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

(a) Implementation of resolution GC(XXXVI)/RES/582

(iv) The preparation of a nuclear safety convention

1. Last year the General Conference, having taken note with appreciation of a report by the Board of Governors and the Director General on the preparation of possible elements of a nuclear safety convention (contained in document GC(XXXVI)/1020), took note of "the work done so far by the Group of Experts for the drafting of a nuclear safety convention" and urged the Group "to continue its work taking into account the comments made by Member States during this Conference and the vital necessity of a continuing effort to raise the general level of nuclear safety worldwide".*)

2. The attached report, which follows on from the above-mentioned report by the Board and the Director General, is an updated version of a report which was submitted to the Board in June and which the Board authorized the Director General to transmit, updated as necessary, to the General Conference for consideration at its thirty-seventh regular session.

*) See General Conference resolution GC(XXXVI)/RES/582.

THE PREPARATION OF A NUCLEAR SAFETY CONVENTION

1. In September 1991, the General Conference invited the Director General "to prepare, for the Board's consideration in February 1992, an outline of the possible elements of a nuclear safety convention, taking into account the activities and the roles of relevant international and intergovernmental bodies and drawing on the advice of standing groups like INSAG, NUSSAG and INWAC, and also on expertise made available by Member States and competent international organizations".¹
2. In December 1991, the Director General convened a group of experts to provide initial advice on the structure and content of an international nuclear safety convention. The group concluded that there was a need for an international instrument on nuclear safety and urged that preparatory work for the establishment of such an instrument begin as soon as possible; a decision on the structure of a convention would be taken after agreement had been reached on the scope and contents of the convention.
3. In February 1992, the Board of Governors authorized the Director General to convene an open-ended group of legal and technical experts with the task of carrying out the necessary substantive preparations for a nuclear safety convention. The Group of Experts (90 experts from 45 countries, the CEC, NEA/OECD and ILO) held its first meeting in May 1992.
4. The experts agreed that (a) the main obligations of the parties to the convention would be based in large measure on the principles for the regulation and management of safety and the operation of nuclear installations contained in a draft NUSSAG document entitled "Safety Fundamentals - the Safety of Nuclear Installations"²; (b) the convention would provide for an obligation of the contracting parties to report on implementation of the convention, a review mechanism being established through a "Meeting of the Parties"; and (c) the Agency would provide the "Meeting of the Parties" with support services and technical expertise.

¹ See General Conference resolution GC(XXXV)/RES/553.

² See document GOV/2664.

5. In September 1992, the Board and the Director General reported to the General Conference on the progress to date (in document GC(XXXVI)/1020) and the Conference took note of "the work done so far by the Group of Experts for the drafting of a nuclear safety convention" and urged the Group "to continue its work taking into account the comments made by Member States during this Conference and the vital necessity of a continuing effort to raise the general level of nuclear safety worldwide".³

6. The Group of Experts held its second meeting in October 1992 and agreed to base its discussions on a Secretariat paper entitled "Annotated Draft Elements for a Nuclear Safety Convention" and on comments received from Member States and international organizations. The experts agreed that the objective was to establish, at an early date, a convention with an incentive character to which a large number of States could adhere; they also agreed that the convention would contain an obligation for the contracting parties to hold periodic meetings to review national reports on the implementation by them of the convention.

7. The Director General informed the Board of Governors at its December 1992 session about the status of preparatory work on a nuclear safety convention. He reported that the Group of Experts had so far not reached consensus on the issue of scope of application of the convention (as regards - inter alia - the inclusion or non-inclusion of radioactive waste management and disposal) or on that of mechanisms for implementation.

8. At its third meeting, in January 1993, the Group of Experts reviewed a revised draft text of a nuclear safety convention, together with comments and annotations prepared by the Secretariat. The Group agreed on the need for further discussion based on detailed drafting proposals and general comments submitted by individual members of the Group. No consensus was reached on the main outstanding issues.

9. At its February 1993 session, the Board discussed the status of preparatory work on the basis of a statement made by the Director General in which he reflected the lack of agreement so far in the Group of Experts.

10. Following an invitation by the Director General to INSAG and NUSSAG to provide advice on the technical content of the convention, INSAG established a working group with the task of compiling comments on the draft convention, especially with regard to the clarity and precision of the technical commitments and to the envisaged peer review process. The working group reported to INSAG on 21 May 1993. INSAG discussed the matter at its regular meeting starting on 7 July 1993, focusing on the question of mechanisms for implementing the convention.

³ See General Conference resolution GC(XXXVI)/RES/582.

11. At its fourth meeting, in May 1993, the Group of Experts decided to discuss the main outstanding issues in order to facilitate the drafting process and allow for the establishment of a negotiating text of a nuclear safety convention incorporating the drafting proposals submitted so far. The experts agreed that rapid progress in achieving consensus on all main issues was essential. In addition, a number of experts stressed that further discussions were needed at a policy-making level.

12. At the June 1993 session of the Board of Governors, the general opinion was that the Board should call upon all interested Member States to help prepare a draft text to be submitted to the Board in February 1994 and thereafter to a diplomatic conference to be held as early as possible in the course of 1994. In order to facilitate adherence to that timetable, the Board requested the Director General to request the Chairman of the Group of Experts to prepare, in time for the Group's next meeting, a new draft text after appropriate consultations and drawing on the discussions that had taken place during the recent meeting of the Group and on the report of INSAG (see para. 10 above). The Director General has made the request, which has been accepted by the Chairman of the Group of Experts. If the timetable is adhered to, a nuclear safety convention could be finalized and submitted to a diplomatic conference during 1994.

13. It has been tentatively agreed that the fifth meeting of the Group of Experts will take place at the end of October 1993.

