

Convention on Nuclear Safety

LEGAL SERIES No. 16



INTERNATIONAL ATOMIC ENERGY AGENCY, VIENNA, 1994

CONVENTION
ON
NUCLEAR SAFETY

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The Agency's Statute was approved on 23 October 1956 by the Conference on the Statute of the IAEA held at United Nations Headquarters, New York; it entered into force on 29 July 1957. The Headquarters of the Agency are situated in Vienna. Its principal objective is "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world".

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FOREWORD

Pursuant to a decision on 21 February 1994 by the Board of Governors of the International Atomic Energy Agency (IAEA), the Director General of the IAEA, Dr. Hans Blix, convened a Diplomatic Conference from 14 to 17 June 1994 for the purpose of adopting the Convention on Nuclear Safety. The Conference was formally opened by the Director General of the IAEA, who served as the Secretary General of the Conference. Delegations from 83 States and observers from the European Commission/European Union, IAEA, Organisation for Economic Co-operation and Development/Nuclear Energy Agency (OECD/NEA) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) participated in the Conference.

The Conference elected W. Hohlefeldt (Germany), as President. It also elected eight Vice-Presidents, namely: H. Benattallah (Algeria), E. González Gómez (Spain), S. Azmat Hassan (Pakistan), K. Kume (Japan), A.G. Pesci Bourel (Argentina), A. Rianom (Indonesia), V.A. Sidorenko (Russian Federation), and C.R. Stoiber (United States of America). The IAEA provided secretariat services to the Conference. The Director of the IAEA Legal Division, W. Sturms, served as the Legal Adviser to the Conference.

The Conference established a Committee of the Whole, of which the members were all States participating in the Conference, and elected L. Högborg (Sweden) as Chairman and T.M. Machado Quintella (Brazil) as Vice-Chairman. A. Carnino of the IAEA Division of Nuclear Safety, and O. Jankowitsch of the IAEA Legal Division who served as Scientific Secretary, represented the secretariat of the Conference.

The Conference also established a Drafting Committee and elected A. Gopalakrishnan (India) as Chairman. Representatives of the following States participated: Canada, China, Chile, Egypt, France, Hungary, Japan, Mexico, Russian Federation, Saudi Arabia, Spain, Tunisia, Ukraine, United Kingdom and United States of America. F. Flakus of the IAEA Division of Nuclear Safety, as well as E. Nwogugu and S. Sinha of the IAEA Legal Division, represented the secretariat of the Conference.

The IAEA was represented in the Conference by B. Semenov, Deputy Director General, Head of the Department of Nuclear Energy and Safety, and M. Rosen, Assistant Director General, Division of Nuclear Safety.

The Conference had before it the draft text of a Convention on Nuclear Safety which was prepared by the Group of Experts which held seven meetings during the period from May 1992 to February 1994 at the headquarters of the IAEA.

The Committee of the Whole examined and approved the draft text of the Convention on Nuclear Safety as reviewed by the Drafting Committee in its Arabic, Chinese, English, French, Russian and Spanish language versions.

At its final Plenary session on 17 June 1994 the Conference adopted the text of the Convention on Nuclear Safety and the Final Act. The Conference agreed to attach to the Final Act a document containing some clarification with respect to procedural and financial arrangements, national reports and the conduct of review meetings envisaged in the Convention. Seventy-one States signed the Final Act of the Conference. The Convention on Nuclear Safety was opened for signature as from 20 September 1994 at the headquarters of the IAEA.

This publication contains the text of the Convention, material relating to the process of its negotiation and adoption at the Diplomatic Conference and the Final Act.

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CONVENTION ON NUCLEAR SAFETY

PREAMBLE

THE CONTRACTING PARTIES

- (i) Aware of the importance to the international community of ensuring that the use of nuclear energy is safe, well regulated and environmentally sound;
- (ii) Reaffirming the necessity of continuing to promote a high level of nuclear safety worldwide;
- (iii) Reaffirming that responsibility for nuclear safety rests with the State having jurisdiction over a nuclear installation;
- (iv) Desiring to promote an effective nuclear safety culture;
- (v) Aware that accidents at nuclear installations have the potential for transboundary impacts;
- (vi) Keeping in mind the Convention on the Physical Protection of Nuclear Material (1979), the Convention on Early Notification of a Nuclear Accident (1986), and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986);
- (vii) Affirming the importance of international co-operation for the enhancement of nuclear safety through existing bilateral and multilateral mechanisms and the establishment of this incentive Convention;
- (viii) Recognizing that this Convention entails a commitment to the application of fundamental safety principles for nuclear installations rather than of detailed safety standards and that there are internationally formulated safety guidelines which are updated from time to time and so can provide guidance on contemporary means of achieving a high level of safety;
- (ix) Affirming the need to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the ongoing process to develop waste management safety fundamentals has resulted in broad international agreement;
- (x) Recognizing the usefulness of further technical work in connection with the safety of other parts of the nuclear fuel cycle, and that this work may, in time, facilitate the development of current or future international instruments;

HAVE AGREED as follows:

CHAPTER 1. OBJECTIVES, DEFINITIONS AND SCOPE OF APPLICATION

Article 1. Objectives

The objectives of this Convention are:

- (i) to achieve and maintain a high level of nuclear safety worldwide through the enhancement of national measures and international co-operation including, where appropriate, safety-related technical co-operation;
- (ii) to establish and maintain effective defences in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;
- (iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

Article 2. Definitions

For the purpose of this Convention:

- (i) “nuclear installation” means for each Contracting Party any land-based civil nuclear power plant under its jurisdiction including such storage, handling and treatment facilities for radioactive materials as are on the same site and are directly related to the operation of the nuclear power plant. Such a plant ceases to be a nuclear installation when all nuclear fuel elements have been removed permanently from the reactor core and have been stored safely in accordance with approved procedures, and a decommissioning programme has been agreed to by the regulatory body.
- (ii) “regulatory body” means for each Contracting Party any body or bodies given the legal authority by that Contracting Party to grant licences and to regulate the siting, design, construction, commissioning, operation or decommissioning of nuclear installations.
- (iii) “licence” means any authorization granted by the regulatory body to the applicant to have the responsibility for the siting, design, construction, commissioning, operation or decommissioning of a nuclear installation.

Article 3. Scope of application

This Convention shall apply to the safety of nuclear installations.

CHAPTER 2. OBLIGATIONS

(a) General Provisions

Article 4. Implementing measures

Each Contracting Party shall take, within the framework of its national law, the legislative, regulatory and administrative measures and other steps necessary for implementing its obligations under this Convention.

Article 5. Reporting

Each Contracting Party shall submit for review, prior to each meeting referred to in Article 20, a report on the measures it has taken to implement each of the obligations of this Convention.

Article 6. Existing nuclear installations

Each Contracting Party shall take the appropriate steps to ensure that the safety of nuclear installations existing at the time the Convention enters into force for that Contracting Party is reviewed as soon as possible. When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practicable improvements are made as a matter of urgency to upgrade the safety of the nuclear installation. If such upgrading cannot be achieved, plans should be implemented to shut down the nuclear installation as soon as practically possible. The timing of the shut-down may take into account the whole energy context and possible alternatives as well as the social, environmental and economic impact.

(b) Legislation and Regulation

Article 7. Legislative and regulatory framework

1. Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.
2. The legislative and regulatory framework shall provide for:
 - (i) the establishment of applicable national safety requirements and regulations;
 - (ii) a system of licensing with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a licence;

- (iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of licences;
- (iv) the enforcement of applicable regulations and of the terms of licences, including suspension, modification or revocation.

Article 8. Regulatory body

1. Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework referred to in Article 7, and provided with adequate authority, competence and financial and human resources to fulfil its assigned responsibilities.
2. Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

Article 9. Responsibility of the licence holder

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant licence and shall take the appropriate steps to ensure that each such licence holder meets its responsibility.

(c) General Safety Considerations

Article 10. Priority to safety

Each Contracting Party shall take the appropriate steps to ensure that all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

Article 11. Financial and human resources

1. Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life.
2. Each Contracting Party shall take the appropriate steps to ensure that sufficient numbers of qualified staff with appropriate education, training and retraining are available for all safety-related activities in or for each nuclear installation, throughout its life.

Article 12. Human factors

Each Contracting Party shall take the appropriate steps to ensure that the capabilities and limitations of human performance are taken into account throughout the life of a nuclear installation.

Article 13. Quality assurance

Each Contracting Party shall take the appropriate steps to ensure that quality assurance programmes are established and implemented with a view to providing confidence that specified requirements for all activities important to nuclear safety are satisfied throughout the life of a nuclear installation.

Article 14. Assessment and verification of safety

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) comprehensive and systematic safety assessments are carried out before the construction and commissioning of a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body;
- (ii) verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state and the operation of a nuclear installation continue to be in accordance with its design, applicable national safety requirements, and operational limits and conditions.

Article 15. Radiation protection

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and that no individual shall be exposed to radiation doses which exceed prescribed national dose limits.

Article 16. Emergency preparedness

1. Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency.

For any new nuclear installation, such plans shall be prepared and tested before it commences operation above a low power level agreed by the regulatory body.

2. Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.

3. Contracting Parties which do not have a nuclear installation on their territory, insofar as they are likely to be affected in the event of a radiological emergency at a nuclear installation in the vicinity, shall take the appropriate steps for the preparation and testing of emergency plans for their territory that cover the activities to be carried out in the event of such an emergency.

(d) Safety of Installations

Article 17. Siting

Each Contracting Party shall take the appropriate steps to ensure that appropriate procedures are established and implemented:

- (i) for evaluating all relevant site-related factors likely to affect the safety of a nuclear installation for its projected lifetime;
- (ii) for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment;
- (iii) for re-evaluating as necessary all relevant factors referred to in subparagraphs (i) and (ii) so as to ensure the continued safety acceptability of the nuclear installation;
- (iv) for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and, upon request providing the necessary information to such Contracting Parties, in order to enable them to evaluate and make their own assessment of the likely safety impact on their own territory of the nuclear installation.

Article 18. Design and construction

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the design and construction of a nuclear installation provides for several reliable levels and methods of protection (defense in depth) against the release of radioactive materials, with a view to preventing the occurrence

of accidents and to mitigating their radiological consequences should they occur;

- (ii) the technologies incorporated in the design and construction of a nuclear installation are proven by experience or qualified by testing or analysis;
- (iii) the design of a nuclear installation allows for reliable, stable and easily manageable operation, with specific consideration of human factors and the man-machine interface.

Article 19. Operation

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the initial authorization to operate a nuclear installation is based upon an appropriate safety analysis and a commissioning programme demonstrating that the installation, as constructed, is consistent with design and safety requirements;
- (ii) operational limits and conditions derived from the safety analysis, tests and operational experience are defined and revised as necessary for identifying safe boundaries for operation;
- (iii) operation, maintenance, inspection and testing of a nuclear installation are conducted in accordance with approved procedures;
- (iv) procedures are established for responding to anticipated operational occurrences and to accidents;
- (v) necessary engineering and technical support in all safety-related fields is available throughout the lifetime of a nuclear installation;
- (vi) incidents significant to safety are reported in a timely manner by the holder of the relevant licence to the regulatory body;
- (vii) programmes to collect and analyse operating experience are established, the results obtained and the conclusions drawn are acted upon and that existing mechanisms are used to share important experience with international bodies and with other operating organizations and regulatory bodies;
- (viii) the generation of radioactive waste resulting from the operation of a nuclear installation is kept to the minimum practicable for the process concerned, both in activity and in volume, and any necessary treatment and storage of spent fuel and waste directly related to the operation and on the same site as that of the nuclear installation take into consideration conditioning and disposal.

CHAPTER 3. MEETINGS OF THE CONTRACTING PARTIES

Article 20. Review meetings

1. The Contracting Parties shall hold meetings (hereinafter referred to as “review meetings”) for the purpose of reviewing the reports submitted pursuant to Article 5 in accordance with the procedures adopted under Article 22.
2. Subject to the provisions of Article 24 sub-groups comprised of representatives of Contracting Parties may be established and may function during the review meetings as deemed necessary for the purpose of reviewing specific subjects contained in the reports.
3. Each Contracting Party shall have a reasonable opportunity to discuss the reports submitted by other Contracting Parties and to seek clarification of such reports.

Article 21. Timetable

1. A preparatory meeting of the Contracting Parties shall be held not later than six months after the date of entry into force of this Convention.
2. At this preparatory meeting, the Contracting Parties shall determine the date for the first review meeting. This review meeting shall be held as soon as possible, but not later than thirty months after the date of entry into force of this Convention.
3. At each review meeting, the Contracting Parties shall determine the date for the next such meeting. The interval between review meetings shall not exceed three years.

Article 22. Procedural arrangements

1. At the preparatory meeting held pursuant to Article 21 the Contracting Parties shall prepare and adopt by consensus Rules of Procedure and Financial Rules. The Contracting Parties shall establish in particular and in accordance with the Rules of Procedure:
 - (i) guidelines regarding the form and structure of the reports to be submitted pursuant to Article 5;
 - (ii) a date for the submission of such reports;
 - (iii) the process for reviewing such reports.
2. At review meetings the Contracting Parties may, if necessary, review the arrangements established pursuant to sub-paragraphs (i)–(iii) above, and adopt

revisions by consensus unless otherwise provided for in the Rules of Procedure. They may also amend the Rules of Procedure and the Financial Rules, by consensus.

Article 23. Extraordinary meetings

An extraordinary meeting of the Contracting Parties shall be held:

- (i) if so agreed by a majority of the Contracting Parties present and voting at a meeting, abstentions being considered as voting; or
- (ii) at the written request of a Contracting Party, within six months of this request having been communicated to the Contracting Parties and notification having been received by the secretariat referred to in Article 28, that the request has been supported by a majority of the Contracting Parties.

Article 24. Attendance

1. Each Contracting Party shall attend meetings of the Contracting Parties and be represented at such meetings by one delegate, and by such alternates, experts and advisers as it deems necessary.

2. The Contracting Parties may invite, by consensus, any intergovernmental organization which is competent in respect of matters governed by this Convention to attend, as an observer, any meeting, or specific sessions thereof. Observers shall be required to accept in writing, and in advance, the provisions of Article 27.

Article 25. Summary reports

The Contracting Parties shall adopt, by consensus, and make available to the public a document addressing issues discussed and conclusions reached during a meeting.

Article 26. Languages

1. The languages of meetings of the Contracting Parties shall be Arabic, Chinese, English, French, Russian and Spanish unless otherwise provided in the Rules of Procedure.

2. Reports submitted pursuant to Article 5 shall be prepared in the national language of the submitting Contracting Party or in a single designated language to be agreed in the Rules of Procedure. Should the report be submitted in a national language other than the designated language, a translation of the report into the designated language shall be provided by the Contracting Party.

3. Notwithstanding the provisions of paragraph 2, if compensated, the secretariat will assume the translation into the designated language of reports submitted in any other language of the meeting.

Article 27. Confidentiality

1. The provisions of this Convention shall not affect the rights and obligations of the Contracting Parties under their law to protect information from disclosure. For the purposes of this Article, “information” includes, inter alia, (i) personal data; (ii) information protected by intellectual property rights or by industrial or commercial confidentiality; and (iii) information relating to national security or to the physical protection of nuclear materials or nuclear installations.

2. When, in the context of this Convention, a Contracting Party provides information identified by it as protected as described in paragraph 1, such information shall be used only for the purposes for which it has been provided and its confidentiality shall be respected.

3. The content of the debates during the reviewing of the reports by the Contracting Parties at each meeting shall be confidential.

Article 28. Secretariat

1. The International Atomic Energy Agency, (hereinafter referred to as the “Agency”) shall provide the secretariat for the meetings of the Contracting Parties.

2. The secretariat shall:

- (i) convene, prepare and service the meetings of the Contracting Parties;
- (ii) transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention.

The costs incurred by the Agency in carrying out the functions referred to in sub-paragraphs (i) and (ii) above shall be borne by the Agency as part of its regular budget.

3. The Contracting Parties may, by consensus, request the Agency to provide other services in support of meetings of the Contracting Parties. The Agency may provide such services if they can be undertaken within its programme and regular budget. Should this not be possible, the Agency may provide such services if voluntary funding is provided from another source.

CHAPTER 4. FINAL CLAUSES AND OTHER PROVISIONS

Article 29. Resolution of disagreements

In the event of a disagreement between two or more Contracting Parties concerning the interpretation or application of this Convention, the Contracting Parties shall consult within the framework of a meeting of the Contracting Parties with a view to resolving the disagreement.

Article 30. Signature, ratification, acceptance, approval, accession

1. This Convention shall be open for signature by all States at the Headquarters of the Agency in Vienna from 20 September 1994 until its entry into force.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. After its entry into force, this Convention shall be open for accession by all States.
4.
 - (i) This Convention shall be open for signature or accession by regional organizations of an integration or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.
 - (ii) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.
 - (iii) When becoming party to this Convention, such an organization shall communicate to the Depositary referred to in Article 34, a declaration indicating which States are members thereof, which articles of this Convention apply to it, and the extent of its competence in the field covered by those articles.
 - (iv) Such an organization shall not hold any vote additional to those of its Member States.
5. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 31. Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the twenty-second instrument of ratification,

acceptance or approval, including the instruments of seventeen States, each having at least one nuclear installation which has achieved criticality in a reactor core.

2. For each State or regional organization of an integration or other nature which ratifies, accepts, approves or accedes to this Convention after the date of deposit of the last instrument required to satisfy the conditions set forth in paragraph 1, this Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the appropriate instrument by such a State or organization.

Article 32. Amendments to the Convention

1. Any Contracting Party may propose an amendment to this Convention. Proposed amendments shall be considered at a review meeting or an extraordinary meeting.

2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting for which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.

3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or, in the absence of consensus, to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Contracting Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.

4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary and held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article. The Diplomatic Conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted with a two-thirds majority of all Contracting Parties.

5. Amendments to this Convention adopted pursuant to paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties which have ratified, accepted, approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For a Contracting Party which subsequently ratifies, accepts, approves or confirms the said amendments, the amendments will enter into force on the ninetieth day after that Contracting Party has deposited its relevant instrument.

Article 33. Denunciation

1. Any Contracting Party may denounce this Convention by written notification to the Depositary.
2. Denunciation shall take effect one year following the date of the receipt of the notification by the Depositary, or on such later date as may be specified in the notification.

Article 34. Depositary

1. The Director General of the Agency shall be the Depositary of this Convention.
2. The Depositary shall inform the Contracting Parties of:
 - (i) the signature of this Convention and of the deposit of instruments of ratification, acceptance, approval or accession, in accordance with Article 30;
 - (ii) the date on which the Convention enters into force, in accordance with Article 31;
 - (iii) the notifications of denunciation of the Convention and the date thereof, made in accordance with Article 33;
 - (iv) the proposed amendments to this Convention submitted by Contracting Parties, the amendments adopted by the relevant Diplomatic Conference or by the meeting of the Contracting Parties, and the date of entry into force of the said amendments, in accordance with Article 32.

Article 35

Authentic texts

The original of this Convention of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall send certified copies thereof to the Contracting Parties.

DECISION ADOPTED ON 21 FEBRUARY 1994 BY THE BOARD OF GOVERNORS OF THE IAEA

At its meeting in February 1994 (see Official Record GOV/OR.832), the Board of Governors accepted the recommendations contained in para. 4 of the following report (GOV/2706).

THE PREPARATION OF A NUCLEAR SAFETY CONVENTION

Report by the Director General

INTRODUCTION

1. This report is a follow-up to document GOV/INF/723 of 27 January 1994. Its purpose is to inform the Board of Governors about the seventh — and final — meeting of the Group of Experts on a Nuclear Safety Convention, held from 31 January to 4 February 1994, and to submit recommendations for the Board's consideration.

RECOMMENDATIONS OF THE GROUP

2. At its seventh meeting, the Group of Experts finalized a comprehensive draft Nuclear Safety Convention. In the final report of the Group's Chairman, addressed to the Director General, it is noted — inter alia — that the draft text "reflects the broad agreement reached by the experts" and "has the overall support of the Group" and that the Group considered "that it had fulfilled its mandate to carry out the necessary substantive preparation for a Nuclear Safety Convention". The Group of Experts agreed on the following recommendations:

- “(a) the draft texts of the Convention in the Arabic, Chinese, French, Russian and Spanish languages should be modified to reflect the changes made to the English text, and be distributed to the experts as soon as possible;
- (b) the Secretariat in consultation with interested Member States should review these translations as required;
- (c) the Director General should provide the Board of Governors with updated information on the work of the Group of Experts at its seventh meeting;
- (d) in accordance with General Conference resolution GC(XXXVII)/RES/615, a diplomatic conference [should] be convened as soon as possible to adopt the Nuclear Safety Convention on the basis of the comprehensive draft text prepared by the Group of Experts.”

RECOMMENDATIONS OF THE DIRECTOR GENERAL

3. The Director General has taken note of these recommendations and of the draft text of a Nuclear Safety Convention prepared by the Group of Experts. Also, he has held informal consultations with interested Member States on the outcome of the Group's work, and in this connection it is recalled that the Board has on several occasions reviewed reports on progress in the preparation of a Nuclear Safety Convention and that in June 1993 it called upon all interested delegations to help prepare a draft text to be submitted to the Board in February 1994 and thereafter to a diplomatic conference to be held as early as possible in 1994.

4. In the light of the foregoing, the Director General recommends:

- (i) that a diplomatic conference be convened for 13-16 June 1994 for the purpose of adopting the Nuclear Safety Convention,
 - the duration of the conference being limited to four days and
 - invitations being sent to all States,
- (ii) that the draft Nuclear Safety Convention to be submitted to the diplomatic conference be the comprehensive draft text prepared by the Group of Experts.
- (iii) that an informal open-ended meeting of Member States be held late in March or early in April
 - to consider draft conference Rules of Procedure, which could be prepared by the Secretariat and circulated to Member States in advance of the meeting;
 - to address all issues regarding the organization of the conference, including the conference format, the chairmanship and the need for other officers,
 - to compile editorial comments on the text of the draft Nuclear Safety Convention as may be submitted by Member States and the Secretariat and to ensure consistency among the Arabic, Chinese, English, French, Russian and Spanish versions, and
 - to provide Member States with an opportunity to indicate whether they intend to raise substantive questions regarding the contents and implementation of the Convention;
- (iv) that the costs of organizing the diplomatic conference and the preparatory meeting referred to above be met from the Agency's Regular Budget for 1993 within the framework of the 1993 deferred programme activities; and
- (v) that the Convention be opened for signature at the thirty-eighth (1994) regular session of the General Conference.

SUGGESTED ACTION BY THE BOARD

5. It is suggested that the Board authorize the Director General to proceed on the basis of the recommendations set forth in paragraph 4 above and to convene a diplomatic conference for June 1994 in Vienna for the purpose of adopting the Nuclear Safety Convention.

RESOLUTION ADOPTED BY THE GENERAL CONFERENCE AT ITS THIRTY-SEVENTH REGULAR SESSION

(GC(XXXVII)/RES/615)

STRENGTHENING NUCLEAR SAFETY THROUGH THE EARLY CONCLUSION OF A NUCLEAR SAFETY CONVENTION

The General Conference,

- (a) Recalling its resolutions GC(XXXV)/RES/553 and GC(XXXVI)/RES/582,
 - (b) Reaffirming the vital necessity of continuing to promote the highest level of nuclear safety in all nuclear installations worldwide and of strengthening international co-operation and harmonization in the field of nuclear safety, including where appropriate through technical co-operation,
 - (c) Considering that a nuclear safety convention coming into operation soon and adhered to by the greatest number of countries would constitute a significant step towards improving nuclear safety worldwide, and
 - (d) Reaffirming the importance to the international community of ensuring that sound practices are implemented, or planned, for the safe management and disposal of all categories of radioactive waste,
1. Takes note of the report of the Board of Governors and the Director General on the progress achieved in the implementation of resolutions GC(XXXV)/RES/553 and GC(XXXVI)/RES/582;
 2. Takes note also of the work done so far by the Group of Experts on a Nuclear Safety Convention and of the emerging agreement that the scope of application of the convention should be limited to civil nuclear power plants;
 3. Commends the Director General and his staff for the ongoing work on safety fundamentals for waste management and looks forward to a speedy completion of this task;
 4. Requests the Director General to initiate preparations for a convention on the safety of waste management as soon as the ongoing process of developing waste management safety fundamentals has resulted in broad international agreement;
 5. Recognizes the usefulness of further technical work in connection with the safety of other parts of the nuclear fuel cycle, and that this work may, in time, facilitate the further development of current or future international instruments;

6. Urges the Group of Experts to continue its work on a nuclear safety convention, taking as a basis for the discussions the draft prepared by the Chairman of the Group;
7. Stresses the desirability of a diplomatic conference early in 1994 on the basis of a comprehensive draft text worked out by the Group of Experts; and
8. Invites the greatest number of countries, in particular those having nuclear installations on their territory, to become parties to the convention as soon as possible after its finalization.

DIPLOMATIC CONFERENCE CONVENED TO ADOPT THE CONVENTION ON NUCLEAR SAFETY

Vienna, 14–17 June 1994

PROVISIONAL AGENDA

Opening of the Conference

Election of the President

1. Adoption of the agenda
2. Adoption of the Rules of Procedure
3. Election of Vice-Presidents and other officers of the Conference
4. Organization of the work of the Conference
5. Consideration of:
 - (a) a draft Nuclear Safety Convention
 - (b) draft Conference resolutions
6. Consideration of the reports of committees
7. Adoption of the Final Act and any recommendations and resolutions resulting from the work of the Conference
8. Signature of the Final Act

RULES OF PROCEDURE¹

I. REPRESENTATION AND CREDENTIALS

Rule 1: Composition of delegations

The delegation of each State participating in the Conference shall consist of a head of delegation, who may be accompanied by as many alternates, advisers, experts and persons of similar status as may be required.

Rule 2: Alternates

The head of delegation may designate any member in his delegation to act in his place during the Conference.

Rule 3: Submission of credentials

The credentials of heads of delegations and the names of alternates, advisers, experts and persons of similar status shall be submitted to the Director General of the Agency before the opening of the Conference or not later than 24 hours after the opening of the Conference. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs of the State concerned.

Rule 4: Examination of credentials

The credentials of all delegates shall be examined by the Secretary General of the Conference who shall submit a report thereon to the Bureau established under Rule 14. Thereafter, the Bureau shall report to the Conference.

Rule 5: Provisional participation in the Conference

- (a) Pending a decision of the Conference upon their credentials, delegations shall be entitled to participate provisionally in the Conference.
- (b) Any delegate to whose admission a State participating in the Conference has made objection shall be seated provisionally with the same rights as other delegations until the Secretary General of the Conference, pursuant to Rule 4, has reported and the Conference has given its decision.

¹ Adopted by the Conference at its First Plenary Meeting.

II. REPRESENTATION OF INTERNATIONAL ORGANIZATIONS

Rule 6: Representatives of the United Nations, of the Specialized Agencies, the IAEA and of other intergovernmental organizations

1. Representatives of the United Nations, the Specialized Agencies and the IAEA
Representatives of the United Nations, the Specialized Agencies and the IAEA shall be invited to attend the Conference as observers and to participate without the right to vote in the deliberations of the Plenary and the Committee of the Whole.
2. Representatives of other intergovernmental organizations
Representatives of other intergovernmental organizations invited to regular sessions of the General Conference of the IAEA shall be invited upon their request to attend the Conference as observers and to participate without the right to vote in the deliberations of the Plenary and the Committee of the Whole.

Rule 7: Non-governmental organizations

Any request received from a non-governmental organization invited to regular sessions of the General Conference of the IAEA to attend the Conference as observer shall be referred by the Director General to the Conference for its decision.

III. PRESIDENT, VICE-PRESIDENTS, CHAIRMAN OF THE COMMITTEE OF THE WHOLE

Rule 8: Temporary President

The Director General of the IAEA shall open the first meeting of the Conference and preside until the Conference has elected its President.

Rule 9: Election

The Conference shall elect from among the heads or members of delegations of participating States the following officers:

- A President and eight Vice-Presidents of the Conference;
- A Chairman and a Vice-Chairman of the Committee of the Whole established under Rule 15;
- A Chairman of the Drafting Committee established under Rule 16.

Rule 10: Acting President

If the President of the Conference or the Chairman of the Committee of the Whole is absent during a meeting or any part thereof, he shall appoint one of the Vice-Presidents or the Vice-Chairman, respectively, to take his place, who, while acting as President of the Conference or Chairman of the Committee of the Whole, shall have the same powers and duties as the President of the Conference or the Chairman of the Committee of the Whole.

IV. SECRETARIAT

Rule 11: Duties of the Secretary General of the Conference

The Director General of the IAEA shall be the Secretary General of the Conference. He, or his representative shall act in that capacity at all meetings of the Conference and of its committees. The Secretary General of the Conference or his representative may at any time, with the approval of the presiding officer, make oral or written statements to such meetings.

Rule 12: Direction of staff

The Secretary General of the Conference, as the Director General of the IAEA, shall provide and direct the staff required by the Conference and its committees and shall be responsible for all the necessary arrangements for the meetings of the Conference and its committees.

Rule 13: Duties of the staff

The staff shall receive, translate, reproduce and distribute documents of the Conference and its committees; interpret speeches made at meetings; distribute all documents of the Conference to the participating States and Organizations as appropriate; arrange for the publication, custody and preservation of the documents in accordance with the decisions of the Conference, and generally perform all other work which the Conference and its committees may require.

V. COMMITTEES OF THE CONFERENCE

Rule 14: Bureau

There shall be a Bureau of the Conference consisting of the President of the Conference, the eight Vice-Presidents, the Chairman and the Vice-Chairman of the Committee of the Whole and the Chairman of the Drafting Committee.

The Bureau shall at the beginning of the Conference consider the provisional agenda, and shall report thereon to the Conference. It shall consider requests for the inclusion of additional items and shall report thereon to the Conference. In considering matters relating to the agenda of the Conference, the Bureau shall not discuss the substance of any item, except insofar as this bears upon the question whether the Bureau should recommend the inclusion of the item in the agenda, the rejection of the request for inclusion, and what priority should be accorded to an item the inclusion of which has been recommended.

The Bureau shall propose to the Conference the establishment of any additional committees which it considers necessary. It shall assist the President of the Conference in conducting and co-ordinating the work of the Conference.

The Bureau shall receive the report on credentials by the Secretary General of the Conference and report thereon to the Conference.

Rule 15: Committee of the Whole

The Plenary shall establish a Committee of the Whole on which each State participating in the Conference may be represented. It shall consider and report on any item referred to it by the Plenary. The Committee of the Whole may set up such other subsidiary bodies as it considers necessary.

Rule 16: Drafting committee

A Drafting Committee, composed of not more than 18 members shall be set up by the Plenary. The members of the Committee shall be selected so that each language in which the instrument to be adopted by the Conference is to be authentic will be represented. The Drafting Committee shall prepare drafts and give advice on drafting as may be requested by the Committee of the Whole. It shall also prepare the Final Act of the Conference. The Drafting Committee shall not alter the substance of texts submitted to it, but shall have the power to review and co-ordinate the drafting of all such texts. It shall report to the Committee of the Whole.

Rule 17: Creation of committees

In addition to the Committee of the Whole and the Drafting Committee, the Conference may establish such other committees as it deems necessary for the performance of its functions. Each of these committees of the Conference shall elect its own Chairman.

VI. BASIC PROPOSAL

Rule 18: Basic Proposal

The Basic Proposal for discussion by the Conference shall be the draft Nuclear Safety Convention. (Document NSC/DC1)

Rule 19: Proposals and amendments

Other proposals and amendments to the Basic Proposal shall be introduced in writing and handed to the Secretariat who shall circulate copies to all delegations. As a general rule, no proposal shall be discussed or put to the vote unless its text has been distributed to all delegates, in all working languages of the Conference, not later than a half day preceding its discussion. The presiding officer may, however, permit the discussion and consideration of proposals, amendments, or of motions as to procedure, even though these amendments or motions have not been distributed or have been distributed the same day.

VII. CONDUCT OF BUSINESS AT PLENARY MEETINGS OF THE CONFERENCE

Rule 20: The presiding officer

The President of the Conference, or, in his absence, the Vice-President appointed by him to take his place shall be the presiding officer of the Conference.

Rule 21: General powers of the presiding officer

In addition to exercising the powers which are conferred upon him by these Rules, the presiding officer shall declare the opening and closing of each meeting of the Conference, shall direct its discussions, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order and, subject to these Rules, shall have control of the proceedings of the Conference and over the maintenance of order at its meetings. The presiding officer may propose to the Conference the limitation of the time to be allowed to speakers, the limitation of the number of times each delegate may speak on any question, the closure of the list of speakers or the closure of the debate. He may propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion. The presiding officer, in the exercise of his functions, shall remain under the authority of the Conference.

Rule 22: Voting

The presiding officer shall not vote, but may appoint another member of his delegation to vote in his place.

Rule 23: Public and private meetings

1. The Plenary meetings of the Conference shall be held in public unless it decides that the meeting be held in private.
2. The meetings of the Committees of the Conference shall be held in private.

Rule 24: Quorum

The presiding officer may declare a meeting open and permit the debate to proceed when representatives of at least half of the States participating in the Conference are present. The presence of representatives of a two-thirds majority of States participating in the Conference shall be required for decisions to be taken on the basic proposal or any proposed amendment thereof.

Rule 25: Speeches

No delegate may address the Conference without having previously obtained the permission of the presiding officer. The presiding officer shall call upon speakers in the order in which they signify their desire to speak. The presiding officer may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 26: Points of order

During the discussion of any matter, a delegate may rise to a point of order, and the point of order shall be immediately decided by the presiding officer in accordance with these Rules. A delegate may appeal against the ruling of the presiding officer. The appeal shall be immediately put to the vote and the presiding officer's ruling shall stand unless overruled by a majority of the States present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

Rule 27: Time-limit on speeches

The Conference may on the proposal of the presiding officer limit the time to be allowed to each speaker and the number of times each delegate may speak on any question. When debate is limited and a delegate has spoken his allotted time, the presiding officer shall call him to order without delay.

Rule 28: Closing of list of speakers

During the course of a debate the presiding officer may announce a list of speakers and, with the consent of the Conference, declare the list closed. He may, however, accord the right of reply to any delegate if a speech delivered after the list has been closed makes this desirable.

Rule 29: Adjournment of debate

During the discussion of any matter, a delegate may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the

motion shall be immediately put to the vote. The presiding officer may limit the time to be allowed to speakers under this Rule.

Rule 30: Closure of debate

A delegate may at any time move the closure of the debate on the item under discussion, whether or not any other delegate has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Conference is in favour of the closure, the presiding officer shall declare the closure of the debate. The presiding officer may limit the time to be allowed to speakers under this Rule.

Rule 31: Suspension or adjournment of meeting

During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The presiding officer may limit the time to be allowed to the speaker moving the suspension or adjournment of the meeting.

Rule 32: Order of procedural motions

Subject to Rule 26 of these Rules, the following motions shall have precedence in the following order over all other proposals or motions before the meetings:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion; and
- (d) For the closure of the debate on the item under discussion.

Rule 33: Decisions on competence

Subject to Rule 26 of these Rules, any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 34: Withdrawal of proposals

Any proposal may be withdrawn by its proposer at any time before voting upon it has commenced. A proposal which has thus been withdrawn may be reintroduced by any delegate.

Rule 35: Reconsideration of proposals and amendments

When a proposal or amendment has been adopted or rejected, it shall not be reconsidered unless the Conference, by a two-thirds majority of the States present and

voting so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VIII. VOTING

Rule 36: Voting rights

Each State participating in the Conference shall have one vote.

Rule 37: Consensus

The Conference shall make every effort to ensure that its decisions are taken by consensus.

Rule 38: Majority required

Subject to Rule 36, the following decisions of the Conference shall require a two-thirds majority of the States present and voting:

- (i) A decision on the Basic Proposal set out in Rule 18 and on any provision thereof;
- (ii) A decision on a proposal for amendment to the Basic Proposal;
- (iii) The adoption of the Final Act of the Conference or any part thereof.

Rule 39: Simple majority

Decisions of the Conference on all other questions shall be made by a majority of the States present and voting.

Rule 40: Meaning of States present and voting

For the purpose of these Rules, the phrase “States present and voting” shall mean delegates casting a valid affirmative or negative vote. Delegates who abstain from voting shall be considered as not voting.

Rule 41: Methods of voting

The normal method of voting shall be by show of hands. Any State may request a vote by roll-call. The roll-call shall be taken in the English alphabetical order of the names of States entitled to vote, beginning with the State whose name is drawn by lot by the presiding officer. Each delegate present shall reply “yes”, “no” or “abstention”.

Rule 42: Conduct during voting

After the voting has commenced, no delegate shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.

Rule 43: Explanation of vote

The presiding officer may permit States to explain their votes, after the voting, except when a vote is taken by secret ballot pursuant to Rule 47. The presiding officer may limit the time to be allowed for such explanations. The presiding officer shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment.

Rule 44: Division of proposals and amendments

A delegate may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Rule 45: Voting on amendments

- (a) When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall first vote on the amendment deemed by the presiding officer to be furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
- (b) A motion shall be considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 46: Voting on proposals

If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

IX. VOTING IN ELECTIONS

Rule 47: Secret ballot

- (a) All elections shall be by secret ballot unless in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate of candidates.
- (b) When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

X. CONDUCT OF MEETINGS OF COMMITTEES

Rule 48: Application of these Rules to committees

- (a) Subject to these Rules, procedures governing the conduct of business in committees of the Conference shall conform to the Rules governing the conduct of business at plenary meetings of the Conference.
- (b) The Rules governing the conduct of business at plenary meetings of the Conference shall apply to the Drafting Committee as far as appropriate.

XI. LANGUAGES

Rule 49: Official and working languages

Arabic, Chinese, English, French, Russian and Spanish shall be the official and the working languages of the Conference in Plenary, in the Committee of the Whole and in the Drafting Committee. Speeches made in any one of the working languages in the Plenary, in the Committee of the Whole and the Drafting Committee shall be interpreted into the other working languages.

Rule 50: Interpretation from other languages

Any delegate may make a speech in a language other than the working languages provided, however, that if he does so he shall himself provide for interpretation into one of the working languages. In such cases, interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation provided by the delegate.

Rule 51: Languages of important documents

All important documents shall be made available in the working languages.

Rule 52: Distribution of resolutions and other important documents

The texts of all resolutions and other important documents shall be distributed by the Secretariat as soon as possible.

XII. AMENDMENT AND INTERPRETATION OF RULES

Rule 53: Amendment of Rules

These Rules may be amended by a decision of the Conference taken by a two-thirds majority of the delegates present and voting after the Bureau has reported on the proposed amendment.

Rule 54: Interpretation of Rules

In the interpretation of these Rules, recourse may be had to the Rules of Procedure of the General Conference of the IAEA (GC(XXXI)/INF/245/Rev.1).

DRAFT NUCLEAR SAFETY CONVENTION

PREAMBLE

THE CONTRACTING PARTIES

- (i) Aware of the importance to the international community of ensuring that the use of nuclear energy is safe, well regulated and environmentally sound;
- (ii) Reaffirming the necessity of continuing to promote a high level of nuclear safety worldwide;
- (iii) Reaffirming that responsibility for nuclear safety rests with the State where a nuclear installation is located;
- (iv) Desiring to promote an effective nuclear safety culture;
- (v) Aware that accidents at nuclear installations have the potential for trans-boundary impacts;
- (vi) Keeping in mind the Convention on the Physical Protection of Nuclear Material (1979), the Convention on Early Notification of a Nuclear Accident (1986), and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986);
- (vii) Affirming the importance of international co-operation for the enhancement of nuclear safety by the use of existing bilateral and multilateral mechanisms and the establishment of this incentive Convention;
- (viii) Recognizing that this Convention entails a commitment to the application of fundamental safety principles rather than detailed safety standards and that there are internationally formulated safety guidelines which are updated from time to time and so can provide guidance on contemporary means of achieving a high level of safety;
- (ix) Affirming the need to begin promptly the development of an international convention on the safety of radioactive waste management as soon as the on-going process to develop waste management safety fundamentals has resulted in broad international agreement;
- (x) Recognizing the usefulness of further technical work in connection with the safety of other parts of the nuclear fuel cycle, and that this work may, in time, facilitate the development of current or future international instruments;

HAVE AGREED as follows:

CHAPTER 1. OBJECTIVES, DEFINITIONS AND SCOPE

Article 1. Objectives

The objectives of this Convention are:

- (i) to achieve and maintain a high level of nuclear safety worldwide through national measures and international co-operation;
- (ii) to establish and maintain effective defences in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionizing radiation from such installations;
- (iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur.

Article 2. Definitions

For the purpose of this Convention:

- (i) “nuclear installation” means for each Contracting Party any land based civil nuclear power plant under its jurisdiction including such storage, handling and treatment facilities for radioactive materials as are on the same site and are directly related to the operation of the nuclear power plant. Such a plant ceases to be a nuclear installation when all nuclear fuel elements have been removed permanently from the reactor core and have been stored safely in accordance with approved procedures, and a decommissioning programme has been agreed to by the regulatory body.
- (ii) “licence” means any authorization granted by the regulatory body to the applicant to have the overall responsibility for the siting, design, construction, commissioning or operation of a nuclear installation.
- (iii) “regulatory body” means for each Contracting Party any body or bodies given the legal authority by that Contracting Party to grant licences and to regulate the siting, design, construction, commissioning, operation or decommissioning of nuclear installations.

Article 3. Scope of application

The provisions of this Convention shall apply to the safety of nuclear installations.

CHAPTER 2. OBLIGATIONS

(a) General Provisions

Article 4. Implementing measures

Each Contracting Party shall take, within the framework of its national law, the legislative, regulatory and administrative measures and other steps necessary to implement its obligations under this Convention.

Article 5. Reporting

Each Contracting Party shall submit for review, prior to each meeting referred to in Article 20, a report on the measures it has taken to implement each of the obligations of this Convention.

Article 6. Existing nuclear installations

Each Contracting Party shall take the appropriate steps to ensure that the safety of nuclear installations existing at the time the Convention enters into force for that Contracting Party is reviewed as soon as possible. When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practicable improvements are made as a matter of urgency to upgrade the safety of the installation. If such upgrading cannot be achieved, plans should be implemented to shut down the installation as soon as practically possible. The timing of the shut-down may take into account the whole energy context and possible alternatives as well as the social, environmental and economic impact.

(b) Legislation and regulation

Article 7. Legislative and regulatory framework

1. Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.
2. The legislative and regulatory framework shall provide for:
 - (i) the establishment of applicable national safety requirements and regulations;
 - (ii) a system of licensing with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a licence;

- (iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of any licence;
- (iv) enforcement of applicable regulations and of the terms of any licence, including suspension, modification or revocation.

Article 8. Regulatory body

1. Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework established in accordance with Article 7, and provided with adequate authority, competence and financial and human resources to fulfil its assigned responsibilities.
2. Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

Article 9. Responsibility of the licence holder

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant licence and shall take the appropriate steps to ensure that each such licence holder meets its responsibility.

(c) General Safety Considerations

Article 10. Priority to safety

Each Contracting Party shall take the appropriate steps to ensure that all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

Article 11. Financial and human resources

1. Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life.
2. Each Contracting Party shall take the appropriate steps to ensure that for all safety related activities in or for each nuclear installation throughout its life sufficient numbers of qualified staff with appropriate education, training and retraining are available.

Article 12. Human factors

Each Contracting Party shall take the appropriate steps to ensure that the capabilities and limitations of human performance are taken into account throughout the life of a nuclear installation.

Article 13. Quality assurance

Each Contracting Party shall take the appropriate steps to ensure that quality assurance programmes are established and implemented with a view to providing confidence that specified requirements for all activities important to nuclear safety are satisfied throughout the life of a nuclear installation.

Article 14. Assessment and verification of safety

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) comprehensive and systematic safety assessments are carried out before constructing and commissioning a nuclear installation and throughout its life. Such assessments shall be well documented, subsequently updated in the light of operating experience and significant new safety information, and reviewed under the authority of the regulatory body;
- (ii) verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state of a nuclear installation and the operation of the installation continue to be in accordance with its design, applicable national safety requirements and with operational limits and conditions.

Article 15. Radiation protection

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and no individual shall be exposed to radiation doses which exceed prescribed national dose limits.

Article 16. Emergency preparedness

1. Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency. For any new nuclear installation, such plans shall be prepared and tested before it commences operation above a very low power level.

2. Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population as well as the competent authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.

3. Contracting Parties which do not have a nuclear installation on their territory, but are likely to be affected in the event of a radiological emergency in a neighbouring State, shall take the appropriate steps to ensure that emergency plans have been prepared and tested that cover the activities to be carried out in the event of an emergency.

(d) Safety of Installations

Article 17. Siting

Each Contracting Party shall take the appropriate steps to ensure that appropriate procedures are established and implemented:

- (i) for evaluating all relevant site-related factors which are likely to affect the safety of a nuclear installation for its projected lifetime;
- (ii) for evaluating the likely safety impact of a proposed nuclear installation on individuals, society and the environment;
- (iii) for re-evaluating as necessary all relevant factors referred to under subparagraphs (i) and (ii) to ensure the continued safety acceptability of the nuclear installation;
- (iv) for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and, upon request providing the necessary information to such Contracting Parties, in order to enable them to evaluate and form their own assessment of the likely safety impact of the installation.

Article 18. Design and construction

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the design and construction of a nuclear installation provides for several reliable levels and methods of protection (defense in depth) against the release of radioactive materials, with a view to preventing the occurrence of accidents and to mitigating their radiological consequences should they occur;
- (ii) the technologies incorporated in the design and construction of nuclear installations are proven by experience or qualified by testing or analysis;

- (iii) the design allows for reliable, stable and easily manageable operation, with specific consideration of human factors and the man-machine interface.

Article 19. Operation

Each Contracting Party shall take the appropriate steps to ensure that:

- (i) the initial authorization to operate a nuclear installation is based upon an appropriate safety analysis and a commissioning programme demonstrating that the installation, as constructed, is consistent with design and safety requirements;
- (ii) operational limits and conditions derived from the safety analysis, tests and operational experience are defined and revised as necessary to identify safe boundaries for operation;
- (iii) operation, maintenance, inspection and testing of a nuclear installation are conducted in accordance with approved procedures;
- (iv) procedures are established to respond to anticipated operational occurrences and to accidents;
- (v) necessary engineering and technical support in all safety related fields is available throughout the lifetime of a nuclear installation;
- (vi) incidents significant to safety are reported by the holder of the relevant licence to the regulatory body;
- (vii) programmes to collect and analyze operating experience are established, that the results obtained and the conclusions drawn are acted upon and that existing mechanisms are used to share important experience with international bodies and with other operating organizations and regulatory bodies;
- (viii) the generation of radioactive waste resulting from the operation of a nuclear installation is kept to the minimum practicable for the process concerned, both in activity and volume, and that any necessary treatment and storage of spent fuel and waste directly related to the operation and on the same site take into consideration conditioning and disposal.

CHAPTER 3. MEETINGS OF THE CONTRACTING PARTIES

Article 20. Review meetings

1. The Contracting Parties shall hold meetings for the purpose of reviewing the reports submitted pursuant to Article 5 in accordance with the procedures adopted under Article 22. These meetings shall hereinafter be referred to as “review meetings”.

2. Subject to the provisions of Article 24 sub-groups comprised of representatives of Contracting Parties may be established and may function during the review meetings as deemed necessary for the purpose of reviewing specific subjects contained in the reports.

3. Each Contracting Party shall have a reasonable opportunity to discuss the reports submitted by other Contracting Parties and to seek clarification of the reports.

Article 21. Timetable

1. A preparatory meeting of the Contracting Parties shall be held not later than six months after the date of entry into force of this Convention.

2. At this preparatory meeting the Contracting Parties shall determine the date for the first review meeting. This review meeting shall be held as soon as possible but not later than thirty months after the date of entry into force of this Convention.

3. At each review meeting the Contracting Parties shall determine the date for the next such meeting. The interval between review meetings shall not exceed three years.

Article 22. Procedural arrangements

1. At the preparatory meeting held pursuant to Article 21 the Contracting Parties shall prepare and adopt by consensus Rules of Procedure and Financial Rules. The Contracting Parties shall establish in particular and in accordance with the Rules of Procedure:

- (i) guidelines regarding the form and structure of the report to be submitted pursuant to Article 5;
- (ii) a date for submission of such reports;
- (iii) the process for reviewing such reports;

2. At review meetings the Contracting Parties may, if necessary, review the arrangements established under sub-paragraphs (i)–(iii) above, and adopt revised arrangements by consensus unless otherwise provided for in the Rules of Procedure.

Article 23. Extraordinary meetings

An extraordinary meeting of the Contracting Parties shall be held:

- (i) if so agreed by a majority of the Contracting Parties present and voting at a meeting, abstention being considered as voting; or

- (ii) at the written request of a Contracting Party, within six months of this request having been communicated to the Contracting Parties and notification having been received by the Secretariat, that the request has been supported by a majority of the Contracting Parties.

Article 24. Attendance

1. Each Contracting Party shall attend meetings of the Contracting Parties and be represented at such meetings by one delegate, and such alternates, experts and advisers as it deems necessary.
2. The Contracting Parties may invite, by consensus, any intergovernmental organization which is competent in respect of matters governed by this Convention to attend, as observers, any meeting, or specific sessions thereof. Observers shall be required to accept in writing, and in advance, the provisions of Article 27.

Article 25. Summary reports

The Contracting Parties shall adopt, by consensus, and make available to the public a document addressing issues discussed during a meeting and conclusions reached.

Article 26. Languages

1. The languages of meetings of the Contracting Parties shall be Arabic, Chinese, English, French, Russian and Spanish unless otherwise provided in the Rules of Procedure.
2. Reports submitted pursuant to Article 5 shall be prepared in the national language of the submitting Contracting Party or in a single designated language to be agreed in the Rules of Procedure. Should the report be submitted in a national language other than the designated language, a translation of the report into the designated language shall be provided by the Contracting Party.

Article 27. Confidentiality

1. The provisions of this Convention shall not affect the rights and obligations of the Contracting Parties under their law to protect information from disclosure. For the purposes of this Article, “information” includes, inter alia, (i) personal data; (ii) information protected by intellectual property rights or by industrial or commercial confidentiality; and (iii) information relating to national security, the physical protection of nuclear materials or nuclear installations.

2. When, in the context of this Convention, a Contracting Party provides information identified by it as protected as described in paragraph 1, such information shall be used only for the purposes for which it has been provided and its confidentiality shall be respected.

3. The content of the debates during the reviewing of the reports by the Contracting Parties at each meeting shall be confidential.

Article 28. Secretariat

1. The International Atomic Energy Agency (hereinafter referred to as the “Agency”) shall provide the secretariat for the meetings of the Contracting Parties.

2. The secretariat shall:

- (i) convene, prepare and service the meetings of the Contracting Parties;
- (ii) transmit to the Contracting Parties information received or prepared in accordance with the provisions of this Convention.

The costs incurred by the Agency in fulfilling (i) and (ii) above shall be borne by the Agency as part of its regular budget.

3. The Contracting Parties may, by consensus, request the Agency to provide other services in support of meetings of the Contracting Parties. The Agency may provide such services if they can be undertaken within its programme and regular budget. Should this not be possible, the Agency may provide such services if voluntary funding is provided from another source.

CHAPTER 4. FINAL CLAUSES AND OTHER PROVISIONS

Article 29. Resolution of disagreements

In the event of a disagreement between two or more Contracting Parties concerning the interpretation or application of this Convention, the Parties shall consult within the framework of a meeting of the Contracting Parties with a view to resolving the disagreement.

Article 30. Signature, ratification, acceptance, approval, accession

1. This Convention shall be open for signature by all States at the Headquarters of the Agency in Vienna until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. After its entry into force, this Convention will be open for accession by all States.
4.
 - (i) This Convention shall be open for signature or accession by regional organizations of an integration or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.
 - (ii) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.
 - (iii) When becoming party to this Convention such an organization shall communicate to the Depositary a declaration indicating which States are members thereof and which articles of this Convention apply to it, as well as the extent of its competence in the field covered by those articles.
 - (iv) Such organization shall not hold any vote additional to those of its Member States.
5. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 31. Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit with the Depositary of the [twentieth] instrument of ratification, acceptance or approval, including the instruments of [fifteen] States, each with at least one nuclear installation.
2. For each State or regional organization of an integration or other nature which ratifies, accepts, approves or accedes to this Convention after the date of deposit of the last instrument required to satisfy the conditions in paragraph 1, this Convention shall enter into force on the ninetieth day after deposit of the appropriate instrument by such a State or organization.

Article 32. Amendments to the Convention

1. Any Contracting Party may propose an amendment to this Convention. Proposed amendments shall be considered at a review or extraordinary meeting.

2. The text of any proposed amendment and the reasons for it shall be provided to the Depositary who shall communicate the proposal to the Contracting Parties promptly and at least ninety days before the meeting at which it is submitted for consideration. Any comments received on such a proposal shall be circulated by the Depositary to the Contracting Parties.
3. The Contracting Parties shall decide after consideration of the proposed amendment whether to adopt it by consensus, or in the absence of such consensus, whether to submit it to a Diplomatic Conference. A decision to submit a proposed amendment to a Diplomatic Conference shall require a two-thirds majority vote of the Parties present and voting at the meeting, provided that at least one half of the Contracting Parties are present at the time of voting. Abstentions shall be considered as voting.
4. The Diplomatic Conference to consider and adopt amendments to this Convention shall be convened by the Depositary to be held no later than one year after the appropriate decision taken in accordance with paragraph 3 of this Article.
5. Amendments to this Convention adopted under paragraphs 3 and 4 above shall be subject to ratification, acceptance, approval, or confirmation by the Contracting Parties and shall enter into force for those Contracting Parties having ratified, accepted, or approved or confirmed them on the ninetieth day after the receipt by the Depositary of the relevant instruments by at least three fourths of the Contracting Parties. For those Contracting Parties which later on ratify, accept, approve or confirm the said amendments, the latter will enter into force on the ninetieth day after that Party deposits its relevant instrument.

Article 33. Denunciation

1. Any Contracting Party may denounce this Convention by written notification to the Depositary.
2. Denunciation shall take effect one year following the date of the receipt of the notification by the Depositary, or on such later date as may be specified in the notification.

Article 34. Depositary

1. The Director General of the Agency shall be the Depositary of this Convention.
2. The Depositary shall inform the Contracting Parties of:

- (i) the signature of this Convention and of the deposit of instruments of ratification, acceptance, approval or accession, in accordance with Article 30;
- (ii) the date on which the Convention enters into force, in accordance with Article 31;
- (iii) the notifications of denunciation of the Convention and the date thereof, made in accordance with Article 33;
- (iv) the proposed amendments to this Convention submitted by the Contracting Parties, the amendments adopted by the relevant Diplomatic Conference or by the meeting of the Contracting Parties, and the date of entry into force of the said amendments, in accordance with Article 32.

Article 35. Authentic texts

The original of this Convention — of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary who shall send certified copies thereof to the Contracting Parties.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THIS CONVENTION.

Done at on the day of

PROPOSALS SUBMITTED BY DELEGATIONS TO THE DIPLOMATIC CONFERENCE FOR AMENDMENT OF THE DRAFT CONVENTION ON NUCLEAR SAFETY¹

1. Proposal submitted by the delegation of India

Article 25

The Caption of this Article is “Summary reports”. Accordingly the word “document” in the second line could be replaced by the word “report”.

2. Proposal submitted by the delegation of the Russian Federation

1. Paragraph (vi) of the **Preamble** should be written in the following form:
“Keeping in mind the Convention on the Physical Protection of Nuclear Material (8.02.87), the Convention on Early Notification of a Nuclear Accident (26.09.86), and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (26.09.86);”.
2. Delete paragraph (vii) from the **Preamble**.
3. Make the following changes in **Article 2**:
 - 3.1. In **Article 2(i)** replace the words “ ‘nuclear installation’ means for each Contracting Party any land based civil nuclear power plant under its jurisdiction...” by “ ‘nuclear installation’ means a land based civil nuclear power plant located in the territory of the Contracting Party...”(in order to bring it into line with paragraph (iii) of the Preamble);
 - 3.2. In **Article 2(ii)** replace the words “...or operation of a nuclear installation” by “...operation or decommissioning of a nuclear installation” (first variant, to make this paragraph consistent with paragraphs (i) and (iii) of this Article);
 - 3.3. If the first version of the amendment of **Article 2**, as indicated in paragraph 3.2 above, is not accepted by the States participating in the Conference, we suggest a second variant: delete the words “...and a decommissioning programme has been agreed to by the regulatory body” from paragraph (i) and words “...or decommissioning...” from paragraph (iii).
4. In **Article 4** replace the words “...its national laws...” by “...its national legislation...”

¹ Not included are suggestions relating to translations only.

The order of the proposals is based on the date of submission to the Conference.

5. In **Article 5** after the words "...in Article 20..." add "...of this Convention".
6. In the first sentence of **Article 6** before the words "...nuclear installations..." insert the word "...its...". In the second sentence after the words "...practicable improvements..." insert the words "...in line with this review".
7. In **Article 7**, paragraph 2(iii), replace "...system of regulatory inspection and assessment of nuclear installations..." by "...system of inspection and assessment of nuclear installations carried out by regulatory bodies..."
8. In **Article 8**, paragraph 1, replace the words "...established in accordance with **Article 7...**" by "...referred to in **Article 7** of this Convention..."
9. In **Article 9** replace the word "...prime..." by "...the overall..." (in order to bring it into line with **Article 2(ii)**).
10. In **Article 11.2**, replace "or" by "and".
11. In **Article 16.1**, second sentence, replace the words "...a very..." by "...an acceptably..."

In **Article 16.2**, replace the word "...they..." by "...such States..."
12. In **Article 20.1**, after the words "...Article 5..." and "...Article 22..." add the words "of this Convention". In **Article 20.2**, after the words "...Article 24..." add the words "of this Convention".
13. In **Article 23(ii)**, after the word "...Secretariat..." add the words "...referred to in Article 28 of this Convention..."
14. In **Article 26.1**, delete "...unless otherwise provided in the Rules of Procedure" and put a full stop after the word "Spanish".

Article 26.2, should be reworded to read: "Reports submitted pursuant to Article 5 of this Convention may be prepared in the national language of the Contracting Party with a translation into one of the languages of the Convention."
15. In **Article 31.2**, after the words "...on the ninetieth day after ..." add the words "...the date of..." and before the word "appropriate" insert "with the Depositary".
16. **Article 33**, paragraph 2, should read: "The Convention shall cease to be in force for this Contracting Party one year following the date of the receipt of the notification by the Depositary, or on such later date as may be specified in the notification".

3. Proposal submitted by the delegation of Spain as co-sponsored by the delegations of Bolivia, Chile, Costa Rica, Cuba, Ecuador, Egypt, Guatemala, Kuwait, Mexico, Nicaragua, Paraguay, Peru, Spain, Sudan, United Arab Emirates, Uruguay and Venezuela

Amendment to Article 26, paragraph 2

1. In the second sentence, replace “the designated language” for “a language of the meetings”.
2. Add at the end of the paragraph the following sentence: “The secretariat will translate the reports drafted in a language of the meetings other than the designated language into the designated language.”

Explanation

Article 26-2 is not balanced and discriminates against the languages of the Meetings of the States Parties to the Nuclear Safety Convention other than the designated language. Therefore, this amendment aims at preventing such a discrimination and offers a fairer and more appropriate formulation, since it provides for the translation into the designated language by the secretariat of the reports drafted in other official languages.

This solution offers the following advantages:

- (1) The principle of equality among the official languages of the meetings is established de facto, and not only de iure.
- (2) It prevents a situation of discrimination vis-à-vis the States Parties to the Convention the language of which — although being an official language — is not the designated language.
- (3) The quality of the translation is guaranteed, since it is made by translators specialized in nuclear matters.
- (4) The confidentiality of the reports is enhanced, since the reporting States are not obliged to have the translation made by non-governmental translators.
- (5) It implies considerable financial savings for the reporting States concerned.

It has been argued against such a solution, or other similar ones, that the translation by the IAEA services would entail a considerable cost for the Agency. Such an argument lacks consistency, since the reports are to be made only by those States Parties to the Convention which have nuclear installations, and these States whose language may not be the designated one are relatively few. The cost can be borne by the IAEA without problems and, if this is not the case, the cost should be covered by all States Parties, including those which have the advantage of using the designated language. Otherwise, it would create an additional discrimination of a financial nature for several States.

The States co-sponsoring this amendment rely on the understanding and spirit of co-operation of the States participating in the Diplomatic Conference, and hope that the amendment will be accepted by consensus.

- 4. Proposal submitted by the delegations of Algeria, Brazil, China, Cuba, Ecuador, India, the Islamic Republic of Iran, Iraq, Lebanon, Libyan Arab Jamahiriya, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Philippines, Tunisia and Venezuela**

CHAPTER 1. OBJECTIVES, DEFINITIONS AND SCOPE

Article 1. Objectives

The objectives of this Convention are:

To achieve and maintain a high level of nuclear safety worldwide through [strengthening of] national measures and international co-operation, [including, where appropriate, through technical co-operation].

- 5. Proposal submitted by the delegation of the People's Republic of China**

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CHAPTER 2. OBLIGATIONS

(c) General safety considerations

Add a new article before **Article 10**. The original **Article 10** consequently becomes **Article 11**.

*** [Article 10. Safety objectives]**

Each Contracting Party shall take the appropriate steps to establish safety objectives:

* Proposed new texts are in [].

- (i) to protect individuals, society and the environment from harm by establishing and maintaining in nuclear installations effective defenses against radiological hazards.
- (ii) to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and no individual shall be exposed to radiation doses which exceed prescribed national dose limits.
- (iii) to prevent accidents with radiological consequences and to mitigate such consequences should they occur].

Explanation of the Chinese Proposal for Amendment of Article 1 of INSC

The Chinese delegation finds that **Article 1** has covered objectives of both the Convention and nuclear safety as well as technical objectives to ensure such safety. It has not included, however, the objective of radiological protection. The very fact that we have decided the IAEA Safety Fundamental — Safety of Nuclear Installations — as the basis of drafting the Convention determines that different terminology and interpretation in the Convention from the Safety Fundamental will cause conceptual confusion. We should therefore avoid such confusion, which is easily achievable.

The Chinese proposal is to reserve any item (i) — objective of the Convention in Article 1, while moving the other two items: item (ii) — safety objective and item (iii) — technical objectives for nuclear safety together with another item in **Article 15** — objective of radiological protection to Part C of Chapter 2. Obligations as a new Article 10 under the title of Safety objectives. The advantages of so doing are:

- (1) With the establishment of safety objectives being the strategic measures to all Contracting Parties in dealing with nuclear safety, the requirements will appear much clearer if we place safety objectives under Obligations as prescribed in **Article 2** of the Convention.
- (2) It will not cause confusion to separate objectives of the Convention from nuclear safety objectives as a whole.
- (3) It keeps consistency with the basic standards of nuclear safety and avoids possible wrong interpretation.

6. Proposal submitted by the delegation of the Netherlands

Article 22, change into

1. At the preparatory meeting held pursuant to **Article 21** the Contracting Parties shall prepare and adopt by consensus Rules of Procedure and Financial Rules. At the same meeting they shall establish:
 - (i) guidelines regarding the form and structure of the reports to be submitted pursuant to **Article 5**;
 - (ii) a date for submission of such reports;
 - (iii) the process for reviewing such reports.
2. At review meetings the Contracting Parties may, if necessary, review any arrangements established under paragraph 1 above. Amendments to the Financial Rules shall be adopted by consensus. The Rules of Procedure shall themselves specify how they can be amended.

Rationale

The present **Article 22** provides for the Preparatory Meeting preparing and adopting Rules of Procedure and Financial Rules. It does not provide for the possibility of these Rules being changed in subsequent Review Meetings. The latter meetings can only change the arrangements in subparas (1), (ii), and (iii).

The revised article proposed by the Netherlands would make it possible to change any arrangements established under para. 1, i.e. the arrangements in subparas (i), (ii) and (iii) as well as the Rules of Procedure and the Financial Rules. It specifies that the Financial Rules can be changed by consensus only. However, it leaves open the possibility that the Rules of Procedure adopted by consensus at the Preparatory Meeting specify that some of these can be changed by another mechanism. Of course the opposite would also be possible.

The second sentence of the first paragraph of the present **Article 22** is somewhat confusing. The words 'in particular' seem to suggest (i), (ii), and (iii) are a subset of the Rules of Procedure, whereas the words 'and in accordance with the Rules of Procedure' suggest the opposite. The latter may be true for (ii), a date for submission of the reports. The report of the informal working group on the peer review process, however, has shown that (iii), the process for reviewing the reports, will probably take the form of Rules of Procedure, at least to a large extent.

The wording proposed by the Netherlands does not go into this matter. Clearly, insofar as (i), (ii), and (iii) are themselves in the form of Rules of Procedure, they will have to be adopted as such by consensus in the Preparatory Meeting, and insofar as they are not, they will have to be established in accordance with the Rules of Procedure that the Preparatory Meeting will adopt.

7. Proposal submitted by the delegation of Sri Lanka

Item 3 of **Article 16** on Emergency Preparedness should be amended by adding a clause to the effect:

“Countries with nuclear installations in their territory shall, if requested, provide technical and financial assistance to neighbouring countries to prepare and test emergency plans which become necessary because of the existence of such nuclear installations.”

8. Proposal submitted by the delegation of Argentina

1. **Articles 11.1, 11.2, 12, 13, 19(v) and 16.3** are formulated using an impersonal construction. It is therefore suggested to change the wording so as to mention the “licence-holder”, as is the case in **Article 19(vi)**.

For example, **Article 11.1**, instead of saying “Each Contracting Party shall take the appropriate steps to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life”, might be amended to read: “Each Contracting Party shall take the appropriate steps to ensure that the holder of the relevant license to operate the nuclear installation has adequate financial resources to support the safety of each nuclear installation through its life”.

2. Similarly, it is suggested to change the wording of **Article 16.3** in such a way as to clarify that the subject of the obligation to prepare and test emergency plans is the State which does not have a nuclear installation on its territory but is likely to be affected in the event of a radiological emergency in a neighbouring State.

To this end, it is suggested that **Article 16.3** should read: “Contracting Parties which do not have a nuclear installation shall prepare and test emergency plans that cover the activities to be carried out in the event of an emergency.”

This is not an obligation to be imposed on third States without their consent, but an obligation which most States not having nuclear plants will assume of their own will when ratifying or acceding to the Convention.

9. Proposal submitted by the delegation of the Czech Republic

Amendment of **Article 17**, subparagraph (iv):

— Replace the term “necessary information” by the text “results of evaluations referred to under subparagraphs (i), (ii), and (iii)” so that **Article 17**, subparagraph (iv) will read:

(iv) for consulting Contracting Parties in the vicinity of a proposed nuclear installation, insofar as they are likely to be affected by that installation and, upon request providing the results of evaluations referred to under subparagraphs (i), (ii), and (iii) to such Contracting Parties, in order to enable them to evaluate and form their own assessment of the likely safety impact of the installation.

Explanation

The term of “necessary information” is too broad and general and would lead in future to the necessity of an additional specification.

10. Proposal submitted by the delegation of Australia

A close reading of the final draft text of the nuclear safety convention has revealed three areas that we wish to pursue at the Diplomatic Conference and for which we would like clarification. These are:

Article 16.3

We are not sure of the meaning of the word “neighbouring” and wonder if this word could be omitted altogether.

We note that **Article 16.2** refers to States in the vicinity of the nuclear installation, “which are likely to be affected by a radiological emergency” and had assumed at the working group meetings that there was no intention to depart from this definition in **Article 16.3**.

Article 19(vi)

We consider that some reference to a time frame for reporting should be included. We would suggest the sentence be amended to read “incidents significant to safety are reported as soon as is reasonably possible by the holder of the relevant license to the regulatory body”.

Article 32.4

In the event that a Diplomatic Conference is called, pursuant to **Article 32.3**, how many votes would be needed to carry an amendment? This is not currently spelt out in **Article 32.4**.

11. Proposal submitted by the delegation of Japan

As regards **Articles 2 and 31**, the Japanese delegation has a concern that the present provisions seem to have room for ambiguity concerning the timing of the entry into force. The Japanese delegation hopes that the concern be addressed in the Committee of the Whole.

1. **Article 2(i)** of the draft convention provides clearly for the terms for a nuclear installation to cease to be a nuclear installation. However, it is not clear when and how a nuclear installation starts to be a nuclear installation.

2. (1) On the other hand, **Article 31** provides for the numbers of the States needed for the entry into force.

(2) Suppose that one more State with at least one nuclear installation is needed for the entry into force of the Convention, ambiguity on the nuclear status of the State wishing to be the next Contracting Party could lead to a disagreement on the date of the entry into force of this Convention.

(Example: (a) fifteen [15] States with at least one nuclear installation and five [5] States without a nuclear installation needed for the entry into force, and (b) fourteen [14] States clearly with nuclear installation(s) and five [5] States clearly without a nuclear installation having already become Contracting Parties).

(3) More generally, apart from the extreme case described in the above 2.(2), any disagreement may arise on the nuclear status of any ratifying States (especially on several borderline States), then leading to ambiguity on the timing of the entry into force.

(4) We think that in the context of the Convention, the Depositary will not be granted any power to judge upon this kind of problem and that there will be no appropriate mechanism for the purpose (e.g. the meeting of the Contracting Parties) before the entry into force of this Convention. Therefore, we strongly hope that the terms for a nuclear installation to be a nuclear installation be clearly defined by some means by the end of the Diplomatic Conference to avoid the possible ambiguity on the timing of the entry into force.

12. Proposal submitted by the delegation of Ukraine

Article 6

In the last sentence, replace the word “may” by “shall” so that the text reads as follows:

“The timing of the shutdown *shall* take into account the whole energy context and possible alternatives as well as the social, environmental and economic impact.”

The following changes need to be made to the Russian text owing to inaccuracy in the translation:

Article 6

Modify the second sentence to read as follows: (Russian version: [Please refer to original document]). English version:

“When necessary in the context of this Convention, the Contracting Party shall ensure that all reasonably practical improvements that can be undertaken by it are made as a matter of urgency to upgrade the safety of the installation.”

Articles 12 and 18

Modifications apply only to the Russian text. Please refer to original document.

13. Proposal submitted by the delegation of Indonesia

The Indonesian delegation welcomes this convention and we highly appreciate the efforts of both the expert group and the Agency in this matter.

Along with this convention, we hope that the safety culture can be developed with high priority by both the national and international societies so that the peaceful uses of atomic energy can have a better future.

In the TMI II accident, the exposure to neighbouring population was negligible and based on the lesson learned from this accident, many ameliorations have been implemented so that the probability for core melt-down can be reduced by the order of two or more.

Related to these improvements, our delegation sees the ambiguity of the word “vicinity” in **Article 16** and **Article 17**. In this regard we hope that this meeting can give a clear and reasonable definition or explanation of the word “vicinity”.

14. Proposal submitted by the delegation of the Republic of Iraq

The delegation of the Republic of Iraq presents its compliments to the secretariat of the Diplomatic Conference on a Nuclear Safety Convention and congratulates Mr. Hohlefeldt on his election as President of the Conference and also the Chairman and Vice-Chairman of the Committee of the Whole and the Chairman of the Drafting Committee, wishing them all success in their tasks. It has the honour to express its support for the draft Nuclear Safety Convention, and to point out to the Conference that the destruction of Iraqi peaceful nuclear installations under Agency safeguards could have led to releases of nuclear radiation causing contamination of the environment. It is for this reason that bombing of nuclear installations by military means must be banned.

The Iraqi delegation suggests that the following paragraph be added to the **Preamble**: “Recognizing that individuals, the public and the environment may be exposed to the hazards of nuclear radiation as a result of military attacks on nuclear installations, and that such hazards are no less dangerous than the consequences of radiation accidents in nuclear installations.”

It also proposes the following amendments to operative articles:

- (a) **Articles 5, 22 and 24:** Insert a paragraph providing for the right to inspect nuclear power plants with a view to verifying compliance with the safety requirements under this Convention;
- (b) **Article 6:** Insert a paragraph indicating the measures which should be taken against a State in the event of its failure to shut down the nuclear power plant;
- (c) **Article 7:** Insert a paragraph explaining the role of the regulatory body in applying the provisions of this Convention.

15. ‘Non-paper’ submitted by the representatives from Belgium, Brazil, India, Israel and the United States of America

Proposal for inclusion in the Final Act: general guidance to Contracting Parties.

1. INTRODUCTION

1.1. The Diplomatic Conference wishes herewith to provide some general guidance with respect to procedural and financial arrangements, national reports and the conduct of review meetings. This guidance is not exhaustive and does not bind the Contracting Parties.

1.2. The basic principle underlying this guidance is that all provisions in the Rules of Procedure and the Financial Rules should be in strict conformity with the provisions of the Convention.

1.3. Nothing in the implementation of the Convention should dilute the national responsibility for nuclear safety.

2. GUIDANCE ON NATIONAL REPORTS

In accordance with **Article 5** of the Convention, national reports should, as applicable, address each obligation separately. The reports should demonstrate how each obligation has been met, with specific references to — inter alia — legislation, procedures and design criteria. Where it cannot be demonstrated that a particular obligation has been met, reports should state what measures are being taken or planned to meet the obligation.

3. GUIDANCE ON CONDUCT OF REVIEW MEETINGS

The purpose of review meetings referred to in **Article 20** of the Convention is the review by experts of national reports. The review process should:

- include in-depth review of all national reports, to be conducted by each Party before the meeting, as it deems appropriate;
- be carried out through discussion among experts at the meeting;
- take into consideration the technical characteristics of different types of nuclear installation;
- identify problems, concerns, uncertainties, or omissions in national reports, focusing on the most significant problems or concerns in order to ensure efficient and fruitful debates at the meetings; and
- identify technical information and opportunities for technical co-operation in the interest of resolving safety problems identified.

4. GUIDANCE ON RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES

4.1. Equitable representation: Paramount importance should be given to technical competence in the election of chairmen and officers. Consideration should also be given to the overall membership of the Convention, including the geographical distribution of the Contracting Parties.

4.2. Decision making: Every effort should be made to take decisions by consensus.

4.3. Confidentiality: The Rules of Procedure should be formulated so as to ensure that the provisions of Article 27 are applied to all participants.

5. GUIDANCE ON FINANCIAL RULES

5.1. Costs to the secretariat: All costs to the secretariat, referred to in Article 28 of the Convention, should be kept to a minimum. To the extent practicable, costs of translation and interpretation should be limited. The Agency should be requested to provide other services in support of the meeting of the Contracting Parties, only if such services are deemed essential.

5.2. Costs to the Contracting Parties: In order to encourage the widest possible adherence to the Convention, the costs of preparing for and participating in review meetings should be limited, to the extent practicable, by — inter alia — the following means:

- limiting the frequency of review meetings, and
- limiting the duration of the preparatory meeting and of review meetings.

SUMMARY RECORD OF THE FIRST PLENARY MEETING OF THE DIPLOMATIC CONFERENCE ON A NUCLEAR SAFETY CONVENTION

Held at the Headquarters of the International Atomic Energy Agency
Vienna, on 14 June 1994, at 10.15 a.m.

Temporary President: Mr. BLIX ((Director General of the IAEA)

President: Mr. HOHLEFELDER (Germany)

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* NSC/DC2.

OPENING OF THE CONFERENCE

1. The **TEMPORARY PRESIDENT**, opening the Conference in accordance with Rule 8 of the Conference's Provisional Rules of Procedure and welcoming the delegates, said that the International Atomic Energy Agency (IAEA) was proud to be hosting the Conference. It would provide the Conference's logistics and secretariat functions and might also, as an observer, present its views on technical issues which arose.
2. Sustainable development and efforts to combine environmental goals with improved standards of living worldwide inevitably included consideration of sustainable sources of energy, especially electricity. Nuclear energy could make an important contribution in that respect. Assurance of safety, together with assurances of exclusively peaceful use, remained fundamental prerequisites for the future reliance on nuclear power as an attractive option for meeting the growing global demand for energy. Those two elements were recognized in the of the IAEA Statute as well as in the national laws of many States. However, there were important differences in the allocation of responsibilities for those two areas between the international community and national authorities — safety having long been a predominantly national concern, while the commitment to exclusively peaceful use had been, even before the establishment of the IAEA, an intensely international concern.
3. As a result, a strong and complex network of international, regional and bilateral agreements had gradually been established containing binding commitments to the exclusively peaceful use of nuclear energy and to international control and verification. States had agreed to be individually bound within a unique system of bilateral verification agreements concluded with the Agency — the safeguards agreements. States were free to decide whether or not they wished to commit themselves to non-proliferation, but once they had bound themselves by treaty, the international system had strong and well defined measures for verification.
4. On the other hand, the safe use of nuclear energy, as of other forms of energy, remained essentially a national responsibility. As defined in the fundamental principles contained in the draft nuclear safety convention before the Conference: "responsibility for nuclear safety rests with the State where a nuclear installation is located". Nevertheless the interdependence of all participants in the nuclear fuel cycle was becoming increasingly recognized. An accident anywhere had the potential for direct transboundary radiation consequences and had global ramifications in terms of public confidence in nuclear power as a major energy source.
5. While it was possible to talk of an international nuclear safety "regime", the latter was not essentially based on international treaties like the non-proliferation regime. The Conventions on Physical Protection, on Early Notification of a Nuclear Accident and on Emergency Assistance, and the two Conventions on liability (now

linked by a Joint Protocol) related to the potential international safety and economic impact of national nuclear activities, and were part of a growing international legal infrastructure. However, they did not fundamentally alter the balance between national and international responsibilities. The same was true in the case of most regional and bilateral arrangements which had been developed to meet particular needs.

6. Nevertheless, in many important aspects of safety, States had found it appropriate to co-operate with each other, firstly, to harmonize national rules by developing and adopting codes and guidelines of a recommendatory nature and by accepting international standards and, secondly, by increasing their readiness and openness to international review and advice.

7. Some of the codes and guidelines had been in existence for many years and had been updated and reviewed as necessary, as was the case, for example, with the IAEA Regulations for the Safe Transport of Radioactive Material. Others, such as the Code of Practice on the International Transboundary Movement of Radioactive Waste, had been adopted more recently in response to new concerns. Internationally adopted codes and guidelines had, in some cases, been used by countries as the basis for national laws and regulations. In other cases, national rules of States had served as a common denominator for the establishment of an international standard. A practical advantage of such codes and guidelines over formal treaties had been that the former could take effect without the need for lengthy ratification procedures. Also, as they often involved codifying “best practice”, they had the potential for broad-based adherence.

8. In the area of international review and advice, the IAEA had played a leading, but not exclusive, role. He welcomed and encouraged the contributions in that area from national, regional and non-governmental organizations. As a non-governmental organization, WANO¹, for example, was playing an important and unique part in providing expertise and peer support to nuclear power operators. It was to be hoped and expected that those mechanisms for review and advice would gradually assume an increasingly important role.

9. In the meantime, the IAEA had initiated and was implementing a wide range of advisory safety services including: the Agency’s OSART² service, which aimed at enhancing operational safety at nuclear power plants worldwide and had already provided advice to operators of 56 plants in 27 countries; international seminars and special review teams to assess safety in organizations and to promote a nuclear safety culture; an international peer review service for probabilistic safety assessment to help in reviewing the growing number of probabilistic safety assessments underway

¹ World Association of Nuclear Operators.

² Operational Safety Review Team.

in most countries with nuclear power plants; an engineering safety review service, which assessed the suitability of proposed and existing nuclear power plant sites from a safety point of view and undertook overall site and seismic re-evaluations; and peer review of nuclear safety authorities and their practices, a service which had been established by the Agency in 1989 in recognition of the fact that a legally based, independent, technically strong regulatory authority was a necessary basis for safety.

10. In addition, the Secretariat published every year the Nuclear Safety Review — a report on recent world developments in nuclear safety and radiation protection focusing on how the world nuclear community was dealing with the problem of achieving greater international safety co-operation, describing topical issues as well as accidents, incidents and events that had occurred and discussing briefly related issues of event reporting, analysis and communication.

11. As the only global intergovernmental mechanism in the field of nuclear safety, the IAEA was providing the forum both for the development of legal instruments and codes and for practical programmes of international review and advice.

12. The accident at Three Mile Island and the disaster at Chernobyl had given further impetus to the establishment of international norms. While the Chernobyl accident was the only one to have had transboundary radiological consequences, the impact of both accidents had gone far beyond the borders of the States where they had occurred. As a result, States had sought to promote greater transparency and openness in questions relating to the safety of nuclear power plants, and, by doing so, to promote their own nuclear safety culture. They had done that by accepting reviews by outsiders and widening the scope of safety to include the human as well as the technological dimension. It was also against that background that the political will had emerged to conclude a binding international convention on the safety of nuclear power installations.

13. The practical difference between well developed recommendatory norms, like the Nuclear Safety Standards (NUSS), which were followed up by enquiries about implementation, and binding conventions was perhaps not very great, but it was clear that the level of commitment was felt by the community of States to be considerably higher in the case of a legally binding convention.

14. In 1991, following an initiative taken by Member States of the European Union, an International Conference on the Safety of Nuclear Power: Strategy for the Future had been convened by the IAEA. The “Major Findings” of that Conference had included the assertion that “safety should be primarily enforced at national level by the conscientious application of existing safety principles, standards and good practices at each plant, and within each national regulatory body, making the best use of national legal frameworks and working practices”. However, the “need to

consider an integrated international approach to all aspects of nuclear safety, including safety objectives for radioactive wastes, which would be adopted by all Governments”, had also been recognized.

15. In 1991 the IAEA’s General Conference had supported that idea and invited the Director General to undertake preparatory work on a nuclear safety convention. The result of the work thus started was now before the Conference. The draft Convention submitted for consideration and adoption had been elaborated by a large group of legal and technical experts convoked by the Agency from some 50 countries representing all regions of the world and including countries with and without nuclear power programmes. During the experts’ discussions it had become clear that further instruments were needed, in particular relating to radioactive waste management. The work of the Group of Technical and Legal Experts had been characterized by a sense of timing and purpose, as well as by a sense of compromise. The draft Convention was designed to add new impetus to efforts to develop a high level of nuclear safety worldwide. Through the Convention, States would bind themselves to a number of important safety rules, and agree to participate in and report to periodic peer review meetings to verify implementation of the Convention’s obligations.

16. The Convention would apply to “nuclear installations” defined as land based civil nuclear power plants. The obligations embodied in the draft Convention were based largely on the principles contained in the IAEA document “The Safety of Nuclear Installations” (Safety Series No. 110), which represented an international consensus on the basic concepts underlying the regulation and management of safety and the operation of nuclear installations.

17. The draft Convention contained a requirement that the Contracting Parties establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations. There were obligations to be met covering general safety considerations, such as the necessity for policies which gave priority to safety, adequate financial and human resources for safety, the assessment and verification of safety, as well as adequate quality assurance, radiation protection and emergency preparedness programmes. Other obligations covered safety in the siting, design, construction and operation of nuclear installations.

18. Under the draft Convention, each Contracting Party was required to take adequate national measures to assure nuclear safety and to report to the other Contracting Parties on the measures taken. The peer review process, whereby the Contracting Parties met to discuss national reports, was the Convention’s key mechanism for promoting a high level of nuclear safety worldwide. The specific provisions governing the conduct of such meetings still had to be drafted. The Agency was ready to assume the responsibility of Depositary of the Convention and to provide secretariat services for the meetings of the Contracting Parties.

19. The path to the Conference had not been an easy one and Mr. Domaratzki — Chairman of the Group of Legal and Technical Experts — was to be commended for his patient work and inspiration. The draft Convention represented a milestone. The IAEA Secretariat remained ready to assist the Conference and, to the extent mandated, to assist in the implementation of the Convention.

ELECTION OF THE PRESIDENT

20. The **TEMPORARY PRESIDENT** invited nominations for the office of President of the Conference.

21. The delegate of **SWEDEN**, as Chairman of the Western European Group, nominated Mr. Hohlefelder from Germany. He had held the post of Director General of Nuclear Safety and Radiation Protection at the Federal Ministry for Environment, Nature Conservation and Nuclear Safety since 1986 and before that he had been Administrative Director of the Gesellschaft für Reaktorsicherheit. He had also worked in the Group of Seven and Group of Twenty-Four in the area of nuclear safety and had been very active in the preparation of the present draft Convention.

22. The **TEMPORARY PRESIDENT**, in the absence of any other nominations, said that he took it that, in accordance with Rule 47 of the Provisional Rules of Procedure, the Conference wished to proceed without taking a ballot and elect Mr. Hohlefelder as its President.

23. **Mr. Hohlefelder (Germany) was elected President of the Conference by acclamation.**

Mr. Hohlefelder (Germany) took the Chair.

24. The **PRESIDENT** said that it was a very special honour for him to accept the office of President of the Conference and thanked delegations for the trust they had placed in him. He would work impartially and do everything possible to bring the Conference to a successful conclusion.

25. The President of the 1991 International Conference on the Safety of Nuclear Power: Strategy for the Future in his opening remarks had referred to the need to set a process in motion to create a convention in the area of nuclear safety and had indicated that, although it would be a difficult process, the necessary preconditions had already been fulfilled.

26. Much work had been done in the meantime and the Director General of the IAEA had always encouraged that work. In seven — at times rather difficult — sessions the Group of Experts, with the IAEA Secretariat's valuable assistance, had

produced a draft Nuclear Safety Convention that reflected the broad agreement reached by the experts and had their overall support. That agreement had been made possible because all experts had been prepared to accept compromises, in order to complete successfully and within reasonable time the task given to the Group. The efficient and wise chairmanship of Mr. Domaratzki had contributed substantially to that positive result. A further cornerstone had been the IAEA General Conference resolution GC(XXXVII)/RES/615, which had stressed the desirability of holding a Diplomatic Conference early in 1994.

27. The present Conference was faced with the task of considering and adopting the comprehensive draft text worked out by the Group of Experts, and he hoped that the spirit of co-operation in which the Group had concluded its deliberations would prevail. The subject was obviously highly sensitive, as demonstrated by the fact that for almost half a century of the peaceful use of nuclear energy, no legally binding international instrument on nuclear safety had even been close to being created. The Conference had the potential to become a milestone in the development of the international law of nuclear energy and lay the foundations for the further development of nuclear safety worldwide.

28. The draft Nuclear Safety Convention entailed a commitment to the application of fundamental safety principles and its final success would depend on the actual functioning of the meetings of the Contracting Parties. It was therefore necessary that the greatest number of countries, in particular those having nuclear installations, should participate in an effective peer review mechanism.

ADOPTION OF THE AGENDA (NSC/DC2)

29. The **PRESIDENT** took it that the Conference wished to adopt the provisional agenda contained in document NSC/DC2.

30. **It was so decided.**

ADOPTION OF THE RULES OF PROCEDURE (NSC/DC3)

31. The **PRESIDENT** took it that the Conference wished to adopt the Provisional Rules of Procedure contained in document NSC/DC3.

32. **It was so decided.**

ELECTION OF VICE-PRESIDENTS AND OTHER OFFICERS OF THE CONFERENCE

33. The **PRESIDENT** noted that, in accordance with Rule 9 of the Provisional Rules of Procedure, the Conference was required to elect eight Vice-Presidents. The

heads of delegations had recommended that delegates from the following countries be appointed as Vice-Presidents: the United States of America for the North America Group, Argentina for the Latin America Group, Spain for the Western Europe Group, the Russian Federation for the Eastern Europe Group, Algeria for the Africa Group, Pakistan for the Middle East and South Asia Group, Indonesia for South-East Asia and the Pacific Group and Japan for the Far East Group.

34. He took it that the Conference wished to adopt the recommendations made by the heads of delegations and was ready to elect the delegates from the countries that he had named as Vice-Presidents by acclamation.

35. **It was so decided.**

36. The **PRESIDENT** said that the heads of delegations had also recommended that Mr. Högberg from Sweden and Ms. Machado Quintella from Brazil be appointed as Chairman and Vice-Chairman of the Committee of the Whole, and he took it that the Conference wished to elect them by acclamation.

37. **It was so decided.**

38. The **PRESIDENT** said that the heads of delegations had furthermore recommended that Mr. Gopalakrishnan from India be appointed as Chairman of the Drafting Committee and he took it that the Conference wished to elect him by acclamation.

39. **It was so decided.**

40. The **PRESIDENT** said that, in accordance with Rule 16 of the Rules of Procedure, a Drafting Committee, composed of not more than 18 members, had to be elected. Nominations had been received for Spain, Mexico, Chile, France, the Russian Federation, Ukraine, Hungary, China, the United Kingdom, Canada, Japan and the United States of America. No nomination had yet been received for an Arabic-speaking country. Although the Drafting Committee was not yet complete, he proposed that, pending the receipt of further nominations, it should begin its work once the Committee of the Whole had been constituted.

41. **It was so decided.**

42. The delegate of **SPAIN** said that he wished to express some reservations about the procedure that had been used for appointing members of the Bureau. Although honoured that his country had been elected to provide one of the Vice-Presidents, he was not happy about the way in which the Chairman of the Drafting Committee had been appointed.

43. During the informal consultations, the Group of 77 had not submitted any candidates for any of the posts of President or Chairmen of the Conference and at the last minute had submitted a candidate for the Chairman of the Drafting Committee with the argument that, in view of the principle of geographical distribution, it

was unfair that the three posts of President and two Chairmen should be occupied by candidates from the Group of Western European and Other States. The Group of 77 had, as it happened, opted for the only post that was not subject to geographical criteria as the Drafting Committee was based on linguistic rather than geographical criteria. Spain had some months previously indicated that it was very interested in chairing the Drafting Committee — not so much for reasons of prestige as for reasons of substance — and had proposed a candidate who was technically and linguistically qualified. While his delegation naturally respected the Group of 77's right to submit candidates for any of the posts and supported the Chairman who had been elected, it believed that if the Group of 77 was interested in being represented in the Conference, it would have been logical for it to put forward candidates for political rather than linguistic posts.

44. Spain had been particularly desirous of providing the Chairman of the Drafting Committee as it had specific ideas about the Committee which were perhaps not shared by all delegations. Languages other than English had thus far been totally ignored. He had already pointed out that the translation of the Spanish version of the draft Convention had been done at the eleventh hour — the translators had probably been given about 24 hours to translate the text, which had been negotiated for two years in English. In agreement with other Spanish-speaking delegates, his delegation had improved the text of the Spanish version and it had wanted to ensure that the Drafting Committee was a real drafting committee not just a translating committee. Spain was glad that it had been appointed to the Drafting Committee and it would co-operate with the elected Chairman of that Committee. However, it would like to see the Committee examine and compare the texts in the different languages rather than just meeting to finalize and then translate the English text of the draft Convention into the other languages.

ORGANIZATION OF THE WORK OF THE CONFERENCE

45. The **PRESIDENT** noted that the organization of the Conference's work had also been discussed by heads of delegations. The Rules of Procedure provided for plenary meetings, a Committee of the Whole and a Drafting Committee. The plenary meetings at the beginning of the Conference would be devoted to general statements, including proposals for motions or resolutions, and at the end of the Conference to the adoption of the text of the Convention and the Final Act. Consideration of the text of the draft Convention and Final Act and any other matter of substance referred to it by the plenary would take place in the Committee of the Whole, which would transmit all matters of drafting to the Drafting Committee. He felt that it would be desirable for the Drafting Committee to be set up as soon as possible, as there were a large number of motions dealing with linguistic and editorial questions. The

Drafting Committee would prepare drafts accordingly and report back to the Committee of the Whole, which would in turn report to the plenary meeting.

46. It was expected that the Committee of the Whole would begin its work in the afternoon after the plenary had completed its initial business. The Drafting Committee would be convened as soon as proposals had been submitted to it by the Committee of the Whole.

47. He took it that the Conference approved the organization of its work as he had just outlined.

48. **It was so agreed.**

CONSIDERATION OF:

(a) A DRAFT NUCLEAR SAFETY CONVENTION

(b) DRAFT CONFERENCE RESOLUTIONS

49. The delegate of **INDIA** said that his country's support for the development of a balanced international convention on nuclear safety had been unqualified from the outset. It deeply appreciated the impressive work done by the Expert Group and its Chairman, Mr. Domaratzki, whose task had been a challenging and difficult one in that he had had to mould together a consensus draft out of the diverse and often divergent views of the Member States.

50. India shared the global concern for nuclear safety and recognized that the responsibility for the safety of a nation's nuclear installations rested primarily with the organizations it had created to discharge and oversee that responsibility. Each nation which consciously and scrupulously discharged that responsibility for nuclear safety was fulfilling its obligations to the international community as well. The accident-free operation of its nine operating nuclear power reactors and the associated fuel cycle plant for more than four decades was evidence of India's fulfilment of those obligations. The basic recognition of safety as a cornerstone of all nuclear activities was enshrined in India's Atomic Energy Act of 1962. India had also set up an Atomic Energy Regulatory Board to carry out all regulatory and safety functions envisaged in the Act, and a competent and independent assessment was continually being made of the safety related requirements and practices in all its nuclear installations. Constant liaison was maintained with the media and the public in matters related to nuclear safety in order to instil confidence in the public that safety was receiving the highest priority in all India's nuclear activities.

51. While all delegations had the same ultimate objective, there might often be different interests and views, and the challenge facing the Conference was to overcome those differences and evolve a balanced consensus that most delegations could wholeheartedly accept.

52. One matter of concern to his delegation was the time, effort and costs involved in the preparation and review of the country reports. It was necessary to explore effective means of reducing those costs and important to ensure that the priority and scope of the review of each power reactor installation matched the safety status and its potential for causing a transboundary impact in case of a severe accident. If the relative transboundary impact from certain installations was assessed to be significant, they should receive a more detailed multilateral review under the Convention. In cases where the transboundary impact was relatively low, the review of country reports could perhaps be left to each national regulatory agency responsible for such installations in association with a national peer group. That could lead to a substantial reduction in the effort involved in reviewing country reports and also in the costs to be incurred under the Convention. That view coincided substantially with the opinion expressed by INSAG³ in connection with the review process.

53. There was no doubt that the main inputs for enhancing safety were technical and technological ones. At the same time, there was no single and unique solution to most of the safety related issues. Each nation could implement distinctly different technical solutions to achieve the same objective. His delegation therefore felt that the Convention would succeed in its central objective of promoting a high level of nuclear safety worldwide only if it also promoted open technical dialogue between the signatories in all pertinent areas related to safety. Reviewing the safety status alone would not achieve that objective. The review process might only identify weaknesses without pointing towards solutions even within existing constraints. Recognizing the importance of international technical co-operation in that regard, several Member States, including India, were proposing a formulation to include that element in the Convention.

54. India was committed to the safety of all nuclear activities without exception and believed that any nuclear safety convention should cover all nuclear power plants, both civil and military. However, the present Convention covered only civilian nuclear power plants. His delegation hoped that the safety aspects of military nuclear power plants would also be given attention, in order to achieve comprehensive nuclear safety worldwide.

55. In conclusion, he said that much had already been achieved in evolving a Nuclear Safety Convention which took into account most of the concerns of Member States, and his delegation looked forward to working constructively with others in finalizing a Convention which would attract universal adherence and would make a definitive contribution to the promotion of international safety.

56. The delegate of **ISRAEL** said that his country had supported the early convening of a Diplomatic Conference to finalize the text of the draft Nuclear Safety

³ International Nuclear Safety Advisory Group.

Convention which had been prepared by the Group of Experts. The draft was not complete and certain important issues had yet to be resolved. In particular, the peer review process had not been discussed by the Group of Experts. Moreover, the financial outlay associated with the preparations for the meeting of the Parties, and the cost of the meeting itself had not been made clear. The resources that a State Party to the Convention might need for the preparation of its national report, the review of other nations' reports and for participation in the review meetings might be impractically high, depending on the scope and level of detail called for by the Parties. Therefore, while Israel supported in principle the skeleton text which had been presented, that text was not yet ready for signature since States should have a clear view of the obligations which they were undertaking with regard to the review meetings.

57. In order to encourage the widest possible participation in the Convention, Israel would support a review process which was professionally efficient but carried an affordable price tag. That could be achieved by focusing on the most significant matters pertaining to the implementation of the obligations contained in the Convention, and by confining the collective part of the review to a single hearing at the meetings. Israel would be explaining its own suggestions in that regard in the course of the Conference, and they would also be reflected in a non-paper being circulated by five Member States for adoption in the Final Act.

58. The delegate of **CUBA** said that the creation of an effective international nuclear safety regime was a highly significant venture for the whole of humanity calling for a serious and continuous effort on the part of all States. He therefore thanked the IAEA for the work it was doing and the Group of Experts for producing the draft Convention in such a short time pursuant to the mandate from the General Conference. He hoped that work would continue in the same spirit with a view to fulfilling the original objectives, namely to achieve a high level of nuclear safety in all facilities and not just in land based civil nuclear power plants. Though Cuba had not abandoned that aim, it had associated itself with the consensus reaching a compromise acceptable to the majority of States. He hoped that the reference in the preamble to the draft Convention to the usefulness of further work on the development of other international legal instruments would be honoured, so that all nuclear facilities might be covered, thus achieving a high level of nuclear safety throughout the world.

59. The achievement of the objectives of the Convention was closely linked to the strengthening of international co-operation, including appropriate transfer of technology between countries. The nuclear option was an important way of solving countries' energy requirements and was essential to the development of certain countries, and the Nuclear Safety Convention was an important means of promoting confidence in nuclear power.

60. In line with the great importance which States accorded to the need to create an international legal framework, which would permit the safe, well regulated and environmentally sound utilization of nuclear energy, the international community was now on the threshold of adopting a Convention. As yet however, the text was inadequate with regard to both its scope and its failure to clarify such crucial questions as the financial and procedural mechanisms and the extent of the reports which the Contracting Parties would have to produce. Those matters were not of secondary importance. It was no good for States to aspire to an international nuclear safety regime if in practice they were excluded from joining it. Therefore, the broad adherence of States to the Convention would depend in large part on allowance in the procedural mechanisms for the ability of the Contracting Parties to meet their obligations. It had to be ensured that some States did not have advantages over others owing to their level of nuclear development and their economic strength, as that would undermine the essential purpose of the Convention.

61. Cuba had always striven to ensure an adequate level of safety in its nuclear programme. It had participated actively in the elaboration of the Convention and would continue to work towards the common goal of all States present at the Conference, namely an improved global nuclear safety regime.

62. The delegate of **GREECE**, speaking on behalf of the European Union, commended the work of the Group of Experts and its Chairman, Mr. Domaratzki of Canada, which, with the efficient professional assistance of the Secretariat, had submitted to the Conference a draft Convention which already enjoyed broad acceptance.

63. The Conference was of great interest to the European Union, as it attached considerable importance to strengthening international co-operation in the nuclear safety field. The European Union had consistently supported all measures aimed at promoting a high level of nuclear power plant safety throughout the world, and the Convention should contribute substantially to that aim. The inspiration for the Convention had come from the International Conference on the Safety of Nuclear Power which had been held in 1991, and the European Union was pleased to have played a leading role in promoting that Conference and the developments which had followed.

64. The draft text was the result of carefully considered negotiations in which a high degree of goodwill and compromise had prevailed. The Expert Group had wisely taken as the basis for its work the Safety Fundamentals document on the safety of nuclear installations. He also welcomed the provision for peer review of the national reports of Contracting Parties.

65. In conclusion, he expressed the hope that the Convention would be open for signature in September 1994 and that the greatest possible number of countries would

become party to it as soon as possible, particularly those which possessed nuclear installations.

66. The delegate of **ARGENTINA** congratulated the Chairman of the Group of Experts on the flexibility and patience he had shown in the course of the seven lengthy meetings which had culminated in the draft text now before the Conference.

67. In view of the enormous importance of nuclear safety, Argentina had repeatedly demonstrated its unconditional support for the efforts made by the international community to create a truly universal nuclear safety regime. Thus, Argentina had played an active part in the International Conference on the Safety of Nuclear Power which had been held in Vienna in September 1991. His Government had fully endorsed the conclusions of that Conference, and, in particular, the need to produce an international and binding legal instrument on nuclear safety. Since that time, Argentina had not only fully supported the resolutions and decisions of the General Conference and the Board of Governors on the issue but had also actively and constructively participated in all the formal and informal meetings of the Group of Experts charged with undertaking the preparatory work necessary for the prompt adoption of a nuclear safety convention. Argentine experts had made great efforts within that Group to achieve consensus on the basic structure and content of the Convention. His delegation was proud of having contributed — despite all the problems encountered in the negotiation process — to the Group's having produced a draft text which fulfilled the mandate given it by the Board of Governors. Though that text could certainly benefit from improvements in both form and substance, his delegation was satisfied with the results obtained which constituted a fundamental step in the right direction.

68. Argentina strongly supported the objectives of the draft Convention, namely the achievement of a high level of nuclear safety through both national measures and international co-operation, the implementation of effective protective measures in nuclear facilities for the eventuality of radiological emergencies in order to protect individuals, society and the environment, and the prevention of nuclear accidents and mitigation of their consequences. The draft text set forth basic principles on the safety and operation of nuclear facilities which were widely accepted throughout the world. His delegation therefore endorsed the main provisions of the draft, namely the obligations undertaken by the Contracting Parties to: (a) establish and maintain a legal and regulatory framework for nuclear facilities; (b) adopt basic safety measures such as the availability of financial and human resources, evaluation and verification of safety, quality assurance and the preparation of emergency plans; (c) ensure compliance with technical requirements for the selection of sites, design, construction, operation and decommissioning of nuclear facilities; and (d) present national reports for consideration by the review conferences to be held at regular intervals.

69. Argentina's participation in the Conference would be marked by the same spirit of compromise which had been shown by its specialists within the Expert Group. His delegation would do its utmost to ensure that the decisions of the Conference were adopted by consensus. With flexibility and co-operation, the Conference should succeed in its important task and satisfy the desire of the international community and the general public for clear progress toward the creation of a true safety culture throughout the world.

70. The delegate of **SWEDEN** joined others in congratulating the Group of Experts and its Chairman, Mr. Domaratzki, on their skilful work in producing a draft Convention which enjoyed broad international acceptance.

71. The current draft was the result of negotiations among the participating parties and she hoped that the spirit of compromise which had been shown in its elaboration would continue to prevail. The Convention was an incentive Convention which meant that a State which adhered to it was expressing its commitment to the process of developing and maintaining a high level of safety in its nuclear installations and a high level of safety culture within all associated organizations.

72. She hoped that the work of the Conference would proceed smoothly and effectively and that all delegations would be able to support the draft Convention, that the Convention would be open for signature in conjunction with the General Conference in September 1994, and that the greatest possible number of countries would adhere to it as soon as possible, thus signalling broad support for enhanced nuclear safety worldwide.

73. The delegate of **HUNGARY** expressed his delegation's satisfaction that the work on elaborating the Convention had reached its concluding phase. Hungary had always attached great importance to international standards and practices pertaining to the safe utilization of nuclear energy. The Hungarian nuclear safety guides and codes, which had been adopted at the end of the 1970s, and the Hungarian nuclear law, which had been passed in 1980, had been based on the appropriate recommendations of the IAEA and best international practice. A new Hungarian nuclear law and new nuclear safety guides and codes were currently being elaborated with a view to bringing them in line with the most up-to-date international standards. The Nuclear Safety Convention which was to be adopted that week was an important part of that international upgrading process.

74. The idea of enhancing nuclear safety worldwide via a Convention had been proposed at the International Conference on the Safety of Nuclear Power in 1991 and had received considerable support. The draft text which had been submitted to the present Conference might not satisfy all expectations. It did not cover all phases of the nuclear fuel cycle or all nuclear facilities, some of the formulations concerning safety requirements could have been more specific, and the elaboration of the financial rules and procedural issues could have been more detailed. However, it did

represent an acceptable compromise and should fulfil the basic objectives set for it. He hoped it would be adopted by consensus. He commended the work which had been done by the Group of Experts and its Chairman, and by the Secretariat of the IAEA. The Agency, with its accumulated experience and knowledge in the field of nuclear safety, would play an important role in the realization of the objectives of the Convention.

75. The Hungarian delegation was committed to the completion of the Convention and urged its approval and early implementation. It believed that national measures and international co-operation based on the Convention could contribute to achieving and maintaining a high level of nuclear safety throughout the world. He hoped that as many States as possible would sign it, in particular those with nuclear installations. His delegation had been authorized to finalize and adopt the text and hoped that it would be open for signature during the forthcoming General Conference.

76. It would be desirable if the Conference could contribute to developing a clearer understanding of the professional and financial obligations of the Contracting Parties in connection with the peer review process. Of course, the organizational, financial and procedural aspects associated with the peer review process could only be elaborated in detail by the Contracting Parties in the course of implementation of the Convention. However, more information and a clearer picture of the related requirements in the text of the document would help States in deciding whether to join the Convention.

77. The delegate of **ROMANIA** said that nuclear energy offered a safe, reliable and environmentally sound means of generating electrical power and would continue to play a vital part in global efforts to improve energy supplies while lessening dependence on fossil fuels. Confidence in nuclear energy would clearly be enhanced through the maintenance of high safety standards. In the light of the adverse psychological reaction to the Chernobyl accident, it was crucial that a concerted effort be made by both national governments and international organizations to strengthen the nuclear safety regime. Adequate safety levels were an indispensable prerequisite for the future contribution of nuclear energy to the world energy supply. Openness, transparency and public information were essential for an unbiased assessment of safety performance. To encourage those trends, a global framework was required which would strengthen, but not replace, the national responsibilities of operators and regulatory bodies for the safety of their nuclear facilities. The International Conference on the Safety of Nuclear Power in 1991 had provided the impetus for the elaboration of a nuclear safety convention. Since that time, the international community had been working toward that end with the invaluable assistance of the Agency.

78. Romania regarded the conclusion of a nuclear safety convention as a high priority and it had participated in the meetings of the Group of Experts which had

prepared the draft text. The Convention should help improve safety levels at operating nuclear power plants throughout the world and would constitute an important instrument for strengthening international co-operation in that area. It was gratifying that the Group of Experts had reached agreement on key issues, and he commended the spirit of compromise which had prevailed during the negotiations leading to the elaboration of the draft text.

79. His Government welcomed the emerging consensus on the scope of application of the Convention and also the fact that its provisions were based on the IAEA Safety Fundamentals document on the safety of nuclear installations. Romania also supported the stepwise approach to creating an integrated framework for safety assurance and looked forward to the conclusion of separate conventions on nuclear waste management and for other facilities in the nuclear fuel cycle.

80. The obligations of the Contracting Parties which were set forth in the draft text were strong enough to make a real contribution to enhancing nuclear safety. The incentive approach which had been adopted should also promote wide participation in the Convention. The Convention should help both to improve the safety of the next generation of nuclear power plants and to promote the implementation of the upgrading measures required in some plants of older design.

81. Since the consequences of a nuclear accident were not limited to the country in which it occurred, it was unacceptable that nuclear safety should be regarded as a matter of exclusively national responsibility and jurisdiction. The Convention should provide a transparent and well structured review system, under which the Contracting Parties could examine national reports on the implementation of the Convention and determine whether national obligations were being met in line with internationally recognized nuclear safety principles and standards.

82. The delegate of **AUSTRIA**, thanking the Director General and the Secretariat for their excellent organization of the Conference, said that nuclear safety was a matter of primary concern to the Austrian Government. Consequently, Austria had from the outset been an active and determined supporter of efforts to establish an international safety convention and it welcomed the draft Convention, which was the result of extensive deliberations.

83. Austria would have preferred a broader and more far-reaching convention covering all nuclear installations and the entire nuclear fuel cycle, establishing clearly specified, mandatory minimum technical standards on the basis of codes prepared by the IAEA, alleviating the concerns of neighbouring countries and involving the Agency actively in its implementation. Indeed, Austria would have favoured a regulatory role for the Agency in the Convention similar to that it performed in the field of safeguards. However, at the present time, the draft which was before the Conference was the best achievable compromise and Austria accepted

it as such on the understanding that other areas of the nuclear fuel cycle which were not covered by the present Convention would be the subject of additional agreements and that work on them would start without delay. In that context, he attached importance to preambular paragraph (ix) and reaffirmed the need to begin promptly the development of an international convention on the safety of nuclear waste management.

84. The present Convention was an incentive convention which would encourage as many countries as possible to adhere swiftly to the new international regime. Every effort had to be made to improve the safety of nuclear power plants and to guarantee the best possible protection of the population. It was for that reason that Austria had set aside its wish for an immediate comprehensive convention and had accepted a step-by-step approach dealing, in the first instance, with the safety of nuclear power plants. The codes and guidelines which had been developed by the IAEA would serve as a good basis for the implementation of the Convention.

85. With regard to the Convention's review mechanism, a three-tier process was preferable, with national reports being reviewed by independent experts and then by meetings of the Contracting Parties, followed by appropriate recommendations. That should reconcile the principles of sovereignty, expertise and democracy which should figure in any review mechanism.

86. Austria was confident that the adoption and implementation of the Convention would be a positive contribution to achieving the highest possible levels of nuclear safety and protecting the public from nuclear hazards.

87. The delegate of **POLAND** said that the present Conference was an important development in the field of international co-operation in nuclear energy. After more than 20 years' continual work within the IAEA on internationally agreed, detailed, recommended nuclear safety standards for nuclear power plants, a number of fundamental safety principles had been derived from the numerous safety standards and the considerable experience of countries which had long been operating nuclear power plants, and those principles would become binding for States through the mechanism of a convention. Thus, the Nuclear Safety Convention did not represent the result of theoretical considerations but had emerged from the practical experience of the nuclear community.

88. The International Conference on the Safety of Nuclear Power in 1991 had referred to the idea of a convention as a measure for promoting an international safety regime, but opinions as to which provisions would best meet that objective had differed. Following two years' work by the Group of Experts, a compromise had been reached containing two main features. First of all, the scope of the Convention was to be limited to land based civilian nuclear power plants and, secondly, the obligations of the States Parties to the Convention were to be based on fundamental

safety principles and not on the requirements of detailed international safety standards as elaborated by the IAEA and other international organizations. With regard to the scope of the Convention, the proposed text stipulated that further work should be undertaken on the safety of radioactive waste management and other parts of the nuclear fuel cycle. His delegation strongly supported those provisions. As regarded the safety provisions, their effectiveness would no doubt be judged in the light of future experience and appropriate modifications introduced as and when required.

89. The delegate of **FINLAND**, congratulating the Group of Experts and its Chairman on their excellent work, said that many important factors contributed to the safety of nuclear installations. The key issues were well covered in Chapter 2 of the draft Convention, the text of which owed much to the IAEA's Safety Fundamentals document on the safety of nuclear installations. That document had already gone through an extensive review by Member States and had been improved by NUSSAG⁴. The international Group of Experts had elaborated the fundamental safety issues even further and States could be confident that the Nuclear Safety Convention concentrated on the most significant points.

90. Finland had endeavoured to observe carefully the principles set forth in the Safety Fundamentals ever since embarking on its first nuclear power plant project. It had evaluated its regulations and practices against the final draft of the Safety Fundamentals document and had issued a detailed evaluation report as early as November 1992. In that report, it had explained its approaches principle by principle and had concluded in each case that Finnish regulations and practices were in compliance with that document. He was confident therefore that Finland's regulations and practices would equally meet the requirements of the Convention. The regulatory framework for and safety level of older nuclear power plants in central and eastern Europe were currently being enhanced and he hoped that the Convention would prove a useful tool for implementing that task.

91. As had been agreed in the Group of Experts, the scope of the draft convention was being limited to civil nuclear power plants. In the informal meeting which had been held in March to prepare the Conference, Finland had again raised the issue of the safety of military facilities and waste management. Its aim in doing so had been to encourage all the Contracting Parties to commit themselves politically on a unilateral and national basis to apply the principles set forth in the Convention to all their nuclear activities, without any obligation to report to the international community on those activities or submit them for review. It was the impression of his delegation that those principles would be duly taken into account in all the nuclear activities of all Parties to the Convention.

⁴ Nuclear Safety Standards Advisory Group.

92. Referring to preambular paragraphs (i) and (v) of the draft text, he emphasized that urgent measures were needed to enhance the safety of all nuclear activities and radioactive waste management, and expressed the hope that further instruments would be developed and/or the scope of the Convention widened in due course to give blanket coverage.

93. The delegate of **CHINA** said that nuclear safety was a matter of international concern since a serious nuclear accident not only had transboundary consequences but also seriously shook public confidence in nuclear energy worldwide. Thus, a nuclear safety convention was a necessity and was in the fundamental interests of the international community. The draft text which had been presented to the Conference was commendable. A consensus had been reached on many matters of principle and the text would provide a good basis for negotiations. He thanked the Group of Experts and the Secretariat for the work they had done in that regard. China had participated fully in that work.

94. The Nuclear Safety Convention aimed at promoting a high level of nuclear safety throughout the world via national measures and international co-operation, in order to protect individuals, society and the environment from the harmful effects of radiation. He endorsed the decision to concentrate in the first instance on the safety of nuclear power plants, though there was clearly a need to develop an instrument on radioactive waste management, as the preamble to the draft stated. The provisions in the Convention had been based on the Safety Fundamentals document, which was a sound policy. The Convention accordingly set forth fundamental safety principles rather than specific safety or technical standards. It was therefore the responsibility of the Contracting Parties to formulate such standards, and the meetings of the Contracting Parties and the peer reviews would be the main mode of implementing the Convention.

95. However, there was room for improvement in the Convention. For instance, the draft did not emphasize the need to strengthen existing domestic measures and international co-operation, nor did it stipulate the way in which the Contracting Parties' meetings should implement peer reviews or the basic principles for the formulation of financial regulations. Moreover, certain provisions required further improvement to be legally and technically correct from a linguistic point of view. His delegation would discuss those issues further during the detailed consideration of the draft.

96. The delegate of **SWITZERLAND** recalled that at the Agency's General Conference in 1991 his delegation had emphasized the need for a convention on nuclear safety. In 1992 and 1993, it had repeated its call for a convention to cover all aspects of nuclear energy. Rather than being disappointed that the present draft Convention was limited to civilian nuclear plants only, his delegation saw the Convention as merely a first step. It attached great importance to the current

preparations for a convention on radioactive waste, the basic safety standards for which would have to be agreed upon.

97. Switzerland was deeply concerned about the safe use of nuclear energy in all applications and at all stages of the nuclear fuel cycle, and thus particularly welcomed the proposal that had been made by the Finnish delegation for unilateral commitments to apply the Convention to all nuclear activities.

98. The draft text was a compromise which covered all the important aspects of nuclear safety, and had been accepted by consensus by the Group of Experts. The consensus had been difficult to reach and thus remained vulnerable. It would be better not to attempt any fundamental modification of the text which, though not perfect, was acceptable. The obligations inherent in participation in the Convention appeared reasonable in both range and depth, and further demands would be impractical at the present stage. His delegation would prefer to agree on an imperfect but acceptable convention rather than end up without any convention at all.

99. He hoped that the Nuclear Safety Convention would come into force in the very near future and that all countries with nuclear power plants or other nuclear facilities would become signatories.

100. The delegate of **SOUTH AFRICA** said that his delegation supported the principles contained in the draft Convention, which was a legal instrument at the highest level in a developing family of legal instruments covering safety issues in the nuclear fuel cycle. In that connection the projected convention on the safety of radioactive waste management was of great importance not only to South Africa, but to Africa as a whole.

101. The present draft Convention reflected South Africa's own thinking and approach to nuclear safety and its regulatory control in land based civil nuclear power plants. His country had always been committed to conducting stringent safety assessments of its nuclear facilities as part of the licensing process and had been applying quantitative risk assessment techniques for that purpose since the mid 1970s.

102. Further benefits would derive from the Convention when its provisions and requirements were harmonized with some of the Agency's other services and activities aimed at enhancing nuclear safety.

103. South Africa was currently operating one nuclear power plant with two reactors, and it was ready to commit itself to supplying the information required under the Convention.

104. In conclusion, his delegation looked forward to the General Conference in September when the Convention would, it hoped, be open for signature.

105. The delegate of **PAKISTAN** thanked the Conference for the confidence it had shown in designating him as one of its Vice-Presidents.

106. The importance of nuclear safety could hardly be overemphasized. It was natural that any country with nuclear facilities located on its soil would be most concerned about their safety, and it was therefore appropriate that the primary responsibility for nuclear safety should rest with national governments. That principle was widely recognized and also enshrined in the Nuclear Safety Convention. At the same time, owing to the possible transboundary effects of nuclear accidents, it was the common concern and joint responsibility of the international nuclear community to ensure that nuclear facilities everywhere were designed and operated in a climate of maximum safety. An unsafe nuclear reactor anywhere was hazardous to people everywhere.

107. His country had therefore always supported the concept of an international nuclear safety convention with a strong incentive character and his delegation had participated actively in the deliberations of the Group of Experts which had produced the present draft Convention.

108. While the provisions of the draft Convention were generally acceptable to his country, his delegation wished that the necessity for international technical co-operation in matters of nuclear safety could be spelt out more clearly in the main text of the Convention. In order to achieve the desired enhancement of nuclear safety standards throughout the world, it was essential that each country should at least have access to information on the state of the art in nuclear safety. Advanced countries with their much greater resources of manpower, hardware and finance, were clearly better placed to develop new techniques for increasing safety levels at nuclear facilities. In order to achieve commensurate levels of nuclear safety in developing States, the unrestricted exchange of information and experience would be very useful.

109. A substantial proportion of nuclear reactors currently in operation could be considered to have reached their middle years. Ageing effects were inevitable, but there had been considerable technological development in the area of nuclear safety. Nuclear reactors had previously had a lifetime of 25–30 years, but it was now possible to extend the useful life of existing plants by 10 years or so and to design new ones with a lifetime of 40–50 years. In view of the rapid pace at which science and technology were developing, the modernization of nuclear power plants during their lifetime would become imperative. Supplier States had the responsibility to ensure lifetime nuclear safety for the facilities supplied by them. The provision of technical assistance and co-operation should therefore be an integral part of the Nuclear Safety Convention, if the ideals and objectives of the Convention were to be optimally realized. A specific clause should be added in an appropriate place to stress the importance of technical co-operation and incorporating an obligation on nuclear Supplier States to continue to provide nuclear safety related information, know-how and equipment, as needed by recipient States, throughout the lifetime of supplied plants.

110. The Agency had a statutory obligation to promote the peaceful applications of atomic energy, which included the promotion of nuclear power under safeguards. Pakistan was deeply appreciative of the Agency's nuclear safety activities, which had intensified in the past few years with the preparation of the Nuclear Safety Convention, the upgrading of nuclear plant safety in the former Soviet Union and eastern Europe, and the expansion of its various safety services such as OSART and ASSET⁵. His country had been participating actively in those activities, with two OSART missions, one ASSET mission and several site safety missions in recent years. The Agency was seen as a global facilitator of the entire spectrum of nuclear safety activities, and it was to be hoped that it would further develop those activities and extend them also to other geographical areas.

111. The INIS system was of great interest to Member States, particularly developing countries, and should be further expanded to include a comprehensive database on nuclear safety information and experience. The provision of information needed to be systematized so that Member States had instant and easy access to the required data.

112. The delegate of **BRAZIL** thanked the Conference for electing her as the Vice-Chairperson of the Committee of the Whole.

113. Her Government strongly supported the adoption of an incentive international nuclear safety convention in the field of civil nuclear power reactors. The new draft Convention, while preserving the competence of national regulatory bodies in respect of nuclear safety, would provide an appropriate framework for the maintenance of adequate nuclear safety measures throughout the world, and the improvement of those measures whenever necessary. The Convention would therefore certainly contribute to encouraging the acceptance by the general public of the nuclear option for power production.

114. The "Meetings of the Parties" clearly constituted the main instrument in the draft Convention for the fulfilment of its goal, and should provide the opportunity for a profitable exchange of safety related information, and for consultations among the Parties. Those consultations should aim to stimulate the development of a safety culture through education without mandatory or punitive measures. The International Nuclear Safety Convention should not infringe on the sovereignty of its Parties.

115. The amount of investment required to improve the safety of nuclear facilities beyond a certain level increased demonstrably faster than the resulting safety benefits. While Brazil did not compromise on matters relating to nuclear safety, it recognized the undeniable fact that improving certain safety measures could be extremely expensive. Since the broad aim of the present draft Convention was to

⁵ Analysis of Safety Significant Events Team.

contribute to the general improvement of power reactor reliability, it had to be ensured that the conditions for obtaining such high standards were available to all. Her Government had therefore decided to co-sponsor a proposal emphasizing the importance of international co-operation in that area, including technical co-operation where appropriate. That proposal referred specifically to the objectives of the present text, and did not exclude the possibility of commercial transactions in relation to, for example, the acquisition of safety related equipment.

116. The basic draft text could have been more specific with regard to the procedural and financial aspects. The absence of a more complete text, particularly with regard to the financial rules, could create future difficulties for her country, as legal texts involving expenditure had to be submitted to the Brazilian Congress for approval.

117. Another point requiring clearer definition was the peer review process. The review, which would take place during the "Meetings of the Parties", was central to the International Nuclear Safety Convention. The present Conference should therefore discuss and define the mode of composition and presentation of the national reports. It was equally relevant to discuss how to minimize and distribute equitably the costs associated with the meetings of the Parties, in order to ensure full participation of all States.

118. Finally, she reminded all participants of the need to approve a text which would attract wide adherence, in order to ensure the effectiveness of the Nuclear Safety Convention.

119. The delegate of **CROATIA** commended the formidable task achieved by the technical and legal experts from many countries during the months of negotiations on the draft Convention.

120. Croatia had no major substantive questions to raise regarding the content of the draft Convention or its implementation, and fully endorsed the objectives thereof. As stated by the Director General in the Board of Governors the previous week, the present Conference and Convention would be an important milestone in the history of nuclear power.

121. Her delegation welcomed the decision to set up a peer review process as the Convention's main mechanism for promoting the utmost safety of nuclear facilities. It also supported moves for an international convention on the safety of radioactive waste management to be developed as soon as possible.

122. The Republic of Croatia had several specific reasons for supporting the adoption of a convention on nuclear safety. Firstly, nuclear energy figured in the country's energy strategy as an option, which had to compete with others on its own technical, economic and ecological merits, and that of course included safety.

123. Secondly, Croatia had a strong interest in maintaining the highest level of safety at the Krško nuclear power plant that it co-owned with the neighbouring Republic of Slovenia. It was also deeply concerned that safety be ensured at other nuclear facilities in central and eastern Europe, as the consequences of any incidents were likely to affect all countries.

124. In that connection, she wished to draw attention to the vulnerability of nuclear power plant safety in times of political conflict, including armed attack or other military activities. Her country therefore strongly emphasized the need to respect and reinforce the Agency's resolution GC(XXVII)/RES/407 on the "Protection of nuclear installations devoted to peaceful purposes against armed attacks" and resolution GC(XXXIV)/RES/533 regarding the "Prohibition of all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation".

125. Thirdly, as a newly independent country, Croatia attached the highest priority to establishing a national radiation protection and nuclear safety programme, and intended to do that in full accordance with the Agency's standards and all relevant international treaties and agreements, including the one currently under discussion.

126. Delegates at the present Conference were preparing to adopt a set of principles to guide their countries' activity in an immensely important field. Only the previous week, the emotional remembrance of D-day had provided a reminder of how important it was to make a stand for the principles of international law and not to submit to its violation. Unfortunately, her country had been exposed to such violation for the past four years — an imposed war and aggression. She therefore hoped that the international community would finally summon the political will, wisdom and resolve to help ensure the implementation of the principles of international law and bring about a just and durable peace in Croatia and Bosnia-Herzegovina. She was aware that her remarks went beyond the present area of discussion, but her country's situation highlighted the need of the community of nations to fully respect and implement internationally binding principles.

127. Croatia was ready to work with other delegations on the fine-tuning of the draft Convention and welcomed it as an important stimulus to progress in enhancing nuclear safety worldwide.

128. The delegate of the **UNITED STATES OF AMERICA** recalled that, after two years' work by the Group of Experts charged with producing an international nuclear safety convention, a consensus text had been finalized in February, with only minor issues outstanding and he wished to congratulate all those involved on a major accomplishment.

129. The draft text contained many compromises to accommodate the positions of different States. Over 120 experts from 53 countries and 3 international

organizations had participated in the 7 meetings of the Group of Experts. The text — like so many international treaties — was unlikely to represent perfectly the view of any one particular Government, yet it retained the essentials for advancing nuclear power safety. It built on the existing work of the Agency in the NUSSAG Fundamentals document, which provided a sound technical basis for the substantive principles. The text went much further however.

130. It codified, as internationally binding obligations, a comprehensive range of principles judged vital to nuclear safety by technical experts worldwide:

It established a peer review process among the Parties which could assess progress and press for action in compliance with the Convention's obligations;

It focused on the highest risk portion of the civil nuclear fuel cycle — nuclear power facilities — but made a commitment to address further subjects, in particular waste management;

It did not confuse the issue of where final responsibility for nuclear safety lay, namely with national governments;

It did, however, establish the principle that international co-operation was essential for achieving the highest levels of nuclear safety worldwide.

131. The draft text provided a judicious balance between specificity and flexibility. The Convention was confined in scope to land based civilian nuclear power facilities intended for the generation of electricity or heat, as those plants posed the greatest safety risk due to the magnitude of the inventory of radioactive isotopes and the stored energy. The Convention did not contain detailed prescriptive standards or rules, but confined itself to fundamental principles. Detailed technical provisions would intrude on the responsibility of the national governments to regulate their nuclear industries, and to shape the details of their safety regimes. Since the Convention was incentive in character, States Parties, and particularly those with weak safety systems, would be encouraged to upgrade their safety systems to an acceptable international level. The Convention did not seek to punish Parties for failure to satisfy one or more of the substantive principles.

132. The present process had the potential for becoming a powerful force for the improvement of nuclear safety worldwide. His delegation strongly supported the draft text under consideration and firmly believed that the swift completion and adoption of the Convention was in the interest of all States.

133. The delegate of **ECUADOR** said that the draft Convention produced by the Group of Experts was close to achieving the objective of the Conference. The draft text might not be complete but it certainly provided a solid foundation for a legal safety framework for nuclear facilities.

134. His country did not as yet have any nuclear power plants, but had small laboratories where nuclear techniques were employed for the benefit of agriculture, medicine, education and other areas of national development. The national administration was taking the necessary safety and protection measures with Agency assistance.

135. Ecuador was planning to develop a nuclear power plant in the near future and would naturally undertake the project with the maximum possible commitment to safety at all stages of construction and operation. Ecuador fully supported the objectives set forth in the draft Convention and considered that international co-operation was clearly essential for their attainment in addition to measures at national level. The prevention of risks and accidents, whose effects and repercussions could go beyond national boundaries, fully justified every effort to adopt the present Convention. The standards and principles contained in the document, the fruit of long negotiations, established a reasonable safety framework paving the way for the untroubled development of nations. More specific provision should perhaps be included for technical co-operation and, in Chapter 3, the conditions governing review meetings and some financial and procedural matters needed to be spelt out more clearly, but his delegation was convinced that, with the goodwill being shown by the States represented at the Conference, there should be no problem in agreeing on the Convention.

136. The delegate of **INDONESIA** recalled that his country was planning a significant nuclear power programme. Hence the maintenance of effective safety measures at nuclear facilities to protect individuals, society and the environment from the harmful effects of ionizing radiation was of the utmost priority. In that connection three Conventions had been ratified, namely the Convention on the Physical Protection of Nuclear Material in 1986, the Convention on Early Notification of a Nuclear Accident in 1993 and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency in 1993.

137. The present draft Convention, once adopted, should serve as a spur to enhancing the safety of nuclear facilities and protecting society and individuals from potential hazards. Indonesia was confident that national measures and international co-operation together would achieve and maintain a high level of nuclear safety worldwide.

138. In a world going through fundamental changes, and with many reactors becoming old and unsafe, the Agency should not only take steps to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity as clearly laid down in the Statute, but should also make the necessary adjustment in its role and activities to meet those challenges. In particular it should emphasize the importance of international co-operation for strengthening nuclear safety by implementing existing bilateral and multilateral mechanisms such as nuclear safety conventions, one of whose objectives was the prevention of accidents and mitigation of their radiological consequences should they occur.

139. Nuclear safety was one of the most important elements of his Government's nuclear power construction plan. Construction was being based on fundamental nuclear safety principles evolved through international consensus on the basic concepts for the regulation, safety management and operation of nuclear facilities, and safety was a paramount consideration in all aspects from siting and design to operation and possible implications for neighbouring countries.

140. With regard to the present draft Convention, his delegation supported the basic principles therein as a means of raising safety standards in nuclear facilities. Although a few articles might require further clarification or improved formulation, his delegation believed the text provided a sound working basis for a convention which, it hoped, would be acceptable to the greatest possible number of countries.

141. The delegate of **EGYPT** said that international interest in the problems of nuclear safety had been growing in recent years, particularly since the Chernobyl incident with its serious transboundary effects, culminating in the generation of the draft Convention on Nuclear Safety which the Conference had been convened to consider. His country had hoped that the scope of the Convention would be more extensive so as to include military and research reactors, since the consequences of accidents at military sites were no less dangerous than those at civil facilities.

142. Because of the Suez Canal, Egypt was the scene of continuous transport of radioactive material and nuclear fuel from all stages of the nuclear fuel cycle. That traffic was increasing along with the growing nuclear activities in Asia.

143. The present draft Convention was very important as a starting point for future work and his delegation welcomed the consensus that had been reached among members of the Group of Experts. It was very important to achieve a high level of nuclear safety at the national and international levels in order to protect individuals, society and the environment. The Convention would help to strengthen the role of nuclear energy in development activities, for at present, after 50 years of nuclear power generation, the number of power reactors in the developing countries amounted to only 6% of the international total. Nuclear energy could certainly contribute much more to developing those parts of the world, where large numbers were living in conditions of poverty and hunger. It would also contribute to diminishing carbon emissions which were bound to increase if developing countries continued to depend on fossil fuels alone. The present Convention could certainly contribute to the use of nuclear energy in developing countries and he hoped that international co-operation in the transfer of nuclear technology would increase in the future.

144. The delegate of **TURKEY** said that her country was in a hazardous geographical location in view of nuclear facilities in neighbouring countries, and her delegation had therefore participated actively in the deliberations of the Group of Experts. The draft Convention submitted to the Conference did not provide the comprehensive and

detailed standards that were ideally required, from the point of view of both scope and depth of provisions, but the draft text was a starting point to encourage the commitment of all nuclear energy producing countries.

145. Her delegation believed that the draft Convention would be backed up by the prompt development of a convention on the safety of radioactive waste management, as soon as international agreement had been reached on the waste management safety fundamentals currently under discussion.

146. Her delegation also hoped that work would be continued in other areas until the entire nuclear fuel cycle was covered by international instruments.

147. The provisions relating to radiation protection were disappointing, merely reflecting existing national dose limits, and she hoped that in the future review conferences the Agency's guiding standards, as specified in ICRP 60, which might by that time have been further updated, could be included as guiding principles in the Convention.

148. The provisions relating to ensuring the safety of nuclear facilities also fell short of expectations. Whilst it was foreseen that all reasonably practical improvements should be made as a matter of urgency to upgrade the safety of nuclear facilities, her delegation felt that if such upgrading could not be achieved, the facility should be shut down immediately, regardless of any social, economic or other considerations. The survival and health of people living in close proximity to such facilities should be the primary consideration.

149. Her delegation assumed that the opportunity would be taken at the review meetings to modify the existing provisions of the draft Convention to take account of the codes and guidelines continually being updated by the Agency. Those meetings should take place every three years.

150. Although Turkey had no nuclear power plants as yet, it was developing human resources in nuclear safety and had established a regulatory body as foreseen in the draft Convention. It had also produced a national emergency plan in case of a radiological emergency or nuclear accident, and had developed an early warning system as required by the Convention.

151. The reporting system foreseen in the Convention should be further elaborated and a reporting standard agreed upon. Reporting was very important for the implementation of the Convention and she hoped that the Agency would be able to formulate an appropriate standard report.

152. In conclusion, her delegation welcomed the present Convention as an incentive agreement to encourage further more detailed and comprehensive measures in years to come.

153. The delegate of the **CZECH REPUBLIC** recalled that the Czech Republic had participated from the beginning in the work of the Group of Experts preparing the present draft text. His delegation fully supported the draft, which was based on the Safety Fundamentals and reflected its views as to the main goals and content of the Convention. Indeed the latter provided a unique opportunity to create an integrated international framework for ensuring nuclear safety worldwide.

154. All the same, further work was needed on the draft to clarify some aspects of the Convention, in particular the content of the reports of the Parties mentioned in Article 5, the review process and some other administrative issues. The most important task of the present Conference was to adopt the draft text on the basis of a consensus, and he supported the view expressed by the delegate of Switzerland that it would be better to adopt an imperfect text rather than none at all, so as to have a basis on which to build.

155. The **PRESIDENT** announced that the Drafting Committee could begin work forthwith, as the Arabic Group had agreed to nominate the delegates of Egypt, Saudi Arabia and Tunisia as its representatives in that Group.

The meeting rose at 1 p.m.

SUMMARY RECORD OF THE SECOND PLENARY MEETING OF THE DIPLOMATIC CONFERENCE ON A NUCLEAR SAFETY CONVENTION

Held at the Headquarters of the International Atomic Energy Agency
Vienna, on 14 June 1994, at 3.10 p.m.

President: Mr. HOHLEFELDER (Germany)

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* NSC/DC2.

CONSIDERATION OF:

(a) A DRAFT NUCLEAR SAFETY CONVENTION

(b) DRAFT CONFERENCE RESOLUTIONS

(continued)

1. The delegate of **PARAGUAY** said that, although his country's energy programme was based on hydroelectric generation, Paraguay did not underestimate the importance of agreements to ensure the safe use of nuclear energy throughout the world. Safety was something that called for advance planning, so the draft Nuclear Safety Convention should benefit mankind, although its scope needed extending to cover all types of risk that the nuclear industry could pose to man and his environment. The present text was a good foundation capable of further development, as required, and, together with other treaties, would establish a legal framework for nuclear safety. His Government was ready to approve the draft Convention.

2. The delegate of **MEXICO** expressed satisfaction with the text of the draft Convention, to which his country attached great importance, and called for the process of legal codification to be extended to other areas, with conventions covering nuclear waste management, other facilities in the nuclear fuel cycle, and possibly military installations as well. His delegation was gratified that the Convention was based on the Safety Fundamentals, published in the Agency's Safety Series, which were already applied in national regulatory practice in Mexico.

3. The delegate of **BULGARIA** said that his country had always been in favour of a nuclear safety convention, and Bulgarian experts had participated actively in the drafting of the text. Several delegations had expressed the wish for a more comprehensive and binding convention but it was necessary to be realistic. The present text seemed an excellent compromise and he urged delegates to accept it with the minimum of amendment, in order to secure the maximum possible adherence. The Convention was likely to accelerate international mechanisms to promote nuclear safety rather than overbureaucratizing the process, and Bulgaria was ready to approve it as it stood.

4. The delegate of the **ISLAMIC REPUBLIC OF IRAN** said that, when the idea of an international nuclear safety convention had been mooted some two years previously, his country had maintained that there was a great need for a comprehensive and universal nuclear safety instrument in order to protect the world from incidents involving harmful ionizing radiation. The convention it had had in mind was one which would have covered all facilities within the nuclear fuel cycle, both civil and military. Unfortunately discussions had resulted in a narrowing of the scope of the

draft Convention that had emerged. Despite that shortcoming his country could accept the present text as a first step towards a more comprehensive nuclear safety instrument. All the same, his delegation was concerned that there appeared to be an imbalance in the existing draft between objectives on the one hand and commitments on the other. The draft failed to make any explicit reference to the concept of comprehensive and unrestricted transfer of nuclear safety technology. Moreover, some unilateral groups and regional export control regimes undoubtedly impeded the process of technical co-operation and the transfer of technology in nuclear safety. All such restrictions would have to be eliminated if the Convention were to succeed in its objectives.

5. The delegate of **TUNISIA** said that a nuclear safety convention was a matter of the utmost importance, especially in view of the vast increase in the peaceful applications of nuclear energy throughout the world. The international community had managed to prepare a balanced and comprehensive draft text within a very short space of time. Member countries had shown a commendable spirit of co-operation and sense of responsibility in their efforts to increase nuclear safety in countries using nuclear energy which would, at the same time, be of benefit to all nations. He hoped that that solidarity would be extended to all other activities in the nuclear field. The draft Convention had succeeded in establishing nuclear safety requirements for countries with nuclear plants and indeed for the whole international community without infringing on national sovereignty. He hoped that application and follow-up of the Convention would achieve the desired goals. Finally, he praised the work of the Group of Experts in formulating the draft text on the basis of the guidelines established by the 1991 General Conference and thanked the Secretariat for its support.

6. The delegate of **SPAIN** fully endorsed the statement made by Greece on behalf of the European Union.

7. Like the representatives of Austria and Finland, he drew the attention of the Conference to paragraph (ix) of the preamble to the draft Convention and the fact that the latter, by failing to cover the management of radioactive waste generated at nuclear facilities, only dealt with part of the area of concern.

8. He recalled that during the preparation of the draft Convention by the Group of Experts, his delegation had been one of a number wishing to include waste management in the Convention, whilst others had held that the matter required further elaboration and to pursue it would delay adoption of the Convention, regarded per se as top urgent. The upshot was a compromise solution and a “gentlemen’s agreement” leading to General Conference resolution GC(XXXVII)/RES/615, now reflected in the preamble to the draft Convention.

9. His delegation welcomed the rapid progress being made in the discussions on the draft Safety Fundamentals covering radioactive waste management, the text of

which had been circulated by the Secretariat some months previously and was currently being discussed by a group of experts. It was to be hoped that it would be possible to produce a document in time for submission to the Board in September and that, once it had been approved, work could start on drafting an international convention on the safety of waste management.

10. It was essential that international action on nuclear safety be extended to radioactive waste. His delegation accordingly wished to commend the Secretariat on the work it had done thus far and expressed the hope that, in line with the “gentlemen’s agreement” he had mentioned, work would start on a waste management convention without delay.

11. The delegate of **MOROCCO** commended the Group of Experts and its Chairman, Mr. Domaratzki, on their efforts in preparing the draft Convention and thanked the Agency’s Secretariat, in particular the Legal Division and the Division of Nuclear Safety, for facilitating the Group’s work.

12. Largely as a result of the dire consequences for individuals, communities and the environment, and the transboundary effects of the nuclear accidents that had occurred during the 1980s, the issue of nuclear safety had taken on a new dimension and was now accorded the highest priority by the international community, which fully recognized the need to formulate general nuclear safety principles in order to counter the dangers presented by nuclear radiation.

13. For its part, Morocco attached great priority to the use of nuclear technology in order to attain social and economic objectives, and placed particular emphasis on practical measures to enhance the regulatory and legal structures covering nuclear safety. To that end, a National Council for Nuclear Energy had been established which was responsible for co-ordinating national activities and fostering international co-operation in the nuclear field.

14. His delegation fully supported the objectives of the proposed Convention, in particular the need for countries with nuclear facilities to co-operate with their neighbours, in order to help them prepare for possible emergencies arising from the transboundary impacts of nuclear accidents.

15. In conclusion, he urged the Conference to adopt the draft Convention, which would both serve as an important confidence building measure for the acceptance of nuclear safety and provide the essential legal framework for promoting nuclear safety.

16. The delegate of **NIGERIA** commended the Group of Experts for having so ably produced the draft Convention, and thanked the Agency’s Secretariat for its efficient preparation of the Conference documentation.

17. Nigeria welcomed the Convention as a positive step towards strengthening nuclear activities worldwide, and trusted that its scope would be expanded as time and conditions required.

18. He joined others in requesting that efforts be made in the near future to incorporate specific safety standards in the Convention and also urged that the need to strengthen national nuclear safety measures be spelt out.

19. His delegation strongly supported the view that technical co-operation should be accorded due recognition in the Convention in keeping with the terms of General Conference resolution GC(XXXVII)/RES/615.

20. The **PRESIDENT**, summing up the debate, said that all were evidently agreed on the need for full co-operation during the Conference in order to facilitate the timely adoption of the draft Convention. Most delegations had expressed themselves basically in favour of the draft Convention and emphasized that they regarded it as an incentive Convention.

21. With regard to the text of the draft, further clarification had been sought in respect of the arrangements for the review meetings of the Contracting Parties, as well as questions concerning financing, languages and entry into force of the Convention. He confirmed that any proposed amendments, questions and comments on the draft Convention that had been submitted beforehand would be transmitted directly to the Committee of the Whole and would be tabled as an official document for discussion.

22. He took it that the Conference was in favour of the draft Convention and the “non-paper” that had been submitted being transmitted to the Committee of the Whole for further discussion.

23. **It was so agreed.**

The meeting rose at 3:50 p.m.

SUMMARY RECORD OF THE THIRD PLENARY MEETING OF THE DIPLOMATIC CONFERENCE ON A NUCLEAR SAFETY CONVENTION

Held at the Headquarters of the International Atomic Energy Agency
Vienna, on 17 June 1994, at 4.50 p.m.

President: Mr. HOHLEFELDER (Germany)

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* NSC/DC2.

CONSIDERATION OF THE REPORTS OF COMMITTEES

1. The **PRESIDENT**, having drawn attention to the Report of the Bureau of the Conference on the examination of delegates' credentials which had been issued to delegates, said that in the absence of comments thereon he took it that the Conference was ready to approve that report.

2. **It was so decided.**

3. The **PRESIDENT** invited the Chairman of the Committee of the Whole to present the report of that Committee.

4. The **CHAIRMAN OF THE COMMITTEE OF THE WHOLE**, thanking the members of his Committee and the Drafting Committee for the excellent work they had done, said that, as the report was now before the Conference and would be included in the record¹, he would not read it out. He could report that agreement had been reached on all matters by consensus and the Committee was now in a position to refer the draft Final Act with the draft text of the Convention on Nuclear Safety and the proposed Annex to the Final Act containing some clarifications regarding the implementation of the Convention, together with the report of the Committee of the Whole, to the Plenary.

5. The **PRESIDENT** suggested that, as the draft text of the Convention on Nuclear Safety had been debated in depth in the Committee of the Whole, and seemed to enjoy the broad agreement of the Conference, it could be adopted as a whole without a vote.

6. **It was so decided.**

7. Turning to the proposed Annex to the Final Act which delegates had before them, the **PRESIDENT** took it, there being no objections, that the Conference was ready to approve that document for attachment to the Final Act.

8. **It was so decided.**

ADOPTION OF THE FINAL ACT AND ANY RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE

9. The **PRESIDENT** took it that the Final Act, as approved by the Committee of the Whole, could be adopted.

10. **It was so decided.**

¹ See Annex to this record.

SIGNATURE OF THE FINAL ACT

11. The **PRESIDENT** invited delegates to sign the Final Act in rotation and simultaneously opened the floor to further speakers.

12. The delegate of the **SYRIAN ARAB REPUBLIC**, clarifying his country's position in regard to the decisions just taken, said that in joining the consensus on the Convention, the Syrian Arab Republic had demonstrated its commitment to safety in the field of nuclear energy. The Convention was a new milestone to be followed by further conventions aimed at removing the destructive hazards associated with nuclear energy, and all countries should work together to achieve that goal.

13. His delegation was, however, dissatisfied with the formulation of Article 26 of the Convention regarding languages. Although serious efforts had been made on the basis of United Nations resolutions, as well as within the specialized agencies, to resolve the issue, it had proved impossible to agree on a formulation which established clearly the complete equality of all the six official languages of the United Nations.

14. His delegation also had reservations regarding paragraph 12 of the Final Act concerning the clarification document, which it felt had been imposed on the Conference, without advance opportunity for consideration by governments or proper discussion by the Committee of the Whole. The most appropriate forum for consideration of such a document would have been the preparatory meetings for the Convention.

15. The delegate of **UKRAINE** said that his country intended to take the measures foreseen under the Convention to maintain and improve the safety of all its facilities. However, the necessary financial resources would not become available until the economic situation in Ukraine had stabilized.

16. The delegate of **FINLAND**, expressing his delegation's satisfaction at the success of the Conference, emphasized the importance of effective measures to achieve and maintain a high level of safety in all applications of nuclear energy, including radioactive waste management and other parts of the nuclear fuel cycle. Pending the development of further international instruments to meet those objectives, Finland would adhere to the principles of the Convention and apply them not only to nuclear power plants but also to other uses of nuclear energy, as appropriate. He hoped that all other States would follow suit.

17. The delegate of the **ISLAMIC REPUBLIC OF IRAN** said that the peaceful application of nuclear energy — a reliable and efficient energy source — should be promoted and not subject to any restriction. Any restrictive measures, whether unilateral or undertaken by a group, on the transfer of nuclear material and

technology for peaceful purposes, especially to parties to the NPT, were illegitimate. Regrettably, the Convention had failed to address that important issue. The Convention had several shortcomings which affected developing countries in particular. The scope of the Convention should not have been limited to nuclear power plants but extended to cover all nuclear activities, since a nuclear facility of any kind represented a potential hazard to man and the environment.

18. The implementation of safety improvements in nuclear power plants in certain countries was dependent on assistance from supplier States. If a State requested such co-operation, it was the obligation of suppliers to provide the necessary transfer of technology and technical assistance irrespective of political considerations. Without such assistance some States might be placed under an obligation to shut down their plants. Thus there was a need to maintain a balance under the Convention between objectives and obligations.

19. Another threat to the safety of nuclear plants was military action, and his delegation was of the opinion that legally binding international instruments should be established prohibiting armed attacks against any nuclear installations. Like other delegations, it urged that a convention on the safety of nuclear waste management be concluded as soon as possible to bolster the present Convention.

20. In conclusion, he declared that although the Convention was a positive move towards ensuring the safety of nuclear power plants, his delegation would have preferred it to have specifically addressed the aforementioned points. In the interests of a consensus, however, his delegation had gone along with the basic proposal and hoped that those other issues would be duly addressed in the near future.

21. The delegate of **VENEZUELA**, speaking on behalf of the Group of 77, said that the Convention on Nuclear Safety, just adopted, represented a major step towards the establishment of a worldwide nuclear safety culture. He hoped that the Member States of the Group of 77 would be able to sign the Convention at the General Conference in September.

22. The delegate of **INDIA** said that, by adopting the Convention on Nuclear Safety by consensus, delegates had demonstrated their collective commitment to promoting nuclear safety and their intention to pursue the objectives and abide by the obligations embodied in the Convention.

23. Delegates had displayed a spirit of mutual understanding and accommodation in reaching agreement on some difficult issues. One such example was the manner in which the different perceptions and interests expressed at the beginning of the Conference with regard to technical co-operation had been reconciled to produce the wording contained in Article 1(i). Similarly, on the issue of languages, a practical and fair agreement had been reached that took account of the delicate sensibilities involved.

24. India recognized that the Convention was only at an initial stage, still having to be formally accepted and ratified before entering into force. For its part, his Government would proceed constructively towards that end in the hope that the Convention would become effective as soon as possible.

25. India attached great importance to the preparatory meeting of the Contracting Parties envisaged under the Convention. It anticipated that the meeting would develop the ground rules for implementing the Convention, bearing in mind the need for cost effectiveness and the appropriate prioritization of activities. For that purpose the document annexed to the Final Act should be made use of in the spirit in which it had been formulated, notwithstanding the fact that it was not binding on the Contracting Parties.

26. He reiterated his country's belief that a convention on nuclear safety should cover both civil and military nuclear power plants. The present Convention covered only civil plants, and his delegation hoped that coverage would in due course be extended to military plants with a view to achieving comprehensive nuclear safety worldwide.

27. In conclusion, he wished to thank all delegations which had co-operated with him in carrying out the task of Chairman of the Drafting Committee.

28. The delegate of **UKRAINE**, speaking on behalf of the Eastern Europe Group, thanked the officers of the Conference, all delegates and the staff of the secretariat for bringing the Conference to a successful conclusion.

29. The diligent work of the Group of Experts under Mr. Domaratzki as well as of the Conference itself had produced an important document that should soon become a firmly established part of the system of international agreements governing international activities in the field of peaceful uses of nuclear energy and thereby serve to consolidate nuclear safety worldwide.

30. The delegate of **GREECE**, speaking on behalf of the European Union, welcomed the Convention as an important step towards improving the safety of nuclear reactors worldwide and expressed the hope that it would achieve the widest possible acceptance and be implemented at an early date.

31. He too commended the officers and participants in the Conference, the staff of the secretariat and the Group of Experts under its Chairman, Mr. Domaratzki, for all their efforts in bringing such an important task to fruition.

32. The delegate of **MEXICO**, welcoming the successful outcome of the Conference, said that the Convention should go a long way towards meeting one of the international community's fundamental concerns, it being essential that all applications of nuclear energy be undertaken in the strictest possible safety conditions.

33. His delegation trusted that, in parallel with efforts to consolidate a true non-proliferation regime, steps would be taken to conclude further conventions covering the complete fuel cycle, including radioactive waste management, and all other nuclear installations regardless of their purpose.

34. The delegate of **SWEDEN** said his Government attached great importance to nuclear safety, both at home and worldwide, and to international co-operation in that field, and therefore welcomed the successful conclusion of the Convention on Nuclear Safety.

35. Sweden would have preferred a more comprehensive Convention covering the whole fuel cycle including waste management but had accepted the present compromise whereby the scope of the Convention was limited to civil nuclear power plants on the understanding that a separate convention on waste management would be initiated as soon as the relevant safety fundamentals had been worked out.

36. In the meantime, his delegation wished it to be known that Sweden intended to apply, on a voluntary basis, the relevant provisions of the Convention to all Swedish nuclear installations, including waste management, and urged other countries to make a similar commitment.

37. The delegate of **NORWAY**, welcoming the adoption of the Convention and congratulating all concerned, said that Norway too would have preferred a text covering the whole fuel cycle, including radioactive waste management but, pending the development of further instruments dealing with those areas, fully supported the implementation of the present Convention as an important step towards improving nuclear safety worldwide.

38. The **DIRECTOR GENERAL** said that, having immediately endorsed the idea of a convention when it was first advanced by Mr. Töpfer, the German Minister for Environment, at the IAEA Conference on the Safety of Nuclear Power in 1991, and being convinced of the importance of the development of law in the international community, he was particularly happy to see the successful outcome of the Conference.

39. The Convention was the result of considerable work by governments, national nuclear safety authorities and the Agency's Secretariat. Fortunately, the political will to achieve a convention had been coupled with the readiness to make constructive compromises, both within the Group of Experts responsible for preparing the draft Convention and in the Conference itself.

40. He commended the delegates on having finalized the Convention in such a short time, an excellent example of effective treaty-making adding to the superb record set by the Agency in 1986 with the adoption of the Conventions on Early Notification of a Nuclear Accident and on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

41. The work on the present Convention, as in the case of the earlier two, had been greatly facilitated by the prior existence of internationally agreed fundamental principles. The organic growth of norms into law was less problematic than the creation of instant law.

42. He commended the President of the Conference, Mr. Hohlefelder, the Chairman and Vice-Chairman of the Committee of the Whole, Mr. Högberg and Ms. Machado Quintella, the Drafting Committee and its Chairman, Mr. Gopalakrishnan, and the Bureau for their work to assure the success of the Conference. He also praised the Agency's Secretariat for all its hard work, in particular the Director of the Legal Division, Mr. Sturms.

43. He hoped that the Permanent Representatives and experts who had worked so dynamically to prepare the Convention would now turn their energies to assuring its early signature and ratification by their own governments. Since the Convention's adoption by consensus indicated strong governmental support, every effort should be made to bring it into force without delay.

44. The promotion of safety at nuclear installations was an important national and international objective. The Convention would give many well known safety principles the force of law and would also establish innovative mechanisms to help ensure that the letter of that law was translated into safe nuclear reality.

45. The **PRESIDENT** thanked all delegations for their hard work as well as the fine spirit of co-operation and consensus displayed. He particularly commended the Chairman of the Committee of the Whole for his physical and intellectual stamina in coping with all the amendments submitted and praised the Chairman of the Drafting Committee and his team for their skill in aligning the texts in the six official languages — no mean feat. He also acknowledged the essential groundwork done by the Group of Experts in preparing the draft text and thanked its Chairman, Mr. Domaratzki, for all the advice he had proffered throughout the Conference.

46. Finally, he wished to thank the Director General and Mr. Rosen for their constant help and encouragement, Mr. Sturms, Director of the Legal Division, and Ms. Jankowitsch for their efficient management of the Conference and, last but not least, the unseen hordes of interpreters, translators and typists who had discharged their communications function so magnificently.

47. In conclusion, like the Director General, he urged all present to do their utmost to have the Convention signed and ratified by governments promptly so that it could enter into force without delay and the wheels could be set in motion for the preparatory meeting of the Contracting Parties foreseen under the Convention.

The meeting rose at 5.50 p.m.

Annex

REPORT OF THE COMMITTEE OF THE WHOLE

1. The Committee of the Whole was established pursuant to Rule 15 of the Rules of Procedure of the Conference.
2. The Committee held eight sessions between June 14 and 17 under the Chairmanship of Mr. Lars Högberg (Sweden); Ms. Thereza Maria Machado Quintella (Brazil) served as Vice-Chairperson of the Committee.
3. The Committee examined the Basic Proposal (draft Nuclear Safety Convention) contained in document NSC/DC/1 referred to it by the Plenary under 5(a) of the Agenda of the Conference, as well as a number of proposals for amendments submitted by individual States. The Committee also examined a document submitted to the Conference in the form of a “Non-Paper”, containing a proposal for inclusion in the Final Act.
4. The Committee referred the text of the Basic Proposal amended as agreed to the Drafting Committee for its review pursuant to Rule 16.
5. The Committee examined and approved, by consensus, the draft text of the Convention on Nuclear Safety as reviewed by the Drafting Committee in its Arabic, Chinese, English, French, Russian and Spanish language versions.
6. The Committee examined and approved, by consensus, the draft Final Act submitted by the Drafting Committee.
7. The Committee also examined and approved, by consensus, the text of a document containing some clarification with respect to procedural and financial arrangements, national reports and the conduct of review meetings envisaged in the Convention, and agreed to attach this document to the draft Final Act. In doing so, it was understood that this document was neither exhaustive nor did it bind the Contracting Parties.
8. The Committee decided to refer the draft Final Act with the draft text of the Convention on Nuclear Safety and the text of the document agreed upon to be attached to the Final Act to the Plenary together with this Report. The Committee then decided that it had thereby concluded its task.

FINAL ACT

1. The Board of Governors of the International Atomic Energy Agency (IAEA) at its meeting in February 1994 authorized the Director General to convene a diplomatic conference to adopt a convention on nuclear safety.
2. The Conference met in Vienna at the Headquarters of the IAEA, 14–17 June, 1994.
3. The Governments of the following States were represented at the Conference: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Korea (Republic of), Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Mexico, Monaco, Mongolia, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Saudi Arabia, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam.
4. One State, Guatemala, sent an observer to the Conference.
5. The following international organizations were represented by observers at the Conference: IAEA, UNESCO, European Commission, OECD/Nuclear Energy Agency.
6. The Conference was formally opened by Dr. Hans Blix, the Director General of the IAEA, who served as the Secretary General of the Conference. Dr. Hans Blix also addressed the Conference.
7. The Conference elected Mr. Walter Hohlefeldt (Germany) as President, and Mr. Halim Benattallah (Algeria), Mr. Eduardo González Gómez (Spain), Mr. S. Azmat Hassan (Pakistan), Mr. Kunisada Kume (Japan), Mr. Andrés G. Pesci Bourel (Argentina), Mr. Amin Rianom (Indonesia), Mr. Victor A. Sidorenko (Russian Federation), and Mr. Carlton R. Stoiber (United States of America) as Vice-Presidents.
8. The Conference set up a Committee of the Whole of which the members were all States participating in the Conference.

The Conference elected Mr. Lars Högberg (Sweden) as Chairman of the Committee of the Whole, and Ms. Thereza Maria Machado Quintella (Brazil) as Vice-Chairman.

9. The Conference set up a Drafting Committee of which the members were the representatives of the following States: Canada, Chile, China, Egypt, France, Hungary, Japan, Mexico, Russian Federation, Saudi Arabia, Spain, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

The Conference elected Mr. A. Gopalakrishnan (India) as Chairman of the Drafting Committee.

10. The Conference had before it as the basic proposal for its discussions the following Document: Draft Nuclear Safety Convention (Document NSC/DC1). The Document had been prepared by a Group of Experts convened by the Director General of the IAEA under the chairmanship of Mr. Z. Domaratzki (Canada).

11. On the basis of its deliberations, the Conference adopted on 17 June 1994 the Convention on Nuclear Safety, which is attached to this Final Act, and will be opened for signature in accordance with its provisions at the Headquarters of the IAEA from 20 September 1994. The Convention on Nuclear Safety is subject to ratification, acceptance, approval or accession, in accordance with its provisions. It will be deposited with the Director General of the IAEA.

12. The Conference agreed to attach to this Final Act a Document containing some clarification with respect to procedural and financial arrangements, national reports and the conduct of review meetings. In doing so, it was understood that this Document was neither exhaustive nor did it bind the Contracting Parties.

13. The Conference adopted this Final Act. The original of this Final Act, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, is deposited with the Director General of the IAEA.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE at Vienna this seventeenth day of June, one thousand nine hundred and ninety-four.

Annex to the Final Act of the Diplomatic Conference

SOME CLARIFICATION WITH RESPECT TO PROCEDURAL AND FINANCIAL ARRANGEMENTS, NATIONAL REPORTS AND THE CONDUCT OF REVIEW MEETINGS, ENVISAGED IN THE CONVENTION ON NUCLEAR SAFETY

1. INTRODUCTION

1.1. This document contains some clarification with respect to procedural and financial arrangements, national reports and the conduct of review meetings. It is understood that this document is not exhaustive and does not bind the Contracting Parties to the Convention on Nuclear Safety.

1.2. The basic principle underlying this clarification is that all provisions in the Rules of Procedure and the Financial Rules should be in strict conformity with the provisions of the Convention.

1.3. Nothing in the implementation of the Convention should dilute the national responsibility for nuclear safety.

2. NATIONAL REPORTS

In accordance with Article 5 of the Convention, national reports should, as applicable, address each obligation separately. The reports should demonstrate how each obligation has been met, with specific references to — inter alia — legislation, procedures and design criteria. When a report states that a particular obligation has not been met, that report should also state what measures are being taken or planned to meet that obligation.

3. CONDUCT OF REVIEW MEETINGS

The purpose of review meetings referred to in Article 20 of the Convention is the review by experts of national reports. The review process should:

- include in-depth study of all national reports, to be conducted by each party before the meeting, as it deems appropriate;
- be carried out through discussion among experts at the meeting;

- take into consideration the technical characteristics of different types of nuclear installation and the likely radiological impact of potential accidents;
- identify problems, concerns, uncertainties, or omissions in national reports, focusing on the most significant problems or concerns in order to ensure efficient and fruitful debate at the meetings; and
- identify technical information and opportunities for technical co-operation in the interest of resolving safety problems identified.

4. RULES OF PROCEDURE FOR THE MEETING OF THE PARTIES

- 4.1. Equitable representation: Paramount importance should be given to technical competence in the election of chairmen and officers. Consideration should also be given to the overall membership of the Convention, including the geographical distribution of the Contracting Parties.
- 4.2. Decision making: Every effort should be made to take decisions by consensus.
- 4.3. Confidentiality: The Rules of Procedure should be formulated so as to ensure that the provisions of Article 27 are applied to all participants.

5. FINANCIAL RULES

- 5.1. Costs to the secretariat: All costs to the secretariat, referred to in Article 28 of the Convention, should be kept to a minimum. The Agency should be requested to provide other services in support of the meeting of the Contracting Parties, only if such services are deemed essential.
- 5.2. Costs to the Contracting Parties: In order to encourage the widest possible adherence to the Convention, the costs of preparing for and participating in review meetings should, while maintaining the effectiveness of the review, be limited by — *inter alia* — the following means:
- limiting the frequency of review meetings; and
 - limiting the duration of the preparatory meeting and of review meetings.

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