



International Atomic Energy Agency

GENERAL CONFERENCE

GC(XXXI)/COM.5/OR.55
February 1988*

GENERAL Distr.
ENGLISH

THIRTY-FIRST REGULAR SESSION: 21-25 SEPTEMBER 1987

COMMITTEE OF THE WHOLE

RECORD OF THE FIFTY-FIFTH MEETING

Held at the Austria Center, Vienna,
on Thursday, 24 September 1987, at 3.30 p.m.

Chairman: Mr. MAEKIPENTTI (Finland)
afterwards: Mr. GUYER (Argentina)

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[*] A provisional version of this document was issued on 21 October 1987.

[**] GC(XXXI)/818.

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

88-228
2429e/0264e

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION (GC(XXXI)/815, GC(XXXI)/816, GC(XXXI)/COM.5/55 and Add.1, 2 and 3, GC(XXXI)/COM/5/56 and Add.1, GC(XXXI)/COM.5/57) (continued)

1. The CHAIRMAN invited the Committee to resume its examination of draft resolution GC(XXXI)/COM.5/56 and recalled that the representative of Pakistan had amended it orally.

2. Mr. TILEMANN (Australia) said that Member States and the Agency itself were closely studying the problem dealt with in the draft resolution and that its objective of making nuclear facilities safer was one to which Australia could subscribe. None the less, the Australian delegation, like some others, had major reservations about the draft as it stood.

3. The Agency was playing an active role in the sharing of information regarding safety, and its programme in that area had been widely welcomed by the Committee during consideration of the budget for 1988. The Australian delegation was therefore uncertain about what was meant by operative paragraph 3 of the resolution. If more was expected of the Agency, proper decision-making and budgetary procedures would have to be observed.

4. Furthermore, supply arrangements between States and commercial entities must take into account non-proliferation objectives. Operative paragraph 2 of the draft resolution failed to uphold the basic principle that the question of safety could not be divorced from bilateral supply relationships. Co-operation in the area should and could only be based on mutually agreed arrangements. Accordingly, the Australian delegation could not join a consensus on the text as it stood or with the amendments which had thus far been suggested.

5. Mr. MORALES PEDRAZA (Cuba) said that countries supplying nuclear technologies and facilities should not only communicate all relevant information but also, during the entire lifetime of the facilities, inform the recipients of all advances and innovations which would contribute to making them even more safe. That was the way in which the safety of nuclear facilities could be strengthened world wide and, at the same time, the peaceful uses of nuclear energy would be promoted. Furthermore, the Cuban delegation could see no connection between the search for increased nuclear safety and

the application of NPT, the objective of which was to avoid the proliferation of nuclear weapons. It therefore supported the draft resolution as amended by the representative of Pakistan.

Mr. GUYER (Argentina) took the Chair.

6. Mr. AL-MINAYES (Kuwait) said he subscribed to the point of view expressed by the representative of Pakistan during the previous meeting and considered that the actual wording of the resolution as it stood should cause no problem since, in substance, it merely stated that when a supplier perfected new techniques which would increase safety he should pass on the information to the recipient so that the latter could take appropriate measures. It was not necessary to mention the contractual and commercial aspects of the matter, which would resolve themselves in time. It was simply a question of encouraging the exchange of information, which had nothing to do with the provisions of NPT. He therefore appealed to all delegations to support the draft resolution.

7. Mr. CHAUDHRI (Pakistan) observed that a consensus was not going to be reached and that, under the circumstances, it might be better to refer the matter to the General Conference.

8. The CHAIRMAN said he would inform the General Conference that the Committee had discussed the matter of sharing information on nuclear safety but had not been able to agree on a recommendation for submission to the Conference. He then invited the members of the Committee to make general statements relating to the agenda item under consideration.

9. Mr. van GORKOM (Netherlands) noted that implementation of the two conventions which had been opened for signature in September 1986 had progressed in a very satisfactory manner. Administrative and organizational measures taken by the Secretariat, by other international organizations and by signatory States seemed well under way. It had been possible to avoid a complex and costly bureaucratic structure, and inter-agency co-operation had been fruitful. The number of signatories had increased, but there was still

room for progress on that score, and the Netherlands Government urged Member States which had not yet done so to sign the two conventions in the near future.

10. There had also been progress regarding international liability for damage arising from a nuclear accident. The Netherlands hoped it would be possible to arrive at a joint protocol linking the Paris and Brussels Conventions and the Vienna Convention on international liability for nuclear damage during a diplomatic conference to be held in the second half of 1988. It urged the Secretariat to ensure that all necessary practical arrangements were made for preparing such a conference.

11. A good deal of progress had also been made in the process leading to a review and revision of the NUSS Codes and Guides. Although his delegation agreed that specific technical and regulatory circumstances needed to be taken into account in the implementation of NUSS at the national level, there was nevertheless a strong case for more international co-operation and uniformity in nuclear safety matters. The Netherlands saw great merit in an international agreement on a set of basic nuclear safety principles and a formal pledge by governments to take the NUSS Codes and Guides as the basis for their national nuclear safety regulatory practices. Those measures, in conjunction with intensive co-operation between nuclear safety experts under the auspices of the Agency and combined with bilateral and regional consultations between neighbouring States and an increased number of OSART missions, would constitute the outlines of a more uniform and more binding nuclear safety system.

12. The Netherlands delegation attached great importance to the Incident Reporting System (IRS), in which an increasing number of States was participating. In fact, all nuclear power plant operators could greatly benefit from the IRS. However, much more work was still necessary, especially as regards the Secretariat's processing of incoming reports, the systematic distribution of reports to participants and the translation of basic lessons learned from the reports into the daily practice of nuclear power plant operators. His delegation requested the Secretariat to give priority to development of the IRS in co-operation, among others, with the Nuclear Energy Agency of the OECD, and perhaps with the European Economic Community.

13. The Netherlands delegation had noted with great interest the report submitted by the Agency advisory group convened in February 1987 to study intervention dose levels and the related question of the definition of the concept of radiological safety significance. The experts had formulated a unanimous recommendation on that subject. During discussions in the Board, however, a number of delegations had apparently expressed reservations on the quantitative definition of the concept as proposed by the experts. While aware of the scientific complexities of the question and its far-reaching economic implications, his country felt that arguments in favour of arriving at a universally accepted set of intervention dose levels outweighed those to the contrary. Agreement at the regional level would be the minimum, but since potential health effects and international trade problems might not be limited to a particular region, an international agreement remained highly desirable. He hoped that the Agency, in co-operation, amongst others, with WHO, FAO and UNSCEAR, would continue to keep the matter under consideration.

14. The prohibition of armed attacks on nuclear facilities was a question which, first and foremost, should be considered in the Conference on Disarmament in Geneva, where the question had already been discussed within the context of radiological warfare. The Netherlands had always held that the danger of mass destruction should be the criterion for any prohibition, that a register should be set up to list all nuclear installations covered by the convention to be concluded and that the Agency safeguards system would play an important role in the implementation of the convention. It would be useful if the Secretariat carried out a study to define, in the light of discussions in Geneva, the role that could be played by the Agency under such a convention. The Netherlands delegation would support the draft resolution to that effect submitted by Argentina and Mexico in document GC(XXXI)/COM.5/57.

15. Mr. MAHMOUD (Iraq) said that the accident at Chernobyl had shown the necessity of taking urgent measures in connection with nuclear safety and radiation protection, and the Agency had launched a supplementary programme in that area. In addition, co-operation in such matters should be strengthened at the regional level and not be restricted to bilateral co-operation. The safety measures to be devised should cover every stage of the construction and

operation of nuclear facilities. Lastly, in order to restore confidence, it was important that the public be kept informed at all times. The Agency itself should also strengthen its activities in nuclear safety and, in particular, it should develop its Incident Reporting System (IRS) and OSART missions.

16. Iraq wished to reiterate that any attack against nuclear installations carried with it the risk of radiation consequences, which was precisely why that area came within the Agency's competence. The draft resolution on the subject presented by the Group of 77 had shown that the international community was becoming increasingly aware of the possible consequences of such attacks. Although the Conference on Disarmament had been discussing the question for a number of years, no tangible results - imposing even the slightest restriction on States - had been achieved. More positive results could be attained through technical and legal studies of the questions involved, something which had not yet been done. The Agency was the organization competent to elaborate an effective international instrument, since it had proven its remarkable abilities by successfully drafting two conventions, which Iraq had ratified during August 1987.

17. For its part, Iraq had prepared a document (GC(XXXI)/815) on the need for an international agreement prohibiting armed attacks against nuclear installations, hoping that countries which had the means would contribute to its achievement. Certain countries had shown no spirit of co-operation at all, but he hoped that all those who could, would participate in the effort. Furthermore, he urged that the question of armed attacks on nuclear installations and of acts of terrorism against nuclear facilities, both of which constituted a serious danger, be brought up at the next meetings of the Board.

18. Mr. MORALES PEDRAZA (Cuba) said that international safety standards should take the form of recommendations incorporating the latest experience and advances in safety and radiation protection matters and should serve as a guide for countries in the formulation of their own standards, depending on their situation and specific national characteristics.

19. Cuba supported proposals on prohibiting armed attacks and preventing acts of terrorism against nuclear facilities. The problem certainly had a political connotation but there were technical aspects as well, inasmuch as such actions could involve large-scale releases of radioactive substances representing serious hazards to the population and the environment.

20. Cuba was in favour of setting up an emergency assistance fund to help developing countries in the event of a nuclear accident. It was also in favour of revising the NUSS documents, which were of particular interest to countries embarking on nuclear energy programmes.

21. International exchanges of viewpoints and information on national regulatory practices would enable valuable lessons to be learned. Owing to the complexity of the matter, however, he considered that the Secretariat should seek the views of Member States before it took any further steps.

22. On the subject of intervention dose levels, it was essential to establish a value on the basis of which the concept of "radiological safety significance" could be defined. The question could perhaps be examined again by a group of experts, which might submit additional recommendations and observations to the Board, so that an agreement could be reached quickly.

23. In conclusion, he expressed the opinion that all these matters should be the subject of consultations between interested States and the Secretariat, and be on the provisional agendas for future Board meetings.

24. Mr. KENYERES (Hungary) said that, since the advent of nuclear energy applications in Hungary, the country's authorities had paid very serious attention to the safety of nuclear installations, and in particular, of nuclear power reactors. As a result, Hungary had actively participated in Agency activities in that area. The Agency had demonstrated, following the Chernobyl accident, that it was capable of taking prompt practical measures and, in co-operation with Member States, it had formulated measures to prevent such situations from recurring in the future.

25. Hungary had adapted NUSS recommendations to its national situation; it had signed and ratified the Convention on Early Notification and the Convention on Emergency Assistance. It was participating actively in the Agency's IRS and had requested the sending of an OSART mission towards the end of 1988.

26. His delegation supported the proposal for establishing an international regime for the safe development of nuclear energy. It endorsed technical and organizational measures taken by the Secretariat in connection with the Agency's functions under the two conventions adopted in 1986 and agreed with planned arrangements for the use of the Global Telecommunications System of the World Meteorological Organization.

27. The Hungarian delegation viewed the physical protection of nuclear materials as a key element in nuclear safety and recalled that Hungary had been among the first to sign and ratify the Convention on Physical Protection.

28. His country agreed with proposals to discuss an international agreement on the prevention of deliberate attacks on nuclear facilities and deemed it necessary to examine the question of international civil liability and States' responsibility for damage arising from a nuclear accident.

29. The Hungarian delegation was ready to approve draft resolutions GC(XXXI)/COM.5/OR.55 and GC(XXXI)/COM.5/OR.57.

30. Mr. LAMPARELLI (Italy) said that his delegation fully supported the statement made by the representative of the Netherlands. It hoped that the process of reviewing and updating the NUSS documents would be completed in 1988 so that those documents could serve to some extent as basic international standards. Italy was in favour of a formal commitment in that respect by means of a multilateral convention.

31. His delegation approved the efforts made to harmonize the Paris and Vienna Conventions. It seemed that much remained to be done with regard to the question of State liability, and his delegation supported the proposal which the Secretariat had submitted to the Board of Governors at its June meetings.

32. With regard to the definition of the expression "radiological safety significance" and the question of intervention dose levels, his delegation thought that technical studies should continue and that the Agency should co-operate in that area with other international organizations, including the European Economic Community. The comments which his delegation had made on that subject at the February meetings of the Board of Governors remained valid.

33. Mr. JAMPSIN (France) wished to make a few comments on the review and revision of the NUSS documents. Those comments did not concern the substance of the documents since there was no confusion about that and there was complete agreement on the nature and function of the NUSS documents. It was for just that reason that it was important to be clear and precise. His delegation had some difficulty in accepting the last sentence in paragraph 2 of Appendix 9 to Annex 2 to document GC(XXXI)/816 as it stood. Therefore, in order to remove any ambiguity and to express the idea correctly, his delegation proposed that that sentence be changed to read: "At the same time, the view was expressed that Member States would find it possible voluntarily to take account of the NUSS Codes in their national safety regulations".

34. His delegation recalled that the Agency was not the appropriate forum to deal with the question of armed attacks and terrorist actions against nuclear facilities, any more than the question of disarmament.

35. Mr. ABDULLAH (Indonesia) said his delegation commended the Secretariat for the activities carried out during the past year in the area of nuclear safety and radiation protection. Indonesia had been one of the first countries to sign the Convention on Early Notification and the Convention on Emergency Assistance. A government working group, after having studied in detail the technical, financial and legal aspects of the two texts, had recommended that the Indonesian legislative authorities ratify the two conventions.

36. Indonesia had also ratified the Convention on the Physical Protection of Nuclear Material. His delegation regretted that, owing to a lack of agreement among Member States on a number of proposals closely related to that convention, its application had been temporarily delayed. He hoped that the Secretariat would take the necessary measures to accelerate implementation of the Convention and that, for their part, States party would fulfill their obligations.

37. The proposal relating to the prohibition of armed attacks against nuclear facilities was justified in view of the anxiety caused by the possibility of such attacks. His delegation therefore supported the idea that

the Agency should supply more technical information on that subject. In that context, it supported draft resolution GC(XXXI)/COM.5/57.

38. With regard to the question of the establishment of an emergency assistance fund to help developing countries in the event of a nuclear accident, his delegation was aware that it was likely to become more complex if it were linked to the question of liability and that Articles 2 and 7 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency covered that type of assistance. However, the accidents at Chernobyl and Three Mile Island had shown that the time factor was very important. The fund in question could be of some significance to countries which had not yet developed nuclear activities but which might suffer the effects of incidents occurring in neighbouring countries or the effects of the passage of radioactive clouds formed following activities in the open sea or in space. That was why his delegation hoped the Secretariat would look into the matter again, separately from the question of liability, or suggest alternatives to the establishment of the proposed fund.

39. In conclusion, his delegation requested the secretariat to follow up the decisions which had been agreed upon by Member States on a number of questions concerning nuclear safety and to report later to the Board of Governors and to the General Conference.

40. Mr. SOLTANIEH (Islamic Republic of Iran) said that his delegation welcomed the initiative taken by the sponsors of draft resolution GC(XXXI)/COM.5/57 relating to the prohibition of armed attacks on all nuclear installations; it was in the interests of international co-operation and could lead to the preparation of an international convention on the subject. In that connection, his delegation had proposed to the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy a draft resolution on the prohibition of terrorist actions and armed attacks against all nuclear facilities. That resolution had received the unanimous support of the Group of 77. He proposed that draft resolution GC(XXXI)/COM.5/57 be widened to include terrorist actions because those were also a threat to the health and security of the whole of mankind.

41. The Islamic Republic of Iran was in favour of extending the field of application of the Convention on the Physical Protection of Nuclear Material to cover all nuclear materials; in other words, nuclear materials in nuclear-weapon States should not be excluded.

42. His delegation was satisfied with the Agency's other activities relating to nuclear safety, but still felt that OSART missions, which were one of the key elements of those activities but were at present associated primarily with the operational stage, should also be associated with the pre-operational stage.

43. On the question of liability in the case of damage caused by a nuclear accident, his delegation awaited with interest the results of work on the harmonization of the Paris and Vienna Conventions. With regard to the Convention on Early Notification and the Convention on Emergency Assistance, which the Islamic Republic of Iran had signed, the Agency should make every effort to carry out fully the duties which devolved upon it under those two instruments.

44. Finally, his delegation, regretting the fact that some of INSAG's recommendations had not yet been implemented, urged that INSAG's recommendations be implemented in their entirety.

45. Mr. METZGER (Federal Republic of Germany) said that his delegation was satisfied with the thorough work carried out by the Secretariat during the past year in implementing General Conference resolution GC(SPL.I)/RES/2. In particular, the review of the NUSS Codes, the work of INSAG on the formulation of basic safety principles and the establishment of a Joint IAEA/NEA Working Group to continue work on harmonizing the Paris and Vienna Conventions augured well for the strengthening of international co-operation in those areas. He approved of the report on measures to strengthen international co-operation in nuclear safety and radiological protection contained in document GC(XXXI)/816, which reflected very well the status of the discussion on all the topics involved.

46. His Government welcomed the entry into force of the Convention on Early Notification and the Convention on Emergency Assistance. The two conventions had been applied provisionally in the Federal Republic of Germany pending the completion of ratification formalities.

47. The question of armed attacks against nuclear facilities was a matter for the Conference on Disarmament to discuss.

48. Mr. USTYUGOV (Union of Soviet Socialist Republics) recalled that at the June meetings of the Board of Governors his delegation had supported the Agency's activities designed to strengthen international co-operation in the area of nuclear safety and radiation protection and had expressed the hope that a rapid solution would be found regarding the prevention of terrorist actions against nuclear facilities and the prohibition of military attacks against peaceful nuclear power plants, which was why it supported draft resolution GC(XXXI)/COM.5/57, and regarding liability in the event of damage caused by a nuclear accident.

49. In the hope that the Convention on the Physical Protection of Nuclear Material would receive the widest possible support, his delegation had become a co-sponsor of draft resolution GC(XXXI)/COM.5/55. It approved the Secretariat's activities with regard to the revision of the NUSS documents. Since those documents reflected international experience, it would be appropriate for them to be applied in national practice, on the understanding of course that nuclear safety was primarily the responsibility of States themselves.

50. To sum up, his delegation was satisfied with the activities carried out by the Agency since the previous session of the General Conference to strengthen international co-operation in connection with nuclear safety and radiation protection. It hoped that activities in that area would continue in the same direction.

51. Mr. AAMODT (Norway) said that his delegation, concerned to improve and strengthen nuclear safety and radiation protection, noted with satisfaction the importance of safety matters in the Agency's programme for 1988. However, it regretted that some activities planned for 1988 had been postponed: it was essential that the Supplementary Nuclear Safety Programme be implemented in its entirety. The NUSS Codes, which were an extremely important part of the Agency's nuclear safety activities, should be revised and updated at regular intervals. His delegation hoped that Member States would accept the Codes as minimum standards.

52. His delegation was in favour of an improvement in the existing liability regime concerning compensation to victims of nuclear accidents. It hoped that a joint protocol to the Paris and Vienna Conventions would encourage States to accede to the Vienna Convention on Civil Liability for Nuclear Damage. It supported the idea of a new convention on State liability.

53. His delegation supported initiatives to increase exchanges of information, particularly safety-related information. In that connection, it hoped that the Secretariat would continue to improve its Incident Reporting System.

54. Mr. CUMPS (Belgium) first wished to thank the Secretariat for having provided document GC(XXXI)/816, which was a very useful compilation and reference work. Belgium was firmly attached to the principle of maintaining the voluntary and non-normative nature of the NUSS documents. Having accepted them, his Government frequently used them as a basis and applied them even more strictly than was recommended. The fact remained that the application of those documents was the exclusive prerogative of States.

55. The question of armed attacks against nuclear facilities was undoubtedly a matter for other international fora. For that reason, his delegation regretted that it was unable to support draft resolution GC(XXXI)/COM.5/57 in its existing wording. However, it was willing to consider any revised version which might be presented.

56. Ms. NEVILLE (United Kingdom) said that, since a competent and properly independent regulatory authority was a vital part of any safety regime, the United Kingdom was glad that the Secretariat had taken the initiative to review such bodies in Member States. Her delegation was convinced that the replies to the questionnaires issued in July would provide important information, on which an exchange of views could be based. It looked forward with interest to the planned meeting of regulators.

57. Standards were also important. The United Kingdom supported the review and revision of the NUSS Codes - in which it would continue to participate - and could accept the principle of voluntary adherence to the Codes. With

regard to the Convention on Early Notification and the Convention on Emergency Assistance, her delegation welcomed the development of inter-agency co-operation and believed that the Agency's functions should be defined by the scope of those two conventions. It was interesting to note that the Agency was set to propose a number of measures designed to provide rapid and effective intervention in the case of a nuclear accident.

58. Finally, with regard to the question of armed attacks against nuclear facilities, her delegation recalled that it supported the principle of protection of nuclear facilities intended for exclusively peaceful purposes, but it felt that the question was more a matter for the Conference on Disarmament.

59. Mr. DEL VAL (Spain) said that his Government wanted the Paris and Vienna Conventions to be harmonized as soon as possible by means of a joint protocol. His delegation was in favour of the revision of the NUSS Codes and would merely like, in the last sentence of paragraph 2 of Appendix 9 to Annex 2 to document GC(XXXI)/816, the wording "voluntarily to incorporate the Nuclear Safety Standards into their relevant national standards" to be replaced by the words "to take account of the NUSS Codes in their national standards". Lastly, his delegation considered that the question of armed attacks against nuclear facilities should be examined by the Conference on Disarmament and not by the Agency.

60. Mr. STRATFORD (United States of America) said his delegation questioned the need for the Agency to become involved in vicinity co-operation, as such matters were primarily bilateral or regional concerns. The United States encouraged such co-operation but did not regard it as in any way linked to the implementation of the conventions adopted in 1986. Those conventions had merely recognized that, when it had been in their mutual interest, States had concluded bilateral or regional agreements in the past, and might be expected to do so in the future, but the conventions had not advocated such arrangements and had said nothing about their intrinsic merits.

61. The United States Government strongly believed that the question of military attacks on nuclear facilities was not the Agency's proper province. It was a matter of international security which, if it was to be considered at

all, must be taken up in the appropriate international fora which possessed the expertise and the mandate to do so. For those reasons, the United States accepted neither the view that the Agency itself undertake a review of the consequences of armed attacks nor the idea that it should seek to develop a draft convention on the subject. Such activities were inappropriate and would only squander resources. For those reasons, his delegation did not support draft resolution GC(XXXI)/COM.5/57.

62. The drafting of a new international agreement on terrorist attacks against nuclear installations was a complex and difficult task, and his delegation did not believe the Agency should embark on it: on the other hand, the Convention on the Physical Protection of Nuclear Material, which had recently come into force, could make a significant contribution to the efforts of Member States to deal with the problem. The United States encouraged all States to become parties to the Convention, as was suggested in draft resolution GC(XXXI)/COM.5/55.

63. In the five years remaining before the review conference called for in the Convention on the Physical Protection of Nuclear Material, the Agency might do useful work. For example, the Agency's basic document on the subject, INFCIRC/225/Rev.1, was now outdated. His delegation had suggested that the Board consider requesting the Director General to establish an expert group to review, revise and update that valuable set of guidelines.

64. With regard to the issue of international safety standards, he said his delegation strongly supported the revision of the NUSS documents; however, like many other Member States, it could not support any attempt to convert them into mandatory international nuclear safety standards.

65. Referring to attempts to define the expression "radiological safety significance", he said his delegation could accept neither the number put forward by an advisory group in February 1987[1], on which there was no consensus, nor any other definition. The United States would oppose any attempt to establish unwarranted and arbitrary "trigger" levels for activating the provisions of the Convention on Early Notification. The drafters of the convention had refused to define the expression; it had been recognized that

[1] See para. 2 of Annex 4 to GC(XXXI)/816.

no numerical definition could be agreed on, and the matter had been left to the judgement of the State with responsibility for reporting the accident.

66. While a quantitative (or any other) definition of "radiological safety significance" had some superficial appeal, devising a numerical definition was neither practicable, productive nor appropriate. First, unlike experience with planned operations, there was no way to define in advance all the variables that might have to be taken into consideration in making the rapid calculations that were necessary in order to give the required notice, and even achieving agreement on assumptions posed serious problems. Second, limits and levels developed for one purpose were not automatically suitable for another.

67. Yet defining interventions levels for regulatory authorities after an accident had occurred was a different matter altogether. The Agency and other international organizations had been involved in activities that would be useful in the harmonization of criteria and methodologies for developing intervention dose levels and derived intervention levels for particular circumstances. The United States generally supported such activities but believed they must be kept distinct, in order to ensure that legitimate efforts in that field were neither linked to the Convention on Early Notification nor invoked improperly to expand the Agency's role under the nuclear safety conventions. His delegation opposed any efforts that would result in the reopening of that issue.

68. Mr. SCHEEL (German Democratic Republic) said that his country had always believed that the NUSS Codes and Guides should be used as the basis for national regulations. The German Democratic Republic welcomed the steps taken by the Secretariat concerning the issue of international liability for nuclear damage. It was a sponsor of draft resolution GC(XXXI)/COM.5/55, and was prepared to support draft resolution GC(XXXI)/COM.5/57.

69. Mr. TILEMANN (Australia) said his delegation attached great importance to the Agency's nuclear-safety-related activities and had been pleased to see that the budgetary allocations for them in 1988 had been increased.

70. Australia had been happy to co-sponsor the draft resolution on the Convention on the Physical Protection of Nuclear Material (GC(XXXI)/COM.5/55). Two days earlier, the Australian Minister for Foreign Affairs had deposited with the Director General the instruments of ratification of that convention and of the Conventions on Early Notification and Emergency Assistance.

71. With regard to the prohibition of armed attacks on all nuclear installations, he said Australia understood the reasons which had prompted some to call for efforts to be made immediately in that field but believed that the work fell more appropriately within the competence of the Conference on Disarmament. For that reason, his delegation could not support draft resolution GC(XXXI)/COM.5/57 as presently worded.

72. Mr. ALER (Sweden) said the Swedish Government attached great importance to the protection of nuclear installations against armed attacks. The Swedish delegation to the Conference on Disarmament had played a very active role in the negotiations on the subject, and in 1984 it had submitted a draft treaty designed to prohibit the release of radioactive material for hostile purposes, including attacks on nuclear installations. The Swedish Government remained convinced that the subject, which was obviously linked to that of disarmament, should be discussed by the Conference on Disarmament. In that connection, he noted that the recent report of the ad hoc group on radiological weapons contained proposals relating to fundamental aspects of the prohibition of armed attacks against nuclear installations.

73. Having said that, his delegation believed that the Agency could contribute to the implementation of any treaty to be adopted in future to prohibit attacks on nuclear installations. The proposals made in Geneva called for the compilation of a registry of installations which needed to be protected, and the Agency's information on nuclear installations and operation could be extremely useful in that respect, and also for developing verification procedures.

74. As a result of consultations with the sponsors of draft resolution GC(XXXI)/COM.5/57, it had been tentatively decided that a direct reference should be made in the draft resolution's preamble to the work now being done

by the Conference on Disarmament, and that in the operative portion, it should be made clear that there was good reason to believe that in the case of some nuclear installations an armed attack could have severe radiological consequences.

75. His delegation would suggest that the Director General be authorized, in consultation with or at the request of the Secretary-General of the United Nations, to carry out technical studies, not only on radiological matters but also on subjects which might facilitate the adoption and implementation of an agreement in future.

76. In conclusion, he said his delegation hoped it would be possible to produce without delay a revised version of draft resolution GC(XXXI)/COM.5/57 in which the comments made and reservations expressed by a number of delegations were taken into account.

77. Mr. GOMAA (Egypt) said he hoped the Board would be able to continue its discussions on the proposals submitted at the special session of the General Conference, with a view to achieving concrete results. In that connection he stressed the vital importance of the proposals submitted by the Mexican delegation, on behalf of the Group of 77, on the sharing of nuclear-safety-related information and the prohibition of armed attacks (documents GC(SPL.I)/6 and 7). He also hoped that progress could be achieved in studying the proposal for the establishment of an emergency assistance fund submitted by Mexico.

78. His delegation welcomed the decision to work for the harmonization of the Vienna and Paris Conventions on civil liability and felt that the Agency and its Member States should address themselves to the question of State liability. Egypt had supported the Director General's proposal to establish a working group to study the matter, but unfortunately the proposal had not won a consensus within the Board.

79. The issue of nuclear terrorism was also of major concern, and the Agency could help in the study and dissemination of information on the subject.

80. Finally, he said his delegation wished to commend the Board and the Secretariat for the valuable work they had done so far, and hoped that further progress would be achieved in future. Although Egypt understood that some

measures would require time to be implemented, it wished to stress the vital importance and urgency of arriving, in co-ordination with other interested international organizations, at an agreed intervention dose level and derived levels, particularly for foodstuffs. The updating of the NUSS documents was a welcome development.

81. Ms. DAJO (Nigeria) said her delegation welcomed the Agency's efforts in respect of international liability for nuclear damage and had noted that work on that extremely important question was now in an advanced stage. Unfortunately, no progress had been made regarding the question of State liability, a matter which was of paramount importance to her Government. Her delegation therefore urged that action be taken to accelerate the work on elaborating a convention on the subject, and that a working group be established as soon as the outcome of the studies being carried out by the International Law Commission had been received.

82. The merits of the proposal on the sharing of nuclear-safety-related information could not be over-emphasized; that was why her delegation hoped that draft resolution GC(XXXI)/COM.5/56 would be adopted.

83. The transboundary effects of radioactive releases had brought home the need to take all necessary precautionary measures to prevent any possible consequences of an armed attack or terrorist action against nuclear installations. For those reasons, her delegation supported draft resolution GC(XXXI)/COM.5/57.

84. Finally, she said the idea of establishing an emergency assistance fund to help developing countries in the event of a nuclear accident must be kept under consideration.

85. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to recommend that the General Conference take note of document GC(XXXI)/816.

86. It was so decided.

The meeting rose at 5.50 p.m.

