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POLICY ISSUE
(Information)

May 24, 1994

SECY-94-143

FOR: The Commissioners
FROM: Carlton R. Stoiber, Director
Office of International Programs
SUBJECT: STATUS OF THE INTERNATIONAL NUCLEAR SAFETY CONVENTION (INSC)

The formal negotiation of an International Nuclear Safety Convention (INSC) will take place at a Diplomatic Conference (DC) in Vienna June 14-17, 1994. The goal of the DC is to agree upon an ad referendum text developed from the work of the Open-Ended Working Group since 1991. The draft text incorporates a number of specific technical and legal obligations that are comprehensive and mandatory, that are consistent with the International Atomic Energy Agency (IAEA) NUSSAG Fundamentals document which are generally accepted by all countries as necessary to assure the safety of nuclear power plants, and is generally consistent with U.S. positions. This memorandum details the steps in the process leading to the signature, ratification, and implementation of the Convention.

Negotiation of a Final INSC Text

In preparation for the DC negotiations, an informal, open-ended meeting was held March 28-29 in Vienna to review draft rules of procedure, address DC organizational issues, and to provide states an opportunity to identify substantive points and editorial changes to be raised at the DC (Attachment 1).

Approximately 50 countries and the European Union attended the preparatory meeting. The rules of Procedure agreed upon, and the final Open-Ended Working Group Text of the Convention, were issued as enclosures to the letter of invitation for the June DC (Attachment 2). A number of countries indicated their intent to raise substantive issues at the DC, including (a) proposals by Finland and India affecting the scope of the draft Convention; (b) a proposal

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on technical cooperation and assistance jointly submitted by Brazil, China, India, Pakistan and Cuba; and (c) proposals by Brazil and Israel to develop a better definition of the national report content, review process, and financial obligations for consideration at the DC.

A U.S. delegation, led by DOS with NRC and DOE participating, will have to be selected to attend the DC and be authorized to negotiate the convention. NRC staff, with DOS and DOE, have drafted a guidance cable for the U.S. delegation (Attachment 3). It should be noted that the U.S. intends to nominate me for one of the Vice President positions at the Diplomatic Conference.

Guidance on Procedures for the Meeting of the Parties

Throughout the Open-Ended Working Group process participants have been concerned that the draft Convention has not better defined the (1) rules of procedure, (2) peer review process guidelines, and (3) the budget for the preparatory meetings and Meetings of the Parties once the Convention is in force. In order not to expend valuable time at the DC on these issues, the U.S. and Brazil, with the assistance of representatives of 30 Missions at the IAEA, have met informally since March to develop a consensus on broad principles and assumptions which could be documented in the *travaux préparatoires* (Final Act) of the Convention (Attachment 4). These principles will then be elaborated and formally adopted in conjunction with the first Meeting of Parties after the Convention enters into force.

Signature and Ratification

If the INSC is indeed opened for signature at the IAEA General Conference, the head of the U.S. delegation to that meeting (likely to be DOE Secretary O'Leary) would sign for the United States.

As a treaty, the Convention would require Senate ratification, a process that could involve congressional hearings in the autumn or winter after signature at the September General Conference.

Congressional Consultations

Staff is working with the Departments of State (DOS) and Energy (DOE) as the three primarily concerned agencies, to arrange for informal staff briefings for appropriate Congressional oversight committees on the INSC draft text.

In March Senator Graham introduced a resolution on the Convention (Attachment 5), which will also be addressed at the briefings. Senator Graham's resolution has four sections relative to supporting the creation of "an international convention to establish international standards for nuclear power plant safety:"

Section 2 calls for the "inclusion of effective safety standards for the design, construction, and operation of existing...and new nuclear power plants...."

● Comment: Since 1991 the U.S.'s negotiating strategy has been to recognize the need to accommodate a number of important compromises by a large number of governments with differing legal systems and nuclear programs. While the U.S. might have preferred that key provisions (such as those on scope, level of detail, and implementation) be framed somewhat differently, we believe that the text establishes an instrument with the necessary elements to make an important contribution to global nuclear safety. As a result, the Convention does not contain detailed prescriptive standards or rules, but confines itself to fundamental principles, along the lines of the approved IAEA document, "Safety Fundamentals, the Safety of Nuclear Installations." Detailed technical provisions would intrude on the responsibility of national governments to regulate their nuclear industries, and to shape the details of their safety regimes. The convention also has been drafted to have the flexibility to change over time.

Section 3 calls for a prohibition on the export of nuclear power plant technology and equipment to nations not abiding by the convention.

● Comment: The Convention has frequently been referred to as an "incentive" convention. This means that it is intended to help countries bring their nuclear safety systems up to an acceptable international level; not necessarily to punish them for failure to achieve one or more of the substantive principles. It is also important that the INSC text be one that can be accepted by governments with weak safety systems. In that regard, much time was spent on the problem of compliance. Some nations were concerned that they would be "automatically in violation of the convention at the moment we sign." Therefore, implementation provisions have been shaped as a "peer review process," in which nations gather periodically to assess the safety systems based on the principles which are being codified as the substantive obligations of the INSC. This is a significant achievement, considering the fact that the subject matter of the convention reaches deeply into matters normally confided to the sovereign control of nation states.

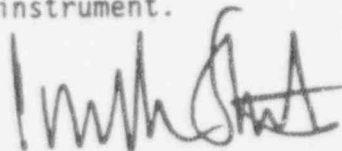
Section 4 "supports the role of the IAEA in implementing" the convention.

● Comment: The IAEA will be the Secretariat for the Meeting of the Parties (MOP). The implementing mechanism for the INSC is a process for review by parties of their national reports given at periodic MOPs -- in effect, "peer review" -- and not a multilateral regulatory body, which would simply create a new bureaucracy. Nuclear safety is ultimately a sovereign responsibility. No states, during the long OEWG process, were willing to accept the concept of a multilateral regulator, and the MOP arrangement is a reasonable compromise. The U.S. has been informally apprised that at the DC the IAEA may seek to be given responsibility, in its role as Secretariat, for reviewing all national reports for completeness and consistency. The U.S. will object to including any provision of this sort either in the Convention or the *travaux préparatoires*, and will seek to have this issue delayed until the process of preparing for the MOP after the Convention enters into force.

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Section 5 "supports meetings of potential parties" to draft a convention that will be "open for signature and ratification by April 1996."

• Comment: If the Diplomatic Conference is successful, the INSC will be opened for signature at the September 1994 IAEA General Conference. As a treaty, the Convention would be subject to congressional ratification procedures, which we hope could move swiftly. It will be important that the United States be an original party to the Convention, because many issues regarding the implementation process through a Meeting of the Parties will be resolved in preparatory meetings which are likely to be called soon after the Convention's entry into force. The various agencies concerned with the Convention look forward to working with the Congress on the ratification process, including any hearings or other procedures deemed appropriate for legislative review of this important instrument.



Carlton R. Stoiber, Director
Office of International Programs

Attachments:

1. 4/6/94 NRC Memo CJHeltemes to ESBeckjord re 3/28-29/94 INSC Informal Open-Ended Meeting, w/o encl
2. Draft Provisional Rules of Procedure; and Chairman's Report and Draft NSC from mtg of IAEA Group of Experts on NSC, 1/31-2/4/94
3. 5/12/94 NRC Draft State Dpt Telegram to Multiple Addressees on USGDel Guidance on DC for Negotiating an INSC
4. Non-Paper covering broad principles and assumptions
5. Senate Resolution, Graham, 103d Congress, 2d Session

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ATTACHMENT 1



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

R. Henderson

APR 06 1994

MEMORANDUM FOR: E. S. Beckjord, Director
Office of Nuclear Regulatory Research

FROM: C. J. Heltemes, Jr., Deputy Director
for Generic Issues and Rulemaking
Office of Nuclear Regulatory Research

SUBJECT: INFORMAL OPEN-ENDED MEETING IN PREPARATION OF THE DIPLOMATIC
CONFERENCE ON AN INTERNATIONAL NUCLEAR SAFETY CONVENTION
(INSC) - MARCH 28-29, 1994 - VIENNA

SUMMARY

The subject meeting was held pursuant to a February Board of Governors decision. Purpose was to: review draft Rules of Procedure for a Diplomatic Conference (June 14-17, 1994) to negotiate an INSC; address Diplomatic Conference organizational issues; and provide states with opportunity to identify substantive points and editorial changes to be raised at the Diplomatic Conference. This was an informal meeting, without member state nameplates, and there will be no record or report of the meeting. Approximately 50 countries and EU were in attendance. With a number of modifications, the draft Rules of Procedure were agreed upon, and will be issued together with the final Open-Ended Working Group Text in the six official languages as enclosures to the letter of invitation for the Diplomatic Conference. A number of countries indicated the intent to raise substantive issues, including: (a) proposals by Finland and India that would affect INSC scope, (b) proposal on technical cooperation and assistance by Brazil and a number other countries and (c) proposals by Brazil and Israel to develop a better definition of the national report content, review process and financial obligations for consideration at the Diplomatic Conference.

BACKGROUND

Subject meeting was chaired by David Waller, IAEA Deputy Director General for Administration. Appropriately fifty countries and the EU were in attendance (seated without member country nameplates). Purpose of meeting was (a) review and amend as appropriate draft Rules of Procedures for the June 14-17, 1994 Diplomatic Conference to negotiate on INSC; (b) address organization and leadership issues including Diplomatic Conference officers to be elected and; (c) provide member states with an opportunity to indicate the intention to raise substantive points on Open-Ended Working Group: (OEWG) final draft text. Editorial changes to the OEWG text were also solicited and will be compiled, distributed at the Diplomatic Conference, and provided to the Diplomatic Conference Drafting Committee. Since this was an informal meeting, it was conducted only in English and will have no report. There were no general comments or opening statements by states.

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REVIEW OF DRAFT RULES

As suggested by U.S., meeting proceeded on a rule by rule consideration of draft Provisional Rules of Procedure (based on those for the IAEA General Conference) prepared by IAEA secretariat (Enclosure 1). Significant points of discussion were as follows:

(a) Rule 6 and Rule 7 - Representation.

Discussion centered on (1) which UN and intergovernmental organizations should be invited and which needed to request attendance (2) which of the foregoing organizations should be a participant and those that should have observer status (3) which non-governmental organizations could attend and their status, and (4) whether IAEA should be a participant or an observer (and serve as the Diplomatic Conference Secretariat). It was noted that IAEA has received a request from Greenpeace to attend the Diplomatic Conference.

Resolution was that rule 6 will specify that (1) 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 Plenary and the Committee of the Whole (COW) sessions; and (2) Representatives of Intergovernmental Organizations invited to regular sessions of the IAEA General Conference shall upon their request be invited to attend as observers and to participate without the right to vote in Plenary and COW sessions.

Rule 7 will specify that any request to attend the Diplomatic Conference as an observer received from non-governmental organizations invited to regular sessions of the IAEA General Conference shall be referred by the Director General to the Diplomatic Conference for its decision (note: Greenpeace is not invited to the regular sessions of the IAEA General Conference).

(b) Rule 9 and 14 - Election of Officers comprising the Diplomatic Conference Bureau.

Discussion centered on (1) whether the President should be the same or a different individual as the Chairman of the COW; (2) the number of officers needed to be elected (draft rules proposed five officers - President and four Vice Presidents who would also serve as Chairman and Vice Chairman of the COW); (3) The basis for selection of Officers including whether consideration of geographical representation should be specified, and (d) need for a separate Credentials Committee.

After considerable discussion, resolution reflected that the President will not serve as the Chairman of the COW, and that the Bureau will consist of 12 officers (one President; eight Vice Presidents; Chairman, COW; Vice Chairman, COW; and the Chairman of the Drafting Committee). The Bureau will act as the Credentials Committee and no separate Committee will be established. No specific factors will guide the election of officers; however, the total number should allow representation by broad geographical regions and should be adequate to accommodate the number of countries wishing to serve in a leadership role.

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(c) Rule 16 - Drafting Committee.

Discussion centered on size of the Committee and its role and reporting relationship. Draft rules proposed 13 or 15 members (allowing two experts in each of six official languages plus a Chairman and perhaps several others), and to have the COW set up the Drafting Committee and receive its report. Strong support was expressed for the Drafting Committee to be independent and report to the Diplomatic Conference, not the COW, in view of the Committee's importance of conforming documents in the six official languages. Brazil was concerned that limited size may preclude its participation if based on official languages. Discussion recognized: the basic non-substantive role of Committee; the need for a Committee of a workable size; expectations for the Committee to work in parallel with the COW; and the practical difficulties if the Committee had to deal with two venues for reconciling the text.

Resolution was to include a suggested (bracketed) size for the Committee as 18 members which reflected a suggestion made by the U.S.. This number will allow flexibility to the Diplomatic Conference President in proposing membership. Consensus was that the Committee should be autonomous rather than a COW subcommittee, and as a result, its Chairman will be elected by the Conference and serve on the Bureau.

(d) Rule 19. Proposals and amendments.

Draft rules specified that proposals and amendments needed to be introduced in writing and distributed no less than 12 hours (proposed) preceding discussion. In response to a number of requests, the rules of procedure were modified to specify that proposals and amendments must be available in all working languages at last 12 hours in advance of discussion.

(e) Rule 36. Consensus.

Draft rules specified that the Diplomatic Conference shall make every effort to ensure that its decisions are taken by consensus or by "general agreement or otherwise without a vote." In response to a question on the meaning of "general agreement or otherwise without a vote," it was indicated that, although this phrase was used in other conferences, its definition was uncertain. The phrase was deleted and decisions will be, whenever possible, by consensus.

(f) Rule 37. Majority Required.

Draft rules specified that a two-third majority would be required in plenary for decisions on the basic text and any amendments, while a simple majority was specified for agreements or decisions in the COW. After considerable discussion, because of the importance of actions taken in the COW, a two-thirds majority will also be specified for the COW agreements on the text. It was also agreed that a two-third majority would be needed to adopt the final act of the Conference.

(g) Rule 29. Meaning of States Present and Voting.

Draft rules specified that delegates that abstain from voting would be considered as voting. Objections were raised that this provision was not standard practice and not consistent with rules for the General Conference (although consistent with final OEWG text). Abstaining is not a vote conventionally in international practice. U.S. pointed out that countries may abstain because they had not participated in the OEWG, and their abstention would be a "negative" vote in terms of the required two-thirds majority to adopt a final text. Resolution was to delete this provision and adopt the General Conference rule specifying that abstentions are not a vote.

(h) Rule 42. Explanation of Vote.

Draft rules specified that delegates could explain their votes, either before or after the voting. Objections were raised that an explanation before a vote would tend to reopen debate and could cause unnecessary delays. Resolution was to delete "either before or" to make clear that delegates can explain their vote only after voting is concluded.

(i) Rule 48. Official and Working Languages.

Objections were raised that the draft rules did not require the Drafting Committee to have interpretation services. After much discussion, resolution was to specify that the six official languages would serve as the working languages in plenary, COW and the Drafting Committee meetings.

VENUE

In view of the anticipated attendance to the Diplomatic Conference, it has been recognized that the largest rooms at the IAEA-VIC may not be adequate. However, the Secretariat reported that larger meeting rooms (Hofburg and the Austria Center) were not available during the period scheduled for the Diplomatic Conference. As a result, the Secretariat indicated that there was no option except to use the IAEA Board Room reconfigured for its maximum capacity (300 individuals).

SUBSTANTIVE POINTS TO BE INTRODUCED AT THE DIPLOMATIC CONFERENCE

In response to the opportunity to identify substantive points to be raised during the Diplomatic Conference, the following intervention were made:

(a) Finland indicated that, although the final OEWG text is a good compromise and it is important to proceed as fast as possible to entry-into-force, they intend to introduce text for a voluntary and independent declaration that would commit parties to follow the relevant INSC principles for all appropriate installations (civilian and military). Finland noted that the nuclear weapons nations made a similar declaration in 1986 in joining the Early Notification Convention. Further, Finland suggested that such a declaration would be an indicator of the member state's safety culture and, if a state would not readily adopt such a declaration, it would indicate a lack or a deficiency in that nation's safety culture.

(b) India indicated that an amendment would be introduced to modify the INSC scope to include military installations.

(c) Brazil indicated an intent to introduce two amendments. The first would be a joint proposal with China, Cuba, Pakistan, Argentina, and perhaps other countries concerning technical cooperation and assistance. The second amendment concerns a better definition, in terms of broad principles, on the review procedures and financial obligations for INSC implementation. Toward that end, Brazil indicated they had provided the Secretariat with a three page proposal.

(d) Israel also strongly believed there was a need to further define the contents of national reports and the review process, and that the INSC would not be ready for signature without such a description. They noted that the four day Diplomatic Conference was not sufficient to develop this description, and proposed that a special drafting group convene before the Diplomatic Conference to develop such a document. This proposal was supported by a number of countries (Mexico, Czech Republic).

(e) Czech Republic intends to propose an amendment to article 17 (siting) to delete "necessary information" and to substitute "...by the results of evaluations referral to in subparagraph i, ii, and iii...". This amendment was intended to clarify what information would be supplied as a basis for an assessment by neighboring states.

(f) Spain indicated that the OEWG text had many inadequacies, particularly the legal aspects of the final part. As a result, improvements from a legal viewpoint will be suggested as well as language prohibiting reservations.

(g) Netherlands indicated unhappiness with Article 22 and the intent to introduce an amendment that would address having rules of procedure adopted by consensus, and amended by consensus.

(h) Australia indicated an intent to introduce three amendments. The first is on Article 16 to achieve consistency in the criteria for a neighboring state as used in subparagraph 2 and 3. The second concerns Article 19 subparagraph 6 on the time frame for reporting, and the third concerns Article 32 and the provisions for convening a Diplomatic Conference for amendments.

DISTRIBUTION OF DOCUMENTS

Secretariat indicated that the provisional Rules of Procedures, as modified above, will be translated into the six official languages and together with final translations of the OEWG text (as modified with member state comments to assure consistency with the English text) will be distributed with the letter of invitation to the Diplomatic Conference. As suggested by the U.S., any Member State comments on translations not accepted for consistency will be provided to the Diplomatic Conference as an editorial change.

A number of countries (U.K. Brazil, Austria) requested the Secretariat to distribute all substantive and editorial proposals in advance of the Diplomatic Conference in order to reflect upon them and prepare positions.

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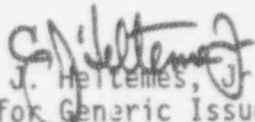
The Secretariat indicated that this approach would pose practical difficulties, but committed to provide missions in Vienna with substantive proposals when possible.

ANTICIPATED ACTION

A number of countries have emphasized, both in the February 1994 Board of Governors (BOG) meeting and this meeting, that the content of the national reports, the peer review process and financial arrangements need to be considered and better defined at the Diplomatic Conference. Specifically, some countries (Mexico, Brazil, Cuba and Argentina) have indicated that ratification of the INSC by their parliaments may be difficult without more detailed information. At the BOG meeting, the U.S. agreed that "it would be useful to develop broad principles and assumptions regarding the procedures to be adopted at the meeting of the parties after the convention enters into force. This would provide a basis for estimating the cost of becoming a party to the convention. These agreed upon broad principles and assumptions could be documented in the final act of the Diplomatic Conference."

Because the Diplomatic Conference is only four days long, there is growing support for an informal, open ended meeting among interested countries to review and reach closure on these broad principles and assumptions before the Diplomatic Conference. The resulting draft could then be introduced at the outset of the conference for subsequent debate and when agreed, included in the final act. Such a meeting may be held in May.

If you have any questions or if I can provide any additional information, please let me know.


C. J. Heltenes, Jr., Deputy Director
for Generic Issues and Rulemaking
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Enclosure: As stated

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ATTACHMENT 2

**INFORMAL OPEN-ENDED MEETING
OF MEMBER STATES, IAEA Board Room, 28-29 March
IN PREPARATION OF THE DIPLOMATIC CONFERENCE
ON A NUCLEAR SAFETY CONVENTION to be held 14-17 June 1994**

Pursuant to a decision taken by the Board of Governors at its meeting in February, an informal open-ended meeting of Member States has been convened by the Director General:

- 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 by 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.

The attached document contains draft Provisional Rules of Procedure of the Diplomatic Conference with an Introductory Note regarding the Director General's proposals for the organization of the Diplomatic Conference.

Draft Provisional Rules of Procedure
for the Diplomatic Conference on a Nuclear Safety Convention

INTRODUCTION

1. The draft Rules of Procedure set out in this document are based on the Rules of Procedure of the General Conference of the IAEA (GC(XXXI)/INF/245/Rev.1) as well as Rules of Procedure adopted at recent diplomatic conferences of the United Nations System.¹

In addition to the table of contents on pages (i) -(ii), a synopsis shows the modifications suggested to the Rules of Procedure of the General Conference in order to adapt them to the requirements of the Diplomatic Conference. The table lists (i) the Rules that do not apply to the Diplomatic Conference; (ii) the Rules that apply *mutatis mutandis*; (iii) the Rules that are modified; and (iv) new draft Rules that are proposed to serve the purpose of the Diplomatic Conference.

2. Attention is drawn to the Rules proposed to address the following matters:

A. REPRESENTATION

(i). States

Pursuant to the decision of the Board at its February session regarding the convening of a Diplomatic Conference, invitations to the Conference will be sent to all States. The expression "all States" means to include the membership of the UN, of the Specialized Agencies and the IAEA and of the International Court of Justice. All States represented at the Diplomatic Conference will be participants. No status of Observer State, or State participating without vote is foreseen. This matter is not specifically addressed in the draft Rules proposed.

(ii) UN and Specialized Agencies (proposed draft Rule 6)

Rule 31 of the Rules of Procedure of the General Conference provides that representatives of the UN and of the Specialized Agencies are "entitled to attend sessions of the General Conference and to participate without a vote on matters of common interest between them and the Agency."

¹ (i) UN Conference on the Liability of Operators of Transport Terminals in International Trade, Vienna 1991. (A/CONF.152/3 of 30 August 1990).

(ii) Review Conference on the UN Convention on a Code of Conduct for Liner Conference, Geneva 1991 (UNCTAD, TP (Code.2/13 of 12 June 1991).

As the subject of the draft Nuclear Safety Convention is not necessarily of interest to the UN and all Specialized Agencies, it is suggested to initially invite only those organizations that have been invited to the Expert Group on the Nuclear Safety Convention, or have expressed their interest in its work. Accordingly, invitations would be sent to the UN, WHO, ILO, IMO and UNEP. Other organizations would be informed of the Conference and could request invitations.

(iii) Other International Organizations (proposed draft Rule 7)

Rule 32(a) of the Rules of Procedure of the General Conference provides that representatives of international (i.e. intergovernmental) organizations with which a relationship agreement has been established "shall be entitled to attend sessions of the General Conference and to participate without vote on matters of common interest."

There are at present seven such organizations (GOV/2656; agreements are in INFCIRC/25 and Add.2-5).

In addition, the Board of Governors has a standing request from the General Conference each year to invite a number of other interested intergovernmental organizations. Seven organizations have been invited under this provision. Most of these organizations may not be interested in the subject of the Nuclear Safety Convention. The same approach as detailed under (ii) above could be followed.

Accordingly, invitations would be sent to the NEA/OECD and the Commission of the European Union. Other organizations would be informed of the Conference and could request invitations; the request would be referred to the Conference.

(iv) Non-Governmental Organizations

Rule 32(b) of the Rules of Procedure of the General Conference provides that representatives of NGOs enjoying consultative status with the Agency may attend the General Conference. Nineteen NGOs are entitled to be represented at sessions of the General Conference. (see Rule GC(XIX)/546). In addition, the Board invites certain interested NGOs on the basis of a standing request from the General Conference. Twelve such NGOs were invited to the 37th session of the General Conference.

No NGO took part in the work of the Expert Group. It is however proposed to invite the non-governmental organizations enjoying consultative status with the Agency to attend as observers. Other organizations requesting invitations would be referred to the Conference for decision as to their participation.

The question concerning invitation of organizations to attend the Conference as observers has also to be seen in light of the limited availability of space.

B. CREDENTIALS (proposed draft Rules 3 and 4)

It is proposed that the credentials of all representatives be submitted to the Director General and be first examined by the Director General as the Secretary General of the Diplomatic Conference. A report on the credentials would be submitted to the Bureau (proposed draft Rule 14) and subsequently to the Conference. This provision is similar to Rule 4 of the Provisional Rules of Procedure of the Board of Governors (GOV/INF/500). No separate Credentials Committee is therefore required.

C. STRUCTURE OF THE CONFERENCE (proposed draft Rules 14-17)

It is proposed to provide for a Plenary and a Committee of the Whole; in addition, the Chairman of the Committee of the Whole would appoint a Drafting Committee as a sub-committee of the Committee of the Whole. Membership in the Drafting Committee would be limited to [12][14] Members.

Schedule

In order to allow sufficient time for consideration of the draft Nuclear Safety Convention, the proposed schedule assigns a maximum amount of time to the Committee of the Whole and limits work in Plenary to an opening session and a closing session (adoption of the Convention). The Plenary and the Committee of the Whole would not meet in parallel.

D. OFFICERS OF THE CONFERENCE (proposed draft Rules 8-10)

In accordance with the structure proposed above, the Conference would elect the President of the Conference who would also chair the Committee of the Whole. Four (4) Vice-Chairmen would be elected to serve as Vice Presidents of the Conference, and also as Vice-Chairmen of the Committee of the Whole.

The Chairman of the Drafting Committee would be elected by the Drafting Committee from among its members. Accordingly, it is proposed that a total of five (5) officers would be elected by the Conference.

It is understood that the procedures outlined above would be conducted through negotiations among heads of delegations and permanent missions.

E. VOTING (proposed draft Rules 35 -45)

The Rules proposed on decision-making in the Diplomatic Conference give preference to consensus. In the absence of consensus, any proposal regarding the draft text of the Nuclear Safety Convention ("Basic Proposal") and any amendments thereof would require a two-thirds majority for adoption by the Conference (i.e. Plenary). Decision-making in the Committee of the Whole would be by a simple majority. All other questions, notably of a procedural nature, would be decided by a simple majority.

Representatives of States only would have the right to vote.

No voting would be provided for decision-making in the Drafting Committee.

3. The Basic Proposal of the Conference would be the draft text of the Nuclear Safety Convention established by the Expert Group. That draft text of the Nuclear Safety Convention (in the six language versions) would be attached to the letters of invitation to the Diplomatic Conference.

4. The Director General of the Agency would be the Secretary General of the Conference.

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- Rule 38 Simple majority
- Rule 39 Meaning of States present and voting
- Rule 40 Methods of voting
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IX. VOTING IN ELECTIONS

- Rule 46 Secret ballot

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- Rule 47 Application of these Rules to committees

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- Rule 48 Official and working languages
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- Rule 52 Amendment of Rules
- Rule 53 Interpretation of Rules

SUGGESTED MODIFICATIONS TO THE RULES OF PROCEDURE OF THE GENERAL
CONFERENCE [GC (XXXI)/INF/245/Rev.1] FOR ADAPTATION TO THE DIPLOMATIC
CONFERENCE TO ADOPT A NUCLEAR SAFETY CONVENTION

1. Rules of Procedure that do not apply to the Diplomatic Conference:

Rules 1 - 22
 Rule 25
 Rule 26
 Rule 30
 Rule 36
 Rule 41
 Rule 43
 Rule 45
 Rules 47 - 48
 Rule 55
 Rule 61
 Rule 67
 Rule 78
 Rules 80 - 81
 Rules 83 - 85
 Rules 89 - 90
 Rules 92 - 100
 Rule 102

2. Rules that apply mutatis mutandis¹:

Rules 23 - 24
 Rule 27
 Rule 33
 Rules 35
 Rules 37 - 38
 Rules 49 - 54
 Rules 56 - 60
 Rule 62
 Rule 64 - 66
 Rule 68
 Rules 70 - 77
 Rule 79
 Rule 82
 Rules 86 - 88
 Rule 91
 Rules 103

¹ For the purposes of the Diplomatic Conference, mutatis mutandis will generally be applied in the following manner:

- Member of the Agency refers to States, (delegates or representatives as appropriate).
- The Director-General acts as Secretary-General of the Conference
- General Conference refers to Conference.
- Reference to the Board of Governors has no application.

3. Rules that are modified:

- Rule 28 The Director-General will examine the credentials and report to the Conference.
- Rule 29 Modified to reflect changes in Rule 28.
- Rule 39 Added caveat that duties are within the IAEA budget for the Diplomatic Conference.
- Rules 40-42 Changed title of Rule 40 to *Bureau* and merged with Rule 42. Changed selection of officers.
- Rules 44 + 46 Merged together.
- Rule 52 Restricted to Plenary meetings.
- Rule 53 Modified to require 2/3 majority for quorum.
- Rule 63 Merged with new Rule in 4.(IV) below.
- Rule 69 Modified and offered as an alternative to paragraph 2 of the new Rule on Consensus; see 4.(V) below.
- Rule 79 Requirement of secret ballot has been relaxed.
- Rule 101 Modified to require a 2/3 majority to amend the Rules.

4. New, proposed draft rules for the Diplomatic Conference:(I) New (GC) Rules 31 - 32:

- Rule 6 Representatives of the United Nations and of the specialized agencies
- Rule 7 Representatives of other international organizations

(II) New (GC) Rule 34:

- Rule 9 Election

(III) New Rules inserted before (GC) Rule 44:

- Rule 16 Committee of the Whole
- Rule 17 Drafting committee

(IV) New Rule inserted after (GC) Rule 46:

- Rule 19 Basic proposal
- Rule 20 Proposals and Amendments

(V) New Rule inserted before (GC) Rule 68:

- Rule 37 Consensus

Alternative to Rule [36] paragraph 2:

- Rule 38 Majority required

DRAFT PROVISIONAL RULES OF PROCEDURE
DIPLOMATIC CONFERENCE ON A NUCLEAR SAFETY CONVENTION

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.

II. REPRESENTATION OF INTERNATIONAL ORGANIZATIONS

Rule 6 Representatives of the United Nations, of the specialized agencies and the IAEA

The IAEA shall be represented at the Conference. Representatives of the United Nations, the International Maritime Organization, the World Meteorological Organization, the International Labour Organization and United Nations Environment Programme, and, upon their request, of any other organization of the UN System, shall be invited to attend the Conference as observers.

Rule 7 Representatives of other international organizations

1. Intergovernmental organizations

Representatives of the Nuclear Energy Agency of the OECD and the Commission of the European Union as well as, upon their request, of other intergovernmental organizations, shall be invited to attend the Conference as observers.

2. Non-Governmental organizations

- (a) Representatives of the non-governmental organizations enjoying consultative status with the IAEA shall be invited to attend the Conference as observers;
- (b) Any request received from another non-governmental organization concerned with nuclear safety matters to attend the Conference 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 four Vice-Presidents of the Conference, who shall also serve as Chairman and Vice-Chairmen respectively of the Committee of the Whole established under Rule 16.

Rule 10 Acting President

If the President 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 Vice Chairmen, respectively, to take his place, who, while acting as President or Chairman of the Committee of the Whole, shall have the same powers and duties as the President 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 who also serves as Chairman of the Committee of the Whole, the four Vice-Presidents of the Conference, 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 shall set up a Drafting Committee; it may set up such other subsidiary bodies as it considers necessary.

Rule 16 Drafting committee

A Drafting Committee, composed of not more than [13][15] members including the Chairman, shall be set up by the Committee of the Whole on the proposal of its Chairman. 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. The Committee shall report to the Committee of the Whole.

The Committee shall elect a Chairman from among its members.

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/NSG/DC.....)

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 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 through 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

The Plenary meetings of the Conference shall be held in public unless it decides that the meeting 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 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 adjourn the meeting;
- (b) To adjourn the debate on the item under discussion; and
- (d) For the closure of the debate on the item under discussion.

Rule 32 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 33 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 34 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 35 Voting rights

Each State participating in the Conference shall have one vote.

Rule 36 Consensus

The Conference shall make every effort to ensure that its decisions are taken by consensus or general agreement or otherwise without a vote.

Rule 37 Majority required

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

- (i) A decision on the Basic Proposal set out in Rule 18 or on any provision thereof;
- (ii) A decision on a proposal for amendment to the Basic Proposal.

Rule 38 Simple majority

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

Rule 39 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 voting.

Rule 40 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 41 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 42 Explanation of vote

The presiding officer may permit States to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. 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 43 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 44 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. We, 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 45 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 46 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 47 Application of these Rules to committees

- (a) Subject to any decision of the Plenary and 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 48 Official and working languages

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

Rule 49 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 50 Languages of important documents

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

Rule 51 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 52 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 53 Interpretation of Rules

- (a) 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).
- (b) The description of these Rules in the table of contents and the description prefixed to each Rule shall be disregarded in the interpretation of these Rules.



INTERNATIONAL ATOMIC ENERGY AGENCY
AGENCE INTERNATIONALE DE L'ENERGIE ATOMIQUE
МЕЖДУНАРОДНОЕ АГЕНТСТВО ПО АТОМНОЙ ЭНЕРГИИ
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*With the compliments
of the
Legal Division*

GROUP OF EXPERTS ON A
NUCLEAR SAFETY CONVENTION
31 January - 4 February 1994

CHAIRMAN'S REPORT and
DRAFT NUCLEAR SAFETY CONVENTION

The Report of the Chairman on the seventh, final, meeting of the Group of Experts, and annexes, including the final draft text of the Nuclear Safety Convention*, is attached.

It would be appreciated if the above could be brought to the attention of the appropriate Governmental authorities.

*as translated into Arabic, Chinese, French, Russian and Spanish

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THE RESIDENT REPRESENTATIVE
OF THE UNITED STATES OF AMERICA
TO THE INTERNATIONAL ATOMIC
ENERGY AGENCY
OBERSTEINERGASSE 11/1
A-1190 VIENNA

REPORT OF THE CHAIRMAN

1. The seventh meeting of the Group of Experts was held from 31 January to 4 February 1994. The list of participants is attached. It was the first meeting with interpretation into the six languages of the Agency.
2. The Group of Experts reviewed the draft text of the Nuclear Safety Convention dated 1993-12-10 which had been distributed in December 1993 to experts in all six languages. The Group of Experts revised and amended those provisions of the draft text where there was broad agreement that such modifications were required.
3. The Group of Experts agreed that the draft text of the Nuclear Safety Convention as revised, required additional editorial changes. The Group of Experts therefore set up an informal open-ended editorial group (chaired by Director of the Legal Division) that met in evening sessions and elaborated proposals for editorial modifications. As no interpretation services were available, the informal editorial group conducted its work in English only. Proposed editorial modifications were submitted to the Group of Experts in plenary and accepted, modified or deleted.
4. During its meeting, the Group of Experts concentrated its efforts essentially on the modifications required to the draft Convention. These modifications, having been made in English only, remain to be translated into the other five languages; moreover, editorial changes have to be made to the latter texts.
5. The Group noted that experts from the Spanish-speaking countries participating in the Group met to review the Spanish language text in consultation with the head of the Spanish translation section of the Agency. Experts noted that similar efforts will have to be undertaken for the other language versions.

6. The draft text of the Nuclear Safety Convention as established by the Group of Experts is attached.

7. The present text reflects the broad agreement reached by the experts, and has the overall support of the Group. This agreement was made possible because all experts were prepared to accept compromises in order to complete successfully and within reasonable time the task given to the Group.

8. In this context, it is recalled that some compromises of a fundamental nature were made early in the drafting process. Major compromises were notably required to reach agreement on the following: to limit the scope of application of the Convention to land based civil nuclear power plants; to base obligations on fundamental principles, without added detailed criteria; to include in the Preamble of the Convention a commitment 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; to recognize the possibility of developing further international instruments in the future; and, on the definition of the role of international co-operation.

9. The Group of Experts agreed on the text of almost all articles of the draft Convention. Only Article 31 of the draft contains wording in "square brackets" indicating matters on which the experts did not agree. The Group of Experts considered that it had fulfilled its mandate to carry out the necessary substantive preparations for a nuclear safety convention.

10. 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;

SEMI-DIPLOMATIC CONFERENCE

d) that, in accordance with General Conference resolution, GC(XXXVII)/615 a diplomatic conference 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.

11. The Chairman of the Group has been requested to include the following in the report:

- (i) on Tuesday, 1 February and Wednesday, 2 February the discussions of the experts on the draft text of a convention were interrupted to address the issue raised by the presence of an expert seated behind the nameplate Yugoslavia;
- (ii) statements made by delegates are attached as requested by them;
- (iii) the expert referred to in sub-paragraph (i) expressed disagreement;
- (iv) an opinion was also expressed that the Group of Experts should not address the subject.

12. In closing, the Group of Experts would like to recognize with thanks the significant contribution and assistance of the Secretariat.

rept7

Statement of Croatia

Mr. Chairman,

Allow me, please, to say a few words related to the participation of the delegate of Yugoslavia to this meeting.

The IAEA 36th General Conference held in September 1992, suspended participation of the Yugoslavian delegation based on the decision made on the representation of Yugoslavia by the U.N. General Assembly.

We, of course, welcome all experts to take an active part in expert meetings. However we can not accept that decisions by the IAEA 36th General Conference be by-passed at present meeting.

Should, however the delegate of Yugoslavia wish to participate in the meeting it could be done only as an expert, sitting not behind the nameplate "Yugoslavia".

croatia

PERMANENT MISSION OF TURKEY

My delegation does not recognize the Federal Republic of Yugoslavia (Serbia and Montenegro) as the successor of the Socialist Federal Republic of Yugoslavia, as the Socialist Federal Republic of Yugoslavia has ceased to exist legally and 5 independent states have been established in its place, that if the Federal Republic of Yugoslavia wished to participate in IAEA meetings, it should apply for membership as did Croatia and Slovenia, consequently there should be no representation of Yugoslavia at this meeting and the Chairman should take measures to prevent this situation.

I conclude from the supporting statements that the Secretariat should strictly observe the resolution of the General Conference and should not allow this de facto situation to arise in future meetings of the IAEA.

STATEMENT OF THE PRESIDENCY OF THE EUROPEAN UNION

Speaking on behalf of the states members of the European Union, I bring to your attention their position concerning the representation at our expert group of the Federal Republic of Yugoslavia (Serbia and Montenegro).

This position is well known: We do not accept the automatic continuity of the Federal Republic of Yugoslavia in international organisations as the sole successor to the former Socialist Federal Republic of Yugoslavia and do not recognise the right of the current occupant of the seat to represent that territory.

The presence of this occupant is without prejudice to any future actions of the states members of the European Union.

NSC/7/INF.1/Rev.1

GROUP OF EXPERTS ON A
NUCLEAR SAFETY CONVENTION

7 February 1994

Seventh Meeting
Vienna, 31 January - 4 February 1994

LIST OF PARTICIPANTS

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Mr. Lyès Naït-Tighilt

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First Secretary, Alt. Res. Rep., Permanent Mission

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Mr. Gabriel J. Maffei
Mr. Gustavo R. Zlauvinen
Mr. Miguel Estrada Oyuela

Minister, Alt. Res. Rep., Permanent Mission
Second Secretary, Alt. Res. Rep., Permanent Mission
National Atomic Energy Commission

AUSTRALIA

Mr. Peter Duerden

Counsellor, Alt. Res. Rep., Permanent Mission

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Mr. F.W. Schmidt
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Mr. R. Scheffenegger

Federal Chancellery
Federal Chancellery
Federal Ministry for Health, Sports and Consumer
Affairs

Ms. Helga Kromp-Kolb

Forum für Atomfragen

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Second Secretary, Alt. Res. Rep., Permanent Mission
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Mr. José Mendonça de Lima
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National Nuclear Energy Commission
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Committee on the Use of Atomic Energy for Peaceful
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Mr. Boris Georgiev

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Committee of Energy
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Mr. Z. Domaratzki

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Directorate of Reactor Regulation

Mr. H.E. Thexton

Ministry of Natural Resources

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PARTICIPANT

TITLE

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Secrétariat Général du Comité Interministériel de la
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Mr. Denys Rousseau

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Hungarian Atomic Energy Commission

Mr. Zoltán Szönyi

Hungarian Atomic Energy Commission

Mr. István Horváth

Counsellor, Ministry of Foreign Affairs

INDIA

Mr. Ashok Mohan

Counsellor, Alt. Res. Rep., Permanent Mission

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Scientific Attaché, Alt. Res. Rep., Permanent Mission

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Minister (Technical), Alt. Res. Rep., Permanent
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Adviser, Permanent Mission

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Jefe de Relaciones Internacionales del Gabinete Técnico del Presidente del Consejo de Seguridad Nuclear

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Special Adviser, Turkish Atomic Energy Authority

Mr. Erdener Birol

Counsellor-Scientific Affairs, Permanent Mission

Ms. Nehir Unel

Legal Adviser, Permanent Mission

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Mr. Yu. Polurez

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Nuclear Installations Inspectorate, Health and Safety Executive

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Department of State
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Directorate-General XI
Directorate General-XI
First Secretary, Alt. Res. Rep., Permanent Mission

OECD/NEA

Mr. Patrick Reyners

Head of Legal Affairs

Chairmen of the Group of Experts

Mr. Z. Domaratzki, Canada

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Mr. Franz-Nikolaus Flakus, NENS, Scientific Secretary

Mr. Wouter Sturms
Mr. Morris Rosen
Mr. Abel Gonzalez
Ms. Annick Camino

Director, Legal Division
Assistant Director General, Division of Nuclear Safety
Deputy Director, Division of Nuclear Safety
Section Head, Safety Standards and Co-ordination

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 cooperation 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 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

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 fulfill 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 sub-paragraphs (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 subparagraphs (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

ATTACHMENT 3

UNCLASSIFIED

USNRC/OIP:KHENDERSON
05/12/94:301/504-2337
DOS/IO/UST:JSPIRO

USNRC/OIP:CRSTOIBER
USNRC/RES:CJHELTEMES
DOE:BTHOMAS
DOE:JBM CRAE

PM/NE:RSTRATFORD
DOS/PM/NE/NSSC:JNOBLE
DOS/IO/UST:TBROWN

IMMEDIATE USVIENNA, SYDNEY IMMEDIATE, BUDAPEST IMMEDIATE,
JAKARTA IMMEDIATE, BUENOS AIRES IMMEDIATE, BRASILIA IMMEDIATE, +

USVIENNA FOR UNVIE

N/A

ENRG, IAEA, TRGY, KSCA, KNNP

USG DELEGATION GUIDANCE ON DIPLOMATIC CONFERENCE
FOR NEGOTIATING AN INTERNATIONAL NUCLEAR SAFETY CONVENTION

REFS: (A) 94 STATE 122440 (R) 94 STATE 122438 (C) 94
USVIENNA 1322 (D) 94 STATE 91665 (E) 94 STATE 90434
(F) 94 STATE 85672 (G) 94 STATE 77108 (H) 94 STATE 68701
(I) 94 USVIENNA 573 (J) 94 STATE 42204 (K) 94 USVIENNA
445 (L) 94 STATE 22897 (M) 94 USVIENNA 154 (N) 94 STATE
049867 (O) 94 STATE 22053 (P) 93 STATE 472859 (Q) 93
STATE 323473 (R) 93 STATE 321622 (S) 93 STATE 143984
(T) 93 STATE 8709 (U) 92 STATE 323328 (V) 92 STATE
307033 (W) 92 STATE 164731 (X) 92 STATE 164612 (Y) 92
STATE 164845 (Z) 91 STATE 398109

1. SUMMARY AND ACTION REQUEST: USDEL TO THE JUNE 14-17
DIPLOMATIC CONFERENCE (DC) TO NEGOTIATE AN INTERNATIONAL
NUCLEAR SAFETY CONVENTION (INSC) WILL BE HEADED BY RICHARD
J.K. STRATFORD, PM DIRECTOR OF NUCLEAR ENERGY AFFAIRS,
STATE DEPARTMENT, AND WILL INCLUDE CARLTON R. STOIBER AND
C. JACK HELTEMES FROM THE NUCLEAR REGULATORY COMMISSION
(USNRC), AND J. BEN MCRAE, DEPARTMENT OF ENERGY (DOE).
DEPARTMENT REQUESTS COUNTRY CLEARANCE, AND REQUESTS U.S.
MISSION TO NOTIFY IAEA SECRETARIAT OF THE DELEGATION LIST
PRIOR TO THE MEETING. THIS CABLE PROVIDES GUIDANCE FOR

UNCLASSIFIED

USDEL ON A NUMBER OF ISSUES SPECIFIC TO THE NEGOTIATION OF THE CONVENTION. USDEL SHOULD WORK WITH OTHER DELEGATIONS TO SEEK SUPPORT FOR U.S. POSITIONS OUTLINED BELOW AND IN PREVIOUS GUIDANCE CABLES. END SUMMARY.

BACKGROUND

2. AN INTERNATIONAL NUCLEAR SAFETY CONVENTION (INSC) WAS FIRST PROPOSED BY GERMAN MINISTER TOEPFER AT THE 1991 INTERNATIONAL CONFERENCE ON THE SAFETY OF NUCLEAR POWER. THE PURPOSE OF THE INSC IS TO CODIFY CERTAIN BASIC PRINCIPLES OF NUCLEAR POWER SAFETY TO WHICH ALL COUNTRIES COULD BE HELD ACCOUNTABLE. THE ELEMENTS FOR THE INSC WERE DEVELOPED BY AN OPEN-ENDED WORKING GROUP (OEWG), A SPECIAL EXPERT GROUP SPONSORED BY THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA), WHICH MET SEVEN TIMES BETWEEN 1991 AND 1994 (REFS N THROUGH Z).
3. THE WORK OF THE OEWG WAS COMPLETED AT THE SEVENTH MEETING (JANUARY 31-FEBRUARY 4, 1994) WITH THE DEVELOPMENT OF A PROPOSED TEXT FOR THE INSC WITH ONLY ONE BRACKETED PROVISION (ON NUMBER OF SIGNATURES NECESSARY FOR ENTRY INTO FORCE) (REF N). THIS DRAFT TEXT INCORPORATES A NUMBER OF SPECIFIC TECHNICAL AND LEGAL OBLIGATIONS THAT ARE COMPREHENSIVE AND MANDATORY, AND THAT ARE CONSISTENT WITH THE IAEA NUSSAG FUNDAMENTALS DOCUMENT WHICH ARE GENERALLY ACCEPTED BY ALL COUNTRIES AS NECESSARY TO ASSURE THE SAFETY OF NUCLEAR POWER PLANTS. THE FEBRUARY 1994 IAEA BOARD OF GOVERNORS MEETING AUTHORIZED THE IAEA DIRECTOR GENERAL TO CONVENE A DIPLOMATIC CONFERENCE TO FORMALLY NEGOTIATE AN INSC, PRECEDED BY AN INFORMAL, OPEN-ENDED PREPARATORY MEETING (PM) OF MEMBER STATES (MARCH 28-29, 1994) (REFS I AND J).
4. THE PURPOSE OF THE PM WAS TO (A) REVIEW AND AMEND AS APPROPRIATE DRAFT RULES OF PROCEDURES FOR THE JUNE DIPLOMATIC CONFERENCE; (B) ADDRESS ORGANIZATION AND LEADERSHIP ISSUES INCLUDING DIPLOMATIC CONFERENCE OFFICERS TO BE ELECTED, AND (C) PROVIDE MEMBER STATES WITH AN OPPORTUNITY TO INDICATE THE INTENTION TO RAISE SUBSTANTIVE POINTS ON THE OEWG DRAFT TEXT. TWO ISSUES LIKELY TO ASSUME IMPORTANCE AT THE DC WERE DISCUSSED, NAMELY, (1) THE POSSIBLE INTRODUCTION OF A PROVISION ON BROADER INTERNATIONAL COOPERATION AND TECHNICAL ASSISTANCE FOR NUCLEAR SAFETY, ESPECIALLY REGARDING LESS DEVELOPED INSC PARTIES; AND (2) BETTER DEFINITION OF THE PEER REVIEW PROCESS OF THE MEETING OF PARTIES (MOP) AFTER THE

CONVENTION COMES INTO FORCE. EDITORIAL CHANGES TO THE OEWG TEXT WERE ALSO SOLICITED AND WILL BE COMPILED, DISTRIBUTED AT THE DIPLOMATIC CONFERENCE, AND PROVIDED TO THE DIPLOMATIC CONFERENCE DRAFTING COMMITTEE (REF H).

5. THE PM (REF E) ADOPTED NORMAL DC RULES OF PROCEDURE, WHEREBY DISPUTES ARE RESOLVED BY CONSENSUS WHERE POSSIBLE, RESERVING THE OPTION OF VOTING ON PROPOSALS (2/3 FOR SUBSTANTIVE ISSUES; MAJORITY FOR PROCEDURAL ISSUES; AND ABSTENTIONS NOT COUNTING AS VOTES) FOR ONLY THOSE ISSUES NOT AMENABLE TO CONSENSUS RESOLUTION. THE PM ALSO AGREED THE ORGANIZATION FOR THE DC WILL BE TO HAVE A PLENARY, A COMMITTEE OF THE WHOLE (COW), AND A DRAFTING SUBCOMMITTEE. DC OFFICERS WILL BE AS FOLLOWS: A PRESIDENT AND EIGHT VICE PRESIDENTS, WITH THE VICE PRESIDENTS AVAILABLE TO CHAIR THE COW; CHAIRMAN AND VICE CHAIRMAN OF THE COW; AND CHAIRMAN OF THE DRAFTING SUBCOMMITTEE. THESE TWELVE PERSONS WILL CONSTITUTE A BUREAU WHICH CAN HELP RESOLVE DISPUTES. THE PRESIDENT WILL NOT SERVE AS CHAIRMAN OF THE COW.

6. THE DISCUSSION AT THE PM ON THE ISSUES OF TECHNICAL ASSISTANCE/COOPERATION WAS INCONCLUSIVE. DEBATE AT THE FEBRUARY BOG GAVE NOTICE OF DEVELOPING COUNTRY INTEREST IN OBLIGATING DEVELOPED STATES TO PROVIDE, AS STATED BY THE PAKISTANI BOG REPRESENTATIVE, "UNHINDERED ACCESS TO NUCLEAR SAFETY TECHNOLOGY, INCLUDING AN OBLIGATION BY SUPPLIERS TO PROVIDE FULL INFORMATION AND TECHNOLOGY THROUGHOUT THE ENTIRE LIFETIME OF A PLANT." BRAZIL, IN CONJUNCTION WITH CHINA, INDIA, PAKISTAN AND CUBA HAS SUBMITTED TO THE IAEA SECRETARIAT A PROPOSAL TO AMEND THE INSC'S CHAPTER 1(I) ("OBJECTIVES, DEFINITION AND SCOPE") TO PROVIDE FOR "THE STRENGTHENING OF" NATIONAL MEASURES AND INTERNATIONAL COOPERATION "INCLUDING, WHERE APPROPRIATE, THROUGH TECHNICAL COOPERATION." U.S. POSITION ON THIS ISSUE IS IN REF H.

8. THE DISCUSSION AT THE PM ON THE ISSUE OF BETTER DEFINITION OF THE PEER REVIEW PROCESS OF THE MEETING OF PARTIES WAS ALSO INCONCLUSIVE. THROUGHOUT THE OEWG PROCESS PARTICIPANTS HAVE BEEN CONCERNED THAT THE DRAFT CONVENTION HAS NOT BETTER DEFINED THE (1) RULES OF PROCEDURE, (2) PEER REVIEW PROCESS GUIDELINES, AND (3) BUDGET FOR THE PREPARATORY MEETINGS AND MEETINGS OF THE PARTIES (MOP) ONCE THE CONVENTION IS IN FORCE. FOLLOWING THE MARCH PM BRAZIL, ISRAEL, SWEDEN, AND CUBA SUBMITTED TO THE IAEA SECRETARIAT SEPARATE PROPOSALS RELATING TO THE ISSUE OF DEFINING THE PEER REVIEW PROCESS. IN ORDER NOT TO EXPEND VALUABLE TIME AT THE DC ON THESE ISSUES, THE US AND BRAZIL, WITH THE ASSISTANCE OF REPRESENTATIVES OF 30 MISSIONS AT THE IAEA,

HAVE MET INFORMALLY TO DEVELOP A CONSENSUS ON BROAD PRINCIPLES AND ASSUMPTIONS WHICH COULD BE DOCUMENTED IN THE FINAL ACT OF THE DIPLOMATIC CONFERENCE (REF C). THESE PRINCIPLES WILL THEN BE ELABORATED AND FORMALLY ADOPTED IN CONJUNCTION WITH THE FIRST MOP AFTER THE CONVENTION ENTERS INTO FORCE.

9. TWO OTHER PROPOSALS WERE SUBMITTED TO THE SECRETARIAT FOLLOWING THE PM. THE CZECH REPUBLIC SUBMITTED A PROPOSAL TO AMEND ARTICLE 17 ON SITING IN THE DRAFT CONVENTION TEXT. FINLAND ANNOUNCED ITS INTENTION TO OFFER A PROPOSAL TO HAVE PARTIES VOLUNTARILY AND INDEPENDENTLY DECLARE THAT THEY WOULD FOLLOW THE RELEVANT INSC PRINCIPLES FOR ALL CIVILIAN AND MILITARY INSTALLATIONS.

DIPLOMATIC CONFERENCE: GUIDANCE FOR USDEL

10. BASIC USG POSITION ON INSC: USG GENERALLY SUPPORTS THE FEBRUARY 4, 1994 REVISED DRAFT OF THE CONVENTION AS REPORTED TO THE FEBRUARY BOARD OF GOVERNORS MEETING. THE USDEL SHOULD WORK TO PREVENT REOPENING BASIC ISSUES RESOLVED BY THE OEWG AND/OR SUBSTANTIALLY REWRITING OF THE FEBRUARY 4 TEXT. THIS APPROACH IS BASED ON THE WIDELY SHARED GOAL OF HAVING A NEGOTIATED CONVENTION TEXT OPEN FOR SIGNATURE AT THE SEPTEMBER IAEA GENERAL CONFERENCE.

11. WITH ONLY THE ENTRY-INTO-FORCE PROVISIONS STILL UNRESOLVED, THE OEWG TEXT OF THE CONVENTION SUCCESSFULLY ACHIEVES FORMULATIONS ON KEY ISSUES WHICH ARE ACCEPTABLE TO THE U.S. WHILE USDEL MAY NEED TO ACCEPT SOME REFORMULATIONS OF INSC LANGUAGE TO ACHIEVE CONSENSUS, THE U.S. CANNOT ACCEPT A CONVENTION TEXT WHICH DEPARTS SIGNIFICANTLY FROM COMPROMISES ALREADY REACHED, PARTICULARLY ON ISSUES SUCH AS SCOPE, NATURE OF OBLIGATIONS, ROLE OF IAEA, AND IMPLEMENTATION PROCEDURES. U.S. POSITIONS HAVE BEEN CONSISTENTLY MAINTAINED ON THESE ISSUES THROUGHOUT THE TWO YEAR OEWG PROCESS. THEREFORE, USDEL MAY RELY ON GUIDANCE IN RELEVANT REFTELS ON ANY ISSUES WHICH MAY BE RAISED AT THE DC, UNLESS AMENDED OR ELABORATED IN THIS CABLE.

12. ENTRY INTO FORCE: THE US DEL SHOULD SUPPORT AN ENTRY INTO FORCE PROVISION BASED ON THE CONCEPT THAT 2/3 OF THE 30 STATES WITH OPERATING NUCLEAR INSTALLATIONS (I.E., 20 MEMBER STATES) SHOULD JOIN BEFORE ENTRY INTO FORCE. THIS APPROACH WOULD HELP ASSURE PARTICIPATION BY FSU AND DEVELOPING NATIONS AND GUARANTEE A BROADLY ACCEPTED

INSTRUMENT WHICH WOULD MAKE A MEANINGFUL REVIEW PROCESS POSSIBLE. THE FINAL OEWG DRAFT BRACKETED LANGUAGE PROPOSES 15 COUNTRIES WITH NUCLEAR INSTALLATIONS JOIN BEFORE ENTRY-INTO-FORCE. THE FINAL OEWG DRAFT ALSO DELETED THE REQUIREMENT THAT THE NUCLEAR INSTALLATION WERE TO BE "OPERATING" OR "OPERATIONAL" AND THUS THE NUMBER OF STATES THAT MAY BE QUALIFIED TO SIGN AS A NUCLEAR STATE COULD BE AS HIGH AS 35.

13. VOTING: SHOULD KEY COMPROMISES REACHED IN THE OEWG UNDER CONSENSUS BE UNRAVELED AT THE DC BECAUSE NON-NUCLEAR STATES EXERCISE THEIR VOTES TO REOPEN ISSUES, THE U.S. COULD BE FACED WITH DIFFICULT QUESTIONS ON ITS PARTICIPATION IN THE SAFETY CONVENTION. USDEL SHOULD SUPPORT THE USE OF CONSENSUS TO RESOLVE DIFFERENCES WHERE POSSIBLE. WHEN VOTING IS REQUIRED ABSTENTIONS SHOULD NOT BE COUNTED AS VOTES.

14. LEADERSHIP: USDEL SHOULD SUPPORT A GEOGRAPHIC DISTRIBUTION OF THE LEADERSHIP. CRITERIA WHICH SHOULD BE CONSIDERED IN CHOOSING A DC PRESIDENT ARE PREVIOUS EXPERIENCE IN CONDUCTING LARGE, TECHNICAL, MULTILATERAL MEETINGS; REPUTATION FOR OBJECTIVITY AND ABILITY TO ACHIEVE COMPROMISE SOLUTIONS TO DIFFICULT ISSUES; AND ALL OTHER THINGS BEING EQUAL, FROM A COUNTRY WITH A SIGNIFICANT NUCLEAR PROGRAM. INFORMAL CONSULTATIONS INDICATE THAT GERMANY MAY OFFER AS A CANDIDATE FOR DC PRESIDENT MR. WALTER HOHLEFELDER, HEAD OF THE NUCLEAR SAFETY DIVISION OF THE MINISTRY OF THE ENVIRONMENT. SIMILARLY, CANADA MAY OFFER MR. ZIG DOMARATZSKI AS CHAIRMAN OF THE COW. BOTH THESE OFFICIALS ARE WELL KNOWN TO THE U.S. AND MEET THE CRITERIA OUTLINED ABOVE. THE U.S. DELEGATION MAY SUPPORT HOHLEFELDER AND DOMARATZSKI AS CONSENSUS SELECTIONS FOR THESE POSITIONS. IF OTHER CANDIDATES MEETING U.S. CRITERIA ARE OFFERED FOR THE DC PRESIDENCY OR CHAIRMAN OF THE COW, USDEL SHOULD SEEK FURTHER INSTRUCTIONS. THE U.S. DELEGATION SHOULD NOMINATE MR. CARLTON R. STOIBER OF THE USNRC TO SERVE AS ONE OF THE VICE PRESIDENTS.

15. BETTER DEFINITION OF MEETING OF PARTIES: USDEL SHOULD SUPPORT DELAYING THE ELABORATION OF RULES OF PROCEDURE UNTIL THE PREPARATORY CONFERENCE FOR THE MOP, WHEN PARTIES TO THE CONVENTION ARE KNOWN AND CAN ESTABLISH SUCH RULES. HOWEVER, AT THE DC USDEL SHOULD SUPPORT THE DEVELOPMENT OF BROAD PRINCIPLES AND ASSUMPTIONS REGARDING THE PROCEDURES TO BE ADOPTED AT THE MOP AFTER THE CONVENTION ENTERS INTO FORCE, TO PROVIDE A BASIS FOR ESTIMATING THE COST OF BECOMING A PARTY TO THE CONVENTION. THESE AGREED-UPON BROAD PRINCIPLES AND ASSUMPTIONS COULD BE DOCUMENTED IN THE

FINAL ACT OF THE DC.

16. TECHNICAL ASSISTANCE/COOPERATION OBLIGATION: IT APPEARS THAT PAKISTAN INTENDS TO RE-OPEN AN AREA WHERE CONSENSUS HAD BEEN ACHIEVED AT THE EXPERT LEVEL. AT THE FEBRUARY BOARD OF GOVERNORS MEETING PAKISTAN ANNOUNCED ITS INTENTION TO SEEK AN INSC PROVISION PROVIDING FOR "UNHINDERED ACCESS TO NUCLEAR SAFETY TECHNOLOGY, INCLUDING AN OBLIGATION BY SUPPLIERS TO PROVIDE FULL INFORMATION AND TECHNOLOGY THROUGHOUT THE ENTIRE LIFETIME OF A PLANT." THE U.S. CANNOT SUPPORT THE TYPE OF APPROACH REFLECTED BY THE PAKISTANI STATEMENT. IT IMPINGES DIRECTLY UPON THE U.S. PRIVATE SECTOR AND IS INCONSISTENT WITH SEPARATION OF PUBLIC SECTOR AND COMMERCIAL RESPONSIBILITIES. IT ALSO COULD SERVE TO DICTATE CONGRESSIONAL APPROPRIATIONS AND DOMESTIC AGENCY PROGRAMMATIC CHOICES. FURTHER, THE OPERATIVE U.S. CIRCULAR 175 PROVIDES THAT "WE WILL ENDEAVOR TO ENSURE THAT NOTHING IN THE CONVENTION CONSTRAINS OR JEOPARDIZES U.S. EXPORTS OR INTELLECTUAL PROPERTY INTEREST, OR GIVES ANY OTHER COUNTRY AN UNFAIR ADVANTAGE IN SEIZING COMMERCIAL OPPORTUNITIES ARISING FROM THE IMPLEMENTATION OF THE CONVENTION." AMONG OTHER THINGS, PRIOR GUIDANCE (E.G., STATE 398109, DEC. 6, 1991) FAVORED THE CONCEPT THAT COOPERATION IN NUCLEAR SAFETY SHOULD BE SUBJECT TO THE EXTENT OF COOPERATION PERMITTED BY INTERNATIONAL NONPROLIFERATION COMMITMENTS AND DOMESTIC LAWS AND REGULATIONS. ALSO, ASSISTANCE SHOULD BE TREATED AS SUBJECT TO NATIONAL DISCRETION AND RESOURCES.

17. NOTWITHSTANDING THESE OBJECTIONS, IT MAY BE NECESSARY IN THE END TO ACCEPT SOME LANGUAGE REGARDING TECHNICAL COOPERATION AS A BASIS FOR ACHIEVING AGREEMENT ON A TEXT. IN THIS REGARD, USDEL MAY ACCEPT LANGUAGE IN THE OBJECTIVES SECTION OF THE INSC WHICH SIMPLY NOTES THE IMPORTANCE OF INTERNATIONAL COOPERATION, INCLUDING TECHNICAL COOPERATION, AS A MEANS OF ENHANCING NUCLEAR SAFETY OR IN MEETING THE OBJECTIVES OF THE CONVENTION. USDEL SHOULD OPPOSE LANGUAGE WHICH WOULD CREATE AN OBLIGATION ON SUPPLIERS TO PROVIDE LIFETIME ACCESS TO THE TECHNOLOGY. IF U.S. BECOMES ISOLATED ON THIS ISSUE, AND IT APPEARS LIKELY THAT SOME PROVISION ALONG THESE LINES COULD SUCCEED IN OBTAINING A 2/3 MAJORITY, U.S. SHOULD SEEK TO QUALIFY SUCH LANGUAGE WITH CLEAR REFERENCES TO NATIONAL LAWS AND POLICIES.

18. CZECH PROPOSAL: THE USG OPPOSES EFFORTS TO REOPEN THE TEXT OF THE INSC, PARTICULARLY CHANGES THAT WOULD REOPEN CLOSED ISSUES, ALTER THE SUBSTANCE OF THE TEXT, OR RAISE CONTROVERSIAL NEW ISSUES. HOWEVER, EDITORIAL IMPROVEMENTS THAT CLARIFY THE PRESENT TEXT, AND DO NOT ALTER THE MEANING

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OR CONTEXT, CAN BE SUPPORTED. USG BELIEVES THAT THE CZECH EDITORIAL CHANGE ON ARTICLE 17 "...RESULTS OF EVALUATIONS REFERRED TO UNDER (I), (II), (III)." IS IMPROVED LANGUAGE THAT DOES NOT CHANGE THE MEANING OR CONTEXT OF THE CURRENT INSC TEXT (REF C).

19. FINNISH PROPOSAL: THE USG HAS DELIVERED A DEMARCHE TO THE FINNISH GOVERNMENT, AS HAS THE CANADIAN GOVERNMENT, STRONGLY OPPOSING THEIR PROPOSAL, WHICH, IN EFFECT, REOPENS THE CONVENTION TEXT IN THE AREA OF SCOPE (REF B).

20. IAEA PARTICIPATION: THE USG HAS BEEN INFORMALLY APPRISED THAT AT THE DC THE IAEA MAY SEEK TO BE GIVEN RESPONSIBILITY, IN ITS ROLE AS SECRETARIAT, FOR REVIEWING ALL NATIONAL REPORTS FOR COMPLETENESS AND CONSISTENCY. USDEL SHOULD OBJECT TO INCLUDING ANY PROVISION OF THIS SORT EITHER IN THE CONVENTION OR THE TRAVAUX PREPARATOIRES, AND SHOULD SEEK TO HAVE THIS ISSUE DELAYED UNTIL THE PROCESS OF PREPARING FOR THE MOP AFTER THE CONVENTION ENTERS INTO FORCE.

OTTAWA IMMEDIATE
SANTIAGO IMMEDIATE
BEIJING IMMEDIATE
BOGOTA IMMEDIATE
CAIRO IMMEDIATE
ADDIS ABABA IMMEDIATE
HELSINKI IMMEDIATE
PARIS IMMEDIATE
BONN IMMEDIATE
NEW DELHI IMMEDIATE
DUBLIN IMMEDIATE
ROME IMMEDIATE
TOKYO IMMEDIATE
BEIRUT IMMEDIATE
KUALA LUMPUR IMMEDIATE
LAGOS IMMEDIATE
ASUNCION IMMEDIATE
MANILA IMMEDIATE
WARSAW IMMEDIATE
MOSCOW IMMEDIATE
RIYADH IMMEDIATE
STOCKHOLM IMMEDIATE
BERN IMMEDIATE
DAMASCUS IMMEDIATE
TUNIS IMMEDIATE
LONDON IMMEDIATE
KIEV IMMEDIATE

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ATTACHMENT 4

NON-PAPER

1. Introduction

1.1 The International Nuclear Safety Convention has an incentive character. The meetings of the Contracting Parties referred to in chapter 3 of the Convention should respect the sovereignty of State Parties. The basic principle in providing guidance by the Diplomatic Conference is that all provisions in the Rules of Procedure and the Financial Rules should be in strict conformity with the provisions of the Convention.

1.2 The Diplomatic Conference wishes to provide guidance with respect to the procedural and financial arrangements for the meetings of the Contracting Parties. The review meetings referred to in art 20 of the Convention offer the forum for a frank exchange of views. Technical discussion of national reports among national experts at the review meeting will lead to clearer common views, resulting in improvement of safety in nuclear installations of the Contracting Parties.

2. Rules of Procedure

2.1 Status of the Contracting Parties: All Parties attending the meetings should have an equal right to present their views and to participate in the implementation of the Convention .

2.2 Equitable representation : In electing chairmen and officers at the meeting of the Parties and the preparatory meeting, technical competence should be given paramount importance. Consideration should also be given to the overall membership of the Convention, including geographical distribution.

2.3 Decision making : Every effort should be made to take decisions by consensus at the meeting of the Parties and the preparatory meeting.

2.4 National Reports : In accordance with article 5 of the Convention, the national reports should separately address each obligation in chapter 2, as applicable. The reports should demonstrate how each obligation has been met, with specific references such as legislation, procedures, design criteria, etc. Where it cannot be demonstrated that a particular obligation has been met, the report should state what measures are being implemented or planned to meet the obligations of the Convention.

2.5 Conduct of review meetings: The purpose of review meetings referred to in article 20 of the Convention is the review of national reports by technically qualified experts. This review process should:

- * Include in-depth technical review of all other national reports, to be conducted by each party before the review meeting.
- * Be carried out through discussion among experts at the review meeting.
- * Take into consideration the technical characteristics of different types of nuclear installations.
- * Identify problems, concerns, uncertainties, or omissions in the national report, focusing on the most significant problems or concerns to ensure efficient and fruitful debate at the review meetings.
- * Identify technical information to resolve safety problems found in the course of the review process.

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

3. Financial Rules

3.1 Costs : All costs referred to in article 28 of the Convention should be kept to a minimum to encourage the widest possible adherence to the Convention. The allocation of special tasks to the IAEA, referred to in paragraph 3 of this article, should be done only if deemed essential.

3.2 Limiting Costs : Costs of conducting review meetings should be limited, to the extent practicable, by, inter alia, the following means :

- * holding meetings only every two or three years, except under extraordinary circumstances;
- * limiting the duration of meetings to two weeks, or less;
- * keeping the preparatory meeting limited in duration;
- * limiting translation and interpretation costs.

ATTACHMENT 5

103d CONGRESS
2d Session

S. Res.

IN THE SENATE OF THE UNITED STATES

MR. GRAHAM (for himself, MR. BIDEN, Mr. LIEBERMAN, Mr. JEFFORDS, and Mr. BRYAN) introduced the following resolution; which was read twice and referred to the Committee on

A RESOLUTION

To encourage the development of an international convention to establish international standards for nuclear power plant safety.

1 whereas there are more than four hundred nuclear power
2 plants located in a total of thirty-three nations of the world;

3 Whereas there is a great disparity in the level of safety of
4 the nuclear power plants currently in operation;

5 whereas the accident in 1986 at the Chernobyl nuclear power
6 plant demonstrated that the risks of a serious accident at
7 nuclear power plants are not a remote or theoretical concern;

8 Whereas the accident at the Chernobyl nuclear power plant
9 demonstrated that an accident at a nuclear power plant in one
10 nation may cause damage to human health and the environment in
11 many other nations;

12 Whereas the accident at the Chernobyl nuclear power plant
13 demonstrated that the damages from a nuclear power plant accident
14 may include a loss of human and animal life and serious long-term
15 radiological contamination of the natural environment;

16 Whereas the construction of new nuclear power plants in
17 nations that do not possess the regulatory and technological
18 infrastructure to safely construct and operate nuclear power
19 plants may pose unreasonable risks to human health and the
20 environment in many nations;

21 Whereas there is evidence that nations which have not
22 developed the technical capability to safely construct and
23 operate nuclear power plants may attempt to construct and operate
24 nuclear power plants;

25 Whereas it is important to the citizens of all nations of
6 the world that all practicable measures should be taken to avoid

1 accidents and eliminate any unreasonable risks to the human
2 health and the environment that may be posed by currently
3 operating nuclear power plants;

4 Whereas it is important to the citizens of all nations of
5 the world that new nuclear power plants should not be constructed
6 or allowed to operate if such plants will pose any unreasonable
7 risks to human health and the environment;

8
9 Now, therefore, be it *Resolved That,*

10
11 SEC. 1 The United States support the development of an
12 international convention on nuclear power plant safety;

13
14 SEC. 2 The United States support the inclusion of effective
15 safety standards for the design, construction, and operation of
16 existing nuclear power plants and for the design, construction,
17 and operation of new nuclear power plants in an international
18 convention on nuclear power plant safety;

19
20 SEC. 3 The United States support an international prohibition
21 on the ~~export~~ of nuclear power plant technology and equipment to
22 any nation that has not agreed to abide by the international
23 convention on nuclear power plant safety; and

24
25 SEC. 4 The United States support the role of the International
26 Atomic Energy Agency in implementing the international convention

1 on nuclear power plant safety.

2

3 SEC. 5 The United States support meetings of the potential
4 parties to the international convention on nuclear power plant
5 safety to discuss the terms of the convention so that the
6 convention would be open for signature and ratification by April,
7 1996.