision of the Board to consider, at its February 1992 session at the latest, effective measures to strengthen the safeguards system". His delegation could not accept any text which failed to include that reference to the Board's decision. It was not controversial, and he could not see how the General Conference or any delegation, including that of India, could question the decision made by the Board of Governors. Thus, for Belgium, a co-sponsor of the text, there could be no agreement on any amendment of the text which meant omitting specific reference to the Board's decision.

61. Mr. BENINSON (Argentina) expressed gratitude to Australia and all the co-sponsors of the draft for the great efforts made to achieve consensus. Although Argentina would actually have preferred a text with fewer controversial points - such as India's - it was prepared to endorse the entire contents of the draft with the exception of preambular paragraph (a): there, Argentina felt itself subject to discrimination because it had not adhered to NPT. Had the co-sponsors omitted that paragraph, Argentina would even have been prepared to co-sponsor the resolution.

62. Mr. GUZMAN MARTINEZ (Cuba) also thanked the co-sponsors of the draft resolution. Cuba considered that safeguards made a significant contribution to the safe functioning of nuclear plants. His delegation continued to support the ideas set out in draft resolution Rev.1. It considered, however, that preambular paragraph (a) was not necessary: the Agency had Members who were not party to NPT, and so the reference to that Treaty was unfair. Reference was also made, in preambular paragraph (c), to the Director General's comments. Cuba did not share all the views that had been expressed and felt that they needed careful analysis. Thus it would be better not to use an adjective to describe those comments. Operative paragraph 2 should mention the importance of updating current practices. With regard to operative paragraph 3, he felt that the suggestions made by India should be taken into account.

63. All things considered, he believed that a simpler text, such as India's, might be more in line with Cuba's views.

64. Mr. KUCHINOV (Union of Soviet Socialist Republics) said that his delegation supported the draft resolution in document GC(XXXV)/COM.5/97/Rev.1 and agreed with the statement made by the representative from Belgium that that draft should form the basis for discussion. While it might be possible to amend or omit some part of the preambular section, he wanted to record his delegation's categorical opposition to India's proposal for a radical emendation of the text which emasculated it and effectively eliminated all practical reference to future work or the timing of such work.

65. Mr. AGRELL (United Kingdom) agreed with the representatives of Belgium and the Soviet Union that the Committee's discussion should be based on the text in document GC(XXXV)/COM.5/97/Rev.1, which had been tabled by a large group, and not on Mod.1, which had been tabled by a single country. He underlined the importance his delegation attached to a strong and specific wording of the resolution which would provide guidance to the Secretariat and which, recognizing the Board's decision to hold a special discussion in February 1992, also specified time limits. He very much shared the hope of others that a consensus would be reached, and so his delegation would not regard preambular paragraph (a) as absolutely essential.

66. With regard to Brazil's comments, there ought to be some recognition of the fears of some delegations that technical co-operation activities might be squeezed out by safeguards. He wondered whether the sponsors would consider the addition of another preambular paragraph after (c) reading, "emphasizing that the strengthening of the safeguards system should not lead to a diminution in the resources available to technical assistance and co-operation".

67. Mr. BAHMANYAR (Islamic Republic of Iran) fully appreciated the need to strengthen safeguards but had some reservations about the present text of the draft. It was flawed by a crucial lack of balance in the sense that safeguards and security of supplies should be promoted in parallel - an idea which most certainly did not emerge from the text as it stood. He believed that strengthening of safeguards, while justified, should also be accompanied by enhanced assurances of supply. That would make the issue of strengthened safeguards more readily acceptable to a wider spectrum of Member States. Iran therefore maintained that the addition of an appropriate operative paragraph



to the present draft would provide the necessary balance between strengthened safeguards on the one hand and enhanced assurances of supply on the other. It was not desirable that the Agency should become solely a regulatory body. That being so, Iran supported, in principle, the alternative draft suggested by India, in particular operative paragraph 2 thereof.

68. Mr. NORENDAL (Norway) said that he had some difficulty in accepting the wording proposed in India's alternative draft, though his delegation was in favour of the United Kingdom suggestion to introduce another preambular paragraph designed to allay any fears that might arise about the funding of technical assistance.

69. Mr. LEE (Republic of Korea), speaking as one of the co-sponsors of the draft resolution, said his delegation had listened with great care to the statements by the representatives of Belgium, the Soviet Union, the United Kingdom and others whose views and observations it shared. The number of co-sponsors had been continuously increasing, with 22 Member States supporting the resolution thus far and more co-sponsors to come.

70. His delegation wished to make a few comments on the alternative draft suggested by India. That draft seemed to overlook the motives underlying the resolution and to dilute its effect. In fact, the alternative version ignored the basic reason for introducing the resolution. The draft under discussion was after all a reflection of the urgent need to improve the present system of Agency safeguards. The general public was not satisfied with Agency safeguards following the implementation of Security Council resolution 687 and was not convinced of the effectiveness and credibility of the current system of safeguards. It was therefore imperative that the General Conference should restore confidence as quickly as possible and prescribe a clear mandate for the Agency, establishing detailed procedures for strengthening the safeguards system. Whoever wished to amend or modify the language used in the original draft ought not to forget those basic points.

71. Furthermore, they should also respect the relevant results of the previous week's Board meetings and the report of the Director General on that subject. The Indian alternative conveyed no sense of urgency about the need to improve Agency safeguards; it merely stated the duty of the Agency. In his view, the Statute of the Agency should be interpreted and applied in a

positive and progressive way to meet the realities the world was facing and the goals for which it was striving. Superfluous legalism could prove an obstacle to strengthening one of the fundamental mandates of the Agency. His delegation accordingly requested India to reconsider its suggestion in the light of the comments and observations just expressed. It would be gratifying if the Indian delegation were to show understanding for the substantive elements of the resolution considered important by 22 countries.

72. Mr. ENDO (Japan), speaking as a co-sponsor of the draft resolution, said he fully supported the Belgian point of view. As to the addition suggested by the United Kingdom representative, he thought it not really necessary because - although technical assistance was undoubtedly very important - it was a subject that should be considered independently of safeguards. The Japanese delegation would, however, be prepared to agree, if somewhat reluctantly, to the suggested changes in the interest of compromise.

73. Mr. LAVIÑA (Philippines) took note of the statement by the representative of the Republic of Korea.

74. Turning to the draft resolution, and in particular preambular paragraph (a) thereof, he pointed out that the Asian Group had expressed the view that reference to the NPT Review Conference was not relevant since the proposals set out in document 291 of the Conference had not been formally adopted. No matter how desirable the recommendations might have been, they had no legal status.

75. With regard to operative paragraph 2, the Asian Group wanted to add a phrase at the end which would read "... without diminishing the Agency's resources for promotional activities". It was the preference of the Asian Group to have the phrase included in that paragraph.

76. Lastly, turning to operative paragraph 3, he requested the Secretariat to read out the conclusions reached by the Board in the course of the previous week for the guidance of the Committee. It was important that all representatives should have a clear understanding of the Board's decision.

77. Mr. COUSINS (Australia) said he was encouraged at the clear indications of an interest in consensus. He had listened carefully to the positive comments of Brazil and Argentina and had taken note of the

Philippines' remarks, in particular with reference to preambular paragraph (a). On behalf of the co-sponsors of the resolution and in a spirit of compromise, he conceded that preambular paragraph (a) could be deleted. He preferred to withhold comment on other issues for the time being in order to allow time to hear further reactions to the United Kingdom's proposal.

78. Mr. STOIBER (United States of America) said he had little to add to the remarks made by the representative from Korea, with which he associated himself fully. The Indian proposal, in his opinion, did very little justice to the Agency's role in safeguards. He supported the view of the representatives of Belgium and the Soviet Union, who had emphasized that the basic text under discussion was the draft in document GC(XXXV)/COM.5/97/Rev.1.

79. In a spirit of compromise, however, he could agree to the omission of preambular paragraph (a), understanding as he did the reservations that some delegations had about it. Yet the number of countries which had acceded to NPT continued to grow, and he could not see why more than 140 Parties to the Treaty should necessarily be compelled to forego all mention of it in an Agency document. It was also understandable that there should be some concern about the problem of resources, but the fact remained that technical assistance and co-operation funding had grown over the last few years whereas safeguards funding had remained essentially static.

80. He supported the United Kingdom's suggestion to include a new preambular paragraph to the effect that the sponsors of the resolution had no intention of diminishing technical assistance and co-operation funding in order to strengthen safeguards. He could not agree with the idea that there would be no budgetary impact, however, and felt it would be unfair to tie the Secretariat's hands by saying that no budgetary implications were envisaged.

81. Many countries supported the resolution, and significant concessions had already been made by the co-sponsors. The significant weakening suggested by India would defeat the purpose of the resolution, which was to lend the General Conference's strong support to the action taken by the Board in embarking on a programme of necessary strengthening of safeguards for the benefit of the Agency and its Member States.

82. Mr. TALIANI (Italy) said that his delegation endorsed the statement of the representative of the United States, who had summarized the views of the co-sponsors. He only wished to add that, while an effort should still be made to achieve consensus, it was clear that the substance of the resolution, in particular operative paragraph 3, would have to be retained.

83. Mr. CZERVENY (Hungary), speaking as a co-sponsor of the draft resolution under discussion, noted with satisfaction that it had broad support. He reiterated that his country had undertaken co-sponsorship because it believed that the matter was of vital importance to the Agency. That being so, it was appropriate that reference to the decision taken by the Board of Governors on the issue should remain in the document. His own view was that preambular paragraph (a) concerning NPT could perfectly well be included, but, in view of the sensitivity of the issue for some delegations, he would not oppose its exclusion, particularly if that would encourage other potential co-sponsors such as Argentina. He felt that discussion should be limited to the issue of strengthening safeguards. Nevertheless, in order to meet the concerns of some delegations about a possible impact on technical co-operation activities, he was also prepared, like others, to include the statement suggested by the United Kingdom in the interests of achieving broad consensus.

84. Mr. UIJTERLINDE (Netherlands) agreed that the text in document GC(XXXV)/COM.5/97/Rev.1 should remain the basis for discussion, although it could well take into account some of the comments that had been made. The least the Committee could do would be to support the decision of the Board of Governors to take effective measures to strengthen the safeguards system. However, his delegation would be prepared to accept the deletion of preambular paragraph (a), as well as the United Kingdom proposal to introduce a preambular paragraph stating that the strengthening of safeguards should not diminish technical assistance resources.

85. Mr. McRAE (Canada) indicated that his delegation wanted its name to be added to the list of co-sponsors of the resolution.

86. Mr. BENINSON (Argentina) thanked the co-sponsors of the draft for their flexible attitude. As previously stated, his delegation would like to be considered a co-sponsor if preambular paragraph (a) were to be deleted. He expressed his support for the proposal suggested by the United Kingdom.

87. Mr. KANIEWSKI (Poland) supported the views expressed by the United States and Italy. He was very appreciative of the United Kingdom's proposal to add a new preambular paragraph (d) and hoped that it would solve many of the problems raised during the discussion. Recalling that the idea of the resolution had stemmed from the NPT safeguards situation, he thought that reference to NPT in the resolution was relevant. His delegation would not, however, object to the removal of preambular paragraph (a).

88. Mr. BAKSHI (India) said that he had listened carefully to all the comments and emphasized that he had not intended to dilute the sense of the resolution sponsored by 22 countries. It was also clear that the sponsors would be willing to drop preambular paragraph (a). He thought, with regard to preambular paragraph (c), that it was not necessary to refer to the Director General's statement because, until the final inspectors' report was issued, the true facts remained unclear; however, the reference could remain if the co-sponsors attached particular importance to it since it was not in the operative part of the resolution.

89. Turning to paragraph 1, he explained that the latter part of the sentence had been dropped, in his delegation's alternative draft, because he saw no connection between the effectiveness of safeguards and the peaceful uses of nuclear energy. He had no objection to keeping paragraph 2. His suggested alternative for paragraph 3 in fact included the statement that there should be no diminution of resources devoted to promotional activities. He also had no objection to paragraph 4.

90. He wished to emphasize once again that India was not opposing safeguards agreements between Member States and the Agency, which it considered sacred. He had no strong views, but suggested that certain changes could be useful for consensus even after 24 Member States had agreed to the resolution.

91. Mr. JURZA (Czechoslovakia) said that recent events in Iraq, as well as other developments in the world, had shown that there was a real need to strengthen the safeguards system. He was therefore most concerned by the Indian proposal, although the last intervention of the representative of India

had calmed his fears somewhat. He associated himself with the views which had been expressed by various delegations, notably the Republic of South Korea and the United States of America.

92. Mr. JAGUARIBE (Brazil) said he was glad to see that the Committee was moving towards general agreement on the matter. He thanked those States who had agreed to the deletion of preambular paragraph (a), and took note with appreciation of the suggestion which had been put forward by the representative of the United Kingdom. His delegation was principally concerned that the resolution should have no financial implications as it did not request any particular action.

93. He suggested that the words "under the Statute" in operative paragraph 2 should be amended either to "in accordance with the Statute" or "in conformity with the Statute". The wording of operative paragraph 3 was acceptable, as long as it truly reflected the decision which had been taken by the Board.

94. Mr. von PREUSCHEN (Germany) associated himself with the remarks which had been made by the representative of the Republic of Korea. Safeguards were in fact the basis for the peaceful use of nuclear energy. He therefore could not agree to the deletion of the second half of operative paragraph 1.

95. Mr. TALIANI (Italy), referring to the concern which had been expressed by certain delegations with regard to the reference in operative paragraph 3 to the decision of the Board, suggested that a reference could perhaps be included to the summary record of the relevant Board meeting.

96. Mr. HASHIMI (Pakistan) associated himself with the views expressed by the representative of Brazil. He endorsed the proposed deletion of preambular paragraph (a) and commended the suggestion which had been put forward by the representative of the United Kingdom. With respect to the reference to a Board decision in operative paragraph 3, concerning which the representative of the Philippines had requested clarification, in the absence of an official record for that meeting he himself was relying on the statement which had been made by the representative of the European Community, which

referred to "measures to strengthen the effectiveness of the safeguards system" and not "effective measures to strengthen the safeguards system" as was stated in the resolution.

97. Mr. ABDELBARI (Algeria) said he was pleased at the flexibility which certain delegations were showing, especially with regard to the deletion of preambular paragraph (a). He questioned the legal value of preambular paragraph (c), and endorsed the proposal which had been made by the representative of Brazil that the words "under the Statute" in operative paragraph 2 be replaced by the words "in conformity with the Statute".

98. The CHAIRMAN, responding to comments which several delegations had made concerning the reference in operative paragraph 3 to the Board's decision on item 1(c) of its agenda, other safeguards issues, during its September series of meetings, said that the Chairman of the Board, in his summing up, had said that several members had stressed the importance which they attached to the taking of any steps to increase the efficiency and effectiveness of Agency safeguards, and had called for Secretariat studies in which the ideas put forward on the five safeguards issues already considered, as well as on additional issues, would be elaborated and refined with a view to formulating proposals on the basis of which decisions could be taken in February 1992 or even earlier, after due consultations. A few speakers had expressed concern about the scope of the proposed discussion which, in their view, might involve changes in the system operating under INFCIRC/153. The Board had agreed that it would remain seized of the issue and had requested that the item be placed on the agenda for its February session at the latest.

99. Mr. BAKSHI (India) said that it was clear, from the Chairman of the Board's summing up which had just been quoted, that the Board had agreed to remain seized of the item but had not taken any decision, and he suggested that that should be reflected in the resolution.

100. The CHAIRMAN said that the Committee appeared to be approaching a consensus on the issue. Summarizing the amendments which had been proposed during the course of the discussion to the text in document GC(XXXV)/COM.5/97/Rev.1, he said that preambular paragraph (a) was to be deleted; therefore, preambular paragraph (b) would become preambular paragraph (a), and preambular paragraph (c) would become preambular paragraph (b).

The United Kingdom had proposed a new preambular paragraph (c) which ran as follows:

"Emphasizing that the strengthening of the safeguards system should not lead to a diminution of the resources available for technical assistance and co-operation".

Operative paragraph 1 was to remain unchanged. The words "under the Statute" in operative paragraph 2 were to be changed to "in conformity with the Statute". Operative paragraph 3 seemed to enjoy a broad consensus. Operative paragraph 4 also remained unchanged.

101. Mr. LAVIÑA (Philippines) thanked the Chairman for reading out the Chairman of the Board's summing up on item 1(c) of its agenda for its September series of meetings. In the light of that information, he requested that the final phrase of operative paragraph 3 of the resolution be amended to read "measures to strengthen the effectiveness of the safeguards system".

102. Mr. AGRELL (United Kingdom) said that the existing text of operative paragraph 3 seemed to him to be a perfectly adequate summary of the Chairman of the Board's summing up, and he requested that his delegation be listed as a co-sponsor of the draft resolution in its amended form.

103. Ms. BERTEL (France) said that her delegation would also like to co-sponsor the amended draft resolution.

104. Mr. JAGUARIBE (Brazil) said that his delegation would have preferred it if the resolution could have reflected more exactly the Chairman of the Board's summing up. The Chairman of the Board had merely said that the matter would be discussed again in February 1992 and had said nothing about the taking of effective measures. However, in a spirit of compromise, he was willing to support the amended wording for operative paragraph 3 proposed by the representative of the Philippines.

105. Mr. HASHIMI (Pakistan) associated himself with the views which had been expressed by the representative of Brazil and pointed out that the wording suggested by the representative of the Philippines also agreed more closely with the statement made by the representative of the European Community, which he had quoted.



106. Mr. BAKSHI (India) also associated himself with the comments which had been made by the representative of Brazil, noted that the text of operative paragraph 3 should reflect the summing up of the Chairman of the Board properly, and requested that a revised version of the resolution be submitted to the Committee the following day.

107. The CHAIRMAN said that, as far as he could see, a consensus could be reached on the issue immediately if the wording for the final phrase of operative paragraph 3 which had been proposed by the Philippines were adopted. He therefore asked whether the Committee was prepared to recommend to the General Conference that it adopt the resolution contained in document GC(XXXV)/COM.5/97/Rev.1 with the amendments he had read out, together with the amendment to operative paragraph 3 suggested by the representative of the Philippines.

108. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN MATTERS RELATING TO NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION (GC(XXXV)/COM.5/100/Rev.1)  
(resumed from earlier in the meeting)

109. The CHAIRMAN informed the Committee that an amended version of document GC(XXXV)/COM.5/100/Rev.1 had been agreed upon by the sponsors of that draft resolution. He drew the Committee's attention to the changes between the earlier version and the latest version, which had just been circulated in handwritten form in English. [\*]

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[\*] The changes were as follows:

- Replace "Endorses" by "Takes positive note of" in paragraph 2;
- Replace "an integrated" by "a harmonized" in paragraph 3;
- Replace "contents" by "elements" in paragraph 4;
- Replace "vigorous" by "thorough and transparent" in paragraph 5;
- Reverse paragraphs 5 and 6;
- Amend paragraph 9 to read "... of experts to develop safety principles for the design of future reactors, using a step-by-step approach based - inter alia - on the works of INSAG and taking into account the characteristics of various reactor types";
- In paragraph 10, delete "additional" and replace "under" by "within" and "approved 1992 programme" by "approved 1992 budget";
- In paragraph 13, replace "under" by "within" and "approved programme" by "approved budget".

110. Mr. HOGG (Australia) said that his delegation would like to co-sponsor the draft resolution in its amended form.

111. Mr. KOSTENKO (Ukraine) requested that the reservations which he had expressed concerning paragraph 13 of the draft resolution be reflected in the summary record of the meeting.

112. Mr. RIOBO (Chile) said that he was concerned by the reference to a possible nuclear safety convention in operative paragraph 4 since no mention was made of an activity of that kind in the 1992 budget. However, he did not wish to insist on a change in the amended draft.

113. The CHAIRMAN pointed out to the representative of Chile that the original version of operative paragraph 4 had been amended, the wording "an outline of the possible contents of a nuclear safety convention" being replaced by the wording "an outline of the possible elements of a nuclear safety convention". That change should alleviate any concern which the representative of Chile might have concerning the inclusion of that activity within the framework of the 1992 budget.

114. Mr. UIJTERLINDE (Netherlands), responding to the comments made by the representative of Chile, said that sufficient account had already been taken in the amended draft of the points which the representative of Chile had raised earlier in the meeting. He then asked for clarification from the Secretariat whether it would be possible, within the 1992 budget, for the Director General to prepare an outline of the possible elements of a nuclear safety convention. The inclusion of such an activity seemed perfectly feasible; and, moreover, the Director General had himself offered to prepare the aforementioned outline in his introductory statement at the Board's meetings in September. It seemed both unnecessary and impolite to turn down that offer.

115. Mr. DIRCKS (Deputy Director General for Administration) said that the activity in question could be accommodated within the budget ceiling and pointed out that, when the budget was planned, the fine details of the programmes were not fixed point by point; rather, a measure of flexibility was retained.

116. Mr. RIOBO (Chile) said he was not entirely happy with the explanations which had been offered by the Secretariat, nor was he satisfied with the wording "possible elements of a nuclear safety convention", since that seemed to exclude the several other possibilities which had been put forward in the report of the International Conference on the Safety of Nuclear Power. The draft resolution should not prejudge matters by concentrating on one suggestion to the detriment of others; moreover, that activity was not covered by the 1992 budget.

117. Ms. GARZA SANDOVAL (Mexico) associated herself with the comments which had been made by the representative of Chile. She also pointed out that the statement in operative paragraph 13 to the effect that work undertaken pursuant to the International Chernobyl Project should be considered within the framework of the Medium-Term Plan was inappropriate since the Medium-Term Plan was a strategic document and therefore should not refer to specific projects.

118. Mr. von PREUSCHEN (Germany) said that the misgivings of certain delegations with respect to the references to the budget contained in operative paragraphs 10 and 13 of the draft resolution might be offset if the words "within the Agency's approved 1992 budget" in paragraph 10, and the similar phrase in paragraph 13, were replaced by the words "within the financial envelope of the Agency's approved budget for 1992".

119. Mr. PAREDES PORTELLA (Peru) associated himself with the comments which had been made by the representatives of Mexico and Chile and pointed out that operative paragraph 10 clearly related to extrabudgetary matters. On the whole, he preferred the original draft of that paragraph, since the version which had just been put forward by the representative of Germany could lead to even greater confusion.

120. Mr. UIJTERLINDE (Netherlands) said that some delegations seemed to be under a misapprehension with respect to the nature of paragraph 4 of the resolution. Paragraph 4 was not the only paragraph in the resolution which took up the recommendations of the International Conference on the Safety of Nuclear Power. Paragraph 5 was an almost literal quotation from the final report of the Conference, as were paragraphs 6, 7, 8, 9 and 12. It was therefore incorrect to say that paragraph 4 was the only follow-up action

which was being recommended, or that that paragraph somehow limited the response to the Conference's findings by focusing on a single recommendation to the detriment of others.

121. Mr. STOIBER (United States of America) appealed to the members of the Committee to show a spirit of compromise.

122. The resolution requested the Secretariat to explore certain ideas. The Deputy Director General for Administration had already stated that the approved 1992 budget could accommodate the activities outlined in it. The United States had not been particularly enthusiastic about operative paragraph 4 but was willing to go along with the new wording. The new wording, which referred to "elements of a nuclear safety convention", involved no commitment and indeed did not go very far. The subject was, in any case, open to further discussion and would not involve any great expense.

123. Mr. TALIANI (Italy) endorsed the comments which had been made by the representative of the United States of America. He also expressed surprise at the dissent which had been evinced by certain members of the Committee since the actions in question had been recommended by the Board.

124. Mr. HASHIMI (Pakistan), responding to the comments made by the representative of the Netherlands to the effect that the resolution took up many recommendations of the Conference on the Safety of Nuclear Power in various of its operative paragraphs, pointed out that there was only one reference to radiological protection and that was contained in operative paragraph 1. It seemed to him that all reference to that issue could be deleted from the resolution, which seemed to be more about nuclear safety alone, and specifically reactor safety.

125. Mr. RIOBO (Chile) said that, in a spirit of compromise, his delegation would be willing to accept the full text if the amendment which had been proposed by the representative of Germany were incorporated into operative paragraphs 10 and 13.

126. The CHAIRMAN, after consulting the representative of Germany, noted that that would mean that the words "within the Agency's approved 1992 budget" in operative paragraph 10, and the words "within the Agency's approved budget for 1992" in operative paragraph 13 would be replaced by the

words "within the financial envelope of the Agency's approved 1992 budget". The wording of paragraph 4 would remain as given in document GC(XXXV)/COM.5/100/Rev.1.

127. Ms. GARZA SANDOVAL (Mexico) stressed that the reference to the Medium-Term Plan, though it might be appropriate in paragraph 10, was not appropriate in paragraph 13 and should be deleted.

128. Mr. HASHIMI (Pakistan) asked whether the amendment which had been put forward by the representative of Germany affected the various approved programmes in the budget document.

129. Mr. DIRCKS (Deputy Director General for Administration) said that he interpreted the words "within the financial envelope of the Agency's budget" as meaning within the financial ceiling of the budget, i.e. within the general levels of appropriation. As he had already stated, the activities in question could be accommodated within that financial ceiling.

130. Mr. MARTINENKO (Byelorussian Soviet Socialist Republic), responding to the comments made by the representative of Mexico, said that the International Chernobyl Project was not a separate programme but a strategy for the future of nuclear energy extending over hundreds of years; as such, it was of immense importance to mankind as a whole, and its importance had to be appreciated. The question of the difference between the "financial envelope of the budget" and the "budget" seemed to him to be a quibble. He appealed to the members of the Committee to look at the social and moral implications of the use of nuclear energy and insisted that paragraph 13 remain in the version given in document GC(XXXV)/COM.5/100/Rev.1.

131. Mr. von PREUSCHEN (Germany) endorsed the views expressed by the representative of Byelorussia. The activity was of general interest. There also seemed to be a misunderstanding about the nature of the Medium-Term Plan, which was simply a plan for the future like so many other plans that the Agency had made before. In conclusion, he requested that the wording of paragraph 13 remain unchanged.

132. Ms. GARZA SANDOVAL (Mexico) said that her delegation would be satisfied if its reservations concerning the inclusion of a mention of the Medium-Term Plan in paragraph 13 were duly noted in the summary record of the meeting.

133. Mr. BAKSHI (India) said that, in view of the comment which the representative of Mexico had just made, his delegation was also willing to concede the point.

134. The CHAIRMAN, noting that the Committee appeared to have finally reached consensus on a version of the draft resolution, asked whether it was prepared to recommend to the General Conference the adoption of the draft resolution contained in document GC(XXXV)/COM.5/100/Rev.1 with the changes circulated earlier in handwritten form and the amendments to operative paragraphs 10 and 13 which had been proposed by the representative of Germany.

135. It was so agreed.

#### GENERAL DEBATE AND ANNUAL REPORT FOR 1990

##### - Consideration of draft resolution contained in document GC(XXXV)/983

136. The CHAIRMAN said that the General Conference had referred the draft resolution contained in document GC(XXXV)/983 to the Committee for its consideration.

137. Mr. RIOBO (Chile), introducing the draft resolution on behalf of the Group of 77, said that its purpose was to emphasize the importance of the peaceful uses of nuclear energy for Member States, including the developing countries, and the need to strike a balance between such activities and other programmes financed from the Agency's Regular Budget. The resolution also requested the Director General to maintain that same balance in the Medium-Term Plan and to allocate more funds to promotional activities. Finally, it requested the Director General to promote programmes for the transfer of technology to the developing countries.

138. Mr. STOIBER (United States of America) said that, while sympathizing with the desire to place the General Conference on record as supporting the Agency's technical assistance and co-operation programmes, and while sharing the sponsors' aim of strengthening of such programmes, his

delegation was obliged to oppose the draft resolution because of its essential vagueness. It failed to define the terms "regulatory" and "promotional" and, by suggesting that the Agency's activities could be neatly classified under those two headings and subsequently balanced, it merely served as a recipe for sterile and damaging debate. Safeguards activities could not be categorized as purely "regulatory", since without the assurance provided by solid safeguards programmes there could be no nuclear commerce. Other areas of the Agency's work, such as nuclear safety, the fuel cycle and waste management, also straddled the two dubious categories.

139. The resolution was also misleading in preambular paragraph (b), which referred to only one of the functions listed in Article III.A of the Agency's Statute, thereby creating an inherent imbalance in a resolution ostensibly aimed at achieving balance between the Agency's programmes. Furthermore, the notion put forward in preambular paragraph (f) that the Agency's resources for promotional activities had not been assured and sufficient was a false one; on the contrary, the programme conducted had been very successful and had fulfilled the Agency's statutory functions in that sphere.

140. Mr. KUCHINOV (Union of Soviet Socialist Republics) appreciated the concerns expressed by some Member States with regard to technical assistance, but wished none the less to join the previous speaker in appealing to delegations not to support the draft resolution before the Committee.

141. Firstly, the distinction made between "regulatory" and "promotional" activities was vague and problematic. Since the Agency was not empowered to enact legislation, none of its activities could be considered "regulatory" in the strict sense. The ultimate aim of safeguards, for example, was to enable countries to benefit from the peaceful uses of nuclear energy by preventing the use of nuclear materials, equipment and facilities for military purposes. The same applied to waste management or safety standards and to various other activities which many countries would consider to be promotional rather than regulatory, if forced to make that distinction.

142. Secondly, the safeguards budget had in recent years been subject to a zero-real-growth constraint, whereas the resources available for technical assistance had been constantly increasing. Consequently, rather than trying

to procure more funding for technical assistance, it might be more appropriate to concentrate on improving the utilization of the funds available.

143. Mr. VILAIN XIII (Belgium) said that his delegation would have the greatest difficulty in supporting the draft resolution for the same reasons as those put forward by the previous two speakers.

144. Mr. RIOBO (Chile) felt that an unwarranted degree of conceptual and semantic confusion had been introduced into the discussion of regulatory and promotional activities, two terms which he felt to be quite straightforward and distinct. What was clear, however, was that the United States and Soviet delegations could not support the draft resolution.

145. Mr. von PREUSCHEN (Germany) felt that a resolution aimed at strengthening the Agency's promotional activities was redundant, since the one and only purpose of the Agency, as stated in Article II of the Statute, was promotional, namely "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world". The seven functions of the Agency listed in the subsequent article all served that one objective.

146. Mr. COUSINS (Australia) wondered whether it might be possible to reach a consensus on the basis of a shorter resolution.

147. Mr. FARAHAT (Egypt) said that, unless the Chairman issued a clear ruling on the matter, there was little hope of finding a way out of the present impasse, since it was clear that the United States and Soviet delegations disagreed with most aspects of the resolution, while, at the same time, it remained the will of the majority, namely the Group of 77.

148. Mr. COUSINS (Australia) agreed with the representative of Egypt that unless a more constructive attitude was shown there would be no further progress on the present issue. He therefore suggested that the Committee discuss a shorter resolution which would consist of the present preambular paragraphs (a) and (b), followed by two short operative paragraphs. Paragraph 1 would read as follows: "Confirms its resolve to maintain and strengthen the effectiveness and efficiency of the Agency's technical assistance and co-operation activities in conformity with the Statute", and



paragraph 2 would read: "Requests the Director General to take account of the view of the Conference on this question in the preparation of a draft Medium-Term Plan".

149. Mr. KUMAR (India) fully endorsed the Egyptian statement. The tenor of some of the comments made he found highly surprising, believing as he did that ideas were normally put forward for discussion, not for summary rejection. Radical amendments to the draft resolution were not acceptable, and he therefore suggested that the meeting should proceed on the basis of the draft submitted on behalf of the Group of 77 and try to find consensus.

150. The CHAIRMAN said that, as he saw it, the Committee had three options: it could (i) adjourn the debate to enable the sponsors to consider and perhaps modify the text of the draft resolution; (ii) go on with the debate; or (iii) conclude that there was no point in pursuing the debate and instruct the Chairman so to report to the President of the General Conference.

151. Mr. JAGUARIBE (Brazil) suggested tackling one of the central elements of discussion which had not been incorporated in Australia's helpful suggestions: that was balance. The Agency had several distinct types of activity. Safeguards were being strengthened under a zero-growth budget as indeed were safety activities. What about technical co-operation? If agreement could be reached on the right balance of those activities, there might be progress in the discussion.

152. Mr. STOIBER (United States of America) considered that the real problem was the very notion of balance. There had, as yet, been no response to his earlier queries about the difference between promotional and regulatory activities. There was a fundamental defect in the concept of labelling Agency activities in a more or less arbitrary way and then calling for some kind of balance between them. In the budget and programme process an effort was made to define the important activities of the Agency, as set out in Article III of the Statute, and then to find the resources needed to make them effective, in the light of the needs of Member States.

153. What was missing, therefore, was a definition of promotional activities versus regulatory activities. For his own part, he was prepared to discuss the issue as long as necessary.

154. Mr. RIOBO (Chile) said that he had noted a change in the attitude of the United States delegation, which now seemed to recognize that there was a difference between promotional and regulatory activities. Promotional activities were not necessarily co-extensive with technical assistance, but technical assistance was a vital part of the Agency's promotional activities. In some of their aspects safeguards could also be considered to be promotional. If the conceptual distinction could not be seen, no agreement could possibly be reached.

155. Promotional activities could include investigation and research, or the work done by the Department of Research and Isotopes: those were promotional endeavours which did not necessarily involve technical assistance. It was that type of activity which the Group of 77 wanted to see reinforced in the budget of the Agency and in the Medium-Term Plan. Safeguards were essentially a regulatory activity, but other activities contained some aspects of both regulatory and promotional functions in terms of the Statute. It was worth repeating that, if that conceptual approach could not be appreciated, no dialogue was possible.

156. Mr. KUMAR (India) said that he hoped his delegation could offer some useful comments in response to the query by the United States. For India, the difference between regulatory and promotional functions, the notion of balance, and hence the reasons for the resolution, were perfectly clear. The Statute was also unambiguous about the reasons for setting up the Agency. Article II stated that the objective of the Agency was "... to enlarge the contribution of atomic energy to peace ...", a purpose which constituted promotion of nuclear energy, even while the fact that nuclear energy could be misused, and hence the fact that its use for military purposes had to be prevented, was recognized. Therefore, there was a need for the Agency both to promote and to regulate the practical applications of nuclear energy. The first was an objective, the second a constraint subject to which the objective had to be fulfilled. The two domains were equally important, and therein lay the notion of balance.

157. The reason why the resolution under discussion stressed only certain provisions of the Statute lay in the widespread conviction that the de facto situation in the Agency represented imbalance. The resolution's aim was to

rectify the existing imbalance. There was, of course, no hard-and-fast rule on what constituted regulatory and what constituted promotional functions. They were well understood concepts.

158. It was also wrong to assume that promotional activities were only for the benefit of developing countries. Protection of the environment, for example, was a worldwide concern which illustrated that point well. The use of nuclear technologies to protect the environment and to reverse pollution was of interest to all countries, developed and developing alike. That was a promotional activity in a new area. A further example was to be found in the development of small- and medium-size reactor technology: if such reactors could be made available, the use of nuclear energy would be furthered, and that would be a promotional activity of interest to all States.

159. All activities which had the effect of extending the use of nuclear energy beyond the present limits were promotional. Any activity that aimed at regulating nuclear energy was regulatory, and an outstanding example of such an activity was safeguards. Thus, there was no justification for harbouring any reservation in principle about a conceptual approach; although the words "regulatory" and "promotional" did not appear in the Statute, they were certainly not in conflict with the Statute's provisions. The language of the draft could perhaps be improved if language was indeed the problem; but at all events it was important to move towards consensus on the underlying thrust of the resolution.

160. Mr. AGRELL (United Kingdom) said he had listened with great interest to the statements by the representatives of Brazil and India, which illustrated clearly some of the difficulties of the issue.

161. Though the representative of Brazil seemed to be in little doubt as to what the difference was between regulatory and promotional activities, those two types of activities were in fact closely interwoven within the Agency's programme and it was no easy task to sort out which was which. The whole matter required much more careful and protracted consideration and thought. With respect to the question of balance, he could not share India's interpretation of Article II of the Statute - it seemed too much of a simplification of the text.

162. The Group of 77 were perfectly right to be concerned if they detected any shift in the Agency's programme of activities over the years which meant that undue emphasis was being placed on one area of activities at the expense of another; but to talk about imposing a "strict balance" without defining the exact meaning of those words was not a reasonable approach: in the final analysis it could mean freezing the Agency's programme in one pattern which might no longer be appropriate for the future. The emphasis on regulatory activities in recent years had been a reflection of overall trends in technical development throughout the world, and had been recognized by successive Boards of Governors and approved by successive General Conferences as the most effective way of laying the foundations for the wider and more acceptable use of nuclear power.

163. Thus, it was important to move away from the idea of a balance between two different types of activities towards the idea of a balance between many different types of activities. That had been the aim of all the Agency's many programmes and budgets and it was also the main aim of the Medium-Term Plan. Any attempt to insist upon a strict polar balance between two arbitrarily delineated categories of activity would result in enormous difficulties.

164. Mr. BENINSON (Argentina) associated himself with the views which had been expressed by the representatives of Brazil and India.

165. Mr. KUMAR (India), responding to the comments which had been made by the representative of the United Kingdom, said that he did not see how selective emphasis on one aspect of the programme could be misguided. Delegations who were opposing the resolution had not held that opinion when discussing the resolution on safeguards which had just been passed. Moreover, even though his delegation had felt that the language used in the resolution on the strengthening of safeguards was vague, it had compromised on the issue and had not opposed the consensus.

166. With respect to the question of balance, the problem was not one of strict linguistic definitions but rather of an overall concept. The members of the Committee were being invited not to wrangle over the details of the draft resolution but to agree on its main thrust, and about that there surely could not be any problem.

167. Mr. AGRELL (United Kingdom) said that he had not objected to a selective emphasis on one part of the programme. It was always acceptable for one set of delegations to say that they attached particular importance to one part of the Agency's overall programme. What he had objected to was an attempt to fix the pattern of the Agency's work in one particular mould, an endeavour which could only lead to strain.

168. Mr. HOGG (Australia) said there was a big difference between the resolutions on nuclear safety and safeguards, which the Committee had just finished considering, and the one which was now under consideration. Both those earlier resolutions respected the budgetary and decision-making principles of the Agency. The present resolution did not; rather, it attempted to impose a rigid principle which would deprive the Board of all flexibility in its later discussions, and might indeed make it impossible to focus on the real needs of Member States in any particular year. The Agency had a strong commitment to technical assistance which had often been expressed. If the members of the Committee were willing to concentrate on that idea, agreement might be reached on a proposal similar to the one that he himself had put forward. He appealed to the members of the Committee to consider a step of that kind, since the debate was clearly going nowhere.

169. Mr. KUCHINOV (Union of Soviet Socialist Republics) said the representative of India had stated that what was at stake was a question of principle and not of language. That was indeed true, for the question directly involved the distribution of resources. He associated himself with the views which had been expressed by the representative of the United Kingdom. Any attempt to impose a rigid principle of balance would involve the risk of prejudicing activities. The Agency's budget amounted to approximately US \$200 million. Approximately \$60 million went to safeguards and \$140 million to promotional activities. Technical assistance was currently receiving approximately \$50 million. Of course, the available monies could be divided up exactly equally, but what would be gained by that? The best approach was to retain a sense of priorities, and that was the idea underlying the Medium-Term Plan. The representative of Australia had already pointed out that the activities dealt with in the resolutions which the Committee had just passed were all clearly subject to normal budgetary limitations and

availability of resources. If there was to be any more talk about promotional activities, then it ought to take the form of a discussion of specific projects which representatives felt were underfunded.

170. Mr. STOIBER (United States of America) also felt that more progress could be made if the discussion turned to more specific questions. He had listened carefully to the comments which had been made on the differences between promotional and regulatory activities, but it was still not clear to him what type of policy directive the delegations sponsoring the resolution intended to implement. The comments of the Australian representative had been very positive, and the United States delegation could support the draft resolution he had put forward orally.

171. In an attempt to produce a version of the original resolution which the United States delegation might be able to support, he suggested a number of changes. The word "promotional" in the title should be replaced by the words "technical assistance and co-operation". Preambular paragraphs (a) and (b) could remain as they stood. The words "such promotional activities" in preambular paragraph (c) should be replaced by "technical assistance and co-operation activities". Preambular paragraph (d) could remain unchanged. The words "vast potential" in preambular paragraph (e) should be replaced either by "great potential" or simply "potential". Preambular paragraph (f) should be amended to read as follows: "Desiring that the Agency's resources for technical assistance and co-operation activities be assured and sufficient". He was still very concerned about the notion of balance in preambular paragraph (g) and would prefer to see that paragraph deleted. The first operative paragraph from the Australian proposal should be used as the first operative paragraph of the amended resolution. Paragraph 4 of the original resolution could be used as the second operative paragraph, and the second operative paragraph from the Australian proposal could be used as the third operative paragraph. Finally, operative paragraph 5 of the original version could be used as operative paragraph 4 of the amended version. The result would be intelligent and should achieve consensus.

172. Mr. FARAHAT (Egypt) said that, while greatly appreciating the comments made by the representative of the United States, he would like to see his proposals in writing, as the sponsors wished to discuss the issue among

themselves. Also, since the concepts of promotional and regulatory activities seemed to have caused a lot of confusion, the Secretariat could be asked to explain how it understood those activities. Lastly, if the problem of balance, which was the essence of the resolution and therefore the crux of the problem, could be solved, drafting work could proceed, though not until the Secretariat had explained whether there was a need for balance or not.

173. Mr. KUCHINOV (Union of Soviet Socialist Republics) said he supported the proposal put forward by the representative of the United States.

174. Mr. ENDO (Japan) said that promotional activities, which included technical assistance, constituted a very important area of the Agency's work. That being so, he fully supported Australia's view that promotional activities should be strengthened. However, safeguards were also an important area, so each domain should be considered in its own right. The difficulty lay with the concept of balance, and anything which included that concept was unacceptable to his delegation.

175. Mr. SALAS BARAHONA (Peru) said that he was extremely grateful for the clarifications provided by India and Brazil. The Committee's work was always characterized by a spirit of understanding and conciliation and it was clear to all that aspirations and realities were two different things, and hence that there was a lack of balance between what the Agency should do and what it did. Technical assistance and co-operation was a concept understood by all, but it would have been better if, from the outset, a more conciliatory spirit had been displayed in the process of determining how the Agency could increase its effectiveness in that field. Although it was not always easy to determine precisely what belonged in the regulatory and what in the promotional domain, the category of a given activity was normally clear enough.

176. The constructive spirit underlying the proposal put forward by the representative of the United States was commendable, but the resulting new draft should preferably be made available in writing. If that proposal and the proposal put forward by the Group of 77 were somehow combined, it might be possible to find common ground and a new approach to tackling the problem effectively; the answer was therefore to return to the text.

177. Mr. DAVIES (Secretary of the Committee), reading out the United States amendments to the draft resolution in document GC(XXXV)/983 at the request of the Chairman, said that, in the title, the word "promotional" should be replaced by the words "technical assistance and co-operation". Subparagraphs (a) and (b) should remain unchanged. In subparagraph (c) the words "such promotional activities" should be replaced by "technical assistance and co-operation activities". Subparagraph (d) should remain unchanged, and, in subparagraph (e), the word "vast" should be replaced by "great". In subparagraph (f), the word "Concerned" should be replaced by the word "Desiring" so that the sentence would read, "Desiring that the Agency's resources for technical assistance and co-operation activities be assured and sufficient", and subparagraph (g) should be deleted.

178. The first operative paragraph would be the first of the two paragraphs suggested by Australia, as follows: "Confirms its resolve to maintain and strengthen the effectiveness and efficiency of the Agency's technical assistance and co-operation activities in conformity with the Statute;". Then paragraph 4 would become paragraph 2, and the new paragraph 3 would be the second paragraph suggested by Australia, namely, "Requests the Director General to take account of the view of the Conference on this question in the preparation of a draft Medium-Term Plan;". Paragraph 5 would become paragraph 4 unchanged.

179. Mr. COUSINS (Australia) said that he greatly valued the suggestions made by the United States, which he could fully support. However, two small textual amendments were necessary because, when speaking earlier, he had not specifically addressed himself to the original paragraphs 4 and 5 in document GC(XXXV)/983. In the second line of the original paragraph 4, in the Group of 77 text, reference was made to "effective programmes for the transfer of technology to developing countries aimed at improving ...". He was not aware that the Agency itself, as an organization, possessed technology; it might therefore be more accurate to refer to "the development of effective programmes aimed at improving the scientific and technological capabilities of developing countries ...". Also, the final paragraph in the Group of 77 draft ought more properly to be addressed to the Director General; it would then read, "Decides that the Director General should report on compliance with this resolution ...".



180. The CHAIRMAN asked the representative of Australia to read out again his amendment to the fourth operative paragraph.

181. Mr. COUSINS (Australia) said that the amended wording of the fourth paragraph was as follows: "Requests the Director General to enhance technical co-operation activities through the development of effective programmes ...", after which the words "for the transfer of technology to the developing countries" should be deleted, so that the sentence would continue "... aimed at improving the (rather than 'their') scientific and technological capabilities of developing countries". The remainder of the paragraph was unchanged.

182. Ms. LACANLALE (Philippines) said that, as other delegations belonging to the Group of 77 had said, the crux of the resolution was balance. She was therefore strongly in favour of including a paragraph referring to balance. Hence, her suggested amendment to the present formulation of operative paragraph 1 was as follows: "Affirms that, in order to better fulfil the objectives of the Agency, a better balance should be achieved between the Agency's safeguards activities and its technical assistance and co-operation activities;". Her use of the words "technical assistance and co-operation activities" was provisional and would be subject to the agreement of the other members of the Group of 77. The phrase "technical assistance and co-operation activities" was to replace the words "promotional activities".

183. Mr. RIOBO (Chile) said that the Group of 77 was not prepared to abandon the concept of promotional activities, which was a very wide concept and one that had been in use for many years. Article III.B.3 of the Statute stated that, in carrying out its functions, the Agency should "allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the underdeveloped areas of the world". Was that so abstract as to be of no value? That criterion was applied when promotional activities were being discussed; it was therefore a valid precept, and a statutory one at that. It referred specifically to the question of resources and how they were to be used. Consequently, he was not prepared to abandon the concept of promotional activities.

184. Mr. BAKSHI (India) said that he wished to respond to certain inaccuracies in comments by previous speakers. For example, it had been stated that the earlier resolutions on safeguards and nuclear safety had respected the budgetary process, whereas the present resolution did not. That was inaccurate, since the resolution now under discussion did not call for an increase in the budget, which was another question altogether. The resolution sought only to give a particular thrust to the budgetary process, which, moreover, was not sacrosanct. Nor could it be a question of the earlier resolutions keeping within the available means, for the present resolution did so too and was not requesting any increase in resources. It did not violate any principles, a point which should be made very clear.

185. It had also been said that the present draft resolution sought to apportion resources regardless of the needs of Member States or the situation in any particular area or at any particular time. That was incorrect; the resolution reflected the needs of a large number of countries and their feeling that insufficient resources were being allocated in a desirable direction. The situation prevailing at a given time might be said to determine the size of the cake as a whole; the resolution merely determined how that cake was to be apportioned.

186. The CHAIRMAN invited Mr. Dircks, the Deputy Director General for Administration, to comment on the use of the terms "regulatory" and "promotional" by the Secretariat.

187. Mr. DIRCKS (Deputy Director General for Administration) said that the Agency could not be termed a "regulatory" body, since the enforcement of legislation fell within each country's national jurisdiction. The distinction between "regulatory" and "promotional" activities was one which the Secretariat simply did not make.

188. Mr. STOIBER (United States of America) did not consider that Article III.B.3 of the Statute, quoted by the representative of Chile, was relevant to the discussion. Moreover, in view of the absence of a spirit of compromise on the part of the sponsors of the draft resolution and the fact that many representatives were no longer present, the most sensible course for the Committee might be to submit to the President of the General Conference

the original version of the draft resolution along with the version which had emerged from the amendments suggested by the Australian and United States delegations. The President could then either convene a contact group or place both versions before the Plenary.

189. Mr. RIOBO (Chile) said he was sure that paragraph 3 of Article III.B of the Statute was used as a general reference criterion in relation to the allocation of the Agency's resources. It was therefore not completely irrelevant to the discussion. As for lacking a spirit of compromise, he did not regard his side as the guilty party.

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191. Ms. BERTEL (France) said that she would need to discuss the matter with the rest of her delegation before reaching a decision. She would therefore prefer to postpone further discussion until the morning.

192. Mr. COUSINS (Australia) added that, since the Committee had been requested by the Chairman of the General Committee to consider the present issue, it might be best to consult him before reaching a decision.

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195. Mr. AGRELL (United Kingdom) suggested attaching to the report to the Chairman of the General Committee the statement made by the Deputy Director General for Administration on "regulatory" and "promotional" activities.

196. Mr. RIOBO (Chile) supported that suggestion.

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201. The CHAIRMAN ruled that the Committee should adjourn its discussion. Amendments and any alternative proposals would be translated and printed overnight, and discussion on the two main proposals would be resumed at 10 o'clock the following morning.

The meeting rose at 9.10 p.m.

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