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Chairman: Ms. LAJOUS VARGAS (Mexico)

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[*] GC(39)/27.

The composition of delegations attending the session is given in document GC(39)/INF/21/Rev.2.

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Abbreviations used in this record

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| CIS | Commonwealth of Independent States |
| Joint Protocol | Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention |
| London Convention | Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972) |
| LWR | Light-water reactor |
| MIVS | Modular Integrated Video Systems |
| NPT | Treaty on the Non-Proliferation of Nuclear Weapons |
| Paris Convention | Paris Convention on Third Party Liability in the Field of Nuclear Energy (July 1960) |
| RADWASS | Radioactive Waste Safety Standards |
| RBMK | High-power channel-type reactor (Soviet Union) |
| SAGSI | Standing Advisory Group on Safeguards Implementation |
| SDR | Special drawing right |
| SSAC | State System of Accounting for and Control of Nuclear Material |
| Vienna Convention | Vienna Convention on Civil Liability for Nuclear Damage (May 1961) |
| WWER | Water-cooled and -moderated reactor (Soviet Union) |

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY, RADIOLOGICAL PROTECTION AND RADIOACTIVE WASTE MANAGEMENT (GC(39)/11; GC(39)/INF/4, 8, 19 and Add.1; GC(39)/COM.5/5 and Add.1) (resumed)

1. The CHAIRMAN drew attention to the draft resolution contained in GC(39)/COM.5/5 pertaining to the Convention on Nuclear Safety.
2. Mr. de YTURRIAGA (Spain), introducing the draft resolution on behalf of its co-sponsors, recalled that the Convention on Nuclear Safety had been opened for signature at the previous session of the General Conference. Progress towards its entry into force was going smoothly. Of the minimum of 22 instruments of ratification, acceptance or approval, including the instruments of 17 States with at least one nuclear installation, required for entry into force, 12 instruments of ratification were still needed, 8 from countries with nuclear facilities. The draft resolution appealed to Member States which had not yet done so to sign the Convention. It also appealed to signatory States which had not yet done so to ratify, accept or approve the Convention at an early date so that the Convention might enter into force as soon as possible. It expressed the hope that the Convention would obtain the widest possible adherence and requested the Secretariat to continue its support in preparing for implementation of the Convention.
3. Mr. QUAYES (Bangladesh) proposed that, as Bangladesh was due to ratify the Convention on Nuclear Safety in the presence of the Director General the following day, the date and figures in preambular paragraph (b) of the draft resolution be amended accordingly.
4. Mr. STRATFORD (United States of America), having expressed full support for the draft resolution, noted that his country hoped to be able to ratify the Convention shortly. He welcomed the progress made with the preparations for a convention on the safety of radioactive waste management and commended the work being done on the International Arctic Seas Assessment Project and the Far Eastern Seas Project. With regard to nuclear liability, he hoped that the Standing Committee on Liability for Nuclear Damage would be able to reach a consensus on a draft convention and an appropriate supplementary funding mechanism so that a diplomatic conference could be convened early in 1996.

5. Mr. ZEILEISSEN (Austria), commenting on liability for nuclear damage, said his country strongly supported the idea of supplementary funding of compensation for damage in the case of a nuclear accident. Compensation for transboundary damage was a crucial element in an effective and fair nuclear damage liability regime. In the event of a major accident at a nuclear power plant in one State, other States in the region could suffer serious transboundary damage. However, most of the limited funds available for damage compensation would probably be used in the State where the accident had occurred and where the damage was most severe. For States, such as Austria, with no nuclear power plants of their own, but situated in a region where many States possessed nuclear power plants, the current situation was extremely unsatisfactory. The Vienna and Paris Conventions, which provided equal pro-rata treatment for national and transboundary damage, did nothing to remedy the problem. The creation of a dedicated fund for the compensation of transboundary damage would therefore be a significant improvement. It would also be an improvement if the proposed new supplementary funding convention were free-standing, allowing States not prepared to accede to the Vienna or Paris Conventions to participate in the regime.

6. In the light of the lack of agreement within the Standing Committee, it was clear that only a compromise solution could bring the lengthy negotiation process to a conclusion. Such a compromise would, however, only be acceptable to Austria if it gave special consideration to transboundary damage and moved away from the current unjust system of equal pro-rata compensation for national and transboundary damage.

7. Mr. WÓJCIK (Poland) said his delegation was happy with the progress achieved with regard to signature and ratification of the Convention on Nuclear Safety and trusted that it would enter into force in 1996.

8. His delegation was also pleased with the progress achieved on the preparation by the open-ended group of legal and technical experts of a convention on the safety of radioactive waste management. The group had set an ambitious schedule for future work with a view to conclusion of a final draft text in 1996, but a number of important issues still required careful consideration.

9. The situation was less positive with regard to liability for nuclear damage. The experience of the Chernobyl accident had highlighted the need for prompt and adequate compensation mechanisms for damage caused by nuclear incidents. The Board of Governors had requested the Standing Committee on Liability for Nuclear Damage to find a solution combining private and State law, particularly for cases of transboundary nuclear damage. He appealed to Member States to provide the political guidance necessary to enable the Standing Committee to reach agreement on the issue. A consensus on that very important and topical issue would be particularly welcome in the year of the tenth anniversary of the Chernobyl accident.
10. Finally, while acknowledging the usefulness of the report contained in document GC(39)/INF/8, he noted that much of its content had appeared in other Agency documents. In view of the continuing need for economies, he recommended that Member States should not ask the Secretariat to prepare a similar paper the following year.
11. Mr. VAUGHN (Australia) endorsed the RADWASS programme and urged that its implementation continue to be given high priority. He welcomed measures taken by the Secretariat to assist Member States in developing waste management infrastructures. Australia also welcomed the start of negotiations on a convention on the safety of radioactive waste management and looked forward to the early conclusion of such a convention, especially in view of its plans to establish a low-level waste repository.
12. With regard to the Convention on Nuclear Safety, his delegation hoped that Australia's ratification process would be completed by the end of the year. Care should be taken to ensure that the impressive range of nuclear safety services provided by the Agency remained efficient and effective and that they responded to the needs of Member States.
13. His country supported Agency activities related to the assessment of the impact of the dumping of radioactive waste in the Arctic seas and the Sea of Japan. He noted that the proposed Agency mission to evaluate damage caused by French nuclear testing in the South Pacific would require access to France's considerable geophysical, environmental, medical and other relevant data resources. Full access to Mururoa and Fangataufa atolls would also be required in order to carry out the necessary research. The report of the Australian

scientific advisory group on the impact of nuclear testing at the Mururoa and Fangataufa atolls could perhaps serve as a basis for planning the proposed mission.

14. Australia favoured a comprehensive liability regime based on the "polluter pays" principle and on the principle that a State should be liable for transboundary damage caused by facilities within its territory. It endorsed the decision of the Standing Committee on Liability for Nuclear Damage to proceed simultaneously with the revision of the Vienna Convention and the elaboration of a convention on transboundary damage and supplementary funding. However, it was concerned that, with the tenth anniversary of the Chernobyl accident in sight, the Standing Committee did not seem to be approaching its task with the required sense of urgency. The impediment to agreement within the Standing Committee was political rather than technical or legal in nature. Two aspects were crucial in order to reach a truly global solution to the liability problem. Firstly, the supplementary funding convention should be free-standing, in other words it should be independent of but consistent with the existing Vienna and Paris Conventions. Secondly, the convention should contain a mandatory supplementary funding scheme covering only the victims of transboundary damage. Australia urged the Standing Committee to try to meet the goal of convening a diplomatic conference early in 1996. While it would be preferable if agreement could be reached on a single convention on transboundary damage and supplementary funding, his country would be prepared to support the consideration at the conference of two mutually complementary and compatible draft instruments.

15. Mr. MANNINEN (Finland), having noted that his country expected to deposit its instrument of ratification of the Convention on Nuclear Safety by the end of the year, joined previous speakers in welcoming the progress made in preparing for a convention on the safety of radioactive waste management. Much work still remained to be done, but his delegation hoped that a diplomatic conference could be convened in 1997 and that the convention could be opened for signature at the forty-first session of the General Conference. The scope of the convention should be broad, covering all types of radioactive waste, including that of military origin. Where possible it should be modelled on the Convention on Nuclear Safety with provision for periodic review, detailed reporting and peer reviews.

16. He joined others in urging the Standing Committee on Liability for Nuclear Damage to complete its work in time for a diplomatic conference to be convened in 1996. The Standing Committee's main priority was revision of the Vienna Convention and elaboration of a single proposal on supplementary funding based on principles of nuclear liability favoured by European countries. Two competing draft texts at the diplomatic conference would serve no purpose.
17. Mr. WEBB (Canada) supported the statement made by the representative of Poland regarding rationalization of the Secretariat's documentation. His delegation was pleased with the progress made towards a convention on the safety of radioactive waste management and strongly supported the Agency's programme to assist Member States in establishing and maintaining an adequate infrastructure for managing radioactive waste in accordance with the principles laid down in the relevant Agency publications. Canada remained prepared to share its practical expertise in the field of radioactive waste management.
18. Canada, which had made a large contribution towards the drafting of the Convention on Nuclear Safety and which was currently in the process of ratifying it, wished to be added as a co-sponsor of the draft resolution contained in document GC(39)/COM.5/5. It encouraged all Member States to accede to the Convention as soon as possible. Implementation of the Convention would increase security and confidence and thereby facilitate greater co-operation in the peaceful uses of nuclear energy.
19. Mr. MAFFEI (Argentina), welcoming the draft resolution contained in document GC(39)/COM.5/5, noted that his country had signed the Convention on Nuclear Safety in October 1994 and was currently undertaking the ratification process. It was to be hoped that the Convention would be implemented as soon as possible.
20. Mr. SÖLENDİL (Turkey), having noted that his country also attached great importance to early implementation of the Convention on Nuclear Safety and had already completed the ratification process, welcomed the work done in preparation for a convention on the safety of radioactive waste management and looked forward to consensus on a draft text. Turkey strongly supported the RADWASS programme and had established, in

co-operation with the Agency, a regional training centre in Istanbul as part of a pilot programme.

21. Ms. CZOCH (Hungary), having noted her country's ratification the previous day of the Convention on Nuclear Safety, said she supported the creation of an incentive convention covering all aspects of radioactive waste in line with the Convention on Nuclear Safety and looked forward to the early conclusion of such a convention.

22. Despite the progress that had been made in the revision of the Vienna Convention and in clarification of the basic principles of supplementary funding for liability, she did not think that it would be possible in a one-week diplomatic conference to resolve all the issues, especially if two different drafts on supplementary funding were submitted for consideration. Further effort and political guidance were therefore required for the work to be finalized in 1996. While universal participation in the international civil liability regime should be sought, the amount of liability should correspond to the financial capability of the country in question. Hungary could accept a liability limit of 100 million SDRs for the licensee of a nuclear power plant and, if necessary, the Hungarian State might grant a further 150 million SDRs. The harmonization of the Paris and Vienna Conventions and the Joint Protocol could serve as a basis for a uniform civil liability regime, to be supplemented by a general convention on supplementary funding that would not cause dramatic changes to existing civil liability regimes.

23. Mr. de YTURRIAGA (Spain) welcomed the work that had been carried out by the group of experts on the preparation of a convention on the safe management of radioactive waste and looked forward to receiving the necessary documents so that a finalized draft could be elaborated.

24. Turning to nuclear liability, he restated his concern at the slow progress being made by the Standing Committee. Greater flexibility was required if a successful diplomatic conference was to be held in 1996. With the assistance of the Legal Division, a merged text had been elaborated and the Committee had been close to reaching agreement. However, with the proposal for a free-standing instrument for transboundary damage, the Standing Committee had returned to the chaotic situation of having two parallel and contradictory texts

to consider. As a result, it was highly unlikely that a compromise would be reached at the informal meeting to be held at the end of the month - not least because of the language difficulties that would be experienced by participants who were not completely familiar with English, since the meeting would be held only in English. The report of the informal meeting to the Standing Committee in October would be the last, probably vain, chance of reaching agreement on a merged text.

25. The Standing Committee should return to its original mandate of considering international liability for nuclear damage, reviewing the Vienna Convention and making the necessary substantive preparations for a revision conference. Its abandonment of that focus had brought about the impasse. The merging of the two contradictory drafts or the possibility of having three different instruments - an instrument on amendments to the Vienna Convention, an instrument on the contributions of Member States to supplementary funding, and a free-standing umbrella supplementary funding convention - was not a useful approach. On the contrary, a fully developed and broadly supported text was a prerequisite for a successful diplomatic conference and the viability of a new legal instrument. If a diplomatic conference was to be held in 1996, the Standing Committee should concentrate its efforts at its next meeting on resolving the remaining issues, such as establishing figures for the limits of compensation, geographic scope and so on. The proposed amendments to the Vienna Convention and the proposed supplementary funding convention should be the focus of that diplomatic conference and the question of a free-standing convention, however valid, should not be allowed to disrupt the costly and lengthy deliberations on those issues. Another conference on global funding could always be held at a later stage.

26. Mr. FITZGERALD (Ireland) welcomed the progress made in the crucial area of nuclear safety and radiological protection during the previous year. For its part, Ireland was progressing with the necessary changes in domestic law required to enable it to ratify the Convention on Nuclear Safety during the coming year. It fully supported the draft resolution contained in document GC(39)/COM.5/5.

27. Turning to the question of waste management, he noted that the Principles of Radioactive Waste Management adopted by the Board had not fully respected the rights of countries affected by the transboundary effects of nuclear waste activities. He hoped that the

preparatory work on the drafting of a waste management convention would resolve some of the difficulties encountered in the past.

28. With regard to nuclear liability, he stressed the importance of reaching agreement and urged all Member States participating in the work of the Standing Committee to give delegates sufficient authority and discretion to enable a draft convention and funding mechanism to be agreed upon in time for a diplomatic conference to be held in 1996. Such a conference would have to cover both the amendments to the Vienna Convention and an adequate and proper compensation mechanism for transboundary liability.

29. In conclusion, he noted that the completion of a cycle of conventions covering safety, waste and liability would go a long way to allaying international concerns regarding nuclear risks and would represent a very considerable achievement in terms of international co-operation.

30. Mr. CAMPUZANO PIÑA (Mexico) expressed his satisfaction at the preparations for the convention on the safety of waste management. His delegation believed that the convention should be designed so as to facilitate adherence and implementation; that the obligations under the convention should refer to internationally agreed general principles; that the convention should be applicable to all types of nuclear waste regardless of origin; that a lower limit should be established for determining what should be regarded as radioactive waste; that the destination of the waste should be included in the scope of the convention, with account taken of the available technology and existing international restrictions; that it should include provisions for the protection of the environment and human health so as to ensure that the population was not exposed to unacceptable risks; and that the convention should have the same general format as the Convention on Nuclear Safety. The text of the convention should clearly indicate that neighbouring countries that did not benefit from the practice producing the waste should be protected by the application of more restrictive standards than those of the country of origin. Furthermore, all stages of radioactive waste management, from source to final disposal, should be covered.

31. Turning to the question of liability for nuclear damage, he said that two more meetings of the Standing Committee should be held before the convening of a diplomatic conference to enable a final consensus to be reached on all outstanding issues.
32. Finally, he reported that Mexico, having signed the Convention on Nuclear Safety the previous November, would soon be embarking on the ratification process.
33. Mr. SCHMIDT (Austria), commenting on the Convention on Nuclear Safety, said that his country was particularly concerned about the safety of nuclear power plants in neighbouring countries and looked forward to the early entry into force and implementation of the Convention. For its part, Austria hoped to conclude the ratification process before the end of the year. One important item still in need of clarification was the review of national reports. His country had proposed a three-phase approach for the review mechanism: reporting, peer review, and meetings of the parties to discuss the peer reviews and make recommendations. He was pleased to note that the Convention secured the rights of neighbouring countries in the review process.
34. As to the convention on radioactive waste management, he welcomed the progress that had been made to date and looked forward to its early conclusion.
35. Mr. HA (Republic of Korea), having expressed support for the draft resolution, pointed out that nuclear safety involved a combination of physical safety improvements to plants and measures to reinforce the safety awareness of those in the nuclear power industry. As nuclear safety called for a concerted international effort, his delegation believed that the Convention on Nuclear Safety would greatly contribute to the enhancement of the safety of nuclear power plants. He hoped that the Convention would enter into force as soon as possible and announced that his Government had deposited its instrument of ratification during the current session of the General Conference.
36. Ms. DRDÁKOVÁ (Czech Republic) said that her country was one of the eleven that had already ratified the Convention on Nuclear Safety and urged all countries that had not yet done so to sign and ratify the Convention without delay. As to the convention on the safety of waste management, she noted that Czech experts had participated in the preparatory work.

37. Concerning liability for nuclear damage, the Czech Republic, which had acceded to the Vienna Convention only two years previously, welcomed the attempts to revise the present text to cover those areas not at present covered, but would find it difficult to accept an entirely new convention. She agreed with other speakers that the Standing Committee should focus its attention on revision of the Vienna Convention and that a diplomatic conference to consider two different texts would be highly undesirable.

38. Mr. TITKOV (Russian Federation), having noted that the Convention on Nuclear Safety would enable the extensive application of international safety standards and principles, expressed his appreciation for the considerable practical technical activities carried out by the Agency to enhance the safety of existing nuclear power plants in Central and Eastern Europe and the CIS. His country was grateful to those Member States which had provided extrabudgetary funding to improve the safety of WWER and RBMK reactors and hoped that the conclusion of the safety analysis of those reactors would not mark the end of the Agency's involvement in that area. He welcomed the preparations for a convention on the safe management of radioactive waste and appreciated the successful radioactive waste management seminar held upon the initiative of the Nordic States.

39. Mr. OURO-PRETO (Brazil) welcomed the growing number of countries that had signed and ratified the Convention on Nuclear Safety and noted that his country had taken steps to approve it, with a view to early ratification.

40. On the question of liability for nuclear damage, his Government supported the work being done by the Standing Committee on Liability for Nuclear Damage on revision of the Vienna Convention and welcomed its efforts to produce a generally acceptable draft convention on supplementary funding. However, in view of the lack of progress in discussions, particularly on the latter question, it seemed unrealistic to convene a one-week diplomatic conference in spring 1996 to deal with both subjects. In any event, he would insist that priority be given to the revision of the Vienna Convention, in conformity with the mandate expressly given to the Standing Committee.

41. Mr. SABURIDO (Cuba) said that his country was aware of the need for revision of the Vienna Convention and for the preparation of a new convention on

supplementary funding. It was to be hoped that work could be completed in time for the convening of a diplomatic conference in 1996. Every effort should be made to combine the two draft conventions on supplementary funding in a single text.

42. While the allocation of funds to provide compensation exclusively for transboundary damage had advantages for countries which did not benefit directly from the peaceful uses of nuclear energy and could be an incentive for establishing as broad an international civil liability regime as possible, discussion of that issue could prolong the work indefinitely and thus delay the entry into force of such a regime. He hoped that all States would show flexibility in that regard. If necessary, the Standing Committee might have to hold more meetings than usual. The achievement of an international civil liability regime based on the Vienna and Paris Conventions, together with the Joint Protocol and a convention on supplementary funding, would help guarantee the safe use of nuclear energy.

43. Mr. PETROV (Bulgaria) endorsed the Agency's activities to strengthen international co-operation in the areas of radiological protection and radioactive waste management, in particular the adoption of the Convention on Nuclear Safety, which the Bulgarian parliament had ratified the previous week, and the preparations for a draft convention on the safety of radioactive waste management.

44. Turning to the question of liability, he said that an international regime of liability for nuclear damage should be based on two conventions - one determining the liability of the operator and the other determining the contributions to be made by the contracting parties if the operator's liability was insufficient to cover that damage. He believed that there should be a single regime and that both conventions should therefore be adopted at a single diplomatic conference. It would also be preferable if only one supplementary funding convention were submitted to the diplomatic conference.

45. Mr. HARBITZ (Norway) said that he looked forward to the discussion of the first draft text of the convention on the safety of radioactive waste in December and to the early conclusion of a convention that would cover all types of nuclear waste, both of military and civilian origin.

46. Norway, as a nation with strong fishing interests in the Arctic, welcomed progress made in the International Arctic Seas Assessment Project and hoped that it could be brought to a successful conclusion in 1996. Although it now appeared that the dumping sites in the Arctic seas were unlikely to represent a major hazard, work being done under the project gave strong support for the further development of the London Convention.

47. Mr. ACUÑA-PIMENTEL (Chile) said that he hoped that his country's ratification of the Convention on Nuclear Safety, which it had signed at the previous session of the General Conference, would take place in the near future. His Government was also interested in the preparation and approval of a convention on the safety of radioactive waste management and in progress towards the adoption of global arrangements on the complex issue of liability for nuclear damage. Such arrangements should also take into account particular regional situations.

48. Mr. ISASHIKI (Japan) welcomed the adoption the previous year of the Convention on Nuclear Safety, which had been signed by 59 States, 10 of which, including Japan, had ratified, accepted, or approved it. The Convention marked a significant step forward in the promotion of nuclear safety worldwide and it was to be hoped that it would obtain the widest possible adherence.

49. Turning to the convention on the safety of radioactive waste management, he said that it was essential to obtain as wide an international consensus as possible on such issues as the nature and objectives of the convention, definition of terms, and its scope of application. Firm agreement on basic concepts was essential if timely and effective application of the convention was to be achieved.

50. Mr. EKECRANTZ (Sweden) noted that the announcements made by several delegates that procedures were under way for early ratification by their governments of the Convention on Nuclear Safety indicated that the Convention could be expected to enter into force by early 1996. As to the preparation for a convention on the safety of radioactive waste management, he was confident that under the chairmanship of Professor Baer, the group of experts would succeed in producing a draft text by early 1996.

51. Nuclear safety in all its aspects was basically a national responsibility, but internationally agreed safety principles and objectives as part of a globally binding institutional regime could strengthen international efforts to ensure the safe management and disposal of radioactive waste and spent nuclear fuel. The convention should therefore cover all stages of radioactive waste management, including spent nuclear fuel no longer stored at nuclear power plants, as well as high-level waste from the reprocessing of spent nuclear fuel. Waste from both civil and military activities should be included in the convention, and the management of radioactive waste from military activities should be subject to the same rules as those applied to other kinds of radioactive waste.
52. Sweden also attached great importance to the current revision of the Vienna Convention and to work on a draft supplementary funding convention. That work should be finalized as soon as possible, so that a diplomatic conference could be convened in 1996. Completion of the revision of the Vienna Convention should have priority, so that the channelling of responsibilities that would form the legal basis for continued discussion on supplementary funding in case of a nuclear accident could be defined.
53. Mr. STRATFORD (United States of America) said he looked forward to the creation of the new Department of Nuclear Safety in January 1996. The new structure would enable the Agency to improve the management of its nuclear safety programmes and would facilitate co-ordination with other multilateral organizations so that duplication of effort could be avoided. The United States would like to see more opportunities for Member States to participate in the development of the Agency's safety programme. The recent meeting of the Advisory Group Peer Review Programme Evaluation 1995, which had reviewed the safety programme with respect to its technical merit as well as to its budgetary implications, had been a useful step in that direction, and he would like to see similar reviews conducted on a regular basis.
54. He supported the Agency's use of the programme performance assessment system as a uniform evaluation and management system for its activities. The results of the Advisory Group meeting had indicated that much work remained to be done in that area, since it had not been possible to conduct a detailed peer review of projects owing to difficulties with the information supplied. While the Agency provided an overwhelming amount of financial

information, various areas such as objectives, scheduling, priorities and the resources required for subprogrammes and projects needed to be clarified and made more transparent. He understood that the Division of Nuclear Safety recognized those problems and was working hard to reformulate its programme.

55. Mr. JAMEEL (Pakistan) noted that his country had a strong commitment to nuclear safety and had been one of the first signatories of the Convention on Nuclear Safety, which it would be ratifying as soon as the necessary administrative procedures had been completed. It looked forward to speedy implementation of the Convention.

56. He also joined previous speakers in welcoming the preparations for a convention on the safety of radioactive waste management. Although primary responsibility for nuclear safety rested with individual Member States, the two conventions should facilitate international technical co-operation in efforts to raise safety levels to a uniform standard.

57. Mr. WINKLER (South Africa) expressed support for all the measures to strengthen international co-operation in the fields of nuclear safety, radiological protection and radioactive waste management. In particular, he welcomed the move towards a single, coherent set of principles governing radiation safety, nuclear safety and the safety of radioactive waste, since it had long held the view that those three disciplines were closely interrelated. He also welcomed the current organizational changes under which the Department of Nuclear Energy and Safety was to be divided into two distinct Departments. South Africa was encouraged by the rapid progress being made towards entry into force of the Convention on Nuclear Safety and was taking active steps towards its ratification.

58. Mr. OKONKWO (Nigeria) said his country had always supported every effort to strengthen nuclear safety worldwide. In view of its unpleasant experiences in recent years, it would strongly urge that machinery be put in place to ensure that an effective instrument on radioactive waste management was established as soon as possible, and he called upon Member States to give the necessary support to the group of experts.

59. He was pleased to state that Nigeria was now in the process of ratifying the Convention on Nuclear Safety. He was also glad to report that radiation protection legislation had recently been introduced in Nigeria, thereby paving the way for enhanced

co-operation with the Agency in the area of nuclear safety and helping it to secure Agency assistance in its efforts to acquire a mini neutron reactor for peaceful purposes. He hoped that the relevant contract would be submitted to the Board for approval in December and counted on the support of Member States.

60. Mr. COLE (United Kingdom) said he hoped that his country's ratification of the Convention on Nuclear Safety would shortly be completed. He shared the views of the United States delegate on the recent meeting of the Advisory Group on Peer Review Programme Evaluation 1995, and urged the Secretariat to take full account of the Group's recommendations when considering the 1997-98 programme and budget.

61. Ms. PARZER (Netherlands) said that, having signed the Convention on Nuclear Safety the previous year, her country was now taking steps to ensure early ratification. As to the convention on the safe management of nuclear waste, her delegation would like to see a broad convention covering all types of radioactive waste, which would focus chiefly on the international aspects of waste management. The approval of the safety fundamentals and standards was a positive step in the right direction.

62. The Netherlands also attached great importance to early agreement on a revised text for the Vienna Convention, as well as to agreement on a single text on supplementary funding.

63. Mr. STURMS (Director, Legal Division), clarifying preambular paragraph (b) of the draft resolution contained in document GC(39)/COM.5/5, said that currently the number of signatories was 59, and the number of States having deposited instruments of ratification, acceptance or approval was 11. That figure included approval by the Czech Republic, France, the Republic of Korea, Spain and Sweden. As already announced, Bangladesh intended to sign the Convention the following day and at the same time deposit its instrument of ratification, which would bring the figures he had quoted up to 60 and 12 respectively.

64. The CHAIRMAN said she took it that the Committee wished to recommend to the Conference that it take note of the information contained in documents GC(39)/INF/8, 11 and 19 and that it adopt the draft resolution contained in document GC(39)/COM.5/5.

65. It was so agreed.

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM (GC(39)/17 and Corr.1; GC(39)/COM.5/6)

66. The CHAIRMAN drew the Committee's attention to document GC(39)/17 containing the Director General's report on Programme 93+2 and to the draft resolution contained in document GC(39)/COM.5/6. She noted that Argentina, Australia, Bulgaria, Canada, Iceland, the Republic of Korea, Norway and the Russian Federation wished to be included among the sponsors of the draft resolution.

67. Mr. de YTURRIAGA (Spain), speaking on behalf of the European Union and introducing the draft resolution contained in document GC(39)/COM.5/6, said that the European Union and the many co-sponsoring countries considered that it was very important to strengthen the effectiveness and to improve the efficiency of the safeguards system and supported the measures the Agency proposed to take in that regard. Some of those measures which fell within the scope of legal instruments currently in force had already been adopted, but others necessitated further work because they required an additional legal instrument for their implementation. The resolution therefore appealed to the Director General to initiate consultations with Member States as soon as possible, so that specific proposals could be put before the Board of Governors at its December meetings.

68. Mr. MAFFEI (Argentina) particularly welcomed the provision in paragraph 5 of the draft resolution for consultations with Member States on arrangements for implementing the measures in Part 1 of document GOV/2807 and on further clarification of the measures proposed in Part 2.

69. Mr. CAMPUZANO PIÑA (Mexico) recalled that when document GOV/2807 on Programme 93+2 had been submitted to the Board in June, approval had been given for the implementation of the measures proposed in Part 1 as measures for which the Agency had the requisite authority under existing safeguards agreements and on the understanding that consultations would be held between Member States and the Secretariat to clarify differences of interpretation of the legal basis of the measures and practical definitions of the scope of

and the mechanisms for their implementation. Mexico had decided to support those measures as evidence of its political interest in safeguards.

70. Part 2 of the same document concerned measures for which the Agency needed additional authority and his Government would be willing to participate in the field testing of those measures once the necessary domestic arrangements had been made and the National Commission for Nuclear Safety and Safeguards and the Secretariat for Foreign Affairs had discussed the matter with the Agency.

71. He emphasized the need for a single standard legal instrument to serve as the basis for implementation of the measures proposed in Part 2 of document GOV/2807 in order to ensure universality and the binding nature of its application. It was also necessary to rationalize the costs and enhance the efficiency of safeguards. A strengthened safeguards system would constitute the best guarantee of non-proliferation and of the exclusively peaceful use of nuclear energy. A more effective system would also promote nuclear disarmament and lay the basis for verification of compliance with other treaties in the nuclear field.

72. Mr. FUJIKI (Japan), commending the Secretariat on document GC(39)/17, said that his country recognized the importance of establishing an effective and efficient safeguards regime and strongly supported the general direction of Programme 93+2 and the early implementation of the Part 1 measures. There were, however, some aspects of those measures that needed to be clarified or further considered in close consultation with the individual countries concerned prior to implementation.

73. With regard to the measures under Part 2, his delegation continued to believe that a great deal more information was necessary so that the detailed content, technical effectiveness and feasibility, financial implications and legal basis of each measure could be carefully considered. Any additional effort on the part of the Agency and Member States required for the implementation of new measures should be justified through a detailed explanation of the benefits to be derived from them. Furthermore, the legal instrument for each new measure should be standard for all countries. It was inappropriate for the Agency to operate on the basis of differing legal interpretations of document INFCIRC/153.

74. The discussion of Part 2 measures might be facilitated by dividing them into two separate categories. One category would consist of measures requiring legal instruments corresponding to the level of current safeguards agreements and the second would consist of measures that could be legally based on some other instrument such as an exchange of letters.

75. It was very difficult to provide credible assurances of the non-existence of undeclared nuclear activities. The scope and methods of application of new measures should be carefully examined from a variety of angles, taking into account the results of the implementation of current safeguards measures and the limited resources available.

76. The benefits to be derived from the universal application of the new measures under Programme 93+2 and their effectiveness in improving the Agency's technical capability and the cost-efficiency of the safeguards system should be taken into account. New measures could contribute not only to the implementation of comprehensive safeguards agreements, but also to the implementation of item-specific and voluntary offer safeguards agreements. The Secretariat should consider carefully how the new measures could usefully be applied in the implementation of each type of agreement.

77. Ms. LETTS (Australia) commended the Secretariat's efforts to strengthen the safeguards system under Programme 93+2. Australia had demonstrated its strong support for the Programme by volunteering to participate in field trials in environmental sampling and in no-notice broad access inspections and by providing the services of a consultant free of charge to improve the analysis of information on States' nuclear activities. It would continue to support the Programme wherever possible.

78. The NPT Review and Extension Conference had confirmed the Agency as the competent authority for the independent verification of the peaceful use of nuclear energy under the NPT and related safeguards agreements and had given strong political support to the Board of Governors in its task of further strengthening the effectiveness of safeguards, noting that safeguards should be regularly evaluated and that the Agency's capability to detect undeclared activities should be increased. Australia welcomed that endorsement of the Programme 93+2 objectives.

79. The Board had subsequently taken note of the Director General's plan to implement the Part 1 measures based on the Agency's existing authority at an early date. That was an important step forward. However, those measures would not provide full assurance of the absence of undeclared activities. As a minimum, the Agency should be able to conduct routine inspections at locations other than strategic points. In order for it to do so, the measures in Parts 1 and 2 would have to be integrated with the current safeguards regime for declared nuclear material.

80. Recent revelations concerning an accelerated weapon development programme in Iraq demonstrated the need to enhance the capability of the safeguards system to detect undeclared activities and to ensure universal implementation of the inspection measures proposed under Programme 93+2. More extensive consultations between the Agency and Member States, the testing of Programme 93+2 techniques and the implementation of Part 1 measures should assist Member States in overcoming any reticence they might have concerning the Programme.

81. His delegation was a co-sponsor of the draft resolution, not least because it gave appropriately strong encouragement to the Secretariat's action to strengthen safeguards. However, Australia did not consider that complementary legal authority was required for every measure contained in Part 2 of document GOV/2807, as implied in paragraph 5 of the draft resolution. It would have been preferable simply to refer to "a draft instrument for the complementary legal authority necessary for implementing measures in Part 2". Australia was concerned to avoid a situation where countries were prevented from arguing legitimate interpretations of the scope of document INFCIRC/153 because of a General Conference resolution that might be construed as endorsing a particular view. Furthermore, a major purpose of Programme 93+2 was to enhance the effectiveness of the safeguards system in detecting undeclared nuclear activities, which were more likely to be non-peaceful than peaceful in nature. The reference in paragraph 5 of the draft resolution to nuclear material in peaceful activities seemed to be at odds with that fundamental objective.

82. Mr. POSTA (Hungary) said that Hungary appreciated the Secretariat's action under Programme 93+2 and had provided practical support for it by participating in environmental sampling and analysis and testing of the mail-in exercise, the operation of

MIVS in unattended mode and open core surveillance. The Agency clearly needed broader access to information in order to detect undeclared nuclear activities and improve safeguards on declared nuclear material.

83. With regard to the Part 1 measures under Programme 93+2, he said that Hungary was endeavouring to co-operate in a number of areas: it was willing to complete the questionnaire to facilitate assessment of its role and possibilities for increasing its co-operation with the Agency; it was also willing to discuss the possibility of making its inspectors available to carry out selected inspection activities with Agency inspectors, thereby decreasing the Agency's inspection efforts; it was developing plant-specific safeguards equipment for verification of spent fuel assemblies to be used by its national inspectorate, which the Agency could, after evaluation, use for its own inspection purposes; design information on an intermediate spent fuel storage facility under construction in Hungary had been submitted to the Agency well in advance of construction and discussions were under way with the Agency on the future implementation of safeguards, including sealing and video surveillance problems in that facility; and under its support programme for Agency safeguards, Hungary had offered the Agency its nuclear power plant as a site for testing new containment and surveillance equipment. Furthermore, he noted that Hungary had been one of the first countries to accept the simplified procedure for the designation of Agency inspectors and encouraged other Member States to follow suit. However, in the case of physical access without any notice to nuclear facilities and locations other than facilities, his delegation believed that further negotiations with the Agency and the elaboration of national procedures in Hungary would be necessary.

84. Mr. MOLLINGER (Netherlands) stressed the timeliness of Programme 93+2 and pointed out that recent events had shown that the safeguards system must be able to provide credible assurances of the absence of undeclared nuclear activities. The international community was aware of that need and had assigned corresponding responsibilities to the Agency at the NPT Review and Extension Conference.

85. The Board had accepted the Director General's recommendations concerning the Part 1 measures and the Netherlands looked forward to the implementation of those measures

without delay, while recognizing that some Member States felt the need for further elaboration and clarification of the measures in consultation with the Secretariat.

86. His delegation was convinced that the implementation of both the Part 1 and Part 2 measures would be needed in order to provide assurances of the absence of undeclared nuclear activities and urged the Director General to hold further consultations with Member States to justify certain measures to which some opposition existed. Specific proposals for the implementation of the Part 2 measures, including proposals on the relevant legal instruments, should be submitted and discussed with Member States as soon as possible, so that they could be approved by the Board, if possible, at its meetings in December 1995.

87. Ms. KARRAN (New Zealand) said that the measures under Parts 1 and 2 of the Programme, including those that might require additional legal authority, should be regarded as an integral package. Such additional Part 2 measures as expanded declarations and access for routine inspections to all relevant sites were necessary to produce comprehensive results and provide credible assurances concerning the absence of undeclared nuclear facilities and programmes. New Zealand therefore urged all Member States to support the full implementation of Programme 93+2.

88. Mr. OURO-PRETO (Brazil) recalled that his delegation had expressed reservations in June 1995 concerning the preciseness of the proposals under Part 1 of Programme 93+2 and concerning the manner in which they would be implemented.

89. While noting that the mechanism of environmental monitoring was one of the most effective means of strengthening safeguards, he said that the Part 2 proposals raised a number of questions. He wondered, for example, how information regarding facilities that were only indirectly linked to nuclear equipment could be requested and obtained and how information could be provided on the numerous suppliers and manufacturers of nuclear equipment, most of which were also engaged in other activities. There were also political problems. It would be difficult, for example, to convince the Brazilian public that new intrusive measures should be applied to a country that was engaged in purely peaceful nuclear activities.

90. It was for those reasons that his delegation had called for the establishment of a working group to make suggestions concerning the strengthening of the safeguards under Part 2.

91. Mr. HA (Republic of Korea) said that his Government welcomed the action taken by the Board in June in adopting the Part 1 measures under Programme 93+2. It supported the strengthening of the safeguards system and attached special importance to environmental monitoring and no-notice inspections of declared facilities.

92. Many of the proposed measures could be viewed as cumbersome or even superfluous by Member States that had no intention of developing nuclear weapons and had no facilities that presented a proliferation risk. For such countries, strengthening of the safeguards system entailed extra burden. His country, for example, had 17 safeguarded nuclear facilities involving 350-400 person-days of inspection each year. In addition, it would complete one power reactor each year up to 1997 and two reactors each year thereafter, representing an additional burden to the already overstrained domestic authorities responsible for inspection. However, that was the price to pay for a world that was free of proliferation.

93. Concern had been expressed about the financial implications of implementing Programme 93+2, despite the Director General's repeated assurances that it would be cost-neutral in the longer term. His delegation considered that there was room for further cost savings without reducing the Programme's effectiveness. One such measure was the introduction of a trade-off between intrusiveness and the frequency of inspections. States with a proven record of honouring their non-proliferation commitments and which accepted the most intrusive inspections could be exempted from routine inspections for a certain category of low-proliferation-risk facility and offered the possibility of readjustment of inspection frequency for other facilities.

94. Another idea worth exploring was the reallocation of safeguards resources on the basis of the level of proliferation risk of nuclear facilities and activities. Over 70% of safeguards activities were devoted to low-proliferation-risk activities, such as LWRs and low-enriched uranium fuel fabrication plants. Those resources could usefully be reallocated to higher-risk facilities such as enrichment and reprocessing plants.

95. His Government believed that Programme 93+2 could achieve its broader objective of worldwide non-proliferation only when all nuclear facilities and activities for peaceful purposes were placed under safeguards. It therefore supported the proposal to initiate consultations with Member States as soon as possible so as to achieve agreement on the measures proposed in Part 2 at an early date.

96. Mr. LI Donghui (China) said that document GC(39)/17 had been very helpful in clarifying the issues to be discussed in connection with Programme 93+2. Since the Board's approval of the Programme in December 1993, the Secretariat had undertaken a systematic evaluation of the safeguards measures recommended by SAGSI from the technical, financial and legal point of view and had tentatively put forward a comprehensive programme.

97. China supported appropriate action by the Agency to strengthen the effectiveness and improve the efficiency of the safeguards regime. It had participated constructively in the discussion concerning Programme 93+2 on many occasions and had made recommendations. It agreed with the general direction of the Programme and supported its stage-by-stage implementation in accordance with the relevant legal provisions.

98. With regard to the Part 1 measures, additional information obtained from Member States under the existing legal authority concerning the SSAC and current and planned nuclear activities would allow the Agency to determine the peaceful nature of national programmes and ensure the completeness and correctness of declarations. Routine inspections at strategic points and short-range environmental monitoring would play a key role in verifying the absence of undeclared nuclear activities. However, in view of the sensitive nature of environmental monitoring and its results, his delegation considered that the Secretariat should specify criteria, norms and measures to preserve confidentiality at an early date to prevent abuses. Inspections at strategic points without prior notice would also help to ascertain the absence of undeclared activities and reduce the number of intermediate inspections of certain nuclear activities, thus saving financial resources. However, through consultations with Member States, the Secretariat would have to take appropriate steps with regard to entry visas and make arrangements for national inspectors to accompany the inspection. From the technical point of view, no-notice inspections would require Member

States to have a near-real-time accounting system for nuclear materials. That would be easy for item-counting facilities, but very difficult for bulk-handling facilities and would probably entail technical problems and financial burdens for some facilities. The Secretariat should study the issue and provide adequate technical assistance, where necessary, to the countries concerned.

99. With regard to the measures proposed under Part 2, his delegation believed that further consultations with Member States were needed to reach a consensus on the issue of additional legal authority. Some Member States had expressed concern about measures such as the list of information for extended declarations by Member States. The concepts involved should be defined since they had a direct bearing on the obligations to be assumed by Member States. Another issue was the need to ensure a link between the additional authority and the national legislation of Member States. Unless all such issues were cleared up through a constructive dialogue between the Secretariat and the Member States, unavoidable disputes would occur when the time came to implement the measures. The Chinese delegation looked forward to further reports by the Secretariat on the Part 2 measures and to further discussion on the issue.

The meeting rose at 1.5 p.m.