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COMMITTEE OF THE WHOLE

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President: Mr. GOESELE (Germany)

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[*] GC(XXXVIII)/25.

The composition of delegations attending the session is given in document GC(XXXVIII)/INF/11/Rev.2.

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Abbreviations used in this record

ASSET	Analysis of Safety Significant Events Team
Brussels Supplementary Convention	Convention Supplementary to the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy
G-24	Group of Twenty-Four
IRRT	International Regulatory Review Team
NEA	Nuclear Energy Agency (of OECD)
OECD	Organisation for Economic Co-operation and Development
OSART	Operational Safety Review Team
RADWASS	Radioactive Waste Safety Standards
RBMK	High-power channel-type reactor (Soviet Union)
TACF	Technical Assistance and Co-operation Fund
TRANSART	Transport Safety Assessment Review Team
Vienna Convention	Vienna Convention on Civil Liability for Nuclear Damage (May 1961)
WWER	Water-cooled and -moderated reactor

ELECTION OF VICE-CHAIRMEN AND ORGANIZATION OF WORK

1. The CHAIRMAN, after thanking the General Conference for the confidence it had placed in him by electing him Chairman of the Committee of the Whole, suggested that the Committee begin with the election of the Vice-Chairmen. Following consultations between various groups, it had been proposed that Mr. Wojcik (Poland) and Mr. Jameel (Pakistan) be elected Vice-Chairmen of the Committee of the Whole. If there were no objections, he would take it that the Committee wished to elect Mr. Wojcik and Mr. Jameel as Vice-Chairmen.

2. It was so decided.

3. The CHAIRMAN, drawing the Committee's attention to document GC(XXXVIII)/COM.5/6, which listed the agenda items referred to the Committee of the Whole by the General Conference, noted that two additional items had been referred to the Committee by the General Conference, namely items 21 and 23 of the General Conference agenda. He proposed that, as far as possible, the Committee take the items in the order in which they appeared in that document.

4. It was so decided.

5. The CHAIRMAN proposed that, in line with established practice, he report orally to the Conference at a plenary meeting on the Committee's deliberations, which would also be the subject of detailed summary records.

6. It was so decided.

HARMONY AND COMPATIBILITY OF PROGRAMME AND BUDGET AND ACCOUNTS DOCUMENTS (GC(XXXVIII)/INF/5)

7. The CHAIRMAN recalled that in 1992 the General Conference, in its resolution GC(XXXVI)/RES/581, had requested the Director General to ensure, in consultation with Member States and by 1994 at the latest, that there was harmony and compatibility between the Agency's programme and budget documents, its annual reports and its accounts documents, so as to facilitate their comparison for the purpose of effective evaluation. A report on the steps taken so far by the Secretariat to implement that resolution

had been submitted to the Board of Governors and the General Conference the previous year. The Conference had taken note of the report with appreciation and had expressed the hope that a final report on the matter would be presented at the 1994 session.

8. Following discussion of the matter at meetings of the Administrative and Budgetary Committee and the Board of Governors in 1994, the Secretariat had been requested to continue work on the process of converting from an organization-based to a programme-based appropriation system with a view to reporting to the Board on its implementation by 1997. At its June session, however, the Board had requested the Secretariat to submit to it at its September 1994 session an estimate of the costs and benefits. A paper by the Secretariat on that subject had been submitted to the Board the previous week. The status report on the matter was contained in document GC(XXXVIII)/INF/5.

9. Mr. NORDIN (Malaysia), recalling that in resolution GC(XXXVI)/RES/581 the General Conference had in 1992 requested the Secretariat to ensure harmony and compatibility between the Agency's programme and budget documents, its annual report and its accounts documents so as to facilitate their comparison for purposes of effective evaluation, thanked the Secretariat for its full co-operation in the harmonization process and hoped that it would implement the decision as soon as possible.

10. Mr. SERVIGON (Philippines) noted with satisfaction that an initiative which his delegation had supported for several years was finally coming to a successful conclusion. He commended the Secretariat for the spirit of co-operation which it had shown in that respect, although he would have liked to see an exact correspondence between the budget and accounts documents. Moreover, certain parts of the Programme and Budgetary Performance Report could have been incorporated into the accounts document so as to avoid a proliferation of documents, and to that end the presentation of the accounts document should be reviewed. His delegation would also have liked to see a revision of the Agency's organizational structure, for it was clear from the document under consideration that the allotment of funds by programme to the various organizational units might cause problems. The financial accountability of those units could be enhanced if they were more closely correlated with the Agency's programmes.

11. Mr. RIANOM (Indonesia) said he saw several advantages in the idea of reporting by programme: it would permit a comparison between actual achievements and the use of resources, it would enable managers to make more precise assessments and evaluations of their programmes, and it would increase efficiency and effectiveness. He hoped that a programme-based system could be applied to the programme and budget for 1997 and 1998.

12. The CHAIRMAN assumed that the Committee wished to recommend that the General Conference take note with appreciation of the information contained in document GC(XXXVIII)/INF/5.

13. It was so decided.

THE AGENCY'S ACCOUNTS FOR 1993 (GC(XXXVIII)/4)

14. The CHAIRMAN said that the Board of Governors, having examined the Agency's accounts in June 1994, had submitted to the General Conference for consideration the draft resolution on page III of document GC(XXXVIII)/4.

15. The CHAIRMAN, noting that there were no speakers, took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution on page III of document GC(XXXVIII)/4.

16. It was so decided.

THE AGENCY'S PROGRAMME AND BUDGET FOR 1995 AND 1996 (GC(XXXVIII)/5, GC(XXXVIII)/INF/8)

17. The CHAIRMAN drew the Committee's attention to Annex VI to the programme and budget for 1995 and 1996 (document GC(XXXVIII)/5), the "blue book", where - in the yellow pages - there were three draft resolutions recommended by the Board of Governors for adoption by the General Conference. Document GC(XXXVIII)/INF/8 should be helpful in the consideration of the first draft resolution. In addition, a Note by the Director General explained how certain figures in the "blue book" and the second part of the document had been calculated.

18. Mr. IMMONEN (Finland) noted that once again a budget proposal had been made on the basis of zero real growth. His country was concerned that a large number of important activities depended on the availability of voluntary extrabudgetary resources, and particularly that important nuclear safety and safeguards activities belonged to that category - a fact which was certainly not conducive to the most efficient implementation of the projects in question.

19. Finland would have liked to see a bolder approach to the question of the Agency's role in a world of changing priorities and challenges. There was an urgent need to identify trends and strategic goals. It should not be assumed that new activities could be started only if additional funds were made available. The Medium Term Plan should set priorities, which should result in more resources being allocated to activities of increasing importance. At the same time, activities of lesser importance should be cut back. There could be no doubt about the importance of technological developments likely to take place up to the year 2000, and they should have been reflected in the Plan.

20. The programme had undergone very little change during a long period of time. Indeed, it appeared from the management part of the programme document that about 80% of the projects were "continuing" ones. That situation was certainly not satisfactory. It should become customary to include a clear target and a "sunset clause" in every project. That would be fairly easy in the case of most current projects, and even an apparently continuing activity could be divided up into delimited segments. With those remarks, his delegation was prepared to approve the programme and budget for 1995 and 1996.

21. Mr. CAMPUZANO PIÑA (Mexico) commended the Secretariat on its document harmonization efforts, which would contribute to transparency in the Agency's activities and to improvements in the management and utilization of resources. He was in favour of adopting the draft resolutions in the programme and budget document. His delegation looked forward to the introduction in 1995 of budgetary sections corresponding to the structure of the programme and hoped that the harmonization process would be speeded up. He commended the Secretariat for the work it had done and suggested that it follow the recommendations of the External Auditor, particularly with regard to safeguards and data processing. As to the programme and budget, he hoped the Secretariat would

continue to take account of other resolutions, particularly that on the strengthening of the Agency's main activities and the achievement of a balance in the allocation of resources.

22. Mr. DUERDEN (Australia) said that the importance which his country attached to the provision of sufficient funds for the Agency's main activities within the constraints of zero real growth had been made evident by its proposals for review of the Agency's programme and budget formulation and management processes. His delegation was grateful to the Secretariat for its efforts in that context. It supported the programme and budget for 1995 and 1996 set out in document GC(XXXVIII)/5 and the proposed target of US \$61.5 million for the TACF. Also, it could accept an increase in the Working Capital Fund to \$16 million. In conclusion, it once again urged all Member States to pay their assessed Regular Budget contributions in full and on time.

23. Mr. SERVIGON (Philippines) said that the proposed programme and budget had already been discussed at length. He merely wished to support the proposal for increasing the Working Capital Fund from \$12 million to \$16 million, on the understanding that programme implementation would return to normal in 1995 and that shortfalls in resources would be temporarily covered from the Fund.

24. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt draft resolutions A, B and C in Annex VI to document GC(XXXVIII)/5.

25. It was so decided.

SCALE OF MEMBERS' CONTRIBUTIONS TOWARDS THE REGULAR BUDGET (GC(XXXVIII)/9)

26. The CHAIRMAN drew attention to the draft resolution contained on page 3 of document GC(XXXVIII)/9.

27. Mr. KOSTENKO (Ukraine) said that he was not in agreement with the contents of the draft resolution and that the increase in Ukraine's contribution was completely unjustified. Paradoxically, it had been decided in the United Nations and the Agency to increase Ukraine's contribution by 1.64% compared with 1993 at a time when Ukraine was going through a particularly acute economic crisis. His country had made representations

in the General Assembly of the United Nations and had made several appeals that year to the Fifth Committee and the Committee on Contributions - appeals which appeared finally to have been heeded. He hoped that his country's contributions to the United Nations and the Agency would be reduced in the coming years.

28. Mr. SYARGEEV (Belarus) said he was opposed to the increase in the contribution of his country to the Regular Budget. The scale adopted the previous year had not taken account of the serious economic and financial crisis in his country, which had been aggravated by expenditures on alleviating the consequences of the Chernobyl accident, which had accounted for 17% of the national budget. In that connection he said that 20% of the national territory and 40% of Belarus's arable land had been affected and that hundreds of thousands of people had had to be moved to non-contaminated areas. Under such circumstances, the Agency should understand that Belarus was not able to pay a higher contribution. The matter should be examined in the Agency and the United Nations, and a recommendation to that effect had been submitted to the Committee on Contributions.

29. The CHAIRMAN asked the representative of Belarus whether he wished his reservations to be reflected in the report of the Committee to the General Conference or just in the summary record.

30. Mr. SYARGEEV (Belarus) said that he wished his comments to be reflected in the report.

31. Mr. KOSTENKO (Ukraine) asked that Ukraine's serious reservations be reflected in both the report and the summary record. He did not intend to request a vote on the draft resolution, but hoped that the matter would be settled through the United Nations in New York.

32. The CHAIRMAN said he took it that, subject to those reservations, the Committee wished to recommend to the General Conference that it adopt the draft resolution on page 3 of document GC(XXXVIII)/9.

33. It was so decided.

NUCLEAR SAFETY, RADIOLOGICAL PROTECTION AND RADIOACTIVE WASTE MANAGEMENT

- (a) MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION (GC(XXXVIII)/INF/4, GC(XXXVIII)/INF/6 and Corr.1, GC(XXXVIII)/INF/9)

34. The CHAIRMAN said that the Committee had three documents before it for agenda sub-item 13(a). Document GC(XXXVIII)/INF/4 contained a report on the work of the Standing Committee on Liability for Nuclear Damage since the previous year. Documents GC(XXXVIII)/INF/6 and Corr.1 contained updated information on Agency activities aimed at strengthening international co-operation in nuclear safety and radiological protection. Finally, document GC(XXXVIII)/INF/9 contained a report by the Director General on actions taken with a view to the establishment of a nuclear safety convention in accordance with the requests made in resolution GC(XXXVII)/RES/615 adopted by the General Conference the previous year. It was gratifying to note that all the requests in the General Conference resolution had been met and that a report on the Diplomatic Conference on the Nuclear Safety Convention held from 14 to 17 June 1994 was now available. The Convention had opened for signature a short while before.

35. Mr. MOHAN (India) said he attached great importance to the matter under discussion. Member States were to be congratulated on having completed in a very short time the drafting of a convention which involved some highly sensitive questions. Thanks to the co-operation and flexibility in which the negotiations had been conducted, the instrument was now open for signature, and India would be among the first to sign it.

36. Mr. REGEUR (Netherlands) said he saw the adoption of the Convention as an outstanding achievement in the field of safety. His country intended to sign it without delay and hoped that many others, particularly those with nuclear energy programmes, would sign at an early date.

37. Mr. STRATFORD (United States of America) said that the Convention was the most important advance in the field of nuclear safety since the previous session of the General Conference, and he congratulated the group of experts, the Secretariat and all participating States on the success achieved. Once the Convention entered into force, the

parties would meet to determine the rules of procedure for review meetings, the contents of national reports and the manner in which the obligations entered into under the Convention would be met. The peer review process currently being instituted should make due allowance for the incentive nature of the Convention, and maximum participation should be encouraged.

38. The United States appreciated the Agency's contribution to international efforts to assist countries of the former Soviet Union and Eastern Europe. In addition to the extremely useful studies of specific reactor types, its assessment missions deserved mention. The findings of the missions to Chernobyl and Medzamor had been particularly significant, and the United States was continuing to urge the countries with the least safe reactors to provide for their earliest possible closure.

39. His delegation continued to strongly support the safety services offered by the Agency, in particular the OSART and ASSET services, which should become standard features of the Agency's programme. By contrast, he had some concerns about the description of the new TRANSART service. He wondered whether the service was really consistent with the Agency's mandate and what the budgetary implications would be. His delegation would be seeking clarification directly from the Secretariat. However, it supported the Agency's responding to requests by Member States for assistance concerning their regulations. Finally, peer discussions, which in 1993 had focused on safety goals, offered an additional opportunity for senior regulators to share ideas and make recommendations on regulatory approaches - an activity which also had the full support of his country.

40. Mr. PAPANIMITROPOULOS (Greece) said that his country had played a central role in the work of the group of experts established to draft the Nuclear Safety Convention and that, although it had hoped for something much broader in scope, Greece welcomed the outcome and would sign the new instrument soon. It hoped that efforts would now focus on the drafting of a convention on radioactive waste management.

41. The document prepared by the Secretariat on liability for nuclear damage (GC(XXXVIII)/INF/4) was very interesting; it showed that substantial progress had been

made, and he hoped that the Standing Committee on Liability for Nuclear Damage, which was due to meet at the end of October, would be examining a number of new suggestions.

42. Turning to document GC(XXXVIII)/INF/6, he said it presented a useful update on measures taken to strengthen international co-operation. He hoped that a similar document would be submitted as an official document to the next year's session of the General Conference.

43. Mr. SERVIGON (Philippines) thanked the Secretariat for having incorporated so much information relating to measures to strengthen international co-operation in nuclear safety and radiological protection into a single document (GC(XXXVIII)/INF/6). It was, in fact, one of the most useful documents before delegations inasmuch as the Secretariat had responded well to the resolutions adopted at the previous year's session of the General Conference and had also offered new information which would permit a better understanding of the situation. He hoped that the document would be further improved for the following year's session and serve as a concise and comprehensive reference source for all Member States.

44. A new international legal instrument on nuclear energy, the Convention on Nuclear Safety, had just been completed, for which the Secretariat was to be congratulated. With a convention on the safety of radioactive waste management undergoing preparation, however, care should be taken to ensure that the family of international legal instruments did not become too numerous. In that regard, mention should be made of the work on revising the Vienna Convention on Civil Liability for Nuclear Damage, which the Standing Committee on Liability for Nuclear Damage should conclude as soon as possible given the financial implications of a prolonged discussion of the matter.

45. Finally, his country was very interested in various training courses on radiation protection. Not only were its nationals taking part; in 1995 the Philippines would be hosting two regional courses.

46. Mr. LIU (China) welcomed the significant progress made during the past year in the field of nuclear safety and radiological protection and said that China was prepared to sign the Convention on Nuclear Safety. A further source of satisfaction was the fact that the

International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources had been finalized and had just been approved by the Board of Governors.

47. He thanked the Secretariat for its continued promotion of co-operation in the field of nuclear safety and radiological protection. China attached great importance to such co-operation and to all activities in that field. In April and May 1994, the Chinese Government had invited the Agency to send an IRRT to carry out a systematic assessment of safety management in China. The team which had visited China had concluded that safety management there was compatible with internationally recommended practices and had proposed measures for strengthening the operational safety of nuclear power plants and for taking greater advantage of experience feedback. That type of service was bound to strengthen the level of safety in Member States.

48. In August 1994, an Agency-organized seminar on the safety of the Qinshan Nuclear Power Plant had made operating personnel more aware of and more attentive to safety. Ensuring the operational safety of nuclear power plants clearly meant enhanced protection of the population and the environment. He therefore hoped that future Agency measures and programmes aimed at promoting international co-operation would involve high priority for operational safety and also experience feedback. Finally, China was particularly interested in co-operative research projects in the field of nuclear safety and radiological protection, and its experts were ready to take part in such projects.

49. Mr. COOK (New Zealand) said that his country, although not having a nuclear programme or any neighbours who were pursuing the nuclear option, welcomed the adoption of the Convention on Nuclear Safety as an important step towards achieving the highest possible standards of nuclear safety. He hoped that the incentive provisions of the Convention and its reporting obligations would lead to a real improvement in nuclear safety wherever deficiencies were identified. All countries with nuclear power installations should accede to the Convention.

50. New Zealand recognized the importance of the negotiations currently under way on liability for nuclear damage. It looked forward to a comprehensive convention on liability

for nuclear damage enshrining the principle of State liability for transboundary damage. The liability regime should include, as an integral part, a funding mechanism that ensured compensation for damage caused.

51. Mr. SÖLENDİL (Turkey) said that the preparation of the Convention on Nuclear Safety, which his country was going to sign that day, had been one of the most remarkable achievements of the past year and that he was sure the Convention would lead to significant improvements in the safety of nuclear power plants. Nevertheless, its scope was limited and work should proceed on developing international instruments on the safety of other stages of the nuclear fuel cycle.

52. He commended the Secretariat on having finalized the new International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources and expressed his pleasure at the fact that the Board of Governors had just approved the text, which would fill a major gap.

53. Finally, Turkey shared the view - expressed by the representative of the United States - that countries having the least safe reactors should provide for their earliest possible closure. Furthermore, those reactors should remain permanently shut down.

54. Mr. FITZGERALD (Ireland) said he was pleased that the Convention on Nuclear Safety was open for signature; his country was ready to sign it. He hoped that the Convention would be the first of a series of instruments on the different stages of the nuclear fuel cycle.

55. With regard to liability and compensation for nuclear damage, the Standing Committee had made progress, and he hoped that its work would be completed in the coming year. Ireland believed that revision of the Vienna Convention and the issue of compensation were closely linked and should be dealt with in parallel. It would be useless to have a convention on liability without a compensation regime and resolution of the funding question. The burden of funding should not be imposed on all countries, only on those whose installations constituted a hazard; the principle governing insurance should apply. He hoped that, following the consensus with regard to the Convention on Nuclear Safety,

consensus would be reached on an instrument on liability and compensation, since those two elements should be an integral part of a nuclear safety regime.

56. Mr. DUERDEN (Australia) welcomed the adoption of the Convention on Nuclear Safety, which his country was about to sign, and expressed the hope that very many States would do likewise.

57. Australia hoped for an early start of negotiations for a convention on waste management in line with the commitments contained in the Convention on Nuclear Safety. Also, Australia approved of the Agency's activities in the field of radiation protection and nuclear safety. The Agency offered an impressive range of services for promoting safety at installations of all types - including nuclear power plants, research reactors and irradiation facilities - and in the field of nuclear material transport. However, those services should be subject to regular review in order to ensure that they were being run in an efficient and effective manner and that they responded to the needs of Member States.

58. Ms. TISCHLER (Germany) said that her country, which had actively participated in drafting the Convention on Nuclear Safety, was very pleased that it had been adopted; her country would be signing it that day. She hoped that a large number of States would accede to the Convention, in particular those having nuclear installations, so that it could promote nuclear safety worldwide. Finally, Germany trusted that preparations for a convention on radioactive waste management would start very soon.

59. Mr. IMMONEN (Finland) said his delegation was also of the opinion that the Convention on Nuclear Safety, which his country would be among the first to sign, was a major step in strengthening international co-operation in the field of nuclear energy. It was the first time that sovereign States were committing themselves legally to complying with jointly agreed principles in the construction, operation and control of nuclear installations. For the Convention to be effective and have the desired impacts, it was important that it be signed by as many States as possible. He therefore urged all States, in particular those with nuclear installations, to accede without delay so that the Convention could enter into force soon. The success of the Convention would depend to a great extent on the success of the review meetings and on the way in which those meetings responded to public expectations.

The Convention had, after all, been drawn up in response to the concerns of citizens in Member States who wanted to be better informed about the operation of nuclear installations.

60. Mr. WOJCIK (Poland) commended the Secretariat and the expert group for elaborating the Convention, which Poland was about to sign and which represented an outstanding achievement. The essential and innovative feature of the Convention was the procedure for reviewing the way in which States parties fulfilled their obligations. As the representative of the United States had rightly stressed, that procedure required fairly thorough preparation, which the Secretariat should continue to support in order to ensure that it was effective and met the expectations of all.

61. He hoped that work on a future convention on waste management would soon commence. The International Conference on the Safety of Nuclear Power held in September 1991 had recommended adoption of such an instrument, emphasizing that it should be a major element of the envisaged international safety regime.

62. Turning to document GC(XXXVIII)/INF/6, he said care should be taken to avoid duplication. A considerable part of the information contained in that document was already in the Annual Report and in the Programme and Budgetary Performance Report. It might perhaps be more useful to present such information in a brochure distributed to Member States in order to inform them of the services being provided by the Agency. Efforts should be made to avoid sector-by-sector reporting to the General Conference, as that could lead to a proliferation of documentation.

63. Mr. ELYSEU FILHO (Brazil) welcomed the Convention on Nuclear Safety and said his country would sign without delay. He hoped that negotiations regarding a future convention on waste management would commence soon.

64. With regard to revision of the nuclear liability regime and the work of the Standing Committee on Liability for Nuclear Damage, it should be kept in mind that the primary objective of the Committee was to revise the Vienna Convention - a priority task. Secondly, a compromise had to be found regarding supplementary funding, a matter on which hardly any progress had been made to date. It should be possible to reconcile the different points of view, including the idea of a regional mechanism - supported by Brazil and other Latin

American countries - and that of a global system - favoured by others. The proposal recently put forward by the delegation of the United States deserved attention as it seemed to offer sufficient flexibility to accommodate the concerns of all.

65. Mr. OMRAN (Syrian Arab Republic) thanked the Secretariat for its efforts, which had resulted in adoption of the Convention on Nuclear Safety. The Convention represented a major achievement for the international community, a significant step towards enhanced safety and successful international co-operation. The Syrian Arab Republic was ready to sign the Convention and hoped that all other Member States would do likewise. Syria, which had no nuclear power plants, was convinced that the Convention would help greatly to protect its population against nuclear damage which might be caused by installations situated in other countries.

66. Mr. LOGHIN (Romania) said that his country, which had always attached high priority to the conclusion of a convention on nuclear safety, was about to sign the one which had been adopted. That instrument would be an integral part of Romania's nuclear energy and environmental policies and was of strategic importance for improving the operational safety of nuclear power plants all over the world. He hoped that the Convention, which would also help to strengthen international co-operation, would enter into force soon, providing a transparent and well-structured system whereby contracting parties could review national reports and determine whether national obligations were being fulfilled in accordance with internationally accepted principles.

67. Romania supported the step-by-step approach towards establishing an integrated nuclear safety regime. Consequently, it was looking forward to the conclusion of separate conventions on nuclear waste management and on other stages of the nuclear fuel cycle. Substantial progress had been made over the past year with regard to radiological protection measures, as shown by the approval of the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources.

68. His Government was highly appreciative of the assistance provided to Romania by the Agency through its safety missions and hoped to be able to continue taking advantage of them in the future. Also, Romania greatly appreciated the Agency's efforts over the past few

years to improve nuclear safety in Eastern Europe and countries of the former Soviet Union, and especially to upgrade some nuclear power plants of older design.

69. Finally, he welcomed the great importance which the Agency attached to education and training aimed at improving the skills of national staff responsible for nuclear safety and which was reflected in the high quality of the many training courses, workshops, fellowships and scientific visits arranged by the Agency.

70. Mr. QUAYES (Bangladesh) commended the efforts of the Secretariat and the expert group which had led to adoption of the Convention on Nuclear Safety. After that significant achievement, a comprehensive regime for liability and compensation for nuclear damage, reflecting the importance attached to safety by the international community, now had to be established.

71. Mr. GIOVANSILY (France) recalled that the idea of preparing a convention on the safety of nuclear installations had been put forward in September 1991. The Secretariat and the expert group had then got down to the task and, thanks to their skill and efforts, the text of the envisaged convention had been finalized on 17 June 1994, marking a new stage in international relations; he commended them for that result, obtained within a very short time. France was about to sign the Convention and hoped that many States would do the same soon in order to achieve its earliest possible entry into force.

72. Mr. TITKOV (Russian Federation), noting that his country was going to sign the Convention on Nuclear Safety, said that it had always supported the adoption of such a legal instrument and hoped that the Convention would help to create a high level of safety throughout the world and promote international co-operation in an important area. He approved the functions conferred on the Agency under the Convention, to the preparation of which the Agency had greatly contributed. Furthermore, he hoped that work on a convention on nuclear waste management would start forthwith.

73. Mr. OUVRY (Belgium), announcing that his country was ready to sign the Convention on Nuclear Safety, joined others who hoped that it would enter into force soon. He was pleased that many countries, engaged in nuclear activities and located in different regions, were also ready to sign.

74. As the Director General had pointed out in his statement, the fundamental documents for elaboration of an international convention on nuclear waste management could be approved by the Board of Governors in December 1994. He hoped that a group of governmental experts with the task of preparing such a convention could start work at the beginning of 1995. It was vital that governments be involved as soon as possible in preparation of a text in view of the important financial and socio-economic implications.

75. Mr. MAFFEI (Argentina) said that his country had been an active participant in the negotiations resulting in the Convention on Nuclear Safety, which would be signed by the Argentine Minister of Foreign Relations when the President of Argentina visited Austria in October. Argentina welcomed the progress made in nuclear safety and hoped that similar progress would be achieved within the framework of the Standing Committee on Liability for Nuclear Damage. It considered revision of the Vienna Convention to be a priority task. With regard to that convention, his delegation hoped that progress would be made on supplementary funding and felt that the proposal put forward by the United States at the last session of the Standing Committee should be examined in depth as it could serve as a basis for consensus.

76. Mr. KOSTENKO (Ukraine) said that the adoption of the Convention on Nuclear Safety, which Ukraine intended to sign, was an important step towards enhancing nuclear safety in the world. He hoped that the Convention would enter into force very soon.

77. With regard to measures to strengthen international co-operation in nuclear safety and radiological protection, document GC(XXXVIII)/INF/6 contained information of considerable significance and the Secretariat was to be commended for the work it had done in preparing such a detailed document. Ukraine hoped that the practice of the past few years of providing such "overviews" would be continued.

78. For obvious reasons, the Ukrainian delegation had devoted particular attention to the section of the document on the strengthening of radiation protection and nuclear safety infrastructures in countries of the former USSR and was grateful to the Secretariat and the Director General for their continued focus on the problem of safety at existing nuclear reactors in Ukraine, particularly within the framework of programmes devoted to "Soviet-

type" RBMK and WWER plants. As in previous years, the Agency had in 1994 done very useful work in Ukraine.

79. He agreed that obsolete reactors should be taken out of service as soon as possible, but pointed out that reactors of that type existed not only in the former USSR but also in some Western countries, which were experiencing numerous problems with first-generation reactors. When one talked of the closure of obsolete nuclear facilities, Chernobyl naturally came to mind. The Chernobyl plant should indeed be closed down, but only after careful consideration. Hasty decisions should be avoided, for the fate of tens of thousands of people was linked with the operation of the plant. Also, it should not be forgotten that 12 similar reactors were in service in Lithuania and Russia and that the issue was therefore not confined to Ukraine but international in scope. The shutdown and closure of the Chernobyl plant should therefore be seen as part of an international programme. States should bear in mind that by helping Ukraine in that respect they were also helping themselves. The Ukrainian Government had decided that the Chernobyl plant would be closed down but was not currently in a position to say exactly when.

80. Mr. MEADWAY (United Kingdom) said that the Agency's wide range of safety services made a valuable contribution to the promotion of the safe use of nuclear power worldwide and that he therefore welcomed the summary account of those services in document GC(XXXVIII)/INF/6. When planning and providing such services, it was important to recognize the risk of overlapping with the work of other organizations. His delegation was pleased that during the previous year the Secretariat had increasingly recognized the scope for pooling expertise at the international level. The Secretariat had taken steps to collaborate more closely with the G-24 countries in the area of technical assistance to countries of Eastern Europe and the former Soviet Union, an issue which deserved continuing attention, with due regard to the scarcity in Member States of the expert resources on which the Agency's assistance programmes relied. In view of the budgetary constraints, it was important to ensure that nuclear safety services provided by the Agency were useful, did not overlap with each other and were subject to strict management controls. Clear objectives and priorities continued to be needed, complemented by monitoring and evaluation of the projects concerned.

81. Mr. EKECRANTZ (Sweden) said that his country had long been in favour of the drafting of a convention on nuclear safety and had thus been glad to sign the Convention adopted in June. He hoped that the spirit which had prevailed during the drafting of the Convention would continue during its application and help in its future development into an international safety regime. In that context, his delegation welcomed the decision taken the previous week by the Board of Governors to request the Director General to start work on the drafting of a convention on nuclear waste management. He hoped that an expert group would be convened soon - by early 1995 at the latest.

82. With regard to liability for nuclear damage, he urged the Standing Committee to bring its work to a rapid conclusion so that a draft convention could be presented in 1995. It was essential that drafting work be completed and that the convention be signed by a large number of Member States, so as to provide real support to international co-operation in the field of safety and give concrete form to the intentions delineated in the Convention on Nuclear Safety.

83. Mr. WESELKA (Austria) said that, like many other countries, Austria attached great importance to the question of nuclear safety and therefore welcomed the work accomplished to date. The Agency's safety programmes had expanded considerably over the previous few years, resulting in the adoption of the Convention on Nuclear Safety, which Austria proposed to sign during the current session of the General Conference. His country would have preferred a more comprehensive convention, but could go along with its scope being limited to nuclear power plants on the understanding that activities for tackling other stages of the nuclear fuel cycle would commence in the near future. In that context, he welcomed the Agency's work within the framework of the RADWASS programme on the development of safety standards for radioactive waste management and hoped that work on a future convention on radioactive waste management would also start soon.

84. Although Austria's views regarding nuclear power differed from those of many other countries, his authorities believed that the operation of nuclear power plants had to be made as safe as possible; they therefore welcomed all international activities with that objective. The contribution by his country to the extrabudgetary programme for safety reviews of East

European reactors was to be understood in that context, and his authorities welcomed the participation of Austrian experts in that programme.

85. Mr. CAMPUZANO PIÑA (Mexico) said that his country intended to sign the Convention on Nuclear Safety as an indication of the importance it attached to the safe utilization of nuclear energy and of its willingness to submit the measures taken by it in implementing the Convention's provisions to the new international review mechanism created by the Convention. Mexico hoped that all Member States would sign and ratify the Convention soon, so that it could enter into force without delay and rules could be drafted on procedural and financial arrangements, national reports and the conduct of review meetings on the basis of the principles to that effect contained in the Annex to the Final Act.

86. Mexico's support for an international nuclear safety regime was not limited to the signing and application of the Convention on Nuclear Safety. Also, his country intended to approve the Safety Fundamentals document on principles of radioactive waste management in December and to push for the rapid negotiation of a convention on that subject. In addition, Mexico continued to believe that the international nuclear safety regime should apply to all high-risk nuclear facilities, including military ones.

87. The Mexican delegation welcomed the approval by consensus of the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources, which experts from Latin America had helped to draft.

88. Mr. HOBEICA (Lebanon) said that the adoption of the Convention on Nuclear Safety had been an important achievement for the Agency. His country was pleased to have participated in the Diplomatic Conference and to have signed the Final Act, and it would naturally sign the Convention at an early date. He hoped that many Member States would do the same, so that the Convention could enter into force without delay. He also hoped that the scope of the Convention would in due course be extended to military nuclear facilities.

89. Mr. PREUSCHEN (Austria) said that the report in document GC(XXXVIII)/INF/4 described some of the difficulties being encountered by the Standing Committee on Liability for Nuclear Damage almost five years after its establishment. From the outset, the question of a possible supplementary funding convention had taken up a large

part of the Committee's time, without a common view emerging either on substance or on the choice between, on one hand, the finalization of such a convention together with the revision of the Vienna Convention and, on the other, decoupling of the two issues.

90. The difficulties regarding revision of the Vienna Convention appeared to be getting worse. When the Standing Committee had started its work, in 1990, 13 States had been parties to the Convention; of those States, only three had possessed nuclear power plants within their territories, the others being potential "victim" States in the context of nuclear liability. Now there were more than 20 States parties to the Convention, 10 of them with nuclear power plants, for the Vienna Convention in its present unrevised version had attracted new interest in recent years, with six States acceding to it in 1993 and 1994. In July 1994, at a meeting organized jointly by NEA/OECD, the Agency and the European Commission, the view had been expressed that all non-OECD European countries which had not yet acceded to the Vienna Convention should do so without delay. During the Standing Committee's deliberations on the question of revising the Vienna Convention, there had been considerable input from States which were parties not to the Vienna Convention but to the Paris Convention on Third Party Liability in the Field of Nuclear Energy. In fact, the joint proposal referred to in the report by the Board of Governors had been presented by two States parties to the Paris Convention. However, at the future conference on the revision of the Vienna Convention the final decision would obviously lie with the States parties to that Convention. At the most recent sessions of the Standing Committee, several States parties to the Vienna Convention had expressed profound disagreement with the way in which the revision question was being approached. At least one of them had expressed opposition to the proposed augmentation of the liability volume beyond the present figure of \$5 million, while others - Latin American countries - had expressed a preference for regional contractual arrangements in the field of nuclear liability in order to deal with matters not covered by the Vienna Convention.

91. Under such circumstances, the prospects for a revision of the Vienna Convention in line with the concept under discussion in the Standing Committee appeared to be poor, even if the question of revision was decoupled from that of a supplementary funding convention. However, a new proposal had been presented which could give fresh impetus to the work of

However, a new proposal had been presented which could give fresh impetus to the work of the Standing Committee, since it did not involve a revision of the Vienna Convention or the Paris Convention and was not concerned with supplementary funding as understood by the Standing Committee. The proposal, made by the United States, was for a draft convention on supplementary compensation for transboundary nuclear damage due to a nuclear incident at a civil facility. As mentioned in the report, the proposal, while establishing a few basic criteria applicable to national nuclear liability legislation - such as channelling - and leaving untouched contractual arrangements such as the Vienna, Paris and Brussels Conventions, aimed at establishing a certain volume of liability available exclusively for transboundary damage arising from a nuclear accident and provided for an international solidarity effort to generate the funds necessary in order to cover that liability volume. The idea appeared to be based on a realistic appraisal of the facts - namely, that in the event of a major nuclear accident the damage suffered in the State where the facility was located would be so great that with all horizontal systems of liability - i.e. systems not differentiating between national and transboundary damage (like the Vienna, Paris and Brussels Conventions or the convention on supplementary funding discussed in the Standing Committee) - the agreed compensation amount would be used exclusively or mainly to cover national damage, leaving practically nothing for transboundary damage. As a country without major nuclear facilities and therefore threatened mainly by the prospect of transboundary nuclear damage, Austria agreed with and would actively support the new proposal. The Austrian delegation hoped that the proposal would be given priority treatment at the next session of the Standing Committee, starting on 31 October 1994.

92. Ms. THOMAS (United States of America) thanked the representatives who had supported her country's proposal concerning nuclear liability. The United States favoured the development of a broadly accepted international framework within which nuclear damage would be fairly and adequately compensated. For that reason, in the Standing Committee it had tabled a proposal for an umbrella convention for the compensation of transboundary nuclear damage which would subsume the present system provided by the Vienna, Paris and Brussels Conventions and also national laws such as the Price-Anderson law in the United States and possible future regional arrangements. The United States believed that a convention based on that proposal, complementing the other initiatives of the Standing

Committee, could - and should - be adopted at a diplomatic conference in 1995. She was encouraged by the early reactions to the proposal and trusted that it would receive close attention at the forthcoming Standing Committee session.

93. The CHAIRMAN said that, as there appeared to be no further speakers under sub-item 13(a), he assumed that the Committee wished to recommend that the Conference take note with appreciation of the information contained in document GC(XXXVIII)/INF/9 and urge Member States to become parties to the Convention on Nuclear Safety as early as possible, so that it could enter into force without delay.

94. It was so decided.

95. The CHAIRMAN said that, unless there were any objections, he also assumed that the Committee wished to recommend to the Conference that it take note of the information contained in document GC(XXXVIII)/INF/4 and hoped that the Standing Committee on Liability for Nuclear Damage would complete its work in the coming year.

96. It was so decided.

97. The CHAIRMAN said that in addition he assumed that the Committee wished to recommend to the Conference that it take note of the information contained in document GC(XXXVIII)/INF/6 and Corr.1.

98. It was so decided.

(b) MEASURES TO RESOLVE INTERNATIONAL RADIOACTIVE WASTE MANAGEMENT ISSUES (GC(XXXVIII)/7, GC(XXXVIII)/7/Mod.1, GC(XXXVIII)/COM.5/7)

99. The CHAIRMAN invited the Committee to examine sub-item 13(b), "Measures to resolve international radioactive waste management issues", for which it had before it document GC(XXXVIII)/7 and Mod.1 and a draft resolution submitted by Venezuela on behalf of the Group of 77 in document GC(XXXVIII)/COM.5/7.

100. Mr. VILLALBA PALACIOS (Venezuela), speaking on behalf of the Group of 77, said that the draft resolution in document GC(XXXVIII)/COM.5/7 reflected views expressed by members of the Group of 77 in plenary.

101. Mr. CHO (Republic of Korea) said that his delegation actively supported the draft resolution presented by the Group of 77 and hoped that it would be adopted without a vote.

102. His delegation was pleased with the progress made under the RADWASS programme as described in document GC(XXXVIII)/7. The question of safe nuclear waste management was of vital interest to all Member States, particularly those which had or were planning to launch nuclear power programmes.

103. It was generally agreed that the safety of nuclear power plants, the acceptance of nuclear energy by the public and safe radioactive waste management were issues for which the nuclear community as a whole had to provide effective solutions with a view to ensuring the continued success of nuclear energy in the world. The work accomplished by the Agency in implementing resolution GC(XXXVII)RES/614 was commendable, but there was still a lot to be done in that area - for example, the adoption of safety fundamentals for radioactive waste management, the further elaboration of safety standards and the drafting of a convention on the safety of radioactive waste management. His delegation believed that the General Conference should again adopt a resolution on the matter so that the Secretariat could continue the various activities already embarked upon.

104. Mr. SÖLENDİL (Turkey) welcomed the progress made by the Secretariat in circulating documents relating to safety fundamentals for radioactive waste management. At its thirty-seventh session, the General Conference had requested the Director General to make preparations for a convention on the safety of nuclear waste management as soon as the ongoing process of developing safety fundamentals for radioactive waste management had resulted in an international agreement. He urged the Secretariat to expedite the finalization of all RADWASS documents and at the same time to initiate activities leading to a convention, the drafting of which would be facilitated by those documents.

105. Although Turkey did not have a nuclear power programme, it had attached great significance since the 1980s to the problem of radioactive waste and, with the assistance of the Agency, had established in Istanbul a facility for treating low-level radioactive waste from

the medical sector and from industry. It was good to see the facility being used by the Agency for regional training, and he hoped that it could be used more for that purpose.

106. Mr. FITZGERALD (Ireland) welcomed the progress made in the preparatory work leading to the drafting of a convention on nuclear waste as envisaged in the Convention on Nuclear Safety. As to safety fundamentals, the principle of limiting the transboundary effects of waste management posed a serious problem for his delegation. He hoped that the matter would be resolved in such a way that the Board of Governors could agree on fundamentals in December, clearing the way for negotiations leading to a convention. The contents of such a convention should, of course, be built on safety principles and clearly define the responsibilities and obligations of Member States with regard to the way in which radioactive waste was handled, stored, treated and disposed of in the long term; that would materially enhance the protection of human health, the environment and the heritage of future generations. The process would require imaginative drafting and political commitment on the part of all Member States so as to ensure that waste did not become a long-term hazard.

107. His delegation would like the Secretariat to review the safety principles and the supporting documents in order to ensure consistency with other safety principles of the Agency, with the provisions concerning nuclear waste disposal contained in international and regional conventions such as the London Convention and the Paris Convention covering the North-East Atlantic, and with decisions of the North Sea Conference.

108. His delegation supported the draft resolution in document GC(XXXVIII)/COM.5/7, which represented a good basis for future work on the subject, but believed that in operative paragraph 2 the word "developing" should be deleted; States no longer regarded as developing might also require assistance in radioactive waste management.

109. Mr. RIANOM (Indonesia) said that effective radioactive waste treatment facilities were necessary in order to protect not only individuals but also society and the environment against the harmful effects of ionizing radiation. For that reason, he believed that the approach to the safe management of radioactive waste should be harmonized at the international level.

110. The Agency should adapt its role and activities under the Statute in order to meet the challenges of a world undergoing fundamental change, particularly by emphasizing international co-operation in enhancing the safety of radioactive waste management and establishing waste management infrastructures in developing countries and by implementing existing bilateral and multilateral mechanisms. In particular, it should elaborate a convention on the safety of radioactive waste management with a view to establishing a waste management regime that would help prevent accidents with radiological consequences and mitigate the consequences of such accidents should they occur.

111. The Indonesian delegation supported the draft resolution presented by the Group of 77 on the understanding that the sea disposal of wastes mentioned at the end of paragraph 2 would be completely prohibited.

112. Mr. SERVIGON (Philippines) said that the proper disposal of radioactive waste was a matter of particular concern to his country. As an archipelago occupying a strategic position in the Western Pacific, the Philippines was being very vigilant with regard to the sea disposal of radioactive waste. His delegation was pleased with the significant progress made in the development of safety standards for radioactive waste management, which should lead to the adoption of a convention on the subject. However, the main responsibility for radioactive waste management lay with national governments. The Agency already had major responsibilities in other fields, such as safeguards, and there should be careful reflection before it was assigned additional functions connected with radioactive waste.

113. In a matter of very great concern to the Philippines, he commended the Governments of Japan, the Russian Federation and the Republic of Korea, and also the Secretariat, for the investigations carried out in March 1994 at a site in the Sea of Japan where radioactive waste had been disposed of; his country looked forward with interest to the report on those investigations.

114. The Philippine delegation unreservedly supported the draft resolution presented by Venezuela on behalf of the Group of 77.

The meeting rose at 1 p.m.