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RECORD OF THE SEVENTY-THIRD MEETING

Held at the Austria Center Vienna
on Thursday, 20 September 1990, at 3.20 p.m.

Chairman: Mr. NEWLIN (United States of America)

CONTENTS

<u>Item of the agenda*</u>		<u>Paragraphs</u>
16	Plan for producing potable water economically (continued)	1 - 6
22	Rule and policy on the appointment of the Director General (resumed)	7 - 52
15	The financing of technical assistance (resumed)	53 - 77
17	Staffing of the Agency's Secretariat	78 - 145

[*] GC(XXXIV)/939.

The composition of delegations attending the session is given in document
GC(XXXIV)/INF/287/Rev.2 and Corr.1.

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<u>Item of the agenda*</u>	<u>Paragraphs</u>	
10	Measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection (resumed)	146 - 218
	(c) Code of practice on the international transboundary movement of radioactive waste	146 - 165
	- Draft resolution submitted by the Member States of the European Community (resumed)	166 - 185
	(f) Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation	186 - 197
	- Draft resolution on "Nuclear safety guidelines for nuclear-powered vessels"	198 - 218

PLAN FOR PRODUCING POTABLE WATER ECONOMICALLY (GC(XXXIII)/RES/515;
GC(XXXIV)/COM.5/87) (continued)

1. The CHAIRMAN said that several amendments to the draft resolution contained in document GC(XXXIV)/COM.5/87 had been suggested since the Committee's previous meeting and that the new version of the text with the proposed changes marked by hand had just been circulated. In order to comply with Rule 67 of the Conference's Rules of Procedure, which stated that a proposal involving expenditure by the Agency could not be voted upon in the absence of a report from the Director General on the administrative and financial implications of the proposal and a report from the appropriate committee of the General Conference, he wished to invite Mr. Gué, Director of the Division of Budget and Finance, to present on behalf of the Director General a report on the administrative and financial implications of the proposals formulated in the draft resolution under discussion.
2. Mr. GUE (Director, Division of Budget and Finance) said that, according to a preliminary estimate, a nuclear desalination study of the type envisaged in the draft resolution would cost about \$350 000 if carried out for one site in one country. A study of four sites in four different countries would cost \$550 000. In other words, between \$70 000 and \$75 000 would be needed for each additional site or country. The budget for 1991 did in fact include a project (A.4.03) part of which concerned a limited exchange of information on various applications of nuclear heat, including desalination. However, the amount foreseen for that element was only \$35 000. It followed that the large-scale assessment proposed in the draft resolution could not be carried out under the 1991 budget unless additional funds were made available for it.
3. Mr. PAPADIMITROPOULOS (Greece) said that the wording of the new version of the draft resolution circulated to delegates had been agreed upon by all parties concerned. Since drawing up the new version, the sponsors had decided to make other minor modifications, which he wished to read out.
4. Operative paragraph 2 had been amended to read:
 - "2. Further requests the Director General to assess in detail - within his competence and with the assistance of international and other organizations concerned and also making use of cost-free experts

whenever possible - the costs of potable water production with various sizes of nuclear desalination plant at selected promising sites, with a comparison of the costs of desalination by nuclear and other means."

5. The CHAIRMAN took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in the latest version of document GC(XXXIV)/COM.5/87, with the amendments that had just been read out.

6. It was so decided.

RULE AND POLICY ON THE APPOINTMENT OF THE DIRECTOR GENERAL (GC(XXXIV)/913 and Add.1; GC(XXXIV)/COM.5/91) (resumed)

7. The CHAIRMAN recalled that the Committee had agreed to postpone further consideration of the present item until the Group of 77 had discussed it. The Group of 77 had now completed its discussion of the matter and had submitted to the Committee the draft resolution contained in document GC(XXXIV)/COM.5/91.

8. Mr. SINAI (India), presenting the draft resolution contained in document GC(XXXIV)/COM.5/91 on behalf of the Group of 77, said that the Group had thoroughly examined the matter raised by the Philippine delegation. As a result of its deliberations, the representative of the Philippines had agreed to withdraw the draft resolution which he had presented in document GC(XXXIV)/913/Add.1, on condition that the Board be requested to continue to give that matter close attention.

9. The Group of 77 had prepared a draft resolution which in its preamble recalled the provision of the Statute whereby the Board appointed the Director General, and recognized the need to establish appropriate policy and procedures for that purpose, and which in its operative part requested the Board to adopt appropriate policy and procedures to that effect. The text left it to the Board to decide how to proceed, but suggested the establishment of an open-ended working group.

10. It should be noted that the policy and procedures in question would apply not only to an individual appointment but would concern all aspects of the matter: the duration and number of terms of office of the Director

General could thus be examined in detail, so that the Board could submit a well-considered opinion to the General Conference, which in turn could take a decision at its thirty-fifth session.

11. Mr. von PREUSCHEN (Federal Republic of Germany) supported the adoption of the draft resolution, but wished for a slight modification to be made to preambular paragraph (a) so that it would refer to Article VII of the Statute as a whole, rather than to Article VII.A alone. Article VII as a whole was in fact applicable to the selection of the Director General. Particular mention was made, in Article VII.D, of the importance of recruiting on as wide a geographical basis as possible.

12. Mr. CLARK (United Kingdom) said that the draft resolution in document GC(XXXIV)/COM.5/91 was an improvement over the previous text. Nevertheless, he wished to call attention to the delicate nature of the procedures in question. While defining the policy to govern the duration of the term of the Director General was relatively easy, determining the policy regarding the selection of candidates for that post was more problematic. A resolution adopted in 1981 on that subject had given rise to very strong feelings in a number of delegations.

13. His delegation was not certain that the establishment of an open-ended working group was the best way to deal with the matter. It was therefore reassured to hear that that was only one of several options. A different formulation might perhaps open up more possibilities, for example enabling the Chairman of the Board to hold informal consultations to determine what type of solution would be appropriate. Those consultations should be held with all Member States and not only with members of the Board, since they were all affected by the appointment of the Director General. It would perhaps be wise to specify in the draft resolution that the establishment of a working group was only one of the available options.

14. Mr. SINAI (India) said that the Group of 77 could accept a reference to Article VII as a whole rather than only to Article VII.A in preambular paragraph (a) of the draft resolution. At the same time, the Group of 77 was firmly convinced that it would be very useful for the Board to reflect specifically on ways of determining the policy and procedures to be followed, and the Group attached importance to the idea of establishing a

working group for that purpose. In order to respond to the concerns of the United Kingdom, the sponsors could accept the insertion of the words "inter alia" after "to consider" in the operative part of the draft, it being understood that the possibility of establishing a working group would none the less be the subject of in-depth consideration by the Board.

15. Mr. CLARK (United Kingdom) said that his delegation was fully satisfied with that amendment.

16. Mr. ENDO (Japan) said that his concerns were similar to those of the representative of the United Kingdom and that the proposed amendment already constituted a notable improvement. However, the most logical approach would seem to be for the Chairman of the Board to hold informal consultations with members of that body and for the Board to decide only then on any other measure which might be necessary for adopting the appropriate policy and procedures, including the establishment of a working group.

17. Mr. LAVIÑA (Philippines) supported the draft resolution submitted by the Group of 77. If that text was adopted, his delegation, which was a member of that Group, would withdraw its own draft. With regard to the Japanese delegation's suggestion, he pointed out that the Board was master of its procedures and that the possibility of its holding consultations was implicit in the draft submitted by the Group of 77. A more explicit formulation would actually limit the Board's options, whereas the present wording proposed one option and gave the Board the freedom to choose others.

18. To the representative of the Federal Republic of Germany he remarked that Article VII of the Statute covered not only the appointment of the Director General but also other questions such as his duties. It would therefore seem appropriate to mention only Article VII.A in the preamble to the draft resolution.

19. Mr. RIOBO PINONES (Chile) supported the adoption of the draft resolution in document GC(XXXIV)/COM.5/91. The reference to Article VII of the Statute as a whole seemed appropriate, as did the insertion of the words "inter alia". However, it did not seem appropriate at the present stage to discuss options available to the Board other than the establishment of a working group. In entrusting the Board with the discussion of that matter,

the General Conference would be recognizing a reality, namely that the Board was competent to take part in the appointment of the Director General and indeed was obliged to do so. However, in the case in point, the General Conference was also partially delegating to the Board its right to decide on procedures. The proposed text reflected that fact. It would enable the matter to be discussed calmly within the Board. His delegation did not feel that any further amendments were necessary.

20. Mr. TALIANI (Italy) fully endorsed the remarks made by the representative of Chile.

21. Mr. ENDO (Japan), having listened to the arguments put forward by the Philippine delegation, proposed modifying the operative part of the draft resolution to read: "Decides to request the Board of Governors to consider the question of the appointment of the Director General and to report on it to the General Conference at its thirty-fifth regular session". The Board would then be free to choose how it would deal with that matter.

22. Mr. de KLERK (Netherlands) thanked the sponsors of the draft resolution for their efforts to achieve a compromise. He was ready to join a consensus in favour of adopting the draft resolution. However, he was not fully convinced of the need for a working group to consider the matter and therefore supported the insertion of the words "inter alia" in the operative part of the draft resolution. At the same time, he fully agreed with the representative of the Philippines where the reference to Article VII of the Statute was concerned.

23. Mr. SINAI (India) pointed out that the first preambular paragraph of the draft resolution echoed the exact wording of Article VII.A of the Statute, which was why that paragraph was specifically mentioned. A general reference to Article VII should, however, be acceptable to all. The matter raised by Japan had been discussed in depth within the Group of 77. It had not been possible to reach a consensus on a vague formulation which would not indicate to the Board what was needed and give no suggestions on how to proceed. The present wording was the only one which had been generally acceptable and it was on that basis that the Philippine delegation had agreed to withdraw its own draft. Continuing the discussion would thus be

fruitless. He reiterated that the text did not rule out any option but simply indicated a possible direction.

24. Mr. ANGUIANO ROCH (Mexico) paid tribute to the experience of the delegate of Japan, who had guided the Board's deliberations wisely. However, the Group of 77 had discussed the matter in depth and was proposing a draft resolution that would give the Board a very general mandate which seemed to be gaining acceptance. He urged that the draft resolution be adopted by consensus, with only the amendments which had already been accepted.

25. Mr. SALAS BARAHONA (Peru) thanked the representative of India for his statement and supported the remarks made by the representatives of Mexico and Chile.

26. Mr. ZOBOV (Union of Soviet Socialist Republics) recalled that his delegation felt it was neither logical nor reasonable to specify in advance the direction of future debates and the framework in which they should take place. His delegation would have preferred a draft resolution which did not mention the establishment of a working group. However, not wishing to oppose a consensus, his delegation supported the text submitted, amended by insertion of the words "inter alia".

27. Mr. ALLAM (Egypt) said that during the consideration of the Philippine draft resolution by the Group of 77, it had become clear that, since the Statute entrusted the Board with the appointment of the Director General, the General Conference would have to request the Board to consider the question of the policy and procedures to be applied and to report back on the results. The Group of 77 had therefore simply wished to give the Board guidelines for that consideration by proposing the establishment of an open-ended working group. That formula seemed reasonable and it was to be hoped that, amended as suggested by the delegation of the United Kingdom, it would attract a consensus.

28. Mr. ENDO (Japan) regretted that, not being a member of the Group of 77, his country had not been able to make its point of view known. However, in the light of the clarifications provided by the representative of India, he would not oppose a consensus in favour of adopting the draft resolution amended by insertion of the words "inter alia".

29. Mr. STRATFORD (United States of America) doubted that it was appropriate for the Board to adopt a policy and procedures to govern the appointment of the Director General. While he felt he knew the significance of the word "procedures", he was not sure what was covered by the term "policy", unless it meant the number and duration of terms of office - matters which had been mentioned in the draft resolution originally presented but which had been left out of the text now being proposed. He also doubted whether the establishment of an open-ended working group was the best way of dealing with the matter. However, if the word "policy" were to be deleted from both the preamble and the operative part of the draft resolution, his delegation would join the consensus in favour of adopting the text. If not, it would unfortunately have to dissociate itself from the consensus, even though it would not oppose it.

30. Mr. SINAI (India) pointed out that "policy" included the maximum number of terms and the regional rotation to be used in selecting a candidate. Although there was no intention of imposing an interpretation of that word on the Board, it was certainly within the province of the General Conference to give the Board some indications on that subject. Of course, the absence of a well-defined policy on appointment had not thus far stopped the Agency from selecting very capable Directors General. However, it seemed that Member States felt a need to set guidelines for that purpose. That was the intention of the draft resolution. He would have preferred it if the United States had joined in the light of his clarifications the consensus, but in any case he appreciated that that country, like Japan, would not oppose such a consensus.

31. Mr. STRATFORD (United States of America) said that, thanks to those clarifications, he was forming a clearer idea of the significance of the word "policy" in the present case. However, on principle, his Government was not in favour of changes that would, for example, restrict the number of terms of the Director General, at least in an organization such as the Agency. He therefore requested that it be reflected in the summary record that he did not associate himself with the consensus on that item.

32. Mr. TALIANI (Italy) supported the draft resolution while at the same time underlining that that in no way signified that Italy wished to modify the current "policy", with which it was perfectly satisfied, or that it wanted new policies to be adopted, but simply that it was not opposed to the matter being studied.

33. Ms. FATIMAH (Malaysia) associated herself with the comments made by the Chairman of the Group of 77 and other members of the Group. The draft resolution simply requested the Board to consider the matter, and the United States, as a member of the Board of Governors, would have every opportunity to voice its opinion.

34. Mr. WILSON (Australia) proposed adding the words "to consider" after the word "Governors" in the first line of the operative part of the draft resolution. That would leave the Board of Governors even greater freedom of action.

35. Mr. MGBOKWERE (Nigeria) agreed with the representative of Chile that the text was extremely flexible and did not rule out any option. He called upon all delegations to adopt it by consensus.

36. Mr. SAVERIJS (Belgium), while expressing profound reservations concerning the draft resolution because he saw no need to adopt a policy and procedures to govern the appointment of the Director General, said that he would not oppose the consensus.

37. Mr. McRAE (Canada) associated himself with the representative of Australia in thinking that it was not desirable to request the Board of Governors to "adopt" a policy and procedures. The matter of the working group, which had so far been the focus of debate, was in fact secondary. Like the representative of the United States, he was not clear as to what was meant by "appropriate policy", and he wished to express his reservations on that score, especially since, in his opinion, changing the procedure for appointing the Director General would ultimately entail amending the provisions of the Statute. He therefore supported the proposal made by Australia.

38. Mr. SINAI (India) replied that the approach suggested by Australia had been discussed and rejected by the Group of 77. If that solution had not been able to attract a consensus within the Group of 77 after a long debate,

there was little chance that it would do so at the current meeting. He therefore proposed that the draft resolution be adopted, on the understanding that the summary record of the discussion, which the Board of Governors would have before it when it considered the matter, would reflect all the opinions expressed, including the one that the best policy might be to have no policy.

39. Mr. KONGSIRI (Thailand) observed that the Philippine delegation had been very accommodating during the discussions within the Group of 77 and that at the current meeting that delegation had also shown a spirit of compromise by accepting two amendments to its draft. It seemed that the problem which was holding up the Committee was a semantic one, relating to the meaning of the word "policy". But it was precisely because that word was open to different interpretations that the proposed text was very flexible. He therefore appealed to the Australian delegation to withdraw its amendment and agree to the adoption of the draft resolution by consensus.

40. Mr. LAVIÑA (Philippines), supported by Mr. ILJAS (Indonesia) and Mr. ANGUIANO ROCH (Mexico), endorsed the comments made by the Chairman of the Group of 77: the solution suggested by Australia had in fact been considered and rejected by the Group of 77 at the end of very long discussions. Furthermore, the fear expressed by the representative of Canada was unfounded, since there was no question of amending the Statute. He therefore urged the three or four delegations which supported the Australian proposal not to insist on its being put to the vote, as there was no doubt as to the result of such a vote, and not to block the consensus.

41. Mr. WILSON (Australia) pointed out that some delegations, unlike those of the States in the Group of 77, had not been apprised of the draft resolution until very recently. The amendment he had proposed was an extremely minor one, and it had the merit of reflecting a larger variety of opinion and of leaving the Board every freedom of action - including the possibility of deciding that the most appropriate solution was not to adopt a policy - when it came to consider the extremely delicate matter of the appointment of the Director General.

42. Mr. ENDO (Japan) agreed with the representative of Australia and supported his proposal, although he would not oppose any consensus.

43. Mr. McRAE (Canada) said that, like the Australian delegation, whose proposal it supported, his delegation had only very recently become aware of the draft resolution. However, given that most members of the Committee seemed to feel that the word "policy" left all options open, including the possibility of the Board's concluding that it was not appropriate to adopt a new policy or to modify existing policies, he would propose reflecting that sense by adding the words "if necessary" after "to adopt" in the first line of the operative part of the draft resolution and deleting the word "appropriate" in the same line.

44. Mr. WILSON (Australia) said that he would withdraw his amendment if Canada's proposal was adopted.

45. Mr. SINAI (India) pointed out that it was not possible to add the words "if necessary" in the first line of the operative part, as suggested by the representative of Canada, since preambular paragraph (b), to which no delegation had thus far raised any objections, recognized the need to establish a policy. The Group of 77 had agreed to insert the words "inter alia" after "consider" in the second line of the operative part, but further amendments would rob the text of its meaning. He therefore appealed to the delegations concerned to join the consensus, on the understanding that the reservations which they had expressed would be reflected in the summary record of the meeting.

46. The CHAIRMAN said that, since the sponsors of the draft resolution had stated that the wording of the draft did not rule out any possibility, including that of the Board concluding that there was no need to adopt a new policy or to modify existing policies, and in order not to prolong the debate unnecessarily, he would propose that the Committee adopt the draft resolution by consensus and request the Director General to transmit the summary record of the discussion to the Board of Governors when the Board came to consider the matter, so that the Board would be aware of all the opinions expressed, including those of Committee members who were not members of the Board.

47. Mr. McRAE (Canada), supported by Mr. WILSON (Australia), endorsed the Chairman's proposal, which would enable the Board to be apprised of the objections expressed by certain delegations concerning the draft resolution.

48. Mr. VILLAROS (France) said that if the summary record of the present debate was to be transmitted to the Board, his country wished to place on record its strong reservations about the draft resolution. In particular, it considered it unnecessary to discuss the procedure for appointing the Director General in a working group.

49. Mr. ALVAREZ GORSIRA (Venezuela), Mr. SAVIC (Yugoslavia), Ms. BYANYIMA (Uganda) and Ms. OGUT (Turkey) supported the draft resolution contained in document GC(XXXIV)/COM.5/91, with the amendments which its sponsors had accepted.

50. Mr. WILSON (Australia) said he would not oppose a consensus on condition that the summary records of the Committee's discussion on the matter were transmitted to the Board of Governors.

51. The CHAIRMAN said he took it that the Committee was prepared to recommend that the General Conference adopt the draft resolution contained in document GC(XXXIV)/COM.5/91, with the replacement in preambular paragraph (a) of the words "Article VII.A" by "Article VII" and with the amendment proposed by the United Kingdom, namely to insert the words "inter alia" after "to consider" in the operative paragraph. He further took it that the Committee wished to recommend that the General Conference request the Director General to transmit the summary record of its deliberations and of any discussion which the General Conference might have on that matter in plenary session to the Board of Governors when the Board met to discuss the matter.

52. It was so decided.

THE FINANCING OF TECHNICAL ASSISTANCE (GC(XXXIV)/922 and Add.1;
GC(XXXIV)/COM.5/93) (resumed)

53. The CHAIRMAN invited the Committee to resume its discussion of the financing of technical assistance, on which the Board of Governors had submitted a report in document GC(XXXIV)/922. The summary record of the Board's discussion of the matter in June was contained in an addendum to that document. The Committee also had before it - in document GC(XXXIV)/COM.5/93 - a draft resolution submitted by Algeria, Egypt and Sudan.

54. Ms. HUSSEIN (Egypt), introducing the draft resolution, said that her country attached great importance to the Agency's technical co-operation activities and highly appreciated the efforts made by it as the executing agency and by donor and recipient countries to increase the volume of those activities in order to meet the needs of developing countries. She appreciated the efforts made to provide the necessary resources and to ensure that the projects submitted by recipient countries had been correctly prepared, and welcomed the indicative planning figures which had been approved for the 1991-92 period. While she was pleased at the steady increase in the Technical Assistance and Co-operation Fund (TACF) and accepted the figures which had been established as the basis for financing footnote-a/ projects, she noted that the resources made available were not increasing as fast as the needs of recipient countries. Moreover, the provision of resolution GC(XXV)/RES/388 which requested the Board to take measures to ensure that technical assistance was funded through the Agency's Regular Budget or through other comparably predictable and assured resources had still not been implemented. Consultations between the Chairman and members of the Board should therefore be intensified with a view to finding a way of ensuring full implementation of that resolution, and the Chairman of the Board should report every year to the General Conference on the results of those consultations, which she hoped would produce tangible results in the near future. As the draft resolution contained in document GC(XXXIV)/COM.5/93 was identical to the resolution which had been adopted by consensus the previous year, her delegation hoped that it too would be adopted by consensus.

55. Mr. AL-MATOOQ (Iraq) said that the technical assistance programme was one of the most important activities that the Agency carried out for the benefit of developing countries, which was why those countries wanted that programme to be financed in a reliable manner. Member States, whether donors or recipients, should respect their obligations towards the TACF. The effect of the policy of zero real budgetary growth was even more negative in the technical co-operation field than in other areas of the Agency programme. In view of the importance of that activity for developing countries, he hoped that the Agency would attach the same importance to it as to other programmes and that a balance could be achieved.

56. Owing to recent developments, the payment of Iraq's contribution to the TACF, which was normally made through the UNDP office in Baghdad, had been delayed, but he hoped that a solution would soon be found to that problem.

57. Finally, his delegation fully supported the draft resolution set out in document GC(XXXIV)/COM.5/93.

58. Mr. RELAN (India) regretted that it had not been possible to implement resolution GC(XXV)/RES/388, which called for the Agency's technical assistance to be funded through the Regular Budget or through other comparably predictable and assured resources and for technical assistance funds to be increased to enable progress in that area to keep pace with progress in other Agency activities. The necessary political will should be shown to implement those long-standing recommendations of the General Conference. The agreement on indicative planning figures for voluntary contributions to the TACF for 1991 and 1992 should not give rise to any complacency. On the contrary, the time available should be used to make a serious effort to meet the objectives of resolution GC(XXV)/RES/388. With those comments, his delegation supported the draft resolution under consideration.

59. Ms. PETERSEN PARRA (Venezuela) expressed her concern at the fact that the financing of technical assistance continued to depend largely on voluntary contributions to the TACF. Although those contributions had increased substantially, they did not guarantee the long-term availability of the financial resources needed to implement technical assistance programmes, which were of paramount importance to developing countries. It was also worth noting that the level of pledges made by Member States was continuing to decline.

60. Her delegation was convinced that the success of the Agency's technical co-operation activities depended on the availability of assured and predictable resources and reaffirmed its view that technical assistance should be financed through the Regular Budget or from some equally predictable and assured source. It was for those reasons that it believed that resolution GC(XXV)/RES/388 remained valid.

61. She also wished to stress once again the need to redress the imbalance between the Agency's promotional and regulatory activities and to strengthen technical assistance so that the Agency could do more to meet the needs of developing countries.

62. The total level of arrears of contributions remained very high and her delegation urged those Member States which had not honoured their financial obligations for a number of years to endeavour to do so gradually. There was no other way of ensuring the availability of assured and predictable resources for the implementation of the technical co-operation programme. Although delays in payment by many developing countries were the result of the various economic and financial difficulties facing those countries, it should also be recognized that the Agency's technical co-operation activities benefited those countries and represented a contribution to their efforts to overcome those difficulties.

63. With those comments, her delegation could join a consensus on the draft resolution contained in document GC(XXXIV)/COM.5/93.

64. Mr. van ROEDEN (Netherlands) said that his country attached great importance to the Agency's technical co-operation programme. The Agency's specialized knowledge in the area of nuclear energy and applications was a powerful tool in helping bridge the scientific and technological gap between industrial and developing countries.

65. The technical co-operation programme had expanded steadily over the years - from \$10 million in 1976 to well over \$50 million in 1989. In 1989 alone, the TACF had increased by 8% and extrabudgetary resources by 29%. The latter figure was impressive and indicated clearly the confidence which international organizations such as UNDP and bilateral donors had in the Agency. However, the reduction in the implementation rate for the TACF was cause for grave concern. The level of unused resources was too high and, worse still, it was increasing - from \$8 million at the end of 1988 to \$14 million at the end of 1989. Together with \$19 million of unliquidated obligations, the total amount of unused resources was \$23 million. That negative trend had to be reversed. The introduction of a two-year cycle for 1991-92 might help to improve the planning of activities significantly and

result in a higher implementation rate. His delegation also hoped that the reorganization of the Department of Technical Co-operation in 1989 would lead to greater efficiency and improved project quality.

66. In assessing the Secretariat's ability to carry out the technical co-operation programme, two other factors needed to be considered. The first concerned Member States' contributions to the TACF. Unfortunately, there had been a decline in recent years in the level of pledges and the amount actually paid to the TACF. His delegation deplored that situation, which ought to be dealt with openly during the discussion of the technical co-operation programme by the Technical Assistance and Co-operation Committee at the end of the year. At the Fourth NPT Review Conference, all parties had confirmed the need for predictable and assured resources. His country would not oppose the funding of technical assistance from the Regular Budget, provided that the level of resources allocated did not change. Funding from the Regular Budget would, in fact, only confirm the important role played by the Agency in the field of technical co-operation.

67. The second factor concerned the staff involved in technical co-operation activities. Staff costs had to be covered from the Regular Budget, which had not been increased in real terms for seven years. However, over the same period the volume of the technical co-operation programme had risen by about 50%. It was therefore not surprising that the Secretariat was experiencing difficulties in implementing technical assistance activities. His country felt that it was justified to use part of the resources of the TACF to finance additional staff. In almost all organizations, a fixed percentage of extrabudgetary resources was used to finance staff costs and support services. His delegation would like that issue - which of course could not be examined separately from the question of the new arrangements with UNDP - to be included in the agenda for the forthcoming meeting of the Technical Assistance and Co-operation Committee. With those comments, he fully supported the draft resolution contained in document GC(XXXIV)/COM.5/93.

68. Mr. HASHIMI (Pakistan) welcomed the agreement on indicative planning figures for 1991-92, which would allow the system of voluntary contributions for technical assistance to continue and the programme itself to proceed. However, that was only an interim solution and the basic question of

how technical assistance could be financed on a predictable and assured basis remained open. In view of the change in the international situation and the resulting reduction in the enormous defence expenditures of the superpowers and other countries, it should be possible to consider releasing more funds for development. If nuclear power and nuclear applications were to play a significant role in the development of Third World countries in the future, the Agency's technical assistance activities, which so far had been restricted by a lack of funding, would have to be expanded.

69. In view of the regular shortfall in voluntary contributions - only 62% of the target for 1990 had been paid so far - it was essential to solve the question of financing. Technical assistance must be funded from predictable and assured resources, in the same way as safeguards. About 25% of the total resources available for technical assistance came from extrabudgetary sources, UNDP and in-kind assistance. While those resources were welcome, steps should be taken to ensure that they were actually used - in other words, the Department of Technical Co-operation should be permitted to recruit temporary staff, purchase equipment and procure other services to ensure that projects were implemented on time and that technical assistance funds were not under-utilized. Also, support costs should be charged to projects financed from extrabudgetary resources, since many hours of work were needed to implement such projects. In conclusion, his delegation wished to thank all donor countries - and in particular the United States, Italy, Sweden, the Federal Republic of Germany and the Netherlands - for their generous contributions to the TACF.

70. Mr. WANGURU (Kenya), referring to document GC(XXXIV)/INF/288/Rev.2, said that, although Kenya's contribution to the TACF might seem a long time in coming, he wished to assure the Committee that it would be paid. Kenya had pledged its share of the 1990 target and would continue to support the technical co-operation programme.

71. His delegation supported the draft resolution contained in document GC(XXXIV)/COM.5/93 but, as it had done on several previous occasions, wished to express its concern at the low rate of implementation of the technical assistance programme. That situation might be the result of a lack of co-ordination between technical assistance and Member States' budgetary cycles.

72. Mr. HOGG (Australia) said that the funds available for the Agency's technical co-operation programme continued to grow in a very satisfactory manner. The funding arrangements approved in 1988 for the 1990-92 period provided for an annual increase of 7.7% - a much higher rate of growth than for other areas of the Agency's activity. Considerable extra-budgetary payments were also made by Member States for technical assistance projects. His Government had made extrabudgetary contributions under the Regional Co-operative Agreement for Asia and the Pacific (RCA) and would continue to do so. However, it felt that the high level of real growth in technical assistance activities could not be sustained given the difficult financial situation facing Member States.

73. His delegation continued to hold the view that the existing mechanisms for financing technical assistance were the best way of meeting Member States' interests. It also considered the existing balance between the Agency's promotional and regulatory activities to be satisfactory. With those comments, it could support the draft resolution under consideration.

74. Mr. BERG (Norway) observed that the last few years had seen a substantial increase in the level of resources available for the Agency's technical assistance activities, which were financed mainly from the TACF. Norway had supported that development because it attached great importance to the Agency's technical co-operation programme. The increase in resources was a clear indication of the success of the existing system of indicative planning figures and voluntary contributions, and for the time being he did not see any need to switch to any other method of financing. The low overall implementation rate in recent years and the further drop from 1988 to 1989 were regrettable. Although several factors accounted for the low rate of implementation, it was undoubtedly partly due to understaffing in the Department of Technical Co-operation. In the long term, it would be very difficult to continue to expand the TACF substantially without also increasing the budget of the Department of Technical Co-operation, as had been done for 1991 and 1992.

75. Mr. LAVIÑA (Philippines) expressed his full support for the draft resolution contained in document GC(XXXIV)/COM.5/93 and associated himself with the comments made by other countries, including India, Venezuela, Pakistan and Kenya.

76. The CHAIRMAN took it that the Committee wished to recommend that the General Conference adopt the draft resolution contained in document GC(XXXIV)/COM.5/93.

77. It was so decided.

STAFFING OF THE AGENCY'S SECRETARIAT (GC(XXXIV)/927 and Corr.1;
GC(XXXIV)/COM.5/94)

78. The CHAIRMAN said that for the present item the Committee had before it document GC(XXXIV)/927, for which there was a corrigendum to the English version, and document GC(XXXIV)/COM.5/94, which contained a draft resolution submitted by the Group of 77.

79. Mr. KUMAR (India), introducing the draft resolution contained in document GC(XXXIV)/COM.5/94, said that a cursory glance at document GC(XXXIV)/927 revealed that the proportion of posts occupied by nationals of developing countries had increased. However, for the period from 1985 to 1990 the increase had been marginal and the rate of increase had declined by comparison with the previous period. Since there was now no lack of qualified persons in developing countries, it should not be difficult for the Agency to recruit more applicants from those countries. In fact, it seemed that the increase which had occurred was attributable more to the rise in the number of applicants from developing countries than to any deliberate action to implement General Conference resolution GC(XXV)/RES/386. In order to give some impetus to that action, the Group of 77 had submitted the draft resolution contained in document GC(XXXIV)/COM.5/94 requesting the Secretariat to report annually on the percentage of posts held by nationals of developing countries from year to year, by region or by group of countries.

80. With regard to the text of the draft, the words "of four years" should be inserted between the word "period" and the word "specified" in the second line of operative paragraph 2. During consultations, doubts had been expressed as to how the Secretariat could, in its reports, also give due emphasis to the extent to which recruitment was being carried out on as wide a geographical basis as possible. The task of the Director General and the Secretariat was to appoint staff taking due account of the importance of recruiting on as wide a geographical basis as possible. To date the

Secretariat's reports had not indicated the extent to which that had been achieved region by region, and the Secretariat was therefore now being requested to place the emphasis in its report also on the efforts it was supposed to make in that direction.

81. Mr. AL-MATOOQ (Iraq) said that the Agency recruited far fewer applicants from developing countries than from developed countries. Certain posts, particularly those at senior and policy-making levels, were not open to applicants from developing countries for reasons unknown to those countries. Many nationals of developing countries who had applied for such posts had been refused without explanation. The data presented in document GC(XXXIV)/927 clearly showed the imbalances that existed in the geographical distribution of posts within the Agency's Secretariat, which should spare no effort to achieve the percentages set as targets. The political considerations which came into play in many cases should be set aside. The Agency's basic objective was to assist Member States, and one way of doing so would be to train the nationals of Member States so that those countries could profit from the experience and specialized knowledge thus gained. All Member States should have equal opportunities, as the developing countries had been requesting for many years. With those comments, his delegation endorsed the draft resolution under consideration.

82. Mr. ENDO (Japan) said that, while he fully supported the draft resolution under discussion, he wished to stress two points concerning the staffing of the Agency's Secretariat. First, the underrepresentation of certain Member States, including Japan, had not been given proper consideration, particularly when appointing senior staff. In fact, in the case of Japan, the situation had worsened over the years. Secondly, it was not desirable from the standpoint of equitable geographical distribution that several senior posts in the Secretariat had been held continuously by nationals of the same countries. Effective measures should therefore be taken to remedy that situation.

83. Ms. HUSSEIN (Egypt) expressed her appreciation of the efforts made by the Director General in recent years to implement resolution GC(XXV)/RES/386, which called on him to increase the number of staff from developing countries. Despite some improvement, the percentage of posts held

by nationals of those countries remained below the 30% target that had been set. Since two thirds of Member States were developing countries and those countries were able to provide highly qualified candidates, immediate steps should be taken to remedy the existing situation. In the last sentence of Article VII.D of the Statute, it was stated that, in the recruitment of staff, due regard should be paid to Members' contributions to the Agency and to the importance of recruiting the staff on as wide a geographical basis as possible. In practice, account was taken of the first criterion, but not the second. There were unofficial quotas for each country. In other words, when a country paid a contribution representing a certain percentage of the Agency's budget, that percentage was reflected in the number of posts allocated to that country. Consequently, developing countries had no possibility of providing highly qualified staff to the Agency. That long-standing practice was contrary to the letter and spirit of resolution GC(XXV)/RES/386.

84. A look at the distribution of posts in other organizations showed that many factors (number of inhabitants, principle of equitable geographical distribution, etc.) were taken into consideration. The draft resolution under discussion was not very different from the one which had been adopted the previous year. However, preambular paragraph (d) mentioned what had been noted in practice, and the operative part aimed to remedy that inconsistency.

85. She had two additional comments to make. First, while she was convinced that developing countries could provide the Agency with highly qualified staff, she felt that training could also be offered to applicants from those countries if it was considered necessary. Secondly, paragraph 2 of document GC(XXXIV)/927 indicated that of the 683 staff members in the Professional and higher categories, 614 were in posts subject to geographical distribution. However, that information was incomplete: there remained 69 linguistic and other posts about which her delegation would like to receive further details.

86. Mr. AGRELL (United Kingdom) commended the continuous efforts made by the Director General to improve the representation of developing countries at the policy-making level and in technical posts. The Agency had everything to gain from drawing on as wide a reserve of competence and experience as

possible in its recruitment, and no country or group of countries had a monopoly on the qualifications required for Agency staff. His delegation was therefore in a position to support the draft resolution under consideration, just as it had approved similar resolutions in previous years, on the understanding that no provision of the resolution would take precedence over the Statute, and in particular Article VII.D, where it was stipulated very clearly that the paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service should be to secure employees of the highest standards of efficiency, technical competence and integrity. All the other considerations which had been mentioned during the present meeting were subordinate to that overriding consideration.

87. Mr. FITZGERALD (Ireland) said that his delegation had already had the opportunity in the past to indicate that it understood the arguments put forward by the Group of 77, as outlined in the draft resolution contained in document GC(XXXIV)/COM.5/94. However, the problem at issue did not affect only developing countries. Others, including Ireland, were underrepresented on the Agency's staff and not represented at all at the senior and policy-making levels. Nevertheless, staff should be recruited on the basis of their qualifications and suitability, and taking geographical factors into account might lead to the appointment of less able staff. At all events, any action taken to ensure better geographical distribution of staff while meeting the requirements in terms of qualification and ability, should take into consideration all Member States similarly underrepresented in the Agency's Secretariat.

88. Mr. SOLTANIEH (Islamic Republic of Iran) supported the draft resolution and the views expressed by the Chairman of the Group of 77, particularly with regard to posts at the senior and policy-making level. Recalling that a special safeguards training course had been offered in the past for developing countries, he regretted that that positive initiative, which had brought the qualifications of applicants from developing countries up to the required level for Professional posts, had not been continued. Serious attention should be given to that question, and he hoped that similar training courses would also be organized in other areas, so that the requests of developing countries for better representation in the Agency's Secretariat could be met.

89. Ms. LACANLALE (Philippines) said that her delegation naturally supported the draft resolution under consideration, but wished to reiterate a comment which it had already made in the Board of Governors on the number of women in the Professional category: while it was true that their number had increased by 85% from 1981 to 1990, the proportion of the total staff accounted for by women had increased by only 4 percentage points during the same period. She hoped that the Director General would make further efforts to implement the provisions of the relevant United Nations General Assembly resolution.

90. Mr. FU (China) noted with satisfaction that the number of staff from developing countries had increased since the adoption of resolution GC(XXV)/RES/386. However, the developing countries were still under-represented at the higher levels, particularly in the P-5 grade. There were several reasons for that, one being the fact that certain senior positions were reserved for particular countries, so that applicants from developing countries had little chance of being appointed. That practice was contrary to the letter of the Statute. Much still needed to be done to remedy that situation and to implement resolution GC(XXV)/RES/386 in full.

91. His delegation supported the draft resolution contained in document GC(XXXIV)/COM.5/94.

92. Mr. von PREUSCHEN (Federal Republic of Germany) said that, as usual, his delegation supported the main thrust of the traditional draft resolution now before the Committee; however, the text submitted by the Group of 77 contained a new element which had not been present in previous years. Preambular paragraph (d) was hardly consistent with the reality of Article VII of the Statute, which established the criteria to be taken into account in the recruitment and employment of the staff and in the determination of their conditions of service. He hoped the sponsors of the draft resolution would understand that the concern expressed in that paragraph was unfounded and accordingly delete it. There was no doubt that the Secretariat was endeavouring to increase the number of staff recruited from developing countries.

93. His delegation shared the concerns expressed by others, but he wished to point out that his own country was also underrepresented at the senior levels, and he called upon the Secretariat to correct that state of affairs.

94. Mr. ELKHANGI (Sudan) noted that the percentage of the Agency's staff coming from developing countries was not proportional to the relative size of the population of those countries, and asked for that situation to be rectified. The percentage should be increased until it was in line with that of staff from other countries. His delegation therefore supported the draft resolution contained in document GC(XXXIV)/COM.5/94.

95. Mr. PAPANITROPOULOS (Greece) considered that document GC(XXXIV)/927 provided a good picture of the evolution of the recruitment of Agency staff during the last few years. The statistics given showed that the representation of European countries, both Western and Eastern, was falling steadily.

96. While nevertheless supporting the draft resolution in document GC(XXXIV)/COM.5/94, he wished to propose a slight amendment to operative paragraph 2 so as to clarify which provision of the Statute was relevant to the recruitment of staff. The amendment would consist in replacing the words "the Statute" in the first sentence by the words "the provisions of Article VII.D of the Statute".

97. Mr. van ROEDEN (Netherlands) observed that the Agency had a good reputation for efficient management and for the quality of the services provided by its staff. That was largely attributable to the criteria governing the recruitment of staff. Among those criteria, which, as the Director General had pointed out, were of vital importance, the paramount consideration was, in accordance with Article VII.D of the Statute, to secure employees of the highest standards of efficiency, technical competence, and integrity. His delegation was therefore concerned at the fact that an increasing number of applicants did not appear to meet the required criteria. At the same time, it accepted the principle of equitable geographical distribution and the wish of developing countries to increase the number of their nationals recruited - and indeed document GC(XXXIV)/927 showed that recruitment of staff from those countries was increasing steadily, a development which he could not but welcome.

98. Having in the past few years repeatedly stressed the importance which it attached to an increase in the recruitment of women both at the policy-making level and in the Professional category, and having requested the Director General to make every effort to bring about such an increase, his delegation was pleased to note that, for the first time in the Agency's history, two women had been appointed to D-1 posts, one of them as a Division Director. He hoped that the number of women recruited to senior posts would increase further in future and that the Director General would continue his efforts in that direction.

99. With regard to the draft resolution in document GC(XXXIV)/COM.5/94, he did not think "excessive emphasis" had been given to the recruitment of the staff of the Agency's Secretariat based on Member States' contributions to the Regular Budget and therefore supported the proposal made by the delegation of the Federal Republic of Germany to delete preambular paragraph (d). As to operative paragraph 2, he thanked the Indian delegation for the explanations provided regarding the last phrase, but still could not quite grasp its meaning. Lastly, paragraph 3 requested the Director General to report annually to the Board of Governors and the General Conference on the continuing implementation of General Conference resolution GC(XXV)/RES/386, showing separately the percentage of posts held by nationals of developing countries from year to year; however, the report under review in document GC(XXXIV)/927 already listed the number of staff from each country and even the percentage distribution per region, which seemed to be sufficient information.

100. Mr. STRATFORD (United States of America) thanked the Director General for his efforts to implement General Conference resolution GC(XXV)/RES/386 and welcomed the fact that the Secretariat had succeeded in increasing significantly the number of staff from developing countries. He urged that well-qualified women should also be appointed to positions of responsibility.

101. While supporting the recruitment of qualified individuals from developing countries, he noted that according to Article VII.D of the Statute the paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service should be to secure

employees of the highest standards of efficiency, technical competence, and integrity. The Secretariat had successfully implemented that provision and should continue to be guided by it .

102. Lastly, he strongly supported both the proposal made by the delegation of the Federal Republic of Germany to delete preambular paragraph (d) from the draft resolution and the amendment proposed by the Greek delegation with regard to operative paragraph 2.

103. Mr. SINAI (India), referring first to preambular paragraph (d), said that the sponsors of the draft resolution wished to retain it, since Article VII.D of the Statute stated clearly that due regard should be paid to the contributions of Members to the Agency, subject to the paramount consideration, which was to secure employees of the highest standards of efficiency, technical competence, and integrity.

104. Secondly, the sponsors of the draft resolution accepted the Greek proposal concerning operative paragraph 2. Thirdly, with regard to the comments made by the delegation of the Netherlands on the last phrase of operative paragraph 2, the draft resolution specifically concerned the developing countries, which were witnessing a decrease in the rate of recruitment of their nationals to the Agency. Thus, a report reflecting, from year to year, the staffing of the Agency's Secretariat would make it possible to monitor the evolution of the recruitment of staff from developing countries. As to which countries were developing countries, the list of members of the Group of 77 could serve as a guideline.

105. Mr. BEETS (Belgium) wholeheartedly endorsed the comments made by the Japanese and Irish delegations. He could approve the draft resolution in document GC(XXXIV)/COM.5/94 provided it was amended as proposed by the delegations of the Federal Republic of Germany and Greece.

106. Mr. LAMPARELLI (Italy) said that he was able to accept the draft resolution under consideration, but would have preferred it to keep to the traditional text. He was concerned at the content of the draft for the simple reason that it would give too much freedom to the Secretariat in the recruitment of staff. He would therefore like clear principles to be set out without taking into account the size of the contribution or the level of

development of the various Member States. Accordingly, he expressed reservations about the draft resolution and reaffirmed his delegation's understanding that it would be implemented in accordance with Article VII.D of the Statute, taking due account of the last sentence of Article VII.C, which stated that the Agency should be guided by the principle that its permanent staff should be kept to a minimum.

107. Mr. WANGURU (Kenya) noted that there had been a spectacular increase in the efficiency of the services provided by the staff of the Agency over the years since the present subject had first appeared on the agenda. He congratulated the Agency's staff and requested that his delegation's appreciation be conveyed to the Staff Council. He would be commenting on a number of questions which tended to be avoided. While calling for an increase in the number of staff from developing countries, his delegation recognized that the principle of zero budgetary growth had put a strain on the work of the Agency's staff at all levels, whether from developed or developing countries. The increased efficiency shown by the staff demonstrated that applicants of the highest standards were being recruited as required by the Statute.

108. The fact that the developing countries, particularly those of East and Central Africa, continued to be underrepresented in the Agency's Secretariat, especially at the senior and policy-making levels, was very worrying. Despite all the Director General's efforts to implement resolution GC(XXV)/RES/386, the existing situation needed to be rectified, and he called upon the Committee, in recognition of the good will shown by developing Member States since the adoption of that earlier resolution, to adopt the draft resolution submitted in document GC(XXXIV)/COM.5/94 by consensus.

109. In conclusion, he stressed that the developing countries would continue to support the Director General in his efforts to implement the provisions of the Statute. He was convinced that the developing countries' request for increased representation in the Secretariat did not in any way infringe those provisions.

110. Mr. MGBOKWERE (Nigeria) shared the views of the Indian delegation. The draft resolution was balanced and did not preclude taking into account Member States' contributions to the Regular Budget when

recruiting staff. The members of the Group of 77 were realistic. However, they believed that excessive importance was being given to that factor, which was not in the Agency's interest. To be convinced of that fact, it sufficed to look at the list of staff by country. However, he would agree to deleting the adjective "excessive" in preambular paragraph (d) if it was felt to be too strong. He was ready to acknowledge that in recruitment paramount consideration must be given to qualifications and ability. His delegation took pride in the Agency's efficiency and hoped that it would be maintained. What the developing countries wanted was for their applicants to be given equal opportunities, and for equality of opportunity not to be subordinated to level of contributions. It was regrettable that the number of Professional staff coming from Africa should have fallen from 37 on 1 September 1989 to 34 on 1 September 1990. Due emphasis must be given to the principle of wide geographical distribution, and his delegation recognized that the Agency had made some progress in recruiting nationals from the Third World, but further efforts were necessary. With those remarks, he recommended that the draft resolution under consideration be adopted by consensus.

111. Ms. JACKSON (New Zealand) endorsed the comments made earlier by the representatives of the Philippines and the Netherlands concerning the percentage of female staff. The number of women in the Professional and higher categories had increased but remained low. The United Nations General Assembly had adopted resolutions aimed at increasing the percentage of women in United Nations organizations, and she urged the Director General to continue his efforts to increase the number of women in the Agency in accordance with those resolutions.

112. Mr. ABDALI (Syrian Arab Republic) supported the draft resolution under consideration and the views expressed by the Indian delegation.

113. Mr. McRAE (Canada) agreed with the comments made by the representative of the Federal Republic of Germany and shared his concerns, particularly with regard to preambular paragraph (d) of the draft resolution, which suggested that factors extraneous to the Statute had influenced recruitment decisions in the Agency. He did not believe that was the case and therefore considered that the paragraph should be deleted. Furthermore, like the representative of the Netherlands, he was still not clear about the

meaning of the last phrase in operative paragraph 2. Having listened carefully to the explanation provided by the representative of India, he was inclined to think that the phrase expressed the same idea as operative paragraph 3. If so, it should perhaps be deleted, as the idea was expressed much more clearly in paragraph 3.

114. Mr. HASHIMI (Pakistan) recalled that the matter had been placed on the agenda because the developing countries were underrepresented on the Agency's staff. The draft resolution under consideration was a follow-up to that action. Although the Director General was to be commended for his efforts during the past nine years and for the positive steps he had taken to implement resolution GC(XXV)/RES/386, the increase which had been noted from 1981 to 1985 had tended to slow down subsequently; that was why his delegation had a minor difficulty with the draft resolution, in that it would prefer operative paragraphs 2 and 3 to refer not to resolution GC(XXV)/RES/386 but to resolution GC(XXXIII)/RES/521. However, if that proposal impeded a consensus, he would go along with the draft resolution as proposed by the Group of 77.

115. He supported the suggestion made by Egypt and the Islamic Republic of Iran regarding training courses, since vacancy notices increasingly often required that applicants should have international experience. Those courses would be a way of providing such experience for applicants from developing countries.

116. As the representative of China had pointed out, certain posts had always been occupied by nationals of the same countries; instead, there should be a rotation of posts. Several delegations had referred to the Statute, and in particular to Article VII.D concerning recruitment, which spoke among other things about standards of efficiency; however, it was difficult to determine a person's efficiency before he or she had been recruited. Similarly, a person's integrity was difficult to establish in advance. That left only the person's technical competence, as seen at first sight. Developing countries now had applicants of the highest standards in terms of both experience and qualifications, who should consequently be taken into consideration. In future, Pakistan would like the staff by grade (from DDG to P-1) to be indicated also for the year 1981 and not only for the last two years as in document GC(XXXIV)/927.

117. Furthermore, as the Egyptian delegation had pointed out, the report in that document covered only posts subject to geographical distribution. It would be interesting to have an indication of how staff not subject to geographical distribution were distributed, particularly in terms of grade. It would also be useful to know what percentage of staff held long-term contracts and how many of them came from developing countries. Those items of information were not provided in document GC(XXXIV)/927, and his delegation would like them to be included in the following year's report so that a better assessment of the situation could be made. Having said that, he was in a position to support the draft resolution, with the amendment proposed orally by the representative of India.

118. Mr. van ROEDEN (Netherlands) said that, despite the explanation provided, he continued to have serious doubts about the percentage distribution envisaged in operative paragraph 3. As the representative of India had rightly pointed out, it was not always easy to determine which countries were developing countries and which were not. Furthermore, such percentages would hide differences between countries. In addition, since operative paragraph 3 dealt with reporting and paragraph 2 with staffing policy, he still thought that the last phrase in paragraph 2 concerning the submission of reports on the staffing of the Secretariat was confusing and out of place.

119. Moreover, the deletion of the adjective "excessive" in preambular paragraph (d) did not change the spirit of that paragraph. His delegation considered that the most important criteria for recruitment were those outlined in Article VII.D of the Statute, and it was convinced that the Agency's recruitment policy fully respected those criteria. It would be unjust to suggest that the share of total contributions played a still more important role. That paragraph should therefore be deleted.

120. Mr. LAVIÑA (Philippines) noted, with regard to the proposal to delete preambular paragraph (d), that most delegations had borne in mind the provisions of Article VII.D of the Statute. Those who believed that all the criteria outlined in that Article were applied had a misguided appreciation of the policy which was followed. In the view of the Group of 77 and the Philippine delegation, excessive importance was indeed accorded to Member

States' contributions in recruitment. In fact, all vacancy notices, particularly for Professional posts, mentioned only that secondary criterion and not the standards of efficiency, technical competence and integrity which were the three paramount criteria laid down in the first sentence of Article VII.D; they also made no mention of the importance of recruitment on as wide a geographical basis as possible, which was the other secondary criterion referred to in the second sentence of that Article. The Group of 77 was seriously concerned at that practice, which had become systematic. It was therefore time the Secretariat stopped indicating in its vacancy notices the criterion which was to be emphasized. Until a stop had been put to that practice, there would be cause for concern. His delegation therefore wished to retain preambular paragraph (d) in the draft resolution. The Group of 77 had refrained from putting "seriously concerned" instead of "noting with concern" and was even ready to delete the adjective "excessive" if desired, but the whole paragraph could not be deleted.

121. Mr. WILSON (Australia) said he had doubts about preambular paragraph (d) and was unfortunately not satisfied with the explanations which had been provided. That paragraph seemed to suggest that the criteria laid down in Article VII.D of the Statute had been reversed, in other words that the Agency's Director General and his staff, in their recruitment policy, were making compromises where standards of efficiency, technical competence and integrity were concerned and subordinating those requirements to the size of Member States' contributions. That was a difficult claim to defend and he could not subscribe to the underlying arguments. He did not think that in practice an application by a person from a country likely to pay a larger contribution would be given preference over the application of someone offering the highest standards of efficiency, technical competence and integrity. Such a supposition had no place in a draft resolution. In preambular paragraph (d) of the resolution adopted the previous year on the same issue, it was stated that the General Conference was convinced that further steps were required to rectify the existing imbalance in the recruitment of staff, but it was not asserted that the main criterion in recruitment was how much money had been paid to the Agency. A year later, the General Conference as a whole was being asked to support such an allegation. He was not ready to do that, since it would call into question the

impartiality, technical competence and integrity of the Director General and his advisors on recruitment matters. Preambular paragraph (d) of the draft resolution was therefore rather out of place.

122. With regard to the phrase "with equal due emphasis" at the end of operative paragraph 2, he agreed that it was not a very good formulation and he was not sure what it meant. All the same, the part of the draft resolution which raised the most objections for his country was preambular paragraph (d) in its present form.

123. Mr. KUMAR (India) said that consultations had been held in the Group of 77 to consider the arguments which had been expressed on the subject of preambular paragraph (d), and that agreement had been reached on a version of that paragraph which might bring together the different points of view and lead to a consensus.

124. In addition, the sponsors of the draft had agreed, as proposed by the representative of Pakistan, to refer to resolution GC(XXXIII)/RES/521 instead of resolution GC(XXV)/386.

125. With regard to the phrase at the end of operative paragraph 2, it had been proposed either to delete it or to express the idea more clearly. To make it clearer the phrase could be replaced by the following: "and to report on the staffing of the Agency's Secretariat accordingly".

126. Operative paragraph 3 aimed to achieve the submission of a summary statement corresponding to the intention of the original resolution. That was why it included a request to indicate the percentage of posts held by nationals of developing countries as a whole from year to year. The sponsors of the draft would like that paragraph to remain unchanged, but if some delegations thought it was still not clear, perhaps a different wording could be found. If the idea that the data should be presented by region could be introduced in operative paragraph 3, it could be deleted from paragraph 2. Thus, for example, the text of paragraph 3 might be replaced by the following: "Requests the Director General to report annually on the continuing implementation of General Conference resolution GC(XXXIII)/RES/521 to the Board of Governors and the General Conference, reflecting the

percentage of posts held by nationals of developing countries both region-wise and as a whole from year to year". As he had already indicated, the Group of 77 had a list of developing countries which could serve as a guideline.

127. Ms. HUSSEIN (Egypt) proposed the following text as an alternative to preambular paragraph (d) of the draft resolution: "Noting that contributions of Member States to the Agency is only one of the considerations to be taken into account in the recruitment of Agency staff and should not be therefore given undue emphasis".

128. Mr. von PREUSCHEN (Federal Republic of Germany) said it was difficult to react immediately to the new wording, but nevertheless he had the impression that it would only emphasize an unjustified criticism which misrepresented the serious efforts made by the Secretariat to ensure equitable geographical distribution.

129. Mr. SARMIENTO (Bolivia) said that the new wording proposed for preambular paragraph (d) would make the draft resolution more balanced.

130. Mr. LAVIÑA (Philippines) suggested that in view of the interest which many delegations had in preambular paragraph (d), the proposed new text of that paragraph should be reproduced in writing so that it could be submitted on behalf of the Group of 77.

The meeting was suspended at 6.45 p.m. and resumed at 7.30 p.m.

131. The CHAIRMAN, noting that the reformulated versions of preambular paragraph (d) and operative paragraph 3 proposed by the representatives of Egypt and India respectively had now been circulated in written form, invited those Committee members who had earlier expressed reservations on paragraph (d) to indicate their position on the reformulation.

132. Mr. von PREUSCHEN (Federal Republic of Germany) said that he could not accept preambular paragraph (d) in either of the forms proposed. The thrust of the draft resolution in question should be to encourage the Secretariat to engage staff from developing countries whenever possible and in accordance with the corresponding statutory requirements. Although there had already been a significant increase in posts held by nationals of developing countries, further efforts needed to be made in that direction. That purpose

would be served without paragraph (d), which, in either formulation, wrongly suggested that the Secretariat had not been fulfilling its obligations. It was paradoxical that such an accusation was being implied at a time when the situation for developing countries had improved significantly.

133. Mr. McRAE (Canada) said that the basic objection to the new formulation of paragraph (d) was that it in effect accused the Secretariat of basing recruitment decisions on factors that were extraneous to the Statute and of operating in contravention of it. That was not the case, and he therefore found the new version of paragraph (d) as unacceptable as the previous one.

134. Mr. WILSON (Australia), supporting the views of the Federal Republic of Germany and Canada on the matter, said that reformulated paragraph (d) was still unsatisfactory, since it seemed to call into question the Secretariat's methods of recruitment. However, if the Group of 77 felt some such paragraph to be necessary, then all the criteria referred to in Article VII.D of the Statute should be mentioned in that paragraph.

135. Mr. de KLERK (Netherlands), supported by Mr. STRATFORD (United States of America), said that although reformulated paragraph (d) was an improvement on the original version, he could nevertheless not support the underlying assumption and therefore still insisted on deletion.

136. Mr. TALIANI (Italy) said that he was not only against the new formulation of paragraph (d), but also against any kind of resolution on the matter and the fact that the same kind of discussion was being held year after year.

137. The CHAIRMAN, noting that a number of delegations had problems with the reformulated version of preambular paragraph (d), requested the representative of Egypt or India to state the view of the Group of 77 on the call for deletion of the paragraph.

138. Mr. SINAI (India) replied that although his delegation found the present wording perfectly acceptable, it was prepared - in view of the objections expressed by some delegations - to suggest the following further reformulation: "Noting that all of the considerations provided for in the Statute for the appointment of staff should be strictly adhered to;".

139. Mr. von PREUSCHEN (Federal Republic of Germany) said that his delegation could happily support the wording proposed by India.

140. Mr. LAVIÑA (Philippines) suggested that in the reformulation now proposed by India the word "Noting" be replaced by "Emphasizing".

141. Mr. SINAI (India) and Mr. de KLERK (Netherlands) supported the change suggested by the Philippines.

142. The CHAIRMAN asked the Committee to turn to reformulated paragraph 3.

143. Ms. HUSSEIN (Egypt) pointed out that, in the reformulated text of paragraph 3 circulated to delegations, the General Conference resolution referred to should have been GC(XXV)/RES/386, and not GC(XXXIII)/RES/521.

144. The CHAIRMAN said that, with the clarification made by Egypt, operative paragraph 3 now appeared to be acceptable to the Committee. If there were no objections, he would take it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXXIV)/COM.5/94 with the amendments agreed on during the discussion.

145. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN MATTERS RELATING TO NUCLEAR SAFETY AND RADIOLOGICAL PROTECTION

(c) **CODE OF PRACTICE ON THE INTERNATIONAL TRANSBOUNDARY MOVEMENT OF RADIOACTIVE WASTE (GC(XXXIII)/RES/509; GC(XXXIV)/920 and Add.1; GC(XXXIV)/COM.5/92)**

146. Mr. ALLAM (Egypt), introducing the draft resolution contained in document GC(XXXIV)/COM.5/92 on behalf of the African Group, said that nuclear safety and radiological protection were vital elements in the development of the peaceful uses of nuclear energy. The question of radioactive waste dumping was one of grave concern to developing countries, particularly those of Africa. In response to that concern the General Conference had, at its thirty-second session, adopted resolution GC(XXXII)/RES/490 requesting the Director General to establish a representative technical working group of experts with the objective of elaborating an internationally agreed code of

practice for international transactions involving nuclear waste. The working group had now established a Code of Practice on the International Trans-boundary Movement of Radioactive Waste, which stressed, inter alia, the sovereign right of every country to prohibit the movement of radioactive waste into, from or through its territory, and the need for ensuring that such movements, if carried out, were effected in keeping with international nuclear safety standards. The Code also called for prior notification of movements and for their acceptance by all receiving and transit countries prior to the start of transportation, and for all of the corresponding arrangements to be effected in accordance with the laws of those countries.

147. In conclusion, Egypt's consultations with a large number of delegations from different groups had indicated that the draft resolution enjoyed broad support, and he expressed the hope that it would be adopted by consensus.

148. Ms. FATIMAH (Malaysia), expressing concern over the possible uncontrolled dumping of radioactive waste, said that although no such occurrence had thus far been reported, the Code of Practice nevertheless represented a very necessary preventive measure. It was now up to Member States to adopt the Code, and she urged them to do so in the interests of preventing dumping and of ensuring that any transboundary movements of nuclear waste were effected safely. However, some countries did not have the capabilities needed to implement the Code, and the Agency should therefore examine the possibility of helping those countries - through its waste management programme - to create the necessary infrastructure.

149. With those remarks, Malaysia could fully support the draft resolution under consideration.

150. Mr. LAVIÑA (Philippines) recalled that at the Board's June session his country had expressed a number of reservations on the Code of Practice drawn up by the technical working group of experts. First, it felt that the basic principles should be mandatory and should be set out in a multilateral legally-binding instrument or treaty. There should of course be rights, but there should also be corresponding obligations. Second, the Code referred to national legislation, but without a treaty the laws of different States would not be uniform. Third, there was the question whether foreign judgements

would be recognized. With the present Code, which was only a guide and which did not even consider the settlement of disputes, an aggrieved State could do no more than hope for justice.

151. The issues raised by resolution GC(XXXII)/RES/490 called for an effective response from the Board and the General Conference. A mandatory code of practice would go a long way to meeting the objectives of that resolution, while a legally binding instrument in the form of a treaty would be the best and most logical solution.

152. Despite his reservations, however, he was prepared, in the light of operative paragraph 6, to approve the draft resolution.

153. Mr. ALVAREZ GORSIRA (Venezuela) said that his country, which had once been the victim of toxic waste dumping and which had subsequently passed a law banning the introduction of all types of waste onto Venezuelan territory, viewed the Code of Practice as a positive development. The content of the Code should enable States to draw up a global agreement and regional agreements on dumping, and to create internal legal frameworks designed to deal in a consistent manner with the management and disposal of nuclear wastes and their transboundary movement. With those comments, his delegation endorsed the draft resolution before the Committee.

154. Mr. LAMPARELLI (Italy) said that the draft resolution was well balanced and that he could support it.

155. Ms. KINSKY (France) said that her country, which had played an active part in the elaboration of resolution GC(XXXII)/RES/490, naturally supported the draft resolution under consideration. The Code of Practice appeared to be well balanced and technically sound and to respond to the objectives embodied in the resolution. The Code should now, as a matter of urgency, be adopted, disseminated and fully adhered to.

156. Mr. MGBOKWERE (Nigeria) said that his country was among those which had originally expressed the greatest concern regarding the dumping of nuclear wastes and that it had actively participated in the initiatives which had led to the adoption of resolution GC(XXXIII)/RES/509 on the dumping of nuclear wastes. He expressed appreciation for the Code of Practice produced by the technical working group, which should help governments to ensure that

all international radioactive waste movements took place with the express consent of all countries concerned and in accordance with their laws and regulations, and to ensure that no radioactive waste would be delivered to any country which lacked either the technical or administrative capacity to deal adequately with it. The Code was advisory in nature and should therefore not be difficult for Member States to accept, pending the elaboration of a convention on the international transboundary movement of radioactive waste.

157. Mr. WANGURU (Kenya), welcoming the Code of Practice and the draft resolution, noted that the Preparatory Committee for the United Nations Conference on Environment and Development had requested that the Code be made available to it at its next meeting. That should broaden the scope of international discussions on the transboundary movement of nuclear wastes, which might help reduce the public's general fears about such waste. Kenya felt that the time had come for the Agency to give higher priority to the matter of waste disposal. Finally, he urged all Member States to institute the necessary mechanisms to make the Code of Practice legally binding.

158. Mr. BAHARUDDIN (Indonesia) said that the Code of Practice was of particular relevance to countries consisting of isolated islands, which should not be used for waste dumping. His delegation therefore supported the draft resolution.

159. Mr. STRATFORD (United States of America) said that a voluntary set of principles such as that embodied in the draft Code of Practice was appropriate at present, since there had as yet been no evidence of any illegal dumping of nuclear wastes. The relevant Government agencies in his country had initiated action to update domestic regulations to comply fully with the Code, and his delegation was therefore prepared to support its adoption by the General Conference.

160. As his delegation had already made clear in the Board, however, it could not accept any proposal to convert the Code into a binding legal instrument for several reasons. First, his Government had only been prepared to support resolution GC(XXXII)/RES/490 on the basis that the proposed Code would be voluntary in nature. Any attempt to alter that decision now and to transform the Code into a binding instrument would run counter to the intent

of the Conference. Second, any such attempt would take years to put into effect and would set back the progress made to date. His country saw no reason for haste and believed that the pragmatic approach of adopting a voluntary Code of Practice was the most prudent course of action. For that reason, he was concerned about the reference in operative paragraph 6 of the draft resolution to the "desirability of concluding a legally binding instrument".

161. Mr. RELAN (India), stressing the importance of the draft Code of Practice, said that the non-aligned countries had long been cautioning against the dumping of radioactive wastes. India strongly supported the draft resolution contained in document GC(XXXIV)/COM.5/92.

162. Mr. SOLTANIEH (Islamic Republic of Iran) expressed his full support for the draft resolution. The dumping issue was of great importance and the Secretariat's work in that area was much appreciated.

163. Mr. HASHIMI (Pakistan) said that nuclear waste should be disposed of safely in the country in which it was produced. The technical working group had done a good job in drafting the Code of Practice and, although it was rather general and non-binding in nature, he nevertheless looked forward to its implementation over the next few years. Pakistan supported the draft resolution, and particularly operative paragraph 6.

164. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXXIV)/COM.5/92.

165. It was so agreed.

DRAFT RESOLUTION SUBMITTED BY THE MEMBER STATES OF THE EUROPEAN COMMUNITY
(GC(XXXIV)/COM.5/82/Rev.1) (resumed)

166. The CHAIRMAN invited the Committee to resume its discussion of the draft resolution submitted by the Member States of the European Community, a revised version of which had been submitted in document GC(XXXIV)/COM.5/82/Rev.1. He invited the representative of Italy to introduce the revised draft resolution.

167. Mr. LAMPARELLI (Italy) said that a number of changes had been introduced in the draft resolution in the light of comments made by various delegations and of the action just taken by the Committee in respect of item 10(c). The revised version contained a new preambular paragraph (b) welcoming the adoption of the Code of Practice on the International Transboundary Movement of Radioactive Waste and operative paragraph 6 of the original text had consequently been deleted. Furthermore, the following amendment had been made to operative paragraph 2: the words "endorses the strategy defined in Chapter V of this report" had been deleted and replaced by the phrase "urges the Secretariat and the Board to pursue the strategy outlined in the report in developing future IAEA programmes and budgets". He hoped that the draft resolution would be adopted by consensus.

168. Mr. KUMAR (India) did not object to the proposed changes, but wondered whether the amendment to paragraph 2 did not give undue emphasis to the actions proposed in document GC(XXXIV)/919, while totally disregarding the cost implications. The General Conference should not consider and endorse certain programmes in isolation, as all programmes should be taken into account in a balanced way in developing future IAEA programmes and budgets.

169. He also wished to suggest amending the second line of paragraph 3 to read "... convene, without budgetary implications, a high-level international conference ...", and adding the words "through voluntary contributions" to the end of paragraph 7.

170. Ms. PETERSEN PARRA (Venezuela) supported the proposed amendment to paragraph 7.

171. Mr. van ROEDEN (Netherlands), responding to the reservation expressed by the representative of India concerning paragraph 2, said that the revised version of the draft had already resolved the difficulty. In view of the possible and unpredictable financial implications of the strategy defined in Chapter V of the report, the revised text made it clear that that strategy was to be pursued in the context of the preparation of new Agency programmes and budgets as a whole, in which process the priority assigned to that strategy would inevitably take account of other important activities.

172. He had no objection to the proposed amendment to paragraph 3, but considered it superfluous, as the agreement in the Board of Governors had already made it clear that the proposed conference should have no budgetary consequences.

173. Mr. JAGUARIBE (Brazil) said that, notwithstanding the comments made by the representative of the Netherlands, he still believed that the present version of paragraph 2 implied that the Secretariat and the Board were obliged to fully implement the strategy mentioned. He supported the strategy, but the measures proposed in Chapter V of the report would entail a substantial increase in financial and human resources for nuclear safety and waste management and must be considered in the context of other Agency activities and of zero real growth in the budget. Paragraph 2 should be amended to state that situation more explicitly.

174. Mr. KUMAR (India) suggested altering the end of paragraph 2 so that it read "the strategy outlined in the report, along with other programmes and activities of the Agency in the normal budgetary process", thus avoiding the selective endorsement of some programmes to the detriment of others.

175. Ms. GARZA SANDOVAL (Mexico) said that she could go along with that proposal.

176. Mr. ZHOU (China) also supported the proposed amendment, which would ensure that any attempt to increase financial and manpower resources in order to carry out the strategy mentioned would take into account the overall financial situation of the Agency.

177. Mr. JAGUARIBE (Brazil), said he would prefer to further amend the wording so that it read "along with other, equally important programmes and activities of the Agency in the normal budgetary process, taking into account the overall resource situation;".

178. Mr. KUMAR (India), Ms. PETERSEN PARRA (Venezuela) and Mr. SOLTANIEH (Islamic Republic of Iran) supported the amendment proposed by the representative of Brazil.

179. Mr. FITZGERALD (Ireland), supported by Mr. van ROEDEN (Netherlands), said that, in order to stress the need for the Board and the Secretariat to pursue the strategy outlined in the report when developing future programmes

and budgets, it would have been better to insert the words "in developing future IAEA programmes and budgets" after the phrase "to pursue the strategy outlined in the report" and to delete the words "in the normal budgetary process." However, in order not to stand in the way of a consensus, he could reluctantly agree to the wording proposed by the representative of Brazil.

180. Mr. von PREUSCHEN (Federal Republic of Germany) said his Government supported the plan to organize a high-level conference in 1991 in order to carry out an international review of nuclear safety and radiation protection and of research and development in those fields, five years after Chernobyl, and to elaborate proposals for the further intensification of co-operation. Following a review by the competent bodies, those proposals could be discussed in detail at the next session of the General Conference and incorporated into the Agency's contribution to the United Nations Conference on Environment and Development to be held in 1992. His Government would welcome a decision by the Agency to hold the nuclear safety conference in Berlin.

181. Mr. LAVIÑA (Philippines) said that the draft resolution under discussion was very unusual in that it covered a wide range of separate issues in a rather confusing manner. He was pleased that the African delegation had submitted a separate resolution on the adoption of the Code of Practice on the International Transboundary Movement of Nuclear Waste, as that important issue would otherwise have been dealt with in a few lines in the draft resolution submitted by the European Community countries. The nuclear safety conference planned for 1991 and the report on liability for nuclear damage would also have been dealt with more appropriately in separate resolutions. However, he would not block any consensus that emerged on the draft resolution.

182. Mr. WANGURU (Kenya) said that the "polluter pays" principle was currently being considered in various United Nations agencies as a means of deterring environmentally unsound practices. He wondered to what extent the application of that principle to the nuclear industry had been considered in the report on liability for nuclear damage referred to in paragraph 6 of the draft resolution and whether it was not somewhat premature to include the issue of nuclear liability in the draft resolution. He felt it would be more appropriate to deal with that issue after the conference on nuclear safety

planned for 1991 but, if he could be reassured that due attention had been given to the principle of "polluter pays", he would not stand in the way of a consensus on the draft resolution.

183. Mr. van ROEDEN (Netherlands) said that the working group on liability had been given a very broad mandate and had discussed all aspects of international liability. Consequently, the principle of "polluter pays" had been given full consideration.

184. The CHAIRMAN took it that the Committee wished to recommend to the General Conference the draft resolution contained in document GC(XXXIV)/COM.5/82/Rev.1, with the amendment to operative paragraph 2 proposed by the representative of Brazil and with the amendments to operative paragraphs 3 and 7 proposed by the representative of India.

185. It was so agreed.

(f) PROHIBITION OF ALL ARMED ATTACKS AGAINST NUCLEAR INSTALLATIONS DEVOTED TO PEACEFUL PURPOSES WHETHER UNDER CONSTRUCTION OR IN OPERATION
(GC(XXXIV)/COM.5/90 and Mod.1)

186. Mr. SOLTANIEH (Islamic Republic of Iran) said that the protection of nuclear installations against armed attacks was a very serious matter and one directly linked to the development of nuclear energy for safe and peaceful purposes.

187. His country had long considered the IAEA to be the most appropriate forum for dealing with that important issue. However, in view of recent developments in that area in the Conference on Disarmament, his delegation had decided, in a spirit of co-operation, not to insist on the draft resolution submitted by his country to the General Conference during the past three years, provided that the draft resolution contained in document GC(XXXIV)/COM.5/90 was adopted. That draft resolution reflected the views expressed during long and intensive consultations.

188. If there was agreement on that course of action, his delegation would withdraw its request for the item under discussion to be included formally in the agenda of the General Conference at its 1991 session and would consider it sufficient for the Director General to report on the matter in his opening statement to the Conference.

189. As it was late, his delegation suggested that the draft resolution not be discussed by the Committee. It would be submitted directly to the General Conference in plenary session.

190. Mr. STRATFORD (United States of America) wished to reiterate his country's long-standing position that the subject of armed attacks on nuclear installations was inappropriate for the General Conference, since it was outside the mandate of the Agency. The proper forum was the United Nations Security Council or the Conference on Disarmament. His delegation would therefore oppose the draft resolution when it was discussed in the plenary session of the General Conference.

191. Mr. PELEN (France) said that the subject matter of the draft resolution did not fall within the Agency's competence and that his country would therefore vote against it if it were presented to the Conference in plenary session.

192. Mr. KUMAR (India) said that operative paragraph 4 of the draft resolution referred to something which was completely inappropriate for the General Conference, namely the responsibilities of the depositories of the NPT. As operative paragraph 4 contained nothing of relevance to the Agency, he proposed that it be deleted.

193. Mr. SOLTANIEH (Islamic Republic of Iran) said that he had been given to understand that any discussion of the issue would take place in the plenary and not in the Committee of the Whole, and that he had informed supporters of the draft resolution accordingly. He therefore requested that the discussion be curtailed or that a further opportunity be given to those in favour of the proposal - and he believed that was a majority of delegations - to express their views.

194. His delegation had so far demonstrated its readiness to reach a compromise on that matter. However, if necessary, his delegation would be happy to continue requesting the inclusion of that topic in the Conference's agenda so that formal discussion of it in the IAEA would continue.

195. The CHAIRMAN apologized to the representative of the Islamic Republic of Iran for the misunderstanding which had arisen over the procedure for dealing with the present matter.

196. If there were no objections, he would inform the General Conference that the Islamic Republic of Iran had suggested that, as it was late, there be no discussion in the Committee of the Whole of the draft resolution it had submitted in document GC(XXXIV)/COM.5/90. A brief discussion had taken place, however, following which the Committee had noted that the Islamic Republic of Iran would be submitting the draft resolution directly to the General Conference in plenary session.

197. It was so agreed.

DRAFT RESOLUTION ON "NUCLEAR SAFETY GUIDELINES FOR NUCLEAR-POWERED VESSELS"
(GC(XXXIV)/COM.5/83/Rev.1, 84)

198. Mr. MAGNUSSON (Iceland), introducing the draft resolution contained in document GC(XXXIV)/COM.5/83/Rev.1 on behalf of Denmark, Finland, Iceland, Norway and Sweden said that recent developments had indicated an increased interest in nuclear-powered non-military vessels. Also, accidents with nuclear-powered military vessels in the past few years had underlined the potentially disastrous consequences which accidents involving seaborne nuclear reactors could have.

199. In 1981 the Assembly of the International Maritime Organization (IMO) had adopted the Code of Safety for Nuclear Merchant Ships (Nuclear Ships Code). The Preamble to the Code recognized the need for the Code to be reviewed as technology progressed, and the Assembly had authorized the Maritime Safety Committee to amend the Code in due course.

200. The Relationship Agreement between the IAEA and the Intergovernmental Maritime Consultative Organization (IMCO)[*], approved by the Assembly of IMCO in 1961 and by the IAEA General Conference the same year, stated that IMCO, in particular, recognized that the IAEA, by virtue of its Statute and its responsibility in the field of the peaceful uses of nuclear energy, including the establishment or adoption of safety standards, had a corresponding concern in the co-ordination of world-wide activities in that area.

201. Safety was not a static concept. All standards of nuclear safety should be revised periodically in the light of technological progress. The

[*] IMCO changed its name to IMO in 1982.

Agency had contributed actively to work on the Code of Safety for Nuclear Merchant Ships. The Nordic countries therefore proposed that the Director General consult IMO with a view to ascertaining the plans of the world maritime community with respect to further utilization of civilian nuclear-powered ships, the need to review the Code of Safety for Nuclear Merchant Ships in the light of existing nuclear safety technology, and whether the Code at present applied to all existing and projected civilian nuclear-powered vessels and, if not, the implications of extending the Code to all such vessels, and that the Director General report to the Board of Governors on the results of those consultations.

202. Mr. ZOBOV (Union of Soviet Socialist Republics) said that the revised draft resolution was very interesting and that he had no difficulty in approving it.

203. Mr. SMITH (United Kingdom) expressed his full support for the revised draft resolution.

204. Mr. SHINOTSUKA (Japan) said that his country was ready to accept the draft resolution on the understanding that the consultations to be held by the Director General would have no financial implications.

205. Mr. WEI (Belgium), pointing out that the number of vessels involved was rather low, questioned whether the Agency should expend its limited resources on an issue which was not of high priority.

206. Mr. MAGNUSSON (Iceland), responding to the comment made by the representative of Japan, said that the consultations and reporting referred to in the draft resolution should easily be accommodated within the Agency's existing resources.

207. With regard to the comment made by the representative of Belgium, he pointed out that the draft resolution specifically mentioned "projected" vessels, the idea being to take into account any future increase in the number of nuclear-powered vessels.

208. Mr. FITZGERALD (Ireland) said that, although he fully supported the revised draft resolution, it did not deal with the real hazard to the marine

environment, which was the large number of nuclear-powered military vessels. He was not suggesting that military vessels be brought within the resolution's scope. However, when the Convention on Early Notification of a Nuclear Accident had been adopted in 1986, Member States possessing military installations - which were outside the scope of the Convention - had undertaken to report voluntarily accidents with transboundary implications at such installations. He wondered whether arrangements could be made for the application of the Nuclear Ships Code to be extended voluntarily to military vessels to ensure maximum safety in that area, too.

209. Mr. PELEN (France) proposed that, to give due recognition to IMO's role, an additional paragraph be inserted after preambular paragraph (a), which would read "Recognizing likewise the co-ordinating role of the International Maritime Organization in the area of maritime safety,".

210. He further suggested amending the first sub-paragraph of operative paragraph 1 so that it read: "- the plans of the world maritime community regarding civilian nuclear-powered ships," and changing the word "vessels" in lines 2 and 3 of the third sub-paragraph of operative paragraph 1 to "ships".

211. Mr. WEI (Belgium) said that since the Agency had a large number of pressing nuclear safety commitments and the ships referred to in the draft resolution included future ones, he would like to add the phrase ", within the framework of programme priorities," after the words "... to consult" in the first line of operative paragraph 1.

212. Mr. ILJAS (Indonesia) said that the safety of nuclear-powered vessels, and the environmental effects of possible accidents with such vessels, was a very important issue for States which included a number of islands and navigable but narrow sea lanes. Also, it should not be forgotten that nuclear-powered ships entailed the same risks as civilian ones.

213. His delegation agreed in principle with the main points of the revised draft resolution and was ready to join a consensus on a version containing the amendments proposed by the representatives of Belgium and France.

214. Mr. KUMAR (India) suggested deleting the word "global" from preambular paragraph (a) since it might give rise to misunderstandings over the roles of the IAEA and IMO.

215. Ms. FATIMAH (Malaysia) felt that the word "disastrous" in preambular paragraph (b) was too strong and suggested replacing it with the word "harmful".

216. Mr. MAGNUSSON (Iceland) said that the Nordic countries could accept the proposed amendments to the draft resolution.

217. The CHAIRMAN took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in document GC(XXXIV)/COM.5/83/Rev.1 with the amendments agreed upon during the discussion.

218. It was so agreed.

The meeting rose at 9.45 p.m.

