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COMMITTEE OF THE WHOLE

RECORD OF THE FIFTY-FOURTH MEETING

Held at the Austria Center, Vienna,
on Thursday, 24 September 1987, at 10.55 a.m.

Chairman: Mr. GUYER (Argentina)

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[*] A provisional version of this document was issued on 29 September 1987.

[**] GC(XXXI)/818.

The composition of delegations attending the session is given in document
GC(XXXI)/INF/246/Rev.3.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND
RADIOLOGICAL PROTECTION (GC(XXXI)/816 and 815, GC(XXXI)/COM.5/55, 56 and 57)

1. The CHAIRMAN drew attention to the report in document GC(XXXI)/816 and to a compilation of the summary records of the Board's discussions of the issue in December 1986 and February, June and September 1987. He also drew attention to document GC(XXXI)/815 containing a paper prepared by the Iraqi Atomic Energy Commission and entitled "The need for international agreement prohibiting armed attacks on nuclear installations" and to document GC(XXXI)/COM.5/57 containing a draft resolution on the same topic.
2. Two other topics dealt with in the Board's report were the subjects of draft resolutions: the sharing of nuclear-safety-related information (GC(XXXI)/COM.5/56) and the Convention on the Physical Protection of Nuclear Material (GC(XXXI)/COM.5/55).
3. With regard to the draft resolution in document GC(XXXI)/COM.5/55, it had been suggested that operational paragraph 3 be amended to read like operational paragraph 3 of resolution GC(XXX)/RES/461 adopted in 1986 and that the Committee recommend to the General Conference that it request the Director General to place on the provisional agenda for the Conference's next regular session an item entitled "Status and implementation of conventions for which the Agency is depositary: (a) Convention on the Physical Protection of Nuclear Material; (b) Convention on Early Notification of a Nuclear Accident; and (c) Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency".
4. Mr. MAEKIPENTTI (Finland), noting that the Agency was also depositary for the Convention on Civil Liability for Nuclear Damage, suggested that that convention be added to the three just mentioned by the Chairman.
5. The CHAIRMAN asked whether the Committee wished to recommend to the Conference that it adopt the draft resolution in document GC(XXXI)/COM.5/55 with operational paragraph 3 amended in the manner suggested and that it request the Director General to place on the provisional agenda for its next regular session an item entitled "Status and implementation of conventions for which the Agency is depositary: (a) Convention on the

Physical Protection of Nuclear Material; (b) Convention on Early Notification of a Nuclear Accident; (c) Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency; and (d) Convention on Civil Liability for Nuclear Damage".

6. It was so agreed.

7. The CHAIRMAN suggested that the meeting be suspended to facilitate negotiations on the draft resolutions in documents GC(XXXI)/COM.5/56 and 57 with a view to their speedy adoption.

The meeting was suspended at 11 a.m. and resumed at 12.20 p.m.

8. The CHAIRMAN invited the representative of Pakistan to introduce the draft resolution on the sharing of nuclear-safety-related information contained in document GC(XXXI)/COM.5/56.

9. Mr. CHAUDHRI (Pakistan) said that, although the sharing of nuclear-safety-related information had been discussed at the special session of the General Conference in September 1986, the subject had in fact been a matter of concern ever since the early days of nuclear energy. At the special session, the Group of 77 had submitted a proposal which had served as the negotiating basis for the draft resolution now before the Committee; an attempt had been made to reflect views expressed at meetings of the Board in February, June and September 1987 in the draft. The text was inspired by the realization that all appropriate measures should be undertaken at the bilateral, multilateral and international levels to prevent accidents at nuclear facilities and ensure their operation in the safest possible manner. The view was widely held that the nuclear industry could not afford another accident, as it would have grave consequences for the credibility of nuclear power as a viable and economic source of energy.

10. The suppliers of nuclear facilities had the means to improve the safety of such facilities through their research and development efforts. Recipient countries, however, had no such opportunities. The text therefore addressed an appeal to the supplier countries to co-operate in ensuring the flow of nuclear-safety-related information: although they had a moral and technical obligation to do so, the draft merely "urged" them to offer their full collaboration.

11. It was in establishing the framework for the sharing of nuclear-safety-related information that the Agency could and should play a valuable role, supplementing the beneficial effects of any specific bilateral and multilateral arrangements. That philosophy was outlined in operative paragraph 3 of the draft resolution, which also contained a request for information exchanges that was by no means radical: indeed, such arrangements were an accepted facet of many collaborative relationships - in aviation, for example, and in the pharmaceutical industry.

12. The international community was unlikely to demonstrate the slightest forbearance if an accident occurred at a nuclear facility because safety-related information had been withheld out of a niggling attention to the letter, not the spirit, of bilateral or multilateral agreements. Concern for safety must take precedence over all other considerations. It should also be stressed that nothing in the draft resolution suggested that access to nuclear-safety-related information should be provided free of cost: the right of proprietors of such information to ask a reasonable price was fully respected and in no way questioned.

13. In order to accommodate the desires of delegations, a number of changes had been agreed upon. In operative paragraph 2, "bilaterally and multilaterally" should be inserted between "co-operation" and "for". In paragraph 3, "to take all possible measures" should be deleted, "relevant" replaced by "such", and "on nuclear safety" deleted.

14. He hoped that a consensus would be achieved and that the Committee would recommend the draft resolution for approval by the Conference.

15. Mr. WATERFALL (Canada) said his delegation appreciated the efforts to render the draft resolution acceptable to a broader range of delegations, but could not endorse it in its present form. Referring to operative paragraph 2, he explained that Canada could only undertake to supply nuclear-safety-related technology on a bilateral basis where an appropriate bilateral nuclear co-operation agreement was in force. Such an agreement would emphasize that nuclear co-operation could best take place within the framework

established by the Non-Proliferation Treaty. The type of information whose exchange was envisaged in the draft resolution could not be distinguished from nuclear plant technology.

16. Referring to paragraph 3, as revised, he said that decisions on the Agency's future activities could only be adopted within the context of its programme and budget. No decision had been reached on directing the Agency to take part in bilateral activities involving the exchange of nuclear-safety-related information; yet paragraph 3 advocated that the Agency should do precisely that.

17. Conversely, the Agency's programme and budget clearly indicated that it should be active in the exchange of nuclear-safety-related information at the multilateral level. Canada strongly supported such a role for the Agency, contributed extensively to such endeavours, and understood paragraph 3 exclusively in that context.

18. Finally, with regard to the references in the draft resolution to suppliers and recipients, he wished to emphasize that nuclear co-operation was a two-way street: it was, in short, a matter of reciprocal obligation.

19. Mr. MELIBARY (Saudi Arabia) said his delegation attached great importance to the achievement of the highest possible level of safety in the operation of nuclear facilities. The adoption of the draft resolution would be of benefit to all States, whether they possessed nuclear facilities or not, because a nuclear accident caused by the absence of safety-related information would harm all States without exception. Ensuring the operation of nuclear facilities in the safest possible manner was a sine qua non condition for the acceptance of nuclear energy programmes in all countries of the world. For that reason, the exchange of information among suppliers and recipients was absolutely indispensable. His delegation supported the draft resolution, as revised, and would urge that it be adopted without further discussion.

20. Mr. ORNSTEIN (Argentina) reaffirmed his delegation's support for the sharing of nuclear-safety-related information, as expressed at the Board's meetings in February and June 1987[1]. In its double role as supplier and

[1] GOV/OR.669, para. 48 and GOV/OR.679, para. 51.

recipient of nuclear technology, Argentina welcomed the initiative under consideration and, for its part, offered an absolute guarantee that it would continue to share all the information at its disposal on the nuclear safety of installations it supplied, with no conditions other than those agreed on contractually. All supplier States should give an equivalent guarantee.

21. Mr. BADRAN (Jordan) endorsed the comments of the representatives of Pakistan and Saudi Arabia. Jordan was a non-nuclear State, but that did not prevent it from being concerned about nuclear safety. The issue was of universal importance, and the Agency was right in devoting a great deal of attention to it. Nuclear-safety-related information should be part and parcel of transactions for the export of nuclear technology. The draft resolution was intended to procure a smoother flow of information relating to safety alone and was not intended to affect information on other aspects of nuclear facilities.

22. Referring to the remarks by the representative of Canada, he said he failed to see the connection between safety-related information and the Non-Proliferation Treaty. The draft resolution made no specific reference to information on nuclear facility design, fabrication or type, but merely suggested that recipient countries should be enabled to ensure the operation of their nuclear facilities in the safest possible manner. He would therefore support the draft resolution and appeal for its speedy adoption.

23. Mr. GOMAA (Egypt) said that he also supported the draft resolution. He reminded the Committee that the subject of the sharing of safety-related information had already been discussed in detail both at the special session of the General Conference and at meetings of the Board of Governors earlier in the year.

24. The draft resolution was, after all, couched in very mild terms: the operative part merely "urged" and "appealed to" supplier States to lend their co-operation. He therefore saw no need to object to the resolution on the grounds of the obligations it imposed on supplier or even on recipient States.

25. Like the representative of Jordan, he saw no connection between the Non-Proliferation Treaty and the supply of safety-related information. It

should be remembered that the premise on which the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the Convention on Early Notification of a Nuclear Accident had been based was that a nuclear accident anywhere was a nuclear accident everywhere, and hence that the benefits of the two conventions should be made general enough to include even non-signatory States. He urged all representatives to give their support to the draft resolution.

26. Mr. MAHMOUD (Iraq) said the main aim of the pooling of information related to nuclear safety was to guarantee the safe and proper functioning of the equipment used in nuclear installations. The absence of an exchange of information regarding nuclear safety between supplier and recipient countries would have a very negative impact on the application of rules for the safe functioning of such installations. He appealed to supplier States to co-operate both with each other and with the Agency, so that some progress could be made - both in the Conference and, later, in the Board of Governors - on the nuclear safety issue. He associated himself with the comments made by the representatives of Egypt and Jordan, and hoped that the draft resolution could be adopted unanimously.

27. Mr. STRATFORD (United States of America) supported the remarks made by the representative of Canada. His Government strongly favoured the sharing of nuclear-safety information and supported the Agency's programme and activities in that area, which included meetings of experts, the preparation of reports and use of the International Nuclear Information System. The United States Nuclear Regulatory Commission had nuclear safety co-operation agreements with over 30 countries.

28. However, his delegation wished to express its reservations about the draft resolution. Nuclear co-operation arrangements, including the provision of safety information concerning specific plants or types of plants, were inevitably related to voluntarily undertaken international non-proliferation commitments, and any resolution concerning arrangements for sharing nuclear safety information should reflect that relationship.

29. His delegation viewed the role of the Agency as envisaged in operative paragraph 3 of the draft resolution exclusively in terms of the Agency's statutory mandate to facilitate the exchange of scientific and technical information in the area of the peaceful applications of nuclear energy, including nuclear safety, through its standard programme activities.

30. While he appreciated the modifications made to the text, his delegation's overall reservations made it impossible for it to join in any consensus to support the draft resolution. However, he was not opposed to its being forwarded to the plenary meeting for consideration.

31. Mr. MALU wa KALENGA (Zaire) said that once again his delegation had not received the French text of the draft resolution in time. In view of the fact that French was one of the official languages of the Agency, that situation was unacceptable, and he wished to protest.

32. He was not entirely sure of the objective of the draft resolution, since the Agency was already promoting co-operation between States in regard to the exchange of information on nuclear safety, and was doing so very effectively. He appreciated the objections made by the delegates of the United States and Canada on that point.

33. The CHAIRMAN said that the Secretariat had assured him that everything possible would be done to ensure that documents were distributed in good time in all the languages.

34. Mr. SOLTANIEH (Islamic Republic of Iran) said that the accidents at Chernobyl and Three Mile Island had shown that nuclear safety was the concern of the whole world. The safety of a nuclear installation related not only to its effective operation but also to its design, construction and commissioning, and the first step in that process - the design - was taken by the supplier. The developing countries, who were usually the recipients, were naturally very concerned in the matter, and believed that potential suppliers should feel an obligation to transfer the relevant information to recipients.

35. He had noted that, whereas in the previous year many speakers had placed strong emphasis on the need for international co-operation to promote nuclear safety, a certain loss of momentum now seemed to have intervened. He

hoped it would not need another Chernobyl before ways could be found of ensuring such co-operation. While his delegation would have preferred a much stronger resolution, he could support the present text even in its mild and diluted form.

36. With regard to the comments made by the representatives of the United States and Canada, he himself, on reading the Statute, had not been able to find any link between non-proliferation and safety. The only conclusion he could reach was that somehow the concept of non-proliferation had lost credibility, and the two concepts were being confused.

37. Mr. GAUTIER (France) supported the point made by the representative of Zaire concerning the need to maintain a proper balance between the Conference's various working languages in the provision of documentation.

38. His delegation favoured the provision of information on nuclear safety, and supported all the activities carried out in that area by the Agency. However, he stressed that in discussing the issue there should be no confusion between the concept of safety and the concept of non-proliferation. It should be understood that the transmission of safety data which accompanied any export operation could take various forms: it could be an integral part of the contract between supplier and recipient, or it could be covered by a co-operation agreement between the authorities of the two countries concerned. It was impossible to have a single formula to cover all possible situations: safety information had to be supplied on a case-by-case basis, and bilaterally, taking into account the specific features of each situation, as well as the legitimate interests of both parties, including industrial and commercial interests.

39. His delegation was unable to support the draft resolution, even in its amended form, and would be unable to associate itself with any consensus on it.

40. Mr. ZANNAD (Tunisia) supported the draft resolution. All would recall the consternation and panic which had followed the Chernobyl accident, and the resolution sought only to prevent such accidents in the future by ensuring that recipient States were provided with all necessary information on

the use of installations. He could understand that, for political or commercial reasons, supplier States might be concerned that such information should be provided solely on a bilateral basis. However, none of the speakers had denied the importance of safety information: the only difference of view had been about how such information was to be transmitted, and to whom. He urged that the Committee again seek to achieve consensus through informal consultations, and thus avoid putting the matter to the vote.

41. The CHAIRMAN proposed that consideration of the draft resolution be deferred pending the outcome of further consultations.

42. It was so decided.

The meeting rose at 1.15 p.m.