



K

GC

International Atomic Energy Agency

GENERAL CONFERENCE

GC(SPL.I)/OR.8
March 1987*

GENERAL Distr.

ENGLISH

FIRST SPECIAL SESSION: 24-26 SEPTEMBER 1986

RECORD OF THE EIGHTH PLENARY MEETING

Held at the Neue Hofburg, Vienna,
on Friday, 26 September 1986, at 3.50 p.m.

President: Mr. MANOUAN (Côte d'Ivoire)

CONTENTS

<u>Item of the agenda**</u>		<u>Paragraphs</u>
5	Measures to strengthen international co-operation in nuclear safety and radiological protection (continued):	1 - 13
	Consideration of the report by the Chairman of the Committee of the Whole	
-	Closing of the first special session	14 - 24

[*] A provisional version of this document was issued on 15 October 1986.

[**] GC(SPL.I)/11.

The composition of delegations attending the session is given in document GC(SPL.I)/INF/3/Rev.3.

87-1086
0852e/0129e

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND
RADIOLOGICAL PROTECTION (GC(SPL.I)/4, 15/Rev.1) (continued)

Consideration of the report by the Chairman of the Committee of the Whole

1. The PRESIDENT asked Mr. Scheel, Chairman of the Committee of the Whole, to report on the results of the Committee's deliberations concerning the texts and proposals referred to it for initial examination.
2. Mr. SCHEEL (Chairman of the Committee of the Whole) said that, during the two days it had devoted to consideration of the matters referred to it by the General Conference, the Committee had studied six new documents in addition to the texts it had originally had before it and that, after extensive discussions in both formal and informal session, it had agreed to recommend that the General Conference adopt the draft Final Document and the draft resolution contained in documents GC(SPL.I)/4 and GC(SPL.I)/15/Rev.1, respectively. He wished to thank members of the Committee for the spirit of co-operation and conciliation they had shown during difficult negotiations.
3. The PRESIDENT, congratulating Mr. Scheel on the effectiveness with which he had managed the discussions in the Committee of the Whole, explained that the Final Document (GC(SPL.I)/4), which the Committee had recommended the Conference to adopt, and to which the two draft conventions would be attached, summarized the results of the special session's work, while the draft resolution in document GC(SPL.I)/15/Rev.1 related to further matters requiring additional consideration. It was eminently desirable that the special session should conclude its work by reaffirming its unanimous wish further to strengthen international co-operation in nuclear safety and radiological protection. Accordingly, he sincerely hoped that it would be possible to adopt the two documents by consensus, or even by acclamation.
4. The Final Document of the special session contained in document GC(SPL.I)/4 was adopted.
5. The draft resolution contained in document GC(SPL.I)/15/Rev.1 was adopted.
6. The PRESIDENT announced that the two conventions which had just been adopted by acclamation together with the Final Document were now open for signature.

7. Mr. HOFFMANN (Luxembourg), explaining his country's position with respect to the two texts which had just been adopted, said that the delegation of Luxembourg had not opposed the adoption by consensus of the draft resolution in document GC(SPL.I)/15/Rev.1 because it had wished to underline the great importance it attached to efforts by the international community in the field of nuclear safety and radiological protection. His delegation had been able to join the consensus, in particular, because its concern about third-party liability, which it had expressed in a proposed amendment to the Final Document issued as document GC(SPL.I)/9, had been taken into consideration and would be examined further, with account being taken of the principle "the polluter pays".

8. However, the fact that Luxembourg had not opposed the consensus did not mean that it was at present able to sign the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. The head of his delegation had explained the reasons in his statement to the General Conference. Accordingly, the Government of Luxembourg would monitor carefully the progress that would be made following the special session where nuclear safety, radiological protection and related matters were concerned.

9. Mr. MATSUDA (Japan) said that his delegation was not able to sign the two conventions immediately, but that the Japanese Government was prepared to commence without delay the procedures necessary at a national level for their signature and ratification. Moreover, if a nuclear accident which had or might have transboundary radiological consequences occurred in Japan, his Government would promptly inform the Agency and affected States.

10. Mr. SOLTANIEH (Islamic Republic of Iran) said that the Iranian Government considered the Convention on Early Notification of a Nuclear Accident to be incomplete but, with a view to demonstrating his country's goodwill, his delegation had joined the consensus. It expected nuclear-weapon States to notify any nuclear accident resulting in releases of radiological safety significance caused by nuclear-weapon tests and/or nuclear weapons of any type. The Iranian delegation hoped that the compromise now achieved would establish a climate of co-operation which would lead to a convention relating to all accidents being drawn up in the near future. The Iranian Government would be in a position to sign the two conventions, subject to ratification.

11. Mr. GLEISSNER (Austria) recalled that his country's position in respect of the matters covered by the Final Document had been set forth both in the statement which Mr. Peter Jankowitsch, Federal Minister for Foreign Affairs, had made to the Conference and in the draft resolution submitted in document GC(SPL.I)/16, which was being referred to the Board of Governors in accordance with the provisions of the resolution contained in document GC(SPL.I)/15/Rev.1. His delegation would have wished the content of the Austrian draft resolution to have been taken into account in the Final Document. However, since the procedure now to be followed ensured, from Austria's point of view, the continuation of the discussion on all statements and proposals made during the special session, including the Austrian proposal, his delegation had been able to join the consensus to adopt the Final Document. It considered, however, that the first paragraph of that document did not sufficiently reflect the divergent views of States on the question to which it related.

12. Mr. MORELLI PANDO (Peru), while approving the adoption of the two conventions, reiterated the reservations expressed by his country with respect to the articles relating to the settlement of disputes, in particular paragraph 2 of Article 11 of the Convention on Early Notification of a Nuclear Accident and paragraph 2 of Article 13 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the provisions of which were unfortunately not in line with legal practice.

13. Mr. ALESSI (Italy) said that his country had joined the consensus to adopt the Final Document of the special session of the Conference and that it would sign the two conventions, subject to ratification. He wished to recall, however, that the provisions of Article 1 of the Convention on Early Notification of a Nuclear Accident were not satisfactory to the Italian delegation in that the obligation to notify related only to accidents which had resulted or might result in transboundary releases of radioactive materials or could have other consequences outside the area under the jurisdiction or control of the State in which the accident occurred. The Italian Government considered that all accidents, including those whose effects were felt only within the territory of the State concerned, should be notified.

CLOSING OF THE FIRST SPECIAL SESSION

14. Mr. CUEVAS CANCINO (Mexico), speaking on behalf of the Group of 77, said that an important event was coming to a close: the Agency had held its first special session following a crisis unprecedented in the history of mankind. That crisis was forcing people to face up to the hazards involved in the world they had constructed. That might not be easy, since the furious pace of scientific progress almost justified their wondering whether they inhabited the same planet as the one on which they had been born.

15. International organizations, which had been established to solve joint problems, were showing their viability under the pressure of crises. The Agency had proved itself capable of carrying out the tasks expected of it. He reiterated the congratulations of the Group of 77 to the Director General on the promptness and effectiveness of his response, which had demonstrated that the Agency had a useful role to play in the circumstances, a role which it had discharged satisfactorily by bringing the work of the special session to a positive conclusion. He also congratulated the group of governmental experts who, after taking up an apparently impossible challenge, had succeeded within four weeks in drawing up two innovative texts of conventions which had served as a basis for the work of the Conference.

16. The Group of 77 further wished to thank the City of Vienna and the Austrian Government for their unfailingly generous hospitality. The Conference also owed its success to the skill with which the President had guided deliberations. Thus, in three days of intensive work at different levels, it had managed to fulfil the task assigned to it very satisfactorily. The Conference had benefited in all its work from the untiring and effective support of the Secretariat, which the Group of 77 also wished to thank.

17. The Mexican delegation had been gratified to hear, from the energy ministers of many Member States in person, what nuclear policies they intended to pursue. Their statements had confirmed that nuclear power, although threatened with being banned, remained an essential means of improving the lot of mankind. Equally intensive efforts had been made at another level, not in respect of the conventions - which had from the outset been considered

satisfactory - but of the Final Document, which had required many adjustments. Those adjustments would not have been possible without the desire for consensus of all delegates and, in particular, the moderation shown by the Group of 77 in accepting a postponement of the discussion of its legitimate aspirations. Those who had criticized the slowness of deliberations should remember that it was by no means easy to accept a longer wait for what one considered one's due.

18. The first stage on the long road of the peaceful uses of the atom had now been completed, but the many problems to be solved had barely been identified. In order to find solutions to those problems, it was essential to trust in the Agency, since it embodied mankind's wish for unity and for the defence of his vital interests, which should perpetually underlie the pursuit of that new mode of industrialization. Finally, he wished to sound a note of optimism by quoting the writer José Martí, who had said that, from all that had been achieved, an essence of grandeur had been distilled which represented the best guarantee that humanity would be able to find for that sphere a rate of progress favourable to all.

19. Mr. SOWINSKI (Poland) said that the success of the special session of the Conference and the adoption of the Final Document showed that the first step, which was perhaps the most difficult one, had been made towards the establishment of an international regime for the safe development of nuclear energy. Equally important was the agreement achieved, in an extremely short time, on two unique documents which marked the appearance of a new mode of thought appropriate to the nuclear era and demonstrated the need for forging mankind's destiny together and for bearing responsibility for it jointly.

20. On behalf of the countries of Eastern Europe, he expressed the hope that that spirit of co-operation and those efforts would also make it possible to resolve other problems of universal importance in a constructive manner.

21. Mr. GIGNAC (Canada), speaking on behalf of the group of Western European and other countries, paid a tribute to the President for the remarkable way in which he had guided the important work of the special session of the Conference, and for the skill and effectiveness with which he

had managed the discussion of an extremely full agenda. The special session, representing the culmination of many events which had occurred in the months that had elapsed since the Chernobyl accident, had well served the interests of all States desirous of strengthening nuclear safety. Its results would make it possible to promote and further to expand international co-operation in that sphere. The Canadian delegation wished to thank the Agency's Secretariat and, in particular, the interpreters. It was also grateful to other participants for the spirit of compromise and the desire for consensus they had shown, without which such positive results could not have been achieved.

22. The PRESIDENT felt that all would agree that Member States would be justified in welcoming the work done during the past three days, which had resulted in the adoption of two important conventions and of a resolution which reaffirmed their faith in nuclear power and the Agency. He considered it a particular honour to have been entrusted with presiding over the Conference in such exceptional circumstances, and he thanked all participants for their co-operation and the spirit of compromise they had demonstrated, which had enabled them to carry through the task before them in a satisfactory manner. He was also grateful to the Director General and to all those who, from near or far, had contributed to the successful completion of the work.

23. In accordance with Rule 48 of the Rules of Procedure, he then asked delegates to observe a minute of silence for prayer or meditation.

All present rose and stood in silence for one minute.

24. The PRESIDENT declared the first special session of the General Conference closed.

The meeting rose at 4.25 p.m.