

**Convention  
on Early Notification  
of a Nuclear Accident  
and  
Convention on Assistance  
in the Case  
of a Nuclear Accident  
or Radiological Emergency**



INTERNATIONAL ATOMIC ENERGY AGENCY, VIENNA, 1987

CONVENTION ON EARLY NOTIFICATION  
OF A NUCLEAR ACCIDENT  
AND  
CONVENTION ON ASSISTANCE  
IN THE CASE OF A NUCLEAR ACCIDENT  
OR RADIOLOGICAL EMERGENCY

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

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## FOREWORD

Pursuant to a decision on 21 May 1986 by the Board of Governors of the International Atomic Energy Agency, a group of governmental experts, convened to draft international agreements on the early notification of a nuclear accident and on assistance in the event of nuclear accidents and radiological emergencies, met at the Agency's Headquarters in Vienna, from 21 July to 15 August 1986. Experts from 62 Member States and representatives of 10 international organizations participated in the Meeting.

The group elected Ambassador L.H.J.B. van Gorkom, Resident Representative of the Netherlands to the International Organizations in Vienna, as Chairman. It also elected three Vice-Chairmen, namely: Ambassador M.E.T. Shash, Resident Representative of the Arab Republic of Egypt to the International Organizations in Vienna; Ambassador C.A. de Proenca Rosa, Resident Representative of Brazil to the International Organizations in Vienna; and Mr. J. Maser, Alternate to the Resident Representative of the German Democratic Republic to the International Organizations in Vienna.

Secretariat services were provided by the Agency. The Director of the Legal Division, Mr. A.O. Adede, served as Legal Adviser and Secretary for the plenary sessions of the Meeting.

The Meeting set up three Working Groups. Working Group A on the Early Notification Agreement was chaired by Ambassador C.A. de Proenca Rosa, Brazil; the co-secretaries were Mr. Ha-Vinh Phuong (Legal Division, IAEA) and Mr. B. Emmerson (Division of Nuclear Safety, IAEA). Working Group B on the Emergency Assistance Agreement was chaired by Mr. J. Maser, German Democratic Republic; the co-secretaries were Mr. V. Boulanenkov (Legal Division, IAEA) and Mr. H. Collins (Division of Nuclear Safety, IAEA). Working Group C on Legal Issues and Common Provisions was chaired by Ambassador M.E.T. Shash, Egypt. Mr. A.O. Adede, Legal Adviser, served also as secretary to this Working Group, assisted by Ms. L. Rockwood (Legal Division, IAEA).

The governmental experts had before them working draft agreements prepared by the IAEA Secretariat and dated 30 June 1986.

At its final plenary session on 15 August 1986, the group adopted by consensus, for transmission to the Board of Governors, texts of two legal instruments, namely the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. It also requested the Chairman to inform the Board of Governors of a number of proposals for the scope of application of the early notification convention which had been considered in connection with article 1 of that convention.

At the plenary session some experts expressed reservations with respect to particular provisions in the text of the two conventions and the Chairman made a summing-up statement. These were reflected in the summary record of the final plenary session of the Meeting held on 15 August 1986.

On 22 September 1986, the Board of Governors took note of the two conventions and decided to commend them to Member States and to transmit them, together with the other relevant documentation, to the General Conference for consideration and adoption at its Special Session, held on 24 to 26 September 1986.

At its 8th plenary meeting on 26 September 1986, the first Special Session of the IAEA General Conference adopted by consensus and without amendments the texts of the two conventions and opened them for signature on that same date.

This publication contains the texts of the conventions as adopted, and background material relating to the process of their negotiation and conclusion.

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# **CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT**

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,

DESIRING to strengthen further international co-operation in the safe development and use of nuclear energy,

CONVINCED of the need for States to provide relevant information about nuclear accidents as early as possible in order that transboundary radiological consequences can be minimized,

NOTING the usefulness of bilateral and multilateral arrangements on information exchange in this area,

HAVE AGREED as follows:

## **Article 1**

### **Scope of application**

1. This Convention shall apply in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph 2 below, from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance for another State.
2. The facilities and activities referred to in paragraph 1 are the following:
  - (a) any nuclear reactor wherever located;
  - (b) any nuclear fuel cycle facility;
  - (c) any radioactive waste management facility;

- (d) the transport and storage of nuclear fuels or radioactive wastes;
- (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
- (f) the use of radioisotopes for power generation in space objects.

## **Article 2**

### **Notification and information**

In the event of an accident specified in article 1 (hereinafter referred to as a “nuclear accident”), the State Party referred to in that article shall:

- (a) forthwith notify, directly or through the International Atomic Energy Agency (hereinafter referred to as the “Agency”), those States which are or may be physically affected as specified in article 1 and the Agency of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate; and
- (b) promptly provide the States referred to in sub-paragraph (a), directly or through the Agency, and the Agency with such available information relevant to minimizing the radiological consequences in those States, as specified in article 5.

## **Article 3**

### **Other nuclear accidents**

With a view to minimizing the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in article 1.

## **Article 4**

### **Functions of the Agency**

The Agency shall:

- (a) forthwith inform States Parties, Member States, other States which are or may be physically affected as specified in article 1 and relevant

international intergovernmental organizations (hereinafter referred to as “international organizations”) of a notification received pursuant to sub-paragraph (a) of article 2; and

- (b) promptly provide any State Party, Member State or relevant international organization, upon request, with the information received pursuant to sub-paragraph (b) of article 2.

## **Article 5**

### **Information to be provided**

1. The information to be provided pursuant to sub-paragraph (b) of article 2 shall comprise the following data as then available to the notifying State Party:

- (a) the time, exact location where appropriate, and the nature of the nuclear accident;
- (b) the facility or activity involved;
- (c) the assumed or established cause and the foreseeable development of the nuclear accident relevant to the transboundary release of the radioactive materials;
- (d) the general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;
- (e) information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;
- (f) the results of environmental monitoring relevant to the transboundary release of the radioactive materials;
- (g) the off-site protective measures taken or planned;
- (h) the predicted behaviour over time of the radioactive release.

2. Such information shall be supplemented at appropriate intervals by further relevant information on the development of the emergency situation, including its foreseeable or actual termination.

3. Information received pursuant to sub-paragraph (b) of article 2 may be used without restriction, except when such information is provided in confidence by the notifying State Party.

## **Article 6**

### **Consultations**

A State Party providing information pursuant to sub-paragraph (b) of article 2 shall, as far as is reasonably practicable, respond promptly to a request for further information or consultations sought by an affected State Party with a view to minimizing the radiological consequences in that State.

## **Article 7**

### **Competent authorities and points of contact**

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact responsible for issuing and receiving the notification and information referred to in article 2. Such points of contact and a focal point within the Agency shall be available continuously.
2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.
3. The Agency shall maintain an up-to-date list of such national authorities and points of contact as well as points of contact of relevant international organizations and shall provide it to States Parties and Member States and to relevant international organizations.

## **Article 8**

### **Assistance to States Parties**

The Agency shall, in accordance with its Statute and upon a request of a State Party which does not have nuclear activities itself and borders on a State having an active nuclear programme but not Party, conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system in order to facilitate the achievement of the objectives of this Convention.

## **Article 9**

### **Bilateral and multilateral arrangements**

In furtherance of their mutual interests, States Parties may consider, where deemed appropriate, the conclusion of bilateral or multilateral arrangements relating to the subject matter of this Convention.

## **Article 10**

### **Relationship to other international agreements**

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

## **Article 11**

### **Settlement of disputes**

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.
2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.
3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties

shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

## **Article 12**

### **Entry into force**

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfil the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organization shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

- (d) Such an organization shall not hold any vote additional to those of its Member States.

## **Article 13**

### **Provisional application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

## **Article 14**

### **Amendments**

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all other States Parties.
2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.
3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

## **Article 15**

### **Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.



## **Article 16**

### **Depositary**

1. The Director General of the Agency shall be the depositary of this Convention.
2. The Director General of the Agency shall promptly notify States Parties and all other States of:
  - (a) each signature of this Convention or any protocol of amendment;
  - (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
  - (c) any declaration or withdrawal thereof in accordance with article 11;
  - (d) any declaration of provisional application of this Convention in accordance with article 13;
  - (e) the entry into force of this Convention and of any amendment thereto; and
  - (f) any denunciation made under article 15.

## **Article 17**

### **Authentic texts and certified copies**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 12.

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

# **CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY**

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,

DESIRING to strengthen further international co-operation in the safe development and use of nuclear energy,

CONVINCED of the need for an international framework which will facilitate the prompt provision of assistance in the event of a nuclear accident or radiological emergency to mitigate its consequences,

NOTING the usefulness of bilateral and multilateral arrangements on mutual assistance in this area,

NOTING the activities of the International Atomic Energy Agency in developing guidelines for mutual emergency assistance arrangements in connection with a nuclear accident or radiological emergency,

HAVE AGREED as follows:

## **Article 1**

### **General provisions**

1. The States Parties shall co-operate between themselves and with the International Atomic Energy Agency (hereinafter referred to as the "Agency") in accordance with the provisions of this Convention to facilitate prompt assistance in the event of a nuclear accident or radiological emergency to minimize its consequences and to protect life, property and the environment from the effects of radioactive releases.
2. To facilitate such co-operation States Parties may agree on bilateral or multilateral arrangements or, where appropriate, a combination of these, for

preventing or minimizing injury and damage which may result in the event of a nuclear accident or radiological emergency.

3. The States Parties request the Agency, acting within the framework of its Statute, to use its best endeavours in accordance with the provisions of this Convention to promote, facilitate and support the co-operation between States Parties provided for in this Convention.

## **Article 2**

### **Provision of assistance**

1. If a State Party needs assistance in the event of a nuclear accident or radiological emergency, whether or not such accident or emergency originates within its territory, jurisdiction or control, it may call for such assistance from any other State Party, directly or through the Agency, and from the Agency, or, where appropriate, from other international intergovernmental organizations (hereinafter referred to as “international organizations”).

2. A State Party requesting assistance shall specify the scope and type of assistance required and, where practicable, provide the assisting party with such information as may be necessary for that party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the requesting State Party to specify the scope and type of assistance required, the requesting State Party and the assisting party shall, in consultation, decide upon the scope and type of assistance required.

3. Each State Party to which a request for such assistance is directed shall promptly decide and notify the requesting State Party, directly or through the Agency, whether it is in a position to render the assistance requested, and the scope and terms of the assistance that might be rendered.

4. States Parties shall, within the limits of their capabilities, identify and notify the Agency of experts, equipment and materials which could be made available for the provision of assistance to other States Parties in the event of a nuclear accident or radiological emergency as well as the terms, especially financial, under which such assistance could be provided.

5. Any State Party may request assistance relating to medical treatment or temporary relocation into the territory of another State Party of people involved in a nuclear accident or radiological emergency.

6. The Agency shall respond, in accordance with its Statute and as provided for in this Convention, to a requesting State Party's or a Member State's request for assistance in the event of a nuclear accident or radiological emergency by:

- (a) making available appropriate resources allocated for this purpose;
- (b) transmitting promptly the request to other States and international organizations which, according to the Agency's information, may possess the necessary resources; and
- (c) if so requested by the requesting State, co-ordinating the assistance at the international level which may thus become available.

### **Article 3**

#### **Direction and control of assistance**

Unless otherwise agreed:

- (a) the overall direction, control, co-ordination and supervision of the assistance shall be the responsibility within its territory of the requesting State. The assisting party should, where the assistance involves personnel, designate in consultation with the requesting State, the person who should be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person should exercise such supervision in co-operation with the appropriate authorities of the requesting State;
- (b) the requesting State shall provide, to the extent of its capabilities, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the assisting party for such purpose;
- (c) ownership of equipment and materials provided by either party during the periods of assistance shall be unaffected, and their return shall be ensured;
- (d) a State Party providing assistance in response to a request under paragraph 5 of article 2 shall co-ordinate that assistance within its territory.

## **Article 4**

### **Competent authorities and points of contact**

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact authorized to make and receive requests for and to accept offers of assistance. Such points of contact and a focal point within the Agency shall be available continuously.
2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.
3. The Agency shall regularly and expeditiously provide to States Parties, Member States and relevant international organizations the information referred to in paragraphs 1 and 2.

## **Article 5**

### **Functions of the Agency**

The States Parties request the Agency, in accordance with paragraph 3 of article 1 and without prejudice to other provisions of this Convention, to:

- (a) collect and disseminate to States Parties and Member States information concerning:
  - (i) experts, equipment and materials which could be made available in the event of nuclear accidents or radiological emergencies;
  - (ii) methodologies, techniques and available results of research relating to response to nuclear accidents or radiological emergencies;
- (b) assist a State Party or a Member State when requested in any of the following or other appropriate matters:
  - (i) preparing both emergency plans in the case of nuclear accidents and radiological emergencies and the appropriate legislation;
  - (ii) developing appropriate training programmes for personnel to deal with nuclear accidents and radiological emergencies;
  - (iii) transmitting requests for assistance and relevant information in the event of a nuclear accident or radiological emergency;
  - (iv) developing appropriate radiation monitoring programmes, procedures and standards;

- (v) conducting investigations into the feasibility of establishing appropriate radiation monitoring systems;
- (c) make available to a State Party or a Member State requesting assistance in the event of a nuclear accident or radiological emergency appropriate resources allocated for the purpose of conducting an initial assessment of the accident or emergency;
- (d) offer its good offices to the States Parties and Member States in the event of a nuclear accident or radiological emergency;
- (e) establish and maintain liaison with relevant international organizations for the purposes of obtaining and exchanging relevant information and data, and make a list of such organizations available to States Parties, Member States and the aforementioned organizations.

## **Article 6**

### **Confidentiality and public statements**

1. The requesting State and the assisting party shall protect the confidentiality of any confidential information that becomes available to either of them in connection with the assistance in the event of a nuclear accident or radiological emergency. Such information shall be used exclusively for the purpose of the assistance agreed upon.
2. The assisting party shall make every effort to co-ordinate with the requesting State before releasing information to the public on the assistance provided in connection with a nuclear accident or radiological emergency.

## **Article 7**

### **Reimbursement of costs**

1. An assisting party may offer assistance without costs to the requesting State. When considering whether to offer assistance on such a basis, the assisting party shall take into account:
  - (a) the nature of the nuclear accident or radiological emergency;
  - (b) the place of origin of the nuclear accident or radiological emergency;
  - (c) the needs of developing countries;
  - (d) the particular needs of countries without nuclear facilities; and
  - (e) any other relevant factors.

2. When assistance is provided wholly or partly on a reimbursement basis, the requesting State shall reimburse the assisting party for the costs incurred for the services rendered by persons or organizations acting on its behalf, and for all expenses in connection with the assistance to the extent that such expenses are not directly defrayed by the requesting State. Unless otherwise agreed, reimbursement shall be provided promptly after the assisting party has presented its request for reimbursement to the requesting State, and in respect of costs other than local costs, shall be freely transferrable.

3. Notwithstanding paragraph 2, the assisting party may at any time waive, or agree to the postponement of, the reimbursement in whole or in part. In considering such waiver or postponement, assisting parties shall give due consideration to the needs of developing countries.

## **Article 8**

### **Privileges, immunities and facilities**

1. The requesting State shall afford to personnel of the assisting party and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their assistance functions.

2. The requesting State shall afford the following privileges and immunities to personnel of the assisting party or personnel acting on its behalf who have been duly notified to and accepted by the requesting State:

- (a) immunity from arrest, detention and legal process, including criminal, civil and administrative jurisdiction, of the requesting State, in respect of acts or omissions in the performance of their duties; and
- (b) exemption from taxation, duties or other charges, except those which are normally incorporated in the price of goods or paid for services rendered, in respect of the performance of their assistance functions.

3. The requesting State shall:

- (a) afford the assisting party exemption from taxation, duties or other charges on the equipment and property brought into the territory of the requesting State by the assisting party for the purpose of the assistance; and
- (b) provide immunity from seizure, attachment or requisition of such equipment and property.

4. The requesting State shall ensure the return of such equipment and property. If requested by the assisting party, the requesting State shall arrange, to the extent

it is able to do so, for the necessary decontamination of recoverable equipment involved in the assistance before its return.

5. The requesting State shall facilitate the entry into, stay in and departure from its national territory of personnel notified pursuant to paragraph 2 and of equipment and property involved in the assistance.

6. Nothing in this article shall require the requesting State to provide its nationals or permanent residents with the privileges and immunities provided for in the foregoing paragraphs.

7. Without prejudice to the privileges and immunities, all beneficiaries enjoying such privileges and immunities under this article have a duty to respect the laws and regulations of the requesting State. They shall also have the duty not to interfere in the domestic affairs of the requesting State.

8. Nothing in this article shall prejudice rights and obligations with respect to privileges and immunities afforded pursuant to other international agreements or the rules of customary international law.

9. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound in whole or in part by paragraphs 2 and 3.

10. A State Party which has made a declaration in accordance with paragraph 9 may at any time withdraw it by notification to the depositary.

## **Article 9**

### **Transit of personnel, equipment and property**

Each State Party shall, at the request of the requesting State or the assisting party, seek to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting State.

## **Article 10**

### **Claims and compensation**

1. The States Parties shall closely co-operate in order to facilitate the settlement of legal proceedings and claims under this article.



2. Unless otherwise agreed, a requesting State shall in respect of death or of injury to persons, damage to or loss of property, or damage to the environment caused within its territory or other area under its jurisdiction or control in the course of providing the assistance requested:

- (a) not bring any legal proceedings against the assisting party or persons or other legal entities acting on its behalf;
- (b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the assisting party or against persons or other legal entities acting on its behalf;
- (c) hold the assisting party or persons or other legal entities acting on its behalf harmless in respect of legal proceedings and claims referred to in sub-paragraph (b); and
- (d) compensate the assisting party or persons or other legal entities acting on its behalf for:
  - (i) death of or injury to personnel of the assisting party or persons acting on its behalf;
  - (ii) loss of or damage to non-consumable equipment or materials related to the assistance;

except in cases of wilful misconduct by the individuals who caused the death, injury, loss or damage.

3. This article shall not prevent compensation or indemnity available under any applicable international agreement or national law of any State.

4. Nothing in this article shall require the requesting State to apply paragraph 2 in whole or in part to its nationals or permanent residents.

5. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare:

- (a) that it does not consider itself bound in whole or in part by paragraph 2;
- (b) that it will not apply paragraph 2 in whole or in part in cases of gross negligence by the individuals who caused the death, injury, loss or damage.

6. A State Party which has made a declaration in accordance with paragraph 5 may at any time withdraw it by notification to the depositary.

## **Article 11**

### **Termination of assistance**

The requesting State or the assisting party may at any time, after appropriate consultations and by notification in writing, request the termination of assistance received or provided under this Convention. Once such a request has been made, the parties involved shall consult with each other to make arrangements for the proper conclusion of the assistance.

## **Article 12**

### **Relationship to other international agreements**

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

## **Article 13**

### **Settlement of disputes**

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.
2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

## **Article 14**

### **Entry into force**

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfil the obligations which this Convention attributes to States Parties.

- (c) When depositing its instrument of accession, such an organization shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.
- (d) Such an organization shall not hold any vote additional to those of its Member States.

## **Article 15**

### **Provisional application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

## **Article 16**

### **Amendments**

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all other States Parties.
2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.
3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

## **Article 17**

### **Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.

## **Article 18**

### **Depositary**

1. The Director General of the Agency shall be the depositary of this Convention.
2. The Director General of the Agency shall promptly notify States Parties and all other States of:
  - (a) each signature of this Convention or any protocol of amendment;
  - (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
  - (c) any declaration or withdrawal thereof in accordance with articles 8, 10 and 13;
  - (d) any declaration of provisional application of this Convention in accordance with article 15;
  - (e) the entry into force of this Convention and of any amendment thereto; and
  - (f) any denunciation made under article 17.

## **Article 19**

### **Authentic texts and certified copies**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 14.

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

## DECISION ADOPTED ON 21 MAY 1986 BY THE BOARD OF GOVERNORS OF THE IAEA

(Extract from Official Record GOV/OR. 649)

117. The **CHAIRMAN** proposed the following text:

1. The Board has considered the recent reactor accident at the Chernobyl Nuclear Power Station and other accidents in the past, and noted the evident need for greater co-operation in nuclear safety.
2. The Board expressed its deepest sympathy with all those who have suffered as a result of the nuclear accident at Chernobyl.
3. The Board recalled the Communiqué of 9 May 1986, issued in Moscow at the end of the Director General's visit to the USSR, which announced that information on the Chernobyl accident would be discussed at a meeting of nuclear safety experts so that IAEA Member States might learn from this accident and further improve nuclear power safety.
4. The Board also noted recent statements by a number of world political leaders on the need to broaden international co-operation in the field of nuclear safety, including a system of prompt notification and supply of information in the event of nuclear emergencies, within the framework of the IAEA.
5. The Board recognizes that the highest standards of safety have to be maintained so that the utilization of nuclear energy will continue to be an important source of energy for meeting the needs of mankind.
6. The Board reviewed suggestions in a Secretariat paper circulated on 16 May 1986 concerning the expansion of current Agency activities in the field of nuclear safety, and also considered further comments on this matter by the Director General.
7. The Board took note of the information provided by the USSR on the course of events, the consequences of the accident and measures being taken for their alleviation, and welcomed the readiness of the USSR to provide comprehensive further information in the near future.
8. The Board commended the Director General for the prompt and vigorous efforts of the Secretariat in responding to the accident at Chernobyl, and requested him to continue the Agency's active efforts in nuclear safety and to co-operate with other international organizations.

9. Taking into account the various proposals and suggestions made by Board members, including the draft resolution in document GOV/2258, the Board has decided to request the Director General to present to the June Board of Governors meetings his detailed suggestions on the implementation of the following programme:
  - A. To convene, within three months, a post-accident review meeting with widely representative participation of experts. The meeting results should be transmitted to the Board before its September meetings, with recommendations for further Agency action.
  - B. To establish representative groups of government experts to draft, on an urgent basis, international agreements, as follows:
    - (i) one would commit its parties to provide early notification and comprehensive information about nuclear accidents with possible transboundary effects, and take into account current Agency guidelines in document INFCIRC/321; and
    - (ii) the other would commit its parties to co-ordinate emergency response and assistance in the event of a nuclear accident which could involve transboundary radiological release, and would take into account guidelines in document INFCIRC/310.

The groups would endeavour to produce drafts of instruments as early as possible and report to the Board.

All Board members confirmed that, even before entry into force of these agreements, their responsible authorities would provide prompt notification and information in the event of a nuclear accident with potential transboundary effects and urged all Member States to do likewise.

  - C. To establish an expert working group to consider, over a longer period, additional measures to improve co-operation in the field of nuclear safety, including ways and means to further refine nuclear safety standards.
  - D. To convene, under IAEA auspices, at an early date a conference of governmental representatives on the full range of nuclear safety issues, including nuclear safety policy, and to consider recommendations including any made by the expert groups referred to in sub-paragraphs 9.B(i) and (ii) and those on which the Secretariat is now focusing.
10. The Director General is also requested to prepare proposals for expanded IAEA nuclear safety activities as outlined above and, taking into account

the proposals of Members of the Board, to submit an analysis of associated costs and priorities for consideration at the regular June 1986 meetings of the Board, which will then establish budgetary limits.

118. The **CHAIRMAN** said that if there were no objections, she would assume that the text which she had just presented could be adopted.

119. **It was so decided.**



# **LIST OF MEMBER STATES THAT PARTICIPATED IN THE GROUP OF GOVERNMENTAL EXPERTS**

Algeria	Korea, Republic of
Argentina	Kuwait
Australia	Libyan Arab Jamahiriya
Austria	Luxembourg
Belgium	Malaysia
Brazil	Mexico
Bulgaria	Morocco
Canada	Netherlands
Chile	New Zealand
China	Nigeria
Colombia	Norway
Côte d'Ivoire	Pakistan
Cuba	Panama
Czechoslovakia	Peru
Democratic People's Republic of Korea	Poland
Denmark	Portugal
Egypt	Saudi Arabia
Finland	Spain
France	Sweden
German Democratic Republic	Switzerland
Germany, Federal Republic of	Thailand
Greece	Tunisia
Holy See	Turkey
Hungary	Ukrainian Soviet Socialist Republic
India	Union of Soviet Socialist Republics
Indonesia	United Kingdom of Great Britain and Northern Ireland
Iran, Islamic Republic of	United States of America
Iraq	Venezuela
Ireland	Yugoslavia
Israel	Zaire
Italy	
Japan	

## **LIST OF INTERNATIONAL ORGANIZATIONS THAT PARTICIPATED IN THE MEETING OF THE GROUP OF GOVERNMENTAL EXPERTS**

United Nations Organization

United Nations Conference for the Promotion of International Co-operation in the  
Peaceful Uses of Nuclear Energy

United Nations Environmental Programme

United Nations Industrial Development Organization

United Nations Office of the Disaster Relief Co-ordinator

Food and Agriculture Organization of the United Nations

World Health Organization

World Meteorological Organization

Commission of the European Communities

Nuclear Energy Agency of the Organisation for Economic Co-operation  
and Development



**WORKING DRAFT**  
**AGREEMENT ON EARLY NOTIFICATION**  
**OF A NUCLEAR ACCIDENT**

Prepared by the Secretariat of the IAEA

THE STATES PARTIES TO THIS AGREEMENT,

AWARE that extensive nuclear activities are being carried out in an increasing number of States,

NOTING that comprehensive measures are being taken at the national and international level to ensure a high level of safety in these activities,

CONSCIOUS that safety measures consist, apart from such which are designed to prevent any nuclear accident, also of those which are designed to minimize the consequences of any such accident,

CONSIDERING it desirable, in order to minimize any transboundary radiological consequences of a nuclear accident or other event, to ensure that information be provided by States as early as possible about any such accident or event which might have such consequences,

NOTING the guidelines established by the International Atomic Energy Agency on reportable events, integrated planning and information exchange in a transboundary release of radioactive materials as set forth in document INFCIRC/321,

HAVE AGREED as follows:

**Article 1**

**General obligations**

1. Whenever a nuclear accident or other event occurs in the territory of a State Party to this Agreement or other area under its jurisdiction or control and there is

the potential for, or actual occurrence of, a release of radioactive material, which might transcend or has transcended an international boundary and which could be of radiological safety significance outside its jurisdiction or control, the State Party shall

- (a) forthwith notify the International Atomic Energy Agency and any State which may be physically affected by such radiological consequences, of the occurrence of the event and its time and place; and
- (b) promptly provide the International Atomic Energy Agency and any such potentially affected State with all available information likely to be useful to the authorities of that State in order to take measures or to prepare taking measures to protect the health and safety of its population and its environment.

2. The International Atomic Energy Agency shall:

- (a) forthwith inform all States Parties, all Member States, and international organizations concerned of the notification received pursuant to paragraph 1(a); and
- (b) promptly provide any State or organization, upon request, with the information received pursuant to paragraph 1(b).

## **Article 2**

### **Information to be provided**

1. The information to be provided pursuant to paragraph 1(b) of Article 1 shall comprise available relevant data concerning the site of the nuclear accident or other event, the facility and activity involved, the emergency response and protective measures taken or planned, in particular:

- (i) the nature, cause and possible development of the accident or event;
- (ii) the characteristics of any release of radioactive materials, including nature, physical and chemical form and, as far as possible, quantity and type of radioactive materials emitted;
- (iii) foreseeable behaviour over time of the source of radiological releases;
- (iv) information on meteorological and hydrological conditions, necessary for forecasting the dispersion and dilution of the radioactive materials released;
- (v) the results of environmental monitoring.

2. Such information shall be supplemented by data obtained subsequently and by further information on any changes in the emergency situation, including its foreseeable or actual termination.

### **Article 3**

#### **Consultations**

Consultations shall be held early, upon request, between any State which may be physically affected as identified in paragraph 1(a) of Article 1 and the State which is obliged to provide information in accordance with paragraph 1 of that Article with a view to minimizing the radiological consequences in the State requesting consultations.

### **Article 4**

#### **Competent authorities and points of contact**

1. States Parties undertake to maintain adequate means of measuring radioactivity and appropriate systems through which they can perform their obligation of early notification and provision of comprehensive information, in accordance with paragraph 1 of Article 1.
2. States Parties shall make known to the International Atomic Energy Agency their competent national authorities and points of contact responsible for issuing and receiving early notification and comprehensive information referred to in the preceding paragraph. Such points of contacts and a focal point within the Agency shall be available on a twenty-four hour basis.
3. The International Atomic Energy Agency shall maintain an up-to-date list of such national authorities and points of contact and shall make it available to all States Parties and all Member States.

### **Article 5**

#### **Settlement of disputes**

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Agreement, such States Parties shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Any State may, at the time of signature of this Agreement declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

## **Article 6**

### **Entry into force**

1. This Agreement shall be open for signature by all States Members of the International Atomic Energy Agency or of the United Nations at the Headquarters of the International Atomic Energy Agency in Vienna, and at the Headquarters of the United Nations in New York from .....

2. The Director General of the International Atomic Energy Agency shall be the depositary for this Agreement.

3. This Agreement shall enter into force for each State signing it on the thirtieth day after signature.

## **Article 7**

### **Amendments**

1. Any State Party may propose amendments to this Agreement. The proposed amendment shall be submitted to the depositary who shall circulate it immediately

to all other States Parties. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a Protocol which is open to signature in Vienna and New York by all States Parties. The Protocol shall enter into force for all States Parties signing it when two-thirds of the States Parties to the Agreement have signed it.

## **Article 8**

### **Reservations**

No reservation may be made to this Agreement, except as provided for in paragraph 3 of Article 5.

## **Article 9**

### **Denunciation**

1. Any State Party may denounce this Agreement by written notification to the depositary.
2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

## **Article 10**

### **Notification by depositary**

The depositary shall promptly notify all States Members of the Agency and of the United Nations of:

- (a) each signature of this Agreement or Protocol of Amendment;
- (b) any reservation or withdrawal thereof in accordance with Article 5;
- (c) the entry into force of any amendment to this Agreement; and
- (d) any denunciation made under Article 9.



## **Article 11**

### **Authentic text and certified copies**

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States Members of the International Atomic Energy Agency or of the United Nations.

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the ..... day of ..... one thousand nine hundred and .....

The undersigned, being duly authorized by their respective Governments for that purpose, have signed this Agreement:

**WORKING DRAFT**  
**AGREEMENT ON ASSISTANCE IN THE EVENT**  
**OF NUCLEAR ACCIDENTS**  
**AND RADIOLOGICAL EMERGENCIES**

Prepared by the Secretariat of the IAEA

THE STATES PARTIES TO THIS AGREEMENT,

AWARE that extensive nuclear activities are being carried out in an increasing number of States,

NOTING that comprehensive measures are being taken at the national and international level to ensure a high level of safety in these activities,

CONSCIOUS that safety measures consist, apart from those designed to prevent nuclear accidents, also of those designed to minimize the consequences of any such accident,

CONVINCED of the need for close international co-operation in minimizing the consequences of nuclear accidents and for an international framework which will facilitate the prompt provision of assistance in the event of a nuclear accident or radiological emergency,

NOTING the guidelines established by the International Atomic Energy Agency for mutual emergency assistance arrangements in connection with a nuclear accident or radiological emergency (INFCIRC/310),

HAVE AGREED as follows:

**Article 1**

**General obligations**

1. The States Parties to this Agreement shall co-operate to bring about measures to protect life, property and the environment from the threat and effects of radioactive releases in cases of nuclear accidents and radiological emergencies and to minimize the consequences of such releases.

2. The States Parties to this Agreement shall, where appropriate, endeavour, individually or through bilateral or multilateral co-operation, to make contingency plans for preventing or minimizing injury and damage which may result from nuclear accidents and radiological emergencies.

3. The International Atomic Energy Agency (hereinafter referred to as the Agency) shall serve as an instrument of co-operation between States in cases of nuclear accidents and radiological emergencies, notably in transmitting requests for assistance, in arranging for adequate methods of communication, surveillance and monitoring, and in facilitating the transfer of personnel, equipment and material.

## **Article 2**

### **Provision of assistance**

1. A State Party to this Agreement requiring assistance in the event of a nuclear accident or radiological emergency, as referred to in paragraph 1 of Article 1, may call for such assistance from any other State Party, directly or through the Agency, and from the Agency itself.

2. Each State Party to this Agreement to whom a request for such assistance is directed shall use its best endeavours to render promptly and within the limits of its capabilities the assistance requested.

3. The Agency shall respond to any State's request for assistance in the case of nuclear accidents and radiological emergencies by making available such resources as it possesses, by promptly transmitting the request to other States which may possess the necessary resources and, if so requested by the requesting State, by co-ordinating the assistance which thus may become available.

## **Article 3**

### **Direction and control of assistance**

1. Unless otherwise agreed:

- (a) the overall control, co-ordination and supervision of the assistance shall be the responsibility of the State requesting assistance within its territory;
- (b) the State requesting assistance shall itself provide, to the extent of its capabilities, local facilities and services for the proper and effective

administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the party providing assistance for such purpose; and

- (c) equipment and materials that are the property of the party providing assistance shall remain the property of that party and shall be returned to it at its request by the State requesting assistance.

2. Unless otherwise agreed, the assistance shall be used exclusively for the purpose for which it was requested.

## **Article 4**

### **Competent authorities and points of contact**

1. Each State Party shall make known to the other States Parties, directly or through the Agency, and to the Agency, its competent authorities and points of contact authorized to make and receive requests for and to accept offers of assistance. Such points of contact and a focal point within the Agency shall be available on a twenty-four hour basis.

2. The Agency shall maintain an up-to-date list of competent authorities and points of contact and shall make it available to all States Parties and all Member States.

## **Article 5**

### **Functions of the Agency**

Besides any functions conferred on it elsewhere in this Agreement, the Agency shall:

- (a) collect and disseminate to States Parties up-to-date information concerning:
  - (i) experts, equipment and materials available in the event of nuclear accidents and radiological emergencies;
  - (ii) methods, techniques and research relating to nuclear accident and emergency response;

- (b) assist the States Parties, when requested:
  - (i) in the preparation of contingency plans in the case of nuclear accidents and radiological emergencies and in the preparation of the associated legislation;
  - (ii) in developing appropriate training programmes;
  - (iii) in the transmission of information in the event of a nuclear accident or radiological emergency;
  - (iv) in the establishment of radiation monitoring systems within their territories and in the formulation of common procedures and standards for radiation monitoring.
- (c) establish and maintain liaison with competent regional and international organizations for the purposes of obtaining and exchanging relevant information and data.

## **Article 6**

### **Reimbursement for costs**

Unless otherwise agreed, the State requesting assistance shall reimburse any party providing assistance for the costs incurred for the services rendered by persons or organizations acting on its behalf, and for all expenses in connection with the assistance to the extent that such expenses are not directly defrayed by the State requesting assistance. Such reimbursement shall correspond to the reasonable costs incurred, including salaries, subsistence, travel and transport, insurance including insurance of personnel and property of the party providing assistance, equipment, materials or facilities provided, or the use or decontamination thereof, and other documented expenses of the party providing assistance. Unless otherwise agreed, reimbursement shall be provided no later than sixty days after the party providing assistance has notified its claim to the State requesting assistance.

## **Article 7**

### **Facilities, privileges and immunities**

1. The State requesting assistance shall afford personnel of the party providing assistance and personnel acting on its behalf the necessary privileges, immunities and

facilities for the expeditious performance of their assistance functions. Without limiting the foregoing, the State requesting assistance shall:

- (a) ensure the immunity of such personnel from arrest, detention and legal process in respect of acts or omissions relating to the assistance;
- (b) ensure the immunity from taxation, duties or other charges and from seizure, attachment or requisition of the equipment and property brought into the territory of the State requesting assistance by the party providing assistance for the purpose of the assistance;
- (c) facilitate the entry into, stay in and departure from its national territory of personnel of the party providing assistance and personnel acting on its behalf; and
- (d) facilitate the movement through its national territory of such personnel and of equipment involved in the assistance, and of persons in need of medical treatment as a result of the nuclear accident or emergency;
- (e) facilitate the re-export of the equipment and property referred to in subparagraph (b); and
- (f) if requested by the party providing assistance, arrange for the necessary decontamination of recoverable equipment involved in the assistance before its re-export.

2. In relation to the assistance provided by the Agency, the State requesting assistance shall apply the Agreement on the Privileges and Immunities of the Agency.

## **Article 8**

### **Liability**

1. No liability shall attach to the party providing assistance or to any person or authority acting on its behalf in respect of any injury or of loss of life or of damage to or of loss of property or of damage to the environment caused by or in the course of any actions taken in providing the requested assistance.

2. The State requesting assistance shall, unless it is agreed otherwise, assume all responsibility for defending claims that might be brought by third parties against the party providing assistance, or against persons or organizations acting on its behalf, and shall hold the party providing assistance and such persons or organizations harmless in the case of any claim or liability arising as a result of any act or omission in the course of providing the requested assistance.

3. Except as expressly provided herein, this Article shall not affect liability for damage under any applicable conventions or national law of any State and shall not, in any event, prevent compensation or indemnity available under such conventions or national law.

## **Article 9**

### **Termination of assistance**

The termination of assistance provided under this agreement may be requested at any time. Upon such request for termination, the States concerned or the Agency, as the case may be, shall consult with each other to conclude any ongoing operations in an orderly manner.

## **Article 10**

### **Settlement of disputes**

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Agreement, such States Parties shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Any State may, at the time of signature of this Agreement, declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

## **Article 11**

### **Entry into force**

1. This Agreement shall be open for signature by all States Members of the Agency or of the United Nations at the Headquarters of the Agency in Vienna and at the Headquarters of the United Nations in New York from .....
2. The Director General of the Agency shall be the depositary for this Agreement.
3. This Agreement shall enter into force for each State signing it on the thirtieth day after signature.

## **Article 12**

### **Amendments**

Any State Party may propose amendments to this Agreement. The proposed amendment shall be submitted to the depositary, who shall circulate it immediately to all other States Parties. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference, to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a Protocol open to signature in Vienna and New York by all States Parties. The Protocol shall enter into force for all States Parties signing it when two-thirds of the States Parties to the Agreement have signed it.

## **Article 13**

### **Reservations**

No reservation may be made to this Agreement except as provided for in paragraph 3 of Article 10.

## **Article 14**

### **Denunciation**

1. Any State Party may denounce this Agreement by written notification to the depositary.



2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

**Article 15**

**Notification by depositary**

The depositary shall promptly notify all States Members of the Agency and of the United Nations of:

- (a) each signature of this Agreement or Protocol of Amendment;
- (b) any reservation or withdrawal thereof in accordance with Article 10;
- (c) the entry into force of any amendment to this Agreement; and
- (d) any denunciation made under Article 14.

**Article 16**

**Authentic text and certified copies**

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the Agency, who shall send certified copies thereof to all States Members of the Agency or of the United Nations.

ADOPTED by the General Conference of the Agency meeting in special session at Vienna on the ..... day of ..... one thousand nine hundred and .....

The undersigned, being duly authorized by their respective Governments for that purpose, have signed this Agreement:

## **GUIDELINES FOR MUTUAL EMERGENCY ASSISTANCE ARRANGEMENTS IN CONNECTION WITH A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY**

(INFCIRC/310)

1. On 24 February 1982, the Board of Governors adopted a resolution in which it requested the Director General to convene a group of experts, open to all Member States, to study the most appropriate means of responding to the need for mutual assistance in connection with nuclear accidents and of facilitating international co-operation in the area of nuclear safety. The group of experts was convened by the Director General from 28 June to 2 July 1982.<sup>1</sup> The group of experts recommended, *inter alia*, the prompt development of a single set of provisions setting forth, in the form of an information circular (INFCIRC), the terms and conditions that could be applied to emergency assistance and could:

- (a) serve as a model for the negotiation of bilateral or regional agreements, which are to be encouraged; and
- (b) be readily agreed between a requesting and an assisting State at the time of a nuclear emergency.

2. On 18 September 1982, the Board of Governors approved that recommendation and authorized the Director General to implement it in 1983. A group of experts on Guidelines for Mutual Emergency Assistance Arrangements, open to all Member States, was convened by the Director General from 25 to 29 April 1983. Experts and observers from 22 Member States and three international organizations<sup>2</sup> took part in the meetings. The group of experts recommended a set of Guidelines for Mutual Emergency Assistance Arrangements in Connection with a Nuclear Accident or

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<sup>1</sup> Experts and observers from the following Member States and international organizations took part in the meetings: Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Egypt, Finland, France, Federal Republic of Germany, Holy See, Hungary, India, Iraq, Italy, Japan, Republic of Korea, Mexico, Netherlands, Norway, Portugal, Saudi Arabia, South Africa, Spain, Sweden, Switzerland, Turkey, United States of America, Union of Soviet Socialist Republics and Yugoslavia; the United Nations Office of the Disaster Relief Co-ordinator (UNDRO) and the European Atomic Energy Community (EURATOM).

<sup>2</sup> UNDRO, EURATOM and the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development.

Radiological Emergency, together with a Technical Annex on Emergency Assistance. The Guidelines and Technical Annex are reproduced herein for the information of, and use by, Member States as they deem suitable for the purposes stated in paragraph 1 above.

## 1. INTRODUCTION

1.1. The provisions relating to emergency assistance in the event of a nuclear accident or radiological emergency presented herein are recommended as guidelines for use by States for the negotiation of bilateral or regional agreements. These provisions could also be readily agreed to by a special agreement between a requesting and assisting State at the time of a nuclear accident or radiological emergency.<sup>1</sup>

1.2. The provisions herein do not affect legal or other arrangements that either exist or may be entered, unless expressly agreed otherwise by the parties concerned.

1.3. Nothing herein derogates from the right of States to enter into different arrangements or to vary in any respect the provisions herein.

1.4. No State is required to request or accept, or offer or provide assistance by reason merely of acceptance or use of the provisions herein.

## 2. DIRECTION AND CONTROL OF ASSISTANCE

2.1. Within the territory of the requesting State, overall control of and responsibility for the assistance should rest with the requesting State. In particular:

- (a) the assistance should be subject to the general direction and supervision of the requesting State within its territory;
- (b) the assisting party should designate a person in charge of the personnel and equipment provided by it and should direct such personnel and the use of such equipment in co-operation with the competent authorities of the requesting State. That person should retain immediate authority and operational control over such an assistance team.

2.2. Unless the parties agree otherwise, the assistance should be used exclusively for the purpose for which it was requested.

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<sup>1</sup> Information on the nature and extent of the assistance which may be required in the event of a nuclear accident or radiological emergency is provided in the Technical Annex.

### 3. POINTS OF CONTACT AND COMPETENT AUTHORITIES

3.1. States should identify and make known to each other (directly or through the International Atomic Energy Agency) and to the International Atomic Energy Agency their competent authorities and points of contact having primary responsibility for co-ordinating response operations in the event of a nuclear accident or radiological emergency.<sup>2</sup>

3.2. The points of contact identified pursuant to the preceding paragraph should be those authorized by the States concerned to make and receive requests for, and to accept, offers of assistance, and to receive and transmit communications relating thereto. If the appropriate channels for subsequent communications are different than the initial points of contact, a State should so specify. If appropriate, a working language should be designated.

3.3. Competent authorities of a potential requesting State and assisting party should establish, in planning for response to any nuclear accident or radiological emergency, a joint contingency plan for such an occurrence, which should be updated as necessary. These authorities should consult periodically on the potential implementation of the provisions contained herein.

### 4. PUBLIC STATEMENTS AND INFORMATION PROVIDED IN CONFIDENCE

4.1. The assisting party and its personnel should not release information to the public on the assistance provided in connection with a nuclear accident or radiological emergency without co-ordination with the authorities of the requesting State.

4.2. If an assisting party needs to make a public statement or report, for example, to its legislative body, concerning its assistance, the assisting party should to the extent practicable co-ordinate in advance with the requesting State on the content of the statement or report.

4.3. Information provided in confidence in connection with the assistance — such as commercial, proprietary, diplomatic or physical protection information — should

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<sup>2</sup> The International Atomic Energy Agency maintains a current list of competent authorities and points of contact. The Agency disseminates the list to its Member States at appropriate intervals.

be protected from disclosure by the recipient of the information to the maximum extent possible and should not be misused. However, this does not preclude appropriate regulatory use of such information.

## 5. REIMBURSEMENT FOR COSTS

5.1. Without prejudice to any responsibility third States or parties may have, the requesting State is responsible to, and should reimburse, any assisting party for its costs, unless otherwise agreed between them.

5.2. The costs of the assisting party include costs incurred for the services rendered by persons or entities acting on its behalf and all the expenses of the assisting party in connection with the assistance.

5.3. Reimbursement should correspond to the reasonable costs incurred, which could cover services (including salaries), subsistence, travel and transport, insurance (including insurance of personnel and property of the assisting party), equipment, materials or facilities provided, or the use thereof, and other documented expenses. The assisting party may waive reimbursement for certain costs, for example, costs within its territory and salaries of its government personnel.

## 6. LIABILITY

6.1. An assisting party should be protected from liability that might arise out of the assistance rendered on the territory of the requesting State.

6.2. In particular, an assisting party and entities and personnel acting on its behalf should not be liable for damage or injury to or loss of life of any person, damage to or loss of any property, or damage to the environment, where caused by the nuclear accident or radiological emergency, or by any actions taken in rendering assistance that has been requested.

6.3. The requesting State should assume all responsibility for defending against claims that might be brought by third parties against the assisting party or entities or personnel acting on its behalf and should hold the assisting party and such entities and personnel harmless in the case of any claim or liability in connection with the nuclear accident, the radiological emergency or the assistance.

6.4. The above paragraphs should not affect liability under any applicable conventions or national law of any State and should not prevent compensation or indemnity under any such conventions or national law.

## 7. FACILITIES, PRIVILEGES AND IMMUNITIES

7.1. The requesting State should afford personnel of an assisting party and personnel acting on its behalf the necessary privileges, immunities and facilities for the expeditious performance of their assistance functions.

7.2. The requesting State should itself provide, to the extent of its capabilities, any local facilities and services for the proper and effective administration of the assistance.

7.3. The requesting State should ensure the protection and security of personnel of the assisting party and entities acting on its behalf, and their documents and official and personal property.

7.4. Each State should facilitate the movement through its national territory of personnel and equipment involved in a nuclear accident or radiological emergency assistance as well as persons in need of medical treatment as a result of the accident or emergency.

## 8. PROPERTY AND EQUIPMENT

8.1. The requesting State should permit and facilitate the entry, free of duty, of property to be brought into the territory of the requesting State for the purpose of the assistance.

8.2. The requesting State should ensure the immunity from taxation, duties or other charges and from seizure or requisition of the property brought into the territory of the requesting State by the assisting party or entities or personnel acting on its behalf for the purpose of the assistance.

8.3. The requesting State should permit and facilitate the re-export of such property, free of duty.

8.4. If the assisting party so requests, the requesting State should, to the extent that it is able to do so, arrange for the requisite decontamination of recoverable equipment before its re-export.

## 9. TERMINATION OF ASSISTANCE

9.1. The requesting State or assisting party may at any time, after appropriate consultations and after having given written notice, request the termination of the assistance.

9.2. Upon such request for termination of the assistance, the requesting State and the assisting party should consult with a view to concluding any operations in progress and facilitating withdrawal of the assistance.

## 10. SETTLEMENT OF DISPUTES

10.1. In the event of a dispute between two or more parties concerning any of the matters dealt with herein, such parties should consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

10.2. Any dispute of this character which cannot be settled in the foregoing manner should, at the request of any party to the dispute, be submitted to arbitration for decision.

## TECHNICAL ANNEX ON EMERGENCY ASSISTANCE

### GENERAL

1. The nature of assistance which may be required would vary with the nature and extent of the particular emergency situation and the capabilities of the requesting and assisting States. The degree of assistance could vary from the provision of individual specialists to advise on specific problems, to the use of highly complex equipment by teams of technologists.

2. Whilst the extent of assistance is for the requesting State to decide, it should be noted that the response to any nuclear accident or radiological emergency involves a complex series of issues both organizational and technical as well as issues of co-ordination. A large accident would stretch the resources of many countries, in which case appreciable assistance could be needed.

3. A nuclear accident would be likely to develop through a number of phases. These have been identified (see e.g. reference 1) as:

- *The Early Phase*: a period commencing with the onset of an accident precursor, generally hours to one to two days;
- *The Intermediate Phase*: a period generally associated with recovery from the accident and extending from days to weeks after the early phase; and

— *The Late Phase*: a period generally associated with recovery from the accident and extending from months to years.

4. The speed of initial response to a nuclear accident or radiological emergency could be crucial in minimizing the extent of the physical damage and the subsequent release of radioactive material. Since assistance is likely to be limited during the early phase, it is important that States ensure to as great an extent as possible that they and their operators have their own capability to respond during this phase. Only by a prompt initial response might the radiological consequences to the environment and people in the requesting State and perhaps in other adjoining countries be minimized.

5. A request for assistance should be made as soon as it is determined that help will be needed from outside sources. To enable a potential assisting country to provide the most effective assistance, this request should be accompanied by an exchange of essential information. This information should include a description of the essential elements of the accident as far as it is known, the extent of the requesting State's current capability and the elements of support which might be needed.

6. Essentially, the areas of needs are those associated with<sup>1</sup>:

- (a) the nuclear installation itself or other sources of radiological emergency;
- (b) the impact of the accident on the environment and the health and safety of the population; and
- (c) the general problem associated with any major disaster or emergency.

7. It is envisaged that specialist assistance may be required within any of these areas.<sup>2</sup>

8. In some instances the precise determination by the assisting party of the assistance it could give would be difficult without a detailed knowledge of the situation; it might therefore be necessary to ask the requesting State to accept a small advance party of appropriate specialists to be sent to assist in assessment of the scale of problem(s) and the degree and type of help required.

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<sup>1</sup> The needs for emergency preparedness are described in the IAEA documents listed under references 1 to 4.

<sup>2</sup> It is assumed that the operational organization has its own arrangement with its own suppliers. Examples of possible though not exclusive assistance are given in the IAEA documents listed under references 5 and 6.



9. The following paragraphs have been drawn up to illustrate areas in which specific assistance might be usefully given.

## ON-SITE ACTIVITIES

10. On-site activities which may require assistance would generally consist of protective and corrective operations. These may include professional advice as well as working teams, specific materials and equipment, logistical aids and external facilities.

11. In particular, it may be envisaged that expert professional advice by telecommunication links may be required at the early stage for helping in diagnosis of the problems, forecast of developments and choice of corrective actions. At a later stage, help may also be needed in reviewing the causes of the accident, which will be of value in assessing the damage to the plant and in planning appropriate recovery operations.

12. Highly qualified personnel would be required for radiation monitoring and other purposes. If radiation fields are high or the operations extended in time or scope, it may be necessary to make extra provisions for replacement of staff.

13. The range of equipment and materials that may be needed could include anything from survey-meters and protective equipment, or shielding materials, to sophisticated remote sensing devices and mechanical robots. It may include computing aids (hardware and software), general or highly specific components and replacement parts for the plant.

14. External facilities such as hospitals, counting and spectrometry laboratories, mechanical and electronic workshops would be involved in the general effort, and here again external assistance may be needed.

15. It must be borne in mind that the activities associated with the plant itself may be quite prolonged, possibly extending over many months. Professional aid in both expert manpower and equipment may be needed throughout this period.

## OFF-SITE ACTIVITIES

16. Also for off-site activities outside assistance may be requested. Such assistance may provide scientific advice and technical assistance to those who are faced with the requirement to monitor for radiation, provide for control of access and egress,

provide personal protection methods, recommend evacuation, provide for decontamination, medical care, diversion of food and water supplies. The assistance may take the form of a team of highly skilled scientists and technical personnel actively involved in operations and research pertaining to nuclear radiation emergencies. The actual make-up of an assistance team will vary, reflecting the nature of the particular emergency situation and the assistance requested. The assistance may consist of personnel, technology and equipment according to the situation. The assistance team should, after approval, be prepared to move rapidly to the emergency site. In some cases, materials to be sampled would be sent from the site of the emergency to the laboratory of the assisting party.

17. Personnel required may include: chemists, communications personnel, data analysts, engineers, health physicists, logisticians, medical personnel, meteorologists, photographers, nuclear physicists, physicians, biologists, pilots and ground crew.

18. Technology provided in the assistance team could include: aerial photography, chemical analysis, gamma ray spectral analysis, low level radiation detection, radiation intensity mapping, bioassay and techniques for radiation monitoring.

19. Equipment that could be made available as part of the assistance may include: airborne radiation detectors, aircraft (helicopters and fixed wing), communication systems, computers (field, portable and laboratory), groundborne and seaborne vehicles, handheld radiation detectors, whole-body counters, decontamination facilities, laboratory physical measurements equipment including sampling, navigation systems, mobile meteorological stations and general emergency relief equipment.

20. Finally, it should be emphasized that:

- the response to the early phase of a nuclear accident or radiological emergency must depend on the capability of the operating organization of the nuclear facility involved and the supporting national infrastructure for responding to emergencies;
- the most effective assistance can be provided if proper prior integration of the assistance into the national emergency plan is made and the plan, including elements of assistance, is periodically tested; and
- the exchange of relevant information should be established and maintained among competent national authorities and operating organizations of nuclear facilities.

## REFERENCES

1. Planning for Off-Site Response to Radiation Accidents in Nuclear Facilities, Safety Series No. 55, IAEA, Vienna (1981).
2. Preparedness of Public Authorities for Emergencies at Nuclear Power Plants, Safety Series No. 50-SG-G6, IAEA, Vienna (1982).
3. Preparedness of the Operating Organization (Licensee) for Emergencies at Nuclear Power Plants, Safety Series No. 50-SG-O6, IAEA, Vienna (1982).
4. Emergency Response Planning for Transport Accidents Involving Radioactive Materials, IAEA-TECDOC-262, IAEA, Vienna (1982).
5. Mutual Emergency Assistance for Radiation Accidents, IAEA-TECDOC-237, IAEA, Vienna (1980).
6. Mutual Emergency Assistance for Radiation Accidents, Supplement to 1980 Edition, IAEA-TECDOC-284, IAEA, Vienna (1983).

# **GUIDELINES ON REPORTABLE EVENTS, INTEGRATED PLANNING AND INFORMATION EXCHANGE IN A TRANSBOUNDARY RELEASE OF RADIOACTIVE MATERIALS**

(INFCIRC/321)

## **FOREWORD**

1. In September 1982, the Board of Governors authorized the Director General to implement the recommendations of a group of experts on nuclear safety co-operation and mutual emergency assistance which had met in June 1982. As a first step, Guidelines for Mutual Emergency Assistance Arrangements in Connection with a Nuclear Accident or Radiological Emergency, prepared by another group of experts in April 1983, were published in document INFCIRC/310 in January 1984.

2. One recommendation of the group of experts which met in June 1982 related to the need for prior arrangements among States to cope with transboundary aspects of a nuclear emergency; in the experts' view, such arrangements would have to cover matters such as the establishment of a threshold for reportable events, integrated planning and information exchange. Consideration of these matters was entrusted to a group of experts which met in May 1984.\* The group's recommendations, which are reproduced here for the information of Member States, may serve as guidelines for bilateral or multilateral arrangements among neighbouring States wishing to co-ordinate their response to any emergency which may involve a transboundary radiological release.

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\* Experts and observers from the following 19 Member States and three international organizations took part in the meetings: Member States — Argentina, Austria, Canada, Czechoslovakia, Finland, France, German Democratic Republic, Hungary, Islamic Republic of Iran, Netherlands, Pakistan, South Africa, Spain, Switzerland, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia; international organizations — the United Nations Office of the Disaster Relief Co-ordinator, the European Atomic Energy Community and the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development.

## I. INTRODUCTION

1.1. The Report of the Group of Experts that met in June 1982 to study the most appropriate means of responding to the need for mutual assistance in connection with nuclear accidents<sup>1</sup> stated, *inter alia*, that:

“A nuclear accident in border areas could have serious radiological effects in the territories of neighbouring countries. Especially in cases where the neighbouring country has no nuclear installation of its own, its capability to deal with the situation would be limited” — and

“In cases where serious accidents at nuclear power plants may have significant radiological impact in other States, special planning considerations need to be recognized and resolved. Issues such as establishing a threshold of reportable events, integrated planning and information exchange need prior arrangements”.

1.2. The aforementioned Group of Experts agreed that “there should be provisions for specification by participating States of the appropriate initial points of contact and, if different, of the appropriate channels for subsequent communications. There should also be provisions for advance notification of competent national authorities”. It is recognized that such provisions will entail a willingness among Member States to come to arrangements for protection of man and his environment, along the lines of the IAEA Guidelines for Mutual Emergency Assistance Arrangements in Connection with a Nuclear Accident or Radiological Emergency<sup>2</sup>.

1.3. The Expert Group convened in May 1984 assumed that in emergency response planning use will be made of the relevant IAEA documents<sup>3</sup>.

1.4. The Expert Group also took note of the activities of the IAEA with respect to intervention levels<sup>4</sup>. It concluded that for those notifications where the threshold for reporting is based upon a categorization of emergency conditions (see

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<sup>1</sup> Reproduced in document N5-TC-478, IAEA, 2 July 1982.

<sup>2</sup> Reproduced in document INFCIRC/310, IAEA, January 1984.

<sup>3</sup> See IAEA Safety Series No. 55, “Planning for Off-Site Response to Radiation Accidents in Nuclear Facilities”, Vienna (1981); No. 50-SG-O6, “Preparedness of the Operating Organization (Licensee) for Emergencies at Nuclear Power Plants”, Vienna (1982); and No. 50-SG-G6, “Preparedness of Public Authorities for Emergencies at Nuclear Power Plants”, Vienna (1982).

<sup>4</sup> See the Report of the Consultant Group on Intervention Levels for Controlling Radiation Doses to the Public in the Event of a Nuclear Accident or Radiological Emergency, IAEA, January 1984.

paragraph 3.3), such notifications will normally have been initiated in advance of any need to introduce protective measures due to exceeding the intervention levels. The introduction of measures for the protection of individual members of the public, based upon these intervention levels, is not, however, the only threshold for the initiation of transboundary notifications.

## II. FORMAL ARRANGEMENTS

2.1. Neighbouring States may wish to consider entering into bilateral or multilateral arrangements setting out their mutual willingness to co-operate and co-ordinate their response to any emergency which might involve a transboundary radiological release. The purpose of such arrangements is to facilitate the exchange of information, integrated planning and notification of an emergency among neighbouring States.

2.2. Such arrangements should identify the authorities responsible for advance emergency response planning and for action during an emergency. They should specify the type of information and the ways in which this information can be most speedily exchanged. Definitions of basic terms and concepts, the designation of liaison officers, an agreed language or code to be used in case of an emergency and plans concerning information to the public should also be included.

2.3. There should be provisions to compare the means and methods to be used for calculating radiological consequences. The basis for any preplanned protective measures and for their implementation should be indicated.

2.4. The potential for cross-border movement of evacuees and emergency response personnel and equipment should be taken into account.

## III. REPORTABLE EVENTS

3.1. The Expert Group was of the opinion that in formal arrangements among States an event should be considered to be reportable if there is the potential for, or actual occurrence of, a release of radioactive material which might transcend or has transcended an international boundary and which could be of radiological safety significance. The event might require the implementation of measures to protect the public.

3.2. The Expert Group recommended that in establishing a threshold for reportable events a spectrum of accidents should be taken into account instead of a single reference accident.

3.3. For the purpose of practical reporting, the Expert Group assumed that the operating organization of a nuclear facility has an emergency plan that categorizes emergency conditions.<sup>5</sup> In cases where the off-site authorities are alerted according to this plan and where the Emergency Planning Zones<sup>6</sup> would extend beyond the boundary with a neighbouring State, the competent national authorities of that State should be notified forthwith of the situation.

3.4. It was recognized that States may wish to include other events in their notification arrangements which do not fall within the categories referred to in paragraph 3.3.

3.5. It is recommended that intervention levels for the introduction of protective measures such as sheltering and evacuation be set in advance by the competent national authorities. It will remain for these authorities in the neighbouring States to decide on the actual level of radiological impact at which actions are to be taken, taking into account prevailing circumstances. The Expert Group was of the opinion that the implementation of actions resulting from such notifications should not normally lead to protective measures being introduced in the neighbouring State at an earlier stage, or being more stringent, than in the State in which the accident has occurred or is occurring.

#### IV. INFORMATION EXCHANGE

##### 4.1. *Purpose*

4.1.1. The timely exchange of adequate information between the competent national authorities of the State in which the nuclear facility is situated and those in the neighbouring State(s) should allow adequate protection of the public which could be affected by the consequences of an emergency transcending international boundaries.

4.1.2. The information to be communicated will comprise data related to the site, the facility, the emergency response plan and the response to an emergency.

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<sup>5</sup> Emergency conditions are discussed in Section 3 of IAEA Safety Series No. 50-SG-O6, "Preparedness of the Operating Organization (Licensee) for Emergencies at Nuclear Power Plants", Vienna (1982).

<sup>6</sup> The concept of Emergency Planning Zones is discussed in Section 4.05 and 4.06 of IAEA Safety Series No. 55, "Planning for Off-Site Response to Radiation Accidents in Nuclear Facilities", Vienna (1981).

## *4.2. Organization of information exchange*

### *4.2.1. Procedures for communication*

The States concerned should identify and make known to each other their competent national authorities and points of contact for the exchange of technical information and emergency response planning information. Points of contact should be identified as having primary responsibility for issuing or receiving notification of a potential or actual emergency. Procedures for verification of the notification received should be established.

### *4.2.2. Means of communication*

Reliable and diverse means of communication should be identified and the points of contact should be available on a 24-hour basis. If appropriate points of contact for subsequent communications are different from those for the initial notification, they should be specified. There may be several communication links, for example, to update information on the event, to exchange information on consequence assessment and information to be released to the public, and to offer or request assistance.

### *4.2.3. Identification and testing of communication links*

Lists should be prepared and exchanged with the names, telephone numbers (or means of contact on a 24-hour basis) and addresses of all points of contact and alternates. This information should be checked at regular intervals and updated immediately following any change. The channels of communication for initial notification and subsequent communications should be tested frequently.

### *4.2.4. Language problems*

In many cases national borders may also correspond to language borders. To avoid, in such cases, misunderstandings and time delays in information exchange in case of an emergency, practical solutions should be agreed during the advance emergency response planning stage.

## *4.3. Information to be exchanged*

4.3.1. Information needed for advance emergency response planning may include data such as:

- Characteristics of the facility and its possible radiological impact;



- Relevant regulations, plans and procedures on environmental protection and radiation protection in case of an emergency;
- Site-dependent characteristics influencing the dispersion of radioactive releases (e.g. topographical, hydrological, meteorological data);
- Technical information on monitoring equipment, sampling techniques, interpretation of measurements and other issues which may affect the assessment of the situation in case of an off-site emergency;
- Demographic and other relevant information for the Emergency Planning Zones.

4.3.2. Information needed in the event of an off-site emergency should contain all available facts of importance for assessing the situation, such as:

- Identification of the facility involved;
- The nature of the accident, the time at which it occurred and its possible development;
- The characteristics of the release;
- Information on meteorological and hydrological conditions, necessary for forecasting the dispersion and dilution of the release;
- Off-site protective measures taken or recommended;
- Results of environmental monitoring;
- Information on the development and termination of the emergency.

4.3.3. Both the advance emergency response planning and the emergency response data should be updated as necessary.

4.3.4. The confidentiality of any information provided in accordance with paragraphs 4.3.1 and 4.3.2 should be preserved.

#### *4.4. Liaison groups*

4.4.1. To facilitate information exchange at the advance emergency response planning stage, the competent national authorities of the States involved in trans-boundary emergency response planning should meet periodically.

4.4.2. Consideration should be given to allow the competent national authorities of the States involved at the emergency response stage to exchange liaison groups.

#### *4.5. Public information*

4.5.1. Dissemination of information to the public is an important responsibility of the appropriate authorities in each State. Particular arrangements ensuring the necessary co-ordination across international borders should be established.

4.5.2. Special attention should be given to the consistency of the guidance given to the public in the States involved.

4.5.3. It is important that notification of an emergency and broadcast of initial and subsequent information be made simultaneously, as far as possible, in the States involved.

### **V. INTEGRATED PLANNING**

#### *5.1. Purpose*

The purpose of integrated planning is to provide for a co-ordinated response involving all the authorities and organizations having responsibilities in the event of an emergency requiring a transboundary response.

#### *5.2. Transboundary considerations related to emergency response planning*

The competent national authorities of the States concerned should be consulted in the preparation of the relevant parts of the emergency response plans dealing with transboundary considerations.

#### *5.3. Some considerations for integrated planning*

##### **5.3.1. Range of off-site consequences**

The range (type and extent) of off-site consequences needs to be considered in procedures established by the competent national authorities of neighbouring States.

##### **5.3.2. Updating plans and procedures**

Following the establishment of emergency response plans and procedures, provisions should be made for their joint review and updating on a regular basis.

### 5.3.3. Testing of emergency preparedness

The integrated plan should be tested by exercises. Any deficiencies in the plan or in the emergency response as revealed by these exercises should be mutually corrected.

### 5.3.4. Consistency in monitoring and the interpretation of measurements

5.3.4.1. Consistency in both the measurements made to quantify the radiological hazard and their interpretation is highly desirable.

5.3.4.2. As a part of the advanced emergency response planning, it would be advantageous for involved States to exchange information on such aspects as sampling techniques and the types, characteristics and quantities of their radiological monitoring equipment, and to participate in intercomparison exercises. Similarly, it is considered desirable to compare the methods used for interpretation of radiological measurements.

5.3.4.3. During an emergency, direct contact between the emergency monitoring team controllers could minimize any difficulty in interpretation of measurements.

### 5.3.5. Compatibility of protective measures

Consideration should be given to the actions to be taken on both sides of an international border arising from an emergency. It would be of mutual benefit to harmonize the degree of protection for affected populations and the environment by the adoption of compatible standards for protective measures.

### 5.3.6. Emergency monitoring teams

Particularly during the early and intermediate phases of an emergency, the prompt movement of emergency monitoring teams (possibly including those of the nuclear facility operator) across borders may be essential to obtain the necessary information on which to base response actions. The competent national authorities of the States involved should be aware of any limitations of dose established for members of emergency monitoring teams.

### 5.3.7. Evacuation of persons across borders

The possibility exists that the most appropriate way of protecting the public of the States involved in an emergency may be the evacuation of affected persons

across the borders. The provision of facilities such as food, reception centres, transport, decontamination facilities, medical aid and identification passes should be considered.

#### 5.3.8. Consistency in Emergency Planning Zones

The extent of Emergency Planning Zones should be consistent and agreed among the involved States.



## OPENING OF GOVERNMENTAL EXPERT GROUP ON AGREEMENTS ON EARLY WARNING AND EMERGENCY ASSISTANCE

Statement by the Director General  
on 21 July 1986

May I welcome you all warmly to Vienna! As you are aware, nuclear power is at present being questioned by a substantial public opinion in many countries. The leaders of a number of countries which make use of nuclear power on the other hand have come out in a strong way in favour of the continued and expanded use of nuclear power. They have also, however, called for more international co-operation to contribute to strengthen further nuclear safety. There is a need that such action be taken and be seen by the public to be taken. In many countries resolute response by governments, acting individually or together as in the Agency, will help to convince public opinion that various problems that have been perceived are manageable and, indeed, managed. The Agency's Board of Governors meeting in May and June has focused upon a number of measures to be undertaken. This meeting is only one measure among many. But it is extremely important, in my view, that this meeting should fully succeed in its task, which is to use the three weeks at your disposal to reach a consensus on draft agreements on early notification and emergency assistance. Let me offer you some comments on your task and on the working drafts submitted to you by the Secretariat.

**First**, you have the great advantage that the two agreements you are to work out are genuinely **wanted** by all Member governments. **Secondly**, there is no real question of bargaining. No really opposed interest. The task is rather to find a practical and precise legal form for State actions which — even without formal legal obligations — are regarded by governments as natural, namely to give information about events that may have adverse effects on other States' territories and assistance in the event of calamities.

**Thirdly**, you have also the great advantage that the two subjects have been discussed at length before, with representatives of your States, and have resulted in guidelines. Thus the material is not novel to your governments.

**Fourthly**, you know that your governments want concrete results that can be signed already in September. As you also know, the working drafts before you were prepared by the Secretariat within the span of a few weeks. Despite our best efforts and the models we had in the INFCIRC guidelines there are bound to be various shortcomings which might need to be remedied. You have three weeks at your disposal. With your skill and experience I trust you will be able to remove these shortcomings. Don't let the best be the enemy of the good, however. Given the importance of having concrete results it is better to have something less than perfect

now than to have nothing now and only a hope of something better next year. I recall a saying by one of my teachers that there are two kinds of lawyers — those who find solutions for every difficulty and those who find difficulties in every solution. Let me suggest that after you have found some difficulties in the Secretariat's solution, you should proceed to solve them, using your experience and your judgement. I have in mind not just the lawyers among you but all the experts present.

**Fifthly**, while many agreement drafting conferences are able to cut through their differences by voting, you are expected to work by consensus. This is more difficult but has some advantages. A text that has consensus support in this group will stand much stronger in the Board of Governors and in the General Conference. Consensus means however that theoretically each one of you can block agreement. I trust you will all exercise such a right with wisdom and restraint and will avoid frustrating results which are desired and within reach.

I should like now to make a few comments on the two working drafts. They have been informally presented to representatives of your Vienna missions on two occasions. Some have suggested that the level of ambition as to notification and assistance could be higher, that the duties might go further. Well, if this is the general view, fine. If not, there remains the possibility that two or more governments make bilateral or regional agreements which are more far-reaching. References to such a possibility might be made in the preambles. In the emergency assistance agreement draft article 1.2 has a special reference of this kind.

Let me explain a basic point about the scope of the draft on early notification. Through article 1 we have tried to cover events on land and within the waters under the jurisdiction of a State - whether civilian or military. We have not tried to cover nuclear submarines as such or satellites, because we feared this might raise too great difficulties. I hope we were wrong. From the viewpoint of protection it is naturally desirable to cover as much as possible. In my view, however, it would be regrettable to forego agreement regarding the bulk of nuclear installations for a wish to cover absolutely every conceivable case. Moreover, even in the absence of a duty to warn, such warnings certainly are natural where the nuclear activities of a State may pose hazards to another State.

Let me explain a few other points. Both drafts avoid in large measure requiring strict reciprocity of obligations. That is to say a State assumes an obligation to give early warning to its neighbour, **even if** the neighbour has not yet assumed such obligation by binding itself under the agreement. To anyone inclined to legal orthodoxy this might look unusual. However, if you think practically I believe you will agree. A State experiencing an event which might affect its neighbours does not notify only those who have bound themselves by the agreement. Thus, the agreements contain unilateral commitments to certain conduct. Of course, the State that has **not** bound itself by the agreement, cannot, on the other hand, **claim** any right to notification. Similarly, under the other agreement a State party to which a request for assistance is directed is obliged to use its best endeavours to help, whether the **requesting State**

has become a party or not. It is another matter that the requesting State cannot rest its request on the agreement, since it is not yet a party to it.

The question has been raised whether “using best endeavours” in article 2.2 of the assistance agreement is purely discretionary. My answer would be no. It is a bona fide obligation — but it does not go very far.

Related to the non-reciprocal character of some of the duties is another detail in the two working drafts, namely, that they are designed to become binding already for the first State that commits itself. If the lawyers here are bent on orthodoxy they might wish to have two contractual parties at any rate before any entry into force occurs. Personally I don’t think this is needed, but it would be no calamity if you made that change.

The entry into force clauses have been devised with an eye to our governments’ wish to have these agreements speedily operative. In many countries, the agreement on emergency assistance, which touches on taxes and liability, etc., might require parliamentary action — either approval or enabling legislation or both. The agreement on notification will probably in many countries fall within the prerogative of the executive branch and, hence, not call for submission to legislative branches.

In my view the procedure envisaged **should** not cause any problem. If the executive branch alone can bind the country, signature can be appended after the government’s decision. If parliamentary approval is deemed necessary, such will have to be obtained **before** the government proceeds to sign. There is nothing unusual in a government asking for parliamentary approval or enabling legislation without any prior international signature. In fact, it happens each time a government accedes to agreements which have already entered into force. However, if the unorthodoxy of the procedure were to cause difficulty, my advice would be that the procedure be adapted somewhat so as to make it more readily acceptable.

I don’t think there is a need for clauses enabling the Agency itself to sign. Since the agreements are to be endorsed by the Board of Governors and adopted by a General Conference, the policy-making organs of the Agency would have given their approval. However, since specific obligations are laid upon the Agency I would envisage submitting the agreements to the Board to authorize and direct the Director General to perform in accordance with the provisions of the agreements.

Let me conclude by saying that wide consultations in advance allow me to nominate Ambassador van Gorkom of the Netherlands as your Chairman and Ambassador Shash of Egypt, Ambassador Proenca Rosa of Brazil and the Deputy Permanent Representative of the German Democratic Republic, Mr. Maser, as Vice-Chairmen of the group. Needless to say, the Secretariat stands ready to fully assist you. I think I am reflecting the spirit of our Board of Governors in looking forward to a consensus in this group on two agreements which may be submitted to the high-level special session of our General Conference, which, as you know, will focus exclusively on the item of nuclear safety.





**SUMMARY RECORD OF THE FINAL PLENARY MEETING  
OF GOVERNMENTAL EXPERTS  
TO DRAFT AGREEMENTS ON EARLY NOTIFICATION  
AND MUTUAL ASSISTANCE**

Held at the Headquarters of the International Atomic Energy Agency  
Vienna, on 15 August 1986 at 4.30 p.m.

*Chairman:* Mr. van GORKOM (Netherlands)

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\* GE/1.

## REPORTS BY THE CHAIRMEN OF WORKING GROUPS

(continued from an informal plenary session)

1. The **CHAIRMAN** asked the Chairman of Working Group C to inform the Meeting about the discussions in Working Group C and the conclusions reached in it with regard to the reservation article.

2. The **CHAIRMAN OF WORKING GROUP C** said that the Working Group had met in the morning and had agreed that there should be no reservation article in either draft convention.

3. The **CHAIRMAN** took it that the meeting wished to follow the advice of Working Group C that there should be no reservation article in either of the two draft conventions.

4. **It was so agreed.**

5. The **CHAIRMAN** said that, before adjourning on the previous evening, the Meeting had heard a report by the Chairman of Working Group A on the efforts of that working group to reach an agreement on the difficult question of article 1 — which related to the scope of the draft convention on notification. That question had given rise to extensive discussion among governmental experts, some of whom had expressed considerable concern. In the morning he had been approached by a number of experts, including the expert from the Islamic Republic of Iran, with the request that, in the light of the solution found on the previous day for the problem raised by the delegation of Luxembourg, which had been resolved with the assistance of the Chairman of Working Group C, he should attempt once again to try to find a solution in respect of the scope of the draft convention as a whole.

6. The Chairman of Working Group A and he himself had held consultations with experts who had played an active part in Working Group A in the previous week and who had put forward proposals in respect of the scope for article 1. The views of experts from nuclear-weapon States, which had a direct interest in the matter, had also been solicited, and he was extremely gratified to be able to report that it had been possible to reach agreement on an additional article to be inserted after article 2 of the present draft text\*, which would read as follows:

### **“Other Nuclear Accidents**

“With a view to minimizing the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in article 1.”

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\* Document GE/8/Rev.3 of 13 August 1986.

7. It was his conviction that the agreement reached on that additional article would lead to a consensus on article 1 and thus on the text of the draft convention as a whole.

8. The expert from the **UNION OF SOVIET SOCIALIST REPUBLICS** said that it was gratifying that work on one of the most complex questions for the Meeting of governmental experts had now been brought to a successful conclusion. The fact that an additional article for the draft convention on notification had been approved obviously meant that the text of the whole draft convention could also be approved. The elaboration of that draft text was a positive development and established the conditions for the Soviet Union, like other nuclear-weapon States, to provide notification in the event of accidents with nuclear weapons or nuclear explosions when there were transboundary consequences which could be considered to have radiological implications for other States.

9. The **CHAIRMAN** thanked the Soviet expert for his co-operation in reaching an agreement. He welcomed the fact that no delegation was refusing to join in the consensus on the additional article.

10. The expert from the **UNITED STATES OF AMERICA** said that the spirit in which he had approached the negotiations on the drafting of the two conventions had always been one of compromise, desirous as he was of seeking a consensus which would find the broadest support. In the past four weeks he had repeatedly outlined the United States Government's position concerning the scope of coverage of the draft convention on notification. He did not intend to reiterate that position but pointed out that he had explained earlier why he had argued in favour of a coverage that effectively excluded certain types of nuclear accident.

11. The United States continued to believe that the draft convention on notification should focus primarily on possible transboundary effects of radioactive releases from those nuclear facilities which clearly posed the greatest risk to the health and safety of the public and to the environment, namely reactors and nuclear fuel cycle facilities. In Working Group A there had been wide support for a scope which included all such facilities irrespective of their location or of the use to which they were put.

12. However, the United States Government appreciated the fact that universal coverage of all events had its attractions. He had stated on a number of occasions during the Meeting that the United States Government would, as a matter of national policy, voluntarily provide notification about all accidents which had or might have transboundary effects. It still did not believe that, from a factual and technical point of view, possible accidents involving nuclear weapons or radiological hazards associated with the testing of such weapons represented a significant enough hazard

to public health and safety for them to be covered by the detailed undertakings contained in the draft conventions. Nevertheless, many — although not a large majority — of the governmental experts were firmly of the opinion that some consideration should be given to other radiological releases, including those from nuclear weapons. The United States Government was conscious of those views and of world public opinion, which might be reassured if the governmental experts were able to include within the convention on notification some recognition of the fact that other accidents should also be the subject of prompt warning to States which might be affected by them.

13. Until the previous day, his instructions had been to oppose any inclusion — whether implicit or explicit — of activities associated with nuclear weapons within the scope of the draft convention for the national security reasons he had outlined on a number of occasions.

14. However, he felt strongly that all delegations had to go one step further to achieve compromise at the present meeting, so that it would be possible to elaborate the conventions requested by Member States at the June Board, for which many national leaders had called and which the world's public urgently wished to see approved. To do otherwise would be irresponsible. In view of the desirability of approving a text for the convention by consensus and of the strong views of other Governments, and as a result of the efforts of the Chairman and those of the Chairman of Working Group A, the United States Government was now prepared to agree to the inclusion in the draft convention of a provision which recognized that States Parties might notify in the event of nuclear accidents other than those covered by the convention with a view to minimizing radiological consequences. The United States Government had carefully examined the precise terms of the proposed provision for voluntary notification of other accidents and had authorized him to accept it.

15. The fact that all other governmental experts had accepted that formulation, which represented a major concession by his Government — and clearly by a number of others also — showed that other Governments shared the United States Government's desire to reach consensus and to bring the work of the governmental experts to a successful conclusion.

16. Finally, he wished to thank the Chairman and the Chairman of Working Group A who had worked so hard to achieve a reasonable solution acceptable to all governmental experts. He also wished to thank all the other governmental experts — and especially those with opinions different from his own — for the statesmanlike way in which they had conducted themselves during long, complex and arduous negotiations.

17. The **CHAIRMAN** wished, in the light of the statements by the experts from the Soviet Union and the United States, to appeal to the nuclear-weapon States to take the opportunity of the special session of the General Conference to confirm their policies in conformity with the new article 3 of the draft convention on notification, which the governmental experts had just approved.

18. The expert from **CHINA** said that the Chairman had clearly achieved a considerable amount as a result of his efforts. China had always maintained that any nuclear accidents with transboundary radiological consequences should be the subject of notification to countries which might be affected, so that they could take protective measures at an early stage. During the Meeting of governmental experts he had always had that aim in view. He recalled that, in his statement of the previous day relating to matters not included in the draft convention, he had said that the Chinese Government was prepared to notify in respect of any nuclear accidents caused by nuclear weapons in accordance with the new article 3 that had just been approved. It was therefore highly gratifying that that article had found a consensus, and he thanked the Chairman, the Chairman of Working Group A and other governmental experts for their efforts to resolve the matter.

19. The expert from the **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND** said that the United Kingdom Government attached considerable importance to the satisfactory and successful conclusion of an agreement on the draft convention on notification and therefore welcomed the steps taken by the Chairman to find a consensus. The new article 3 proposed by the Chairman was fully in line with the position of the United Kingdom Government, which she had frequently outlined, and she therefore welcomed its approval. With regard to the Chairman's appeal to the nuclear-weapon States, she had already stated that it was the United Kingdom Government's intention to notify in the event of accidents with nuclear weapons, and it would be making a more formal expression of that intention at the special session of the General Conference.

20. The expert from **COTE D'IVOIRE**, speaking on behalf of the African Group and the Group of 77 as a whole, welcomed the fact that it had been possible, in a relatively short time, to draw up two important draft conventions relating to nuclear safety. That spectacular result, representing the resolution of an important and delicate matter, could not have been possible without the high sense of responsibility, competence and perfectionist approach of the Chairman and of the three Chairmen of the working groups.

21. The **CHAIRMAN OF WORKING GROUP C** wished to draw the attention of the governmental experts to certain editorial changes in the draft conventions\* which had been approved earlier in the day by Working Group C: first, the first paragraph of the preamble to the draft convention on notification should be the same as in the draft convention on assistance; secondly, the word “Agency” should be replaced by the words “International Atomic Energy Agency” in the third line of paragraph 1 of article 11 and in the third line of article 17 of the draft convention on notification and in the fifth from last line of the texts of both draft conventions; and, thirdly, only the word “Agency” should appear in brackets in the second line of article 1 of the draft convention on assistance.

22. The **CHAIRMAN** took it that those editorial changes were acceptable to the governmental experts and said that revised texts\*\* would be distributed as soon as possible.

23. Finally, he thanked the Chairmen of the three working groups for their reports.

#### **RECOMMENDATIONS BY THE GOVERNMENTAL EXPERTS TO THE BOARD OF GOVERNORS (GE/8/Rev.3, GE/9/Rev.3)\*\*\***

24. The **CHAIRMAN** suggested that experts should make any statements they wished to be included in the summary record, which was to be attached to his report to the Board, before proceeding to adopt the two draft conventions.

25. The expert from **ITALY** said that nuclear energy had a very important role to play in the economies of States, and especially in meeting the present and future needs of the developing world. Effective international measures therefore had to be taken to make nuclear energy more acceptable to the public, and the intention to do that had been announced at the highest governmental level.

26. The Agency’s programme of work in the field of nuclear safety in the light of experience to be derived from the Chernobyl accident had been discussed at length in the Board of Governors, and Italy had clearly stated its position on the scope and

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\* The changes relate to the draft texts in documents GE/8/Rev.3 and GE/9/Rev.3 of 13 August 1986, rather than to GE/8/Rev.3/Corr.1 and GE/9/Rev.3/Corr.1 of 15 August 1986, which were the versions actually approved at the end of the meeting.

\*\* GE/8/Rev.3/Corr.1 and GE/9/Rev.3/Corr.1 of 15 August 1986.

\*\*\* Under this agenda item, all references to the texts of the draft conventions relate to the versions that were actually approved at the end of the meeting, namely GE/8/Rev.3/Corr.1 and GE/9/Rev.3/Corr.1 of 15 August 1986.

objectives of the supplementary activities agreed on. It was essential that substantive results should be achieved in the areas of early notification of nuclear accidents and emergency assistance.

27. It was in that light that, although he welcomed the fact that agreement had recently been reached on the definition of the scope of the draft convention on notification by the addition of paragraph 3 and he fully realized the many difficulties faced by other governmental experts, he was convinced that the field of application of that draft convention should be as broad as possible. To that end Italy had introduced the proposed amendment in documents GEA/8 and GEA/8/Corr.1 at an early stage in the proceedings. The purpose of that amendment had been to make it obligatory to notify in the event of nuclear accidents which caused a significant release of radioactive materials whether they had transboundary effects or not.

28. In an effort to find a compromise, he had, together with the experts from Austria and Switzerland, submitted a new proposal to which the Chairman of Working Group A had referred in his oral report of the previous day. That proposal had been opposed by some experts on the grounds that it did not fall within the mandate given to the governmental experts by the Board of Governors. He did not accept that argument: the decision taken by the Board on the whole set of measures to be taken as a consequence of the Chernobyl accident and in response to public opinion could hardly be considered a precise mandate. In addition, the Board had referred to “early notification and comprehensive information about nuclear accidents **with possible transboundary effects**”, and had not made any reference to the significance of such effects in terms of radiological safety. He considered that, until it became clear that an accident would not affect other States, the obligation to notify remained if the aim of providing an early warning were to be met.

29. Thus, he believed that timely notification, together with the relevant information, was essential in order to allow potentially affected States enough time to take appropriate countermeasures to cope with the abnormal situation and to make preparations in case an emergency occurred. It should be borne in mind that in emergencies unforeseen situations might arise and the conduct of persons and organizations might be unpredictable or might not be fully in line with established procedures.

30. He was therefore unable to accept any formulation of article 1 which limited the commitment to notify in the event of accidents to the case in which, in the judgment of the State in which the accident had occurred, two conditions were met simultaneously: that the accident should have transboundary effects and also that it should be of radiological significance outside the territory of the State in which the accident had occurred. For that reason he would unfortunately not be able to join any consensus on the scope of the draft convention on notification, and Italy would have to reserve its position until the special session of the General Conference.



31. The public throughout the world was now much more aware of nuclear matters than it had been a few months earlier, and he considered it highly desirable to try to meet its concerns and expectations by concluding a meaningful agreement. The Italian Government would find it difficult and would consider it inadvisable to continue to develop nuclear power without the support of the public, and that should be the case in all countries.

32. In conclusion, he questioned whether it was better to protect certain hypothetical and undefined national interests than to succeed in elaborating a good and universally accepted convention which would pave the way for the safe and necessary development of nuclear power for the benefit of humanity.

33. The expert from **POLAND** expressed to the Chairman and to the Chairmen of the working groups his appreciation for their skill in conducting the work of the Meeting, which had been brought to a successful conclusion. He considered both draft conventions to be extremely important since they had long been awaited by world public opinion and were necessary for the further development and use of nuclear energy.

34. He was convinced that the conventions would enter into force in the very near future and said that Poland would act with a view towards their practical implementation. Poland was also prepared to provide assistance on the basis of its knowledge of and experience with the establishment and implementation of a contamination surveillance system for the environment and foodstuffs; a system of that type had been in operation in Poland since 1964 and had proved itself to be fully operative during the Chernobyl emergency. The Polish Government would be able to co-operate in that respect either through the Agency or directly with interested States.

35. In conclusion, he wished to thank the Director General and the Secretariat for their contribution to the positive results of the meeting.

36. The expert from **SWEDEN** said that, in reaching a consensus on the texts of the two conventions, the meeting had achieved a success which was greater than anyone could have expected, because of the spirit of compromise which had reigned during the deliberations of the past four weeks. It was to be hoped now that the conventions would be finally adopted at the special session of the General Conference in September.

37. With regard to the convention on assistance, he was convinced that, if any such accident or emergency should occur, it would prove very valuable that States had agreed in advance on certain international rules to facilitate prompt transfer of personnel and equipment. Regrettably, experience showed that situations might arise

when the time factor was very critical in efforts to protect and save lives, property and the environment.

38. With regard to the convention on notification, it seemed worth stressing that States which adhered to that convention would be accepting binding obligations of a type which had not previously existed in the multilateral field.

39. Thus, the two conventions, if adopted, would represent an important step forward. At the same time, they could also be regarded as a foundation and framework for further international co-operation in that field, since the terms of the conventions were rather general and additional obligations and details might have to be worked out in bilateral or regional agreements between interested countries. Such agreements might contain well-defined trigger levels and detailed rules concerning the exchange of information about operating experience and incidents, co-operation on emergency planning and co-ordinated training of emergency organizations, etc.

40. One of the most important questions discussed over the past weeks had been the definition of the scope of the convention on notification. It was to be expected that the public would ask why the draft text for that convention did not include a clear obligation to notify releases of radioactive material caused by accidents involving nuclear weapons and nuclear weapons tests. It was certainly of the greatest importance that such releases, when they had serious radiological safety significance, should be notified internationally. His delegation could accept only with the greatest reluctance that it was not possible to include such an obligation in the convention at the present time. However, it had noted that the experts from China, the United Kingdom, the United States of America and the Soviet Union had made announcements from which it could be concluded that their Governments would in fact also notify releases due to such accidents. He hoped all nuclear-weapon States would eventually make formal declarations to that effect, as they would certainly facilitate the general acceptance of the conventions, even though they would not make the need for a comprehensive test ban treaty any less.

41. The success of further international efforts to achieve the highest possible level of safety and to prevent emergency situations in the nuclear field would to a very large extent depend on the work carried out by the IAEA. The conventions to be adopted would lead to additional responsibilities and to a higher workload for the Agency, which would thus need strong support from its members commensurate with their interest in the Agency's success in endeavours to ensure nuclear safety.

42. The expert from **FRANCE** said that he had not opposed the consensus which had recently been achieved on the scope of the convention on notification. France would, however, have preferred to see the scope of the convention extended to all

nuclear accidents irrespective of their origin, and the limitation on the scope was regrettable.

43. In addition, the French Government was of the view that, in accordance with the spirit of the convention on notification, a State implicitly reserved the right not to divulge information if its national security might be endangered thereby.

44. Turning to the convention on assistance, he said that France reserved the right to make, at the appropriate time, national statements in accordance with the provisions of paragraph 9 of article 8, paragraph 5 of article 10 and paragraph 3 of article 13. That waiver also applied to paragraph 3 of article 11 of the draft convention on notification, since it related to the provisions of an article on settlement of disputes which were common to both conventions.

45. The expert from the **ISLAMIC REPUBLIC OF IRAN** said that his country attached considerable importance to the peaceful and safe use of nuclear energy. The public was seriously concerned about accidents such as that at Three Mile Island and Chernobyl, which also had the effect of increasing disappointment on the part of the public at the continuing proliferation of non-peaceful uses of nuclear energy. He was strongly of the belief that all incidents relating to nuclear safety with radiological consequences should be notified and should come within the scope of the convention on notification. It was for that reason that he had submitted a proposed version of article 1 for consideration by the governmental experts which had read as follows:

“This Convention shall apply to any nuclear incident which occurs in any facility or within the scope of any activity, including nuclear weapons or nuclear weapons tests, in the territory or in any area under the jurisdiction or control of a State Party from which a release of radioactive material occurs or is likely to occur and has resulted or may result in a transfer of radioactive material that could be of radiological safety significance to other States.”

46. He further recalled his proposal for part of the preamble to both draft conventions:

“NOTING with regret the continuous proliferation of nuclear defence and widespread deployment of nuclear arsenals all over the world and their potential threat of radioactive release,

“NOTING with regret the continuous release of radioactive material as the result of nuclear weapons tests,

“NOTING the current public opinion and the firm determination to use the valuable source of nuclear energy in a safe manner ...”

47. Unfortunately, two countries had not been in favour of full-scope coverage in the convention. After a lengthy discussion, he had nevertheless showed a spirit of co-operation and had joined a consensus of a number of countries which were proposing full-scope coverage which did not explicitly mention nuclear weapons and nuclear weapons tests. It was regrettable that that proposal had also not been accepted as a result of the opposition of the same two countries.

48. After yet further discussions and laudable efforts by the Chairman, he (the expert from the Islamic Republic of Iran) had, in a spirit of compromise, once again demonstrated the good will of his country by agreeing to adopt the present texts of the preambles and of article 1 of the draft convention on notification and not to block the consensus despite having earlier stated that he would do that.

49. He further wished to point out that he had made the following proposal in respect of article 9 of the convention on notification relating to bilateral and multi-lateral agreements:

“In furtherance of their mutual interests, States Parties may consider, where deemed appropriate, the conclusion of bilateral or multilateral arrangements, including advance emergency response planning in the area of this Convention.”

50. It was his firm belief that notification would be useful and effective only if plans had been laid in advance. Since certain experts had had difficulty with the word “emergency”, he had attempted to make a final compromise by agreeing to delete that word from his proposal. Unfortunately, the proposal had been opposed by one expert, the expert from the United States of America. In a spirit of co-operation, he (the expert from the Islamic Republic of Iran) had been prepared to withdraw his proposal but continued to believe that the wording he had proposed represented logical and useful elements for the article in question.

51. He was therefore refraining from blocking the consensus on the draft convention as a whole in the hope that it would constitute a first step towards full-scope coverage under arrangements of the type foreseen by the draft convention in the future. He further hoped that it would be possible to meet the expectations of the public throughout the world in respect of full coverage of the potential threat represented by radioactive releases from nuclear weapons and nuclear weapons tests.

52. He wished to thank the Chairman, the Chairman of Working Group A and all governmental experts who had co-operated with him and had provided him with moral support in his efforts towards achieving the safe and peaceful use of nuclear energy throughout the world.

53. The expert from **SWITZERLAND**, thanking the Chairman, the Chairmen of the three working groups and the Secretariat for their efforts to render the outcome of the Meeting successful, welcomed the results obtained by the governmental experts in four weeks of negotiation. He associated himself entirely with the compromise texts which were to be submitted to the various national authorities for approval. The two draft conventions with their expanded scope, which for the first time provided for multilateral coverage of military nuclear facilities and activities, represented a considerable and important step forward in the sphere of nuclear safety. The important role assigned to the Agency in that field was also to be welcomed.

54. Nevertheless, he continued to be concerned about three factors. His expression of that concern did not constitute reservations but related to problems in respect of which Switzerland would reserve the right to return at a later stage when appropriate.

55. First, with regard to early notification of a nuclear accident foreseen in article 1 of the draft convention on notification, the threshold for notification, namely actual releases of radioactivity into the State affected, was not consistent with his understanding of the expression "early warning". In accordance with the proposal which he had put forward, namely that notification should take place in the event of any accident that had led to the taking of radiological protection measures for the population in the State in which the accident had taken place, other States, which might be affected by the vagaries of the weather, would become able to mobilize the necessary material resources and warning systems to monitor the situation and to be prepared to take emergency measures if required. The information transmitted in that case would also enable Governments to counter the spreading of misleading and speculative reports by the media and to reassure the public. Such measures would, furthermore, be in the interests of the State in which the accident had taken place since they would assist it to make the necessary arrangements in respect of its own tourist industry and commercial interests.

56. Secondly, the consequences of the Chernobyl accident had shown that interpretation of the principles and limits adopted internationally by the International Commission on Radiological Protection had been very different in the various European countries affected. The fact was that the concept of "radiological safety significance" in the two conventions was likely to be interpreted in very different ways, depending on the country concerned. He therefore urged the Chairman to bring the problem to the attention of the Board of Governors and to ask it to entrust the Agency with the mandate of clarifying that concept in concrete and uniform terms in co-operation with the World Health Organization.

57. Thirdly, he noted with satisfaction that the key political problem before the Meeting had been solved by the inclusion of article 3 in the draft convention on

notification. Nevertheless, it would be desirable for the five nuclear-weapon States to take the opportunity of the special session of the General Conference to make a political declaration expressing their willingness to notify, in accordance with the draft convention, States threatened by an accident involving nuclear weapons or nuclear weapons tests.

58. The representative of **MEXICO** said that the last four weeks' work had resulted in a remarkable success because it had been possible to accommodate nearly all the different positions held by the various States. That was a signal example of international co-operation at its best, in a field where such co-operation was particularly important, since the ultimate aim of the conventions under discussion was to protect the health and the very existence of mankind and the environment. Perhaps the most impressive result of all, however, had been the inclusion of the new article 3 in the draft convention on notification and the commitment by the nuclear-weapon States to place the notification of such accidents on as wide a basis as possible. That was a small, but extremely important step towards achieving international co-operation on the peaceful use of nuclear energy under the best possible operating safety conditions.

59. The expert from **EGYPT** said that his delegation would join in the consensus reached on the provisions regarding the scope of application of the draft convention on early notification, even though it had always considered, in view of the convention's purpose, that it should have a full scope covering all nuclear accidents and activities; however, in the light of the long and difficult deliberations which had been necessary, the new article 3 could be regarded as an acceptable compromise. On the other hand, it was his delegation's understanding that the scope of application of the draft convention on assistance was broader, since its article 1 was unqualified.

60. With regard to article 5 of the draft convention on assistance, dealing with the "Functions of the Agency", his delegation continued to believe that the request provided for in the chapeau remained open without response, which seemed unusual in the practice of international conventions. Clearly, the Agency could not be bound by undertakings of the type mentioned in the article without decisions being taken by its policy-making organs. However, given the important role the Parties expected the Agency to play, they would naturally be very interested in knowing about such decisions when they had been taken. It might therefore have been wise to add a paragraph reading: "The Agency shall keep the States Parties informed of the decisions that may be taken in response to the request made in this article."

61. A third matter on which agreement had been reached, but in connection with which difficulties could be expected to arise, was the fact that no article covering reservations had been included in either draft convention. The rules of international

law which would apply in such a case stipulated the acceptability of only those reservations which were compatible with the objectives and purpose of the convention. The application of such rules would require an understanding among all the Parties on the provisions relating to the objectives and purpose of each convention.

62. The expert from **INDONESIA** said that considerable time and energy were usually necessary to draft instruments that were to come under international law; the fact that the experts had been able to formulate a widely acceptable text in so short a time was therefore remarkable.

63. A number of important questions of principle relating to the scope of application of the draft convention on notification in particular had been discussed during the meeting, including the general obligations of both the Agency and the States Parties in the event of a nuclear accident, general provisions concerning the settlement of disputes, privileges and immunities, and, most importantly, the problem of liability and reimbursement. His delegation was prepared to go along with the consensus which had been reached, but wished to explain its position with regard to several articles in the two draft conventions which were of particular interest to his Government.

64. As far as the convention on notification was concerned, in particular its article 1 dealing with the scope of application, his delegation was in favour of the widest possible scope, embracing also elements other than those specified in paragraph 2 of the article. However, his delegation had noted with satisfaction the assurance given by certain delegations as to their preparedness to give notification of all accidents, including those associated with nuclear weapons. In the light of that assurance, his delegation was also able to support the new article 3 of the draft convention on notification.

65. With regard to the articles contained in both draft conventions and dealing with settlement of disputes, not all States had accepted compulsory jurisdiction of the International Court of Justice. Those States which had not done so, under the optional clause contained in the Court's Statute, had accepted its jurisdiction under some treaties, in particular for the settlement of disputes concerning their interpretation or application. His delegation therefore supported the paragraphs in those articles according to which the parties to a dispute would consult with a view to settling the dispute by negotiation or by other peaceful means acceptable to them. Should his Government express its consent to be bound by the conventions, it would make a reservation with regard to paragraph 2 of the relevant articles in both conventions.

66. In summary, the conclusion of the conventions was a matter of essential importance for the further strengthening of international co-operation in the safe develop-

ment and use of nuclear energy. With immediate entry into force, the conventions would serve the useful purpose of restoring the full confidence of the international community in the use and safety of nuclear energy. Moreover, they would encourage national decision-makers to develop their nuclear energy programmes in the interests of social and economic development.

67. The expert from **ARGENTINA**, referring to the draft convention on notification, pointed out that article 1 gave a new, but inaccurate, definition of a nuclear accident which was not the same as that used in the text of the other draft convention on assistance, produced by the same authors, and did not follow the definitions provided in the Agency's Safety Series publication No. 72, which had been prepared by experts of greater authority. Such discrepancies were not inevitable and might lead to problems in the future, for as a result of that defective definition, article 1 did not cover all nuclear accidents which needed to be notified.

68. In article 4, defining the functions of the Agency, the affected State was not referred to in sub-paragraph (b). Although article 2(b) indicated that the information was to be provided to the Agency for transmission to the affected State, the Agency was given no mandate to do so under article 4(b). If the affected State was neither a Member State (of the Agency) nor a State Party (to the convention), it would therefore not receive the information necessary (article 5) to protect the health of its population.

69. In article 5, paragraph 3 had initially been proposed as a clause of good faith. The information was to be used for the objectives and purposes of the convention, namely to protect the health of the population, and not for political ends or to protect commercial interests. Paragraph 3 had been transformed into a confidentiality clause which had nothing to do with the initial proposal and which might give rise to problems in transmitting the information or in using it for legitimate purposes.

70. Article 8 recommended that the Agency should "conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system in order to facilitate the achievement of the objectives of this Convention". Those objectives, however, were to transmit information so that protection measures could be taken in the affected countries. Thus, the draft convention had a serious deficiency, since it was nowhere made clear what the affected countries could do with the information gathered, to whom they should transmit it, for what purpose, and what should be done with it.

71. On the basis of a legal argument concerning the possible overlapping of information from two different sources concerning the same accident, a vital article had



been left out which would have made it possible to follow the spreading of the radioactive release and to take precautionary measures in time. That article would have required the affected States to supply information to the Agency concerning the contamination they were measuring so that it could be distributed to other affected States.

72. The draft convention clearly did not reflect all the recommendations included in document INFCIRC/321. The work must therefore be continued at the level of technical committees so that the recommendations contained in chapters III (“Reportable Events”) and V (“Integrated Planning”) of that document could be put into practice.

73. The main emphasis of the draft convention on assistance had been on protecting the State providing assistance. Although it was understandable that the legal framework of the agreement should be that of a service contract governed by the laws of general commerce, it did not seem reasonable to consecrate internationally as a legal instrument a service contract such as that which appeared in the present draft convention on assistance.

74. It was true that the State providing assistance in an emergency might be entitled to demand guarantees for its personnel, but the extension to that personnel of privileges and immunities such as those provided for under article 8 would be quite unrealistic in the sort of emergency situation envisaged.

75. It was also hard to understand why article 10 had disregarded important ethical principles. When its paragraph 2 was analysed carefully, it was seen that the State providing assistance assumed no responsibility whatever for any type of damage it might cause, whereas the State receiving assistance, in addition to bearing the damage due to the emergency situation, was to be held responsible also for all damage which might be suffered by the State providing the assistance.

76. Finally, the clause covering entry into force in both conventions was surprisingly strict. Thus, one article would make even the signing of the conventions difficult, since such signature would be equivalent to ratification unless explicitly stated otherwise. As a result, mere silence would in the present case engender rights and obligations, which was also something of a novelty. Moreover, the small number of States whose consent was required for the convention to enter into force was a worrying indication of the interests which lay behind the convention.

77. The expert from **INDIA** said that accidents such as the one at the Union Carbide plant in Bhopal on the one hand, and events such as the bombing of Hiroshima in 1945 and the subsequent steady development of nuclear weapons on

the other, showed the vital importance for mankind of making the world both safer and more peaceful. The purpose of the meetings held during the last four weeks had been somewhat less ambitious: it had been to make the world just a little bit safer than it was, despite all the potential Three Mile Islands and Chernobyls which the future might hold. But by no stretch of the imagination could that be interpreted to mean that the experts should have concerned themselves only with certain kinds of nuclear accidents. Where the draft convention on notification was concerned, covering only accidents from peaceful or non-peaceful reactors and fuel cycle facilities was not enough in view of the potential mischief that might be caused by an accident involving nuclear weapons. It had been argued that such accidents were most unlikely, because of the fool-proof safety precautions that had been taken. But if that were so, then there would be no reason not to include them under the draft conventions, as the nuclear-weapon States would then in any case have virtually nothing to notify. The argument based on national security also was not convincing; no one wished to breach national security — what was required was merely an immediate notification of a nuclear accident, whatever its source, so that adequate measures could be initiated for the protection of the health and safety of the population and environment in other countries.

78. Those were the reasons why his delegation, along with those of Argentina, France, Greece, the Islamic Republic of Iran, Japan and Spain, had put forward what had been described as a “full-scope proposal” which would have made the notification convention cover any nuclear accident or radiological emergency of trans-boundary radiological safety significance that might occur in the territory of a State Party or in connection with any activity conducted under the jurisdiction or control of that State. Since that proposal had not been acceptable to all delegations, though many had sympathized with the approach, his delegation had decided, in a spirit of compromise, to advance an alternative proposal, supported also by the delegations of Argentina, France, the Islamic Republic of Iran, Iraq, Mexico, Spain and Turkey, which would have supplemented the draft article of restricted scope with the words: “With regard to any accident involving facilities and activities other than those referred to in paragraphs 1 and 2, the States Parties agree not to act in a manner contrary to the objectives and purposes of this Convention.”

79. The present meeting was missing a unique opportunity to do the right thing by being faint-hearted in its recommendations regarding the convention on early notification. It was only following the dictum of not sacrificing the good in the interest of the best. By doing so, the experts, while congratulating themselves on being pragmatic, would be recommending the adoption by the international community of draft conventions which were flawed by congenital defects. That was wholly unsatisfactory, as it would enable some countries to get away with what they wanted, while the rest of the world would have to conform to the new discipline. Nevertheless, the

Indian delegation had decided not to obstruct the consensus which appeared to have emerged in the present meeting to recommend the two draft conventions for approval by the special session of the General Conference.

80. The expert from **JAPAN** said that it was in the nature of a compromise such as the one which had now been achieved after lengthy and intensive discussions that everyone had to sacrifice something, sometimes their principles and sometimes their real interests. However, what had been gained was the universality of the conventions, and his delegation sincerely hoped that as many countries as possible would become Party to them in the near future.

81. With regard to the draft convention on notification, his delegation believed that every State engaged in any sort of nuclear activity had an obligation to inform other States of any nuclear accidents or other events which might affect, or might have affected, them. He therefore hoped that the new article 3 in the notification convention would in fact be treated as a genuine legal obligation.

82. Despite the efforts which had gone into achieving a consensus on the conventions, it was nevertheless to be hoped that no country would ever need to have recourse to them, and that all countries engaged in nuclear activities would fulfil their responsibility for the safety of the environment and of mankind.

83. The expert from **IRAQ** said that the Chernobyl accident had demonstrated the need for international co-operation in the field of nuclear safety. From the beginning of the negotiations to draft agreements to govern such co-operation, his delegation, along with many others, had insisted that the convention on notification must be full-scope, meaning that it should cover information on all nuclear accidents, both peaceful and military.

84. For political reasons, there had been some difficulty in agreeing on the scope of application which would be defined by article 1 of the draft convention on notification. Such difficulties need not have arisen if agreement had been reached on Article VI of the Treaty on the Non- Proliferation of Nuclear Weapons (NPT) during the 1980 or 1985 NPT Review Conferences, which could have led to a halting or even reversal of the nuclear arms race — an outcome devoutly to be desired in view of the potentially nefarious effects of nuclear weapons on man and his health and environment.

85. Nevertheless, his delegation had participated actively in the Working Groups in the hope of arriving at a positive procedure. A broad consensus appeared now to be emerging, and his delegation was prepared to join in it, even though not all the demands of his delegation and others were satisfied by the texts as they now stood.

86. The new article 3 in the draft convention on notification constituted a welcome achievement, as it ensured that all nuclear accidents, even those occurring outside the framework of the convention, would be notified. Some nuclear-weapon States had declared their intention to regard such notification as an obligation, but it was desirable that all nuclear-weapon States should make a firm political commitment, at the ministerial level, to that principle during the special session of the General Conference.

87. The expert from **SPAIN** said it had been a maximum concession for his Government to accept that the draft convention on early notification did not provide for the mandatory notification of all types of nuclear accident or radiological emergency. His delegation had at first presented a full-scope text and had only subsequently put forward a more liberal one which left it at the discretion of the nuclear powers to decide how to notify some accidents. His delegation had also repeatedly declared that it would not adhere to the convention if its proposals were not accepted, but it was now after all joining in the consensus which was embodied in articles 1 and 3 of the notification convention, in view of the explanatory statements made during the present meeting by the nuclear-weapon States with respect to other nuclear accidents not covered by article 1.

88. The long and intense effort which had been necessary to achieve consensus on the draft convention on notification should not be allowed to obscure the important fact that a consensus had also been achieved with respect to the draft convention on assistance. His delegation considered the two draft conventions which had been agreed upon as two legal milestones on the road towards consolidated international co-operation which should, if care were taken not to delay the process or to stray from the straight path, eventually lead to the goal of complete and comprehensive nuclear safety and radiation protection. However, his country, like all others, hoped that the conventions would never have to be applied and would therefore make every effort and take good care to avoid any future nuclear accident.

89. The expert from the **NETHERLANDS** expressed his satisfaction at the results of the negotiations held over the preceding four weeks. The two conventions, as they now stood, in large measure met the needs of the time. The consensus which had just been reached on an additional article in the draft convention on notification was particularly welcome. Nevertheless, his delegation wished to make two points with regard to article 1 of that convention.

90. The first related to the conditions under which certain obligations would arise for the State Party concerned. Paragraph 1 of article 1 referred to an accident "that could be of radiological safety significance for another State". That phrase contained two elements of uncertainty, however, both of which were in the first instance left

at the discretion of the State in whose territory or under whose jurisdiction or control the accident had occurred, namely what exactly was or was not of radiological safety significance, and what were the chances that another State really would be affected.

91. In his delegation's opinion, a nuclear accident which, under the existing national regulations of the State where the accident occurred, would actuate an extensive national off-site response was ipso facto of sufficient importance to be regarded as an accident with possible significant effects for other States. While that might be considered self-evident, his delegation would have preferred the text of the article to contain an explicit statement to that effect. That would have introduced a degree of objectivity and would have ensured that States which might be affected would be involved in evaluating the likelihood of their being affected. Nevertheless, his delegation was prepared to accept that no language had been found that could receive general approval, and was satisfied, on the basis of the discussions which had been held on that question, that the present text of article 1 included an implicit understanding that an accident entailing national protective measures of the kind just described would indeed be considered a nuclear accident within the meaning of article 1.

92. Secondly, the term "international transboundary release" used in the same paragraph was not entirely clear, since a release of radioactive material that might affect another State need not under all circumstances cross an international boundary in the legal sense of that word. However that might be, his delegation interpreted the term as including an accident with a space-based nuclear reactor even though, in international law, no certainty existed as to any boundary between outer space and air space.

93. The expert from **AUSTRALIA** said that after four weeks of intensive work the meeting had reached the stage where the results could be forwarded for approval by the special session of the General Conference. That was particularly gratifying for Australia, which had played a major role in launching the negotiations in early May after the Chernobyl accident and in bringing them to the Board of Governors. The Australian proposals at that time had included the early negotiation of a notification agreement and of an agreement on emergency assistance in the event of nuclear accidents. His Government had wanted the agreements to be as comprehensive as possible and to have the widest possible support. Australia had committed itself, in making those proposals, to an early and effective international response to the whole range of safety questions raised by the Chernobyl accident.

94. Considerable progress had clearly been made at the present meeting, even if the formal positions of the various countries could not be given until Governments had had time to consider the outcome of the negotiations. Nevertheless, proceeding

from the invaluable drafts prepared by the Secretariat, the experts had produced a draft convention on assistance which could be regarded as a settled product needing only the approval of the special session before being opened for adherence by Governments. They had further produced a draft convention on notification which enjoyed virtually full support and which also had been brought to the point where, after approval of the special session, it could be immediately adhered to by Governments.

95. At the beginning of the negotiations, only three nuclear-weapon States had agreed with most other delegations in favouring the broadest possible coverage for the conventions; the other two nuclear-weapon States were thus to be commended for having moved such a long way towards accepting substantive coverage of both civil and military facilities and activities. The assumption of legal obligations regarding that mix in multilateral instruments would be unique and constituted a most significant advance.

96. On the other hand, not to have produced a text fulfilling at least those conditions would have been indefensible, given that the conventions merely built on existing principles of international law regarding good faith and neighbourliness in relation to the minimization of environmental damage and the responsibility of States to ensure that activities within their jurisdiction or control did not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, as reflected in Principle 21 of the Stockholm Declaration. The omission of any specific reference to those principles or to such obligations of notification and consultation as flowed from them with respect to transboundary environmental damage was understood by Australia as not in any way weakening those obligations.

97. It was perhaps worth recording at the present time his delegation's interpretation of a number of terms used in the text of the draft convention on notification. First, the term "accident" was intended to be comprehensive and to cover international acts such as terrorist attacks and sabotage; it was not a restrictive term of art. Secondly, there appeared to be no common understanding concerning the application of "transboundary"; the interpretation of that term appeared to have been left to future development in practice. His delegation urged that a liberal interpretation should be placed on that term, as well as on others in article 1 such as "radiological safety significance", meaning that the presumption should be in favour of notification, not against it, as would be consistent with Principle 21 of the Stockholm Declaration and the duty to notify under customary international environmental law.

98. His delegation had been greatly encouraged by the nuclear-weapon States' response to the suggestion that they should each make statements of intent to give early notification of accidents of radiological safety significance involving nuclear

weapons. His delegation looked forward to confirmation of that intention at the special session of the General Conference, which would neatly complement the permissive provisions of the new article 3 agreed on the present occasion.

99. The expert from the **SOVIET UNION** said that the acceptance of the texts of the two conventions within such tight time limits gave him hope that the conventions would be approved by the forthcoming special session of the General Conference and could soon thereafter enter into force. In drafting and accepting those conventions, the world community was taking the first steps towards establishing the reliable international regime of safe nuclear power development which had been suggested by the Soviet leader, Mr. Gorbachev, in his speech on 14 May 1986.

100. In connection with the draft convention on early notification, his delegation wished to state that the acceptance of the text had created favourable conditions for nuclear-weapon States to inform other States about accidents involving nuclear weapons or nuclear explosions when they were accompanied by transboundary effects which might be significant from the point of view of their radiological impact on other States. The Soviet Union was prepared to proceed along those lines.

101. The expert from **MALAYSIA** said that the remarkable consensus which had been achieved would not have been possible without the spirit of co-operation and compromise shown by virtually all delegations and their will to accommodate the concerns and difficulties of certain other delegations. Most of the latter even, believing that radioactive releases of radiological safety significance, whatever their source, posed a grave danger to the health and safety of populations and their environment, had been in favour of the widest possible scope of application for the draft convention on notification. What needed to be provided under that convention was merely the notification of accidents together with some information which would help neighbouring States to take the necessary precautions. His delegation had earlier supported including in the present text of article 1 the paragraph proposed by Mexico, which would have provided the widest scope of application. However, his delegation noted with satisfaction that, in the final hours of the meeting, the experts had been able to agree on a new article 3 which went in the appropriate direction towards having a comprehensive convention on early notification.

102. With regard to the draft convention on assistance, his delegation had also earlier expressed its difficulties with article 8 on privileges, immunities and facilities which would normally be subject to his country's laws and regulations. Nevertheless, his delegation noted that article 8, like articles 10 and 13 relating to claims and compensation and to the settlement of disputes, contained a provision enabling a country to declare itself not bound by the obligations provided for under each of those articles.

103. The expert from **LUXEMBOURG** said that the Chernobyl accident had demonstrated the dangerous absence of a fixed mechanism for co-operation between States in the event of a nuclear accident. The proposal to hold the present meeting had therefore been favourably received by Luxembourg, which had no nuclear installations of its own although one of the largest nuclear power plants in existence was near its border. Luxembourg was therefore strongly in favour of States with nuclear activities committing themselves to apply international safeguards and other obligations.

104. It was gratifying that nuclear weapons and nuclear tests had not been excluded from the draft convention on notification and that consensus had been achieved by that means. It was, however, regrettable that notification under the new article 3 was not obligatory and also that the notification threshold in article 1 was insufficiently precise.

105. Turning to the draft convention on assistance, he said that certain problems had been either ignored or treated unsatisfactorily. Although he had not wished to oppose the consensus, it was very unlikely that the Government of Luxembourg would sign the latter draft convention because the fundamental question of responsibility had not been covered; that meant that problems of the reimbursement of assistance costs had not been solved satisfactorily. The principle whereby costs should be borne by those responsible for the contamination should be applied both to compensation for nuclear damage and to assistance costs. In particular, it was unacceptable that a State which had caused a nuclear accident and which agreed to provide assistance to another State affected by that accident should have the right to require reimbursement of assistance costs.

106. The expert from **BELGIUM** welcomed the nuclear-weapon States' readiness to make declarations of intent to the effect that they would, on a voluntary basis, notify any accidents not covered under article 1 of the future convention on notification. Belgium invited all nuclear-weapon States to make such a declaration of intent in conformity with the spirit of the convention.

107. On another subject, it was his delegation's view that the application of the two conventions should not call for any additional resources to be made available to the IAEA.

108. The expert from **CUBA** expressed his gratitude to those countries which, by their flexibility and sense of responsibility, had made it possible to reach a generally acceptable consensus regarding the very important matter of the scope of application of the draft convention on notification. His delegation hoped that the success of the present meeting would be only the first link in a chain reaction which would lead



to the total banning of nuclear weapons and the complete prohibition of nuclear weapons tests, so that the resources devoted to those purposes could be reallocated to economic development and the welfare of peoples.

109. The expert from **FINLAND** considered that the adoption of the draft conventions on early notification and assistance would constitute a milestone on the international community's path towards strengthening nuclear safety efforts world-wide. With the co-operation of all participating States, it had been possible to draft those important documents in the exceedingly short time of four weeks. Both conventions contained a number of principles which were novel in international law concerning safety precautions and the minimization of the effects of possible nuclear accidents.

110. Like many others, his delegation would have wished the scope of the notification convention to be wider, because his Government's natural concern was with the hazards to the life and health of the population resulting from any nuclear accident or radiological emergency, irrespective of its source. However, it had become evident during the negotiations that it would not be possible to extend the scope of the convention to include nuclear weapons and nuclear weapons tests, so his delegation was able to accept the compromise solution which had been reached after long and difficult negotiations. Even with its present scope, the convention on notification represented a significant step forward. In addition, his delegation naturally attached great importance to the declared willingness of the nuclear-weapon States to notify any nuclear accident having transboundary effects, including those involving nuclear weapons or nuclear weapons tests. In that connection, his delegation wished to re-emphasize the importance of achieving a complete nuclear test ban as a result of discussion in other forums.

111. Since the conventions were general and global in character, his delegation welcomed the provision under which States Parties might consider, where they deemed it appropriate, the conclusion of bilateral or multilateral agreements to complement the conventions, taking into account the particular requirements prevailing in different parts of the world.

112. A further matter which seemed worth mentioning was the role of the Agency in the implementation of the two conventions, since they would establish a system which presupposed that certain important functions would be performed by the Agency and thus placed upon it great responsibility in making the conventions operative as early and as effectively as possible.

113. The expert from **CHILE** said that the two draft conventions, in their present final form, were more comprehensive than the original drafts proposed by the Secretariat and also reflected the interests of delegations better. The draft conven-

tions which had been produced so successfully would also demonstrate to the public that prompt and satisfactory results could be obtained in the face of difficulties where common goals and the necessary motivation existed.

114. In the 41 years which had passed since the tragic beginning of the nuclear age, a multitude of valuable peaceful applications of controlled nuclear energy had been demonstrated; nevertheless, many people continued to associate nuclear energy primarily with its military applications, and the Chernobyl accident had further alerted public opinion to its hazards. While the step taken by the present meeting in arriving at a consensus was very welcome, further measures must be instituted to increase the public awareness of the true benefits and risks of nuclear energy, and the IAEA would have to play a leading role in that endeavour.

115. The expert from **PORTUGAL** said that the efforts deployed to extend the scope of application of the draft convention on notification had been worth while. Important statements of good will had been made with regard to accidents having radiological consequences. His delegation could therefore join in the general consensus. However, the thresholds which would trigger the notification mechanism remained undefined, as had already been pointed out by the expert from Switzerland, and he hoped the Board of Governors or the special session of the General Conference would consider that matter and perhaps find a better wording in that respect.

116. The expert from the **FEDERAL REPUBLIC OF GERMANY** welcomed the achievement of a consensus on the two draft conventions, which had been made possible by the political will of the States represented to come to an agreement. His Government would have preferred the preamble to the conventions to mention explicitly that all States had a responsibility to ensure that nuclear activities were carried out in such a manner as to protect the health and safety of the public and the environment, but he was satisfied with the consensus achieved even though that proposal had not met with agreement. His Government was particularly gratified that it had been possible to find acceptable language to deal with the problem of nuclear weapons.

117. The expert from **CANADA** agreed with the experts from Switzerland and Portugal that the term “radiological safety significance” was not properly defined and suggested that the Board should clarify the meaning of the term.

118. With regard to the phrase “exact location where appropriate” in articles 2 and 5 of the draft convention on notification, his delegation interpreted “where appropriate” to modify only the adjective “exact”, but not the noun “location”.

119. The expert from **TURKEY** welcomed the consensus achieved on the text of the two draft conventions. Careful note had been taken of the declarations made by

the experts from the nuclear-weapon States. Most delegations had originally come to the present meeting with the expectation of producing more comprehensive texts than those which had been achieved, in particular with regard to a wider scope of article 1 of the notification convention and to contingency planning in the case of the assistance convention. All the same, remarkable progress had been made in agreeing on many important provisions which would contribute to the protection of the public against radiological hazards.

120. The expert from the **UNITED STATES OF AMERICA** said that the United States had been interested in the elaboration of conventions on early notification and mutual assistance in the event of a nuclear accident for some time. The United States Government had put forward a proposal in 1981 and the Agency had issued documents INFCIRC/321 and INFCIRC/310, but until the last few months the international community had not been ready to adopt such conventions. The time for that had come, however, and he was pleased to join in the consensus on the draft conventions.

121. Turning to the convention on notification, he said that the scope of application provided for under article 1 was broad and unprecedented and included those facilities — reactors and fuel cycle facilities — that were of greatest concern. He reiterated his statement on item 7 of the agenda that, as a matter of national policy, the United States would voluntarily notify in the event of all accidents which had or might have transboundary effects. In an effort to achieve compromise and consensus, the United States Government had authorized him to accept the provisions of article 3.

122. He welcomed the fact that responsibility for reporting as defined under the convention on notification was unambiguous and would not lead to vague or multiple responsibilities, which might give rise to confusion or controversy at a time of crisis. That possibility was clearly obviated for an accident involving a nuclear facility or activity of a State Party, and he noted that it was the State that would be best informed about the nature and development of an accident that was responsible for reporting.

123. With regard to the information to be reported under article 5, he said that it was reasonable that it should be directly linked with the objective of minimizing the damage to public health, safety and the environment.

124. Moreover, he pointed out that article 9 (Bilateral and multilateral arrangements) made it clear that, if States decided that it was in their mutual interest, they were not debarred from making arrangements with each other in respect of the subject matter of the convention. That being so, it was the view of the United States Government that the draft convention was fully adequate in itself and did not require any additional arrangements for its implementation.

125. Turning to the draft convention on assistance, he said that the text provided a framework for assistance whereby each State Party had the right to decide whether to request, offer or receive such assistance.

126. If States Parties accepted all the provisions of article 8 relating to privileges, immunities and facilities and of article 10 relating to claims and compensation, that would facilitate offers of assistance from the United States Government in the event of a nuclear accident.

127. With regard to article 1 (General provisions), he said that paragraph 1 made it clear that, in the event of a nuclear accident or radiological emergency, States Parties should co-operate as specified by the other provisions of the convention; in accordance with paragraph 2, if the States Parties deemed it to be in their mutual interest, they might effect such co-operation through bilateral or multilateral arrangements.

128. With respect to reimbursement for assistance, he said that, under article 2 of the convention, the United States Government would offer assistance subject to reimbursement, but would be prepared to consider the waiver of reimbursement in accordance with the provisions of article 7.

129. Turning to matters relating to both conventions, he said that it was the understanding of the United States Government that confidential information received pursuant to paragraph 3 of article 5 of the convention on notification and article 6 of the convention on assistance would be protected in accordance with national law. In addition, it was gratifying that neither convention would of itself result in requirements for additional resources for the Agency and that both texts strengthened the role of the Agency in the area of nuclear safety in accordance with its Statute.

130. The expert from **CZECHOSLOVAKIA** congratulated the Chairman and the Chairmen of the three working groups on the way in which they had brought the deliberations of the governmental experts to a satisfactory conclusion. The discussions had been difficult, but something very important had emerged from them: when the political will was available it was possible to solve problems which had earlier appeared insurmountable.

131. The Czechoslovak Government welcomed the fact that articles 1 and 3 of the draft convention on notification represented two new important elements in a regime of safe nuclear power development. Moreover, the fact that a satisfactory consensus had been achieved on the draft conventions would serve as an example, the influence of which would not be confined to deliberations within the Agency.

132. The expert from the **GERMAN DEMOCRATIC REPUBLIC** thanked the Chairman and the Chairmen of the three working groups for all the efforts they had made to reach a successful conclusion. It was gratifying that two draft conventions which were likely to make nuclear power safer were now available. That was very important since nuclear energy would, in view of the energy needs of States, continue to play an important role. He was in favour of both draft conventions being submitted to the Board and to the special session of the General Conference; their elaboration represented the step forward that the governmental experts had been asked to make. He believed that no country should have any difficulty in becoming a party to the conventions; they could not be effective without broad — or even universal — adherence. That objective should be aimed at for the benefit of the public, on behalf of whom the governmental experts were working.

133. The expert from **AUSTRIA** thanked the Chairman and the Chairmen of the three working groups for their efforts to achieve agreement on the conventions. He hoped that the two drafts would be accepted by States as legally binding instruments.

134. On behalf of the Austrian Government he also wished to thank the Director General of the Agency and its Secretariat for their quick and effective reaction after the Chernobyl accident, which it was to be hoped would be the last in a series of accidents. The initiative of the Federal Republic of Germany in urging the holding of a special session of the Board of Governors and a special session of the General Conference was also to be commended.

135. For some years already, Austria had had a policy of engaging in negotiations with a view to concluding agreements with all neighbouring States on matters of mutual interest relating to nuclear energy. The aim of that policy was to establish a form of safety zone around the country. He therefore saw the two draft conventions as complementing Austria's bilateral efforts.

136. He recalled that, at the 1979 General Conference, the Austrian delegation had said that the Agency's work would be incomplete if it did not pay more attention to the transboundary aspects of nuclear facilities. The Austrian Government had therefore welcomed the establishment in 1982 of two expert groups for drafting guidelines on mutual assistance and information exchange.

137. Although he recognized that it had needed considerable political will to transform the guidelines he had mentioned into draft conventions, he said that the compromise achieved was at a comparatively low level and was somewhat disappointing. It was unfortunate that the concept of responsibility had not been included, since Governments were ultimately responsible for the health, safety and property of their people.

138. A special responsibility was borne by the nuclear-weapon States. Austria would have been in favour of approving a full-scope convention on notification, especially since the source or causes of a nuclear accident would be of only minor interest to the public when confronted with the effects of such an accident. The Austrian Government therefore believed that all international agreements relating to activities which might involve nuclear material should be of the full-scope type. Unfortunately, it had become apparent that a full-scope convention would not find a consensus, and he had therefore joined the consensus on the texts approved. He wished, however, to stress his basic agreement with the ideas underlying the proposal submitted by the expert from Spain.

139. Nevertheless, it was gratifying that all military nuclear facilities and activities — with the exception of nuclear weapons and nuclear weapons tests — were expressly included in the draft convention on notification. He noted the fact that the experts from the United States, the Soviet Union, the United Kingdom and China had made formal declarations concerning the notification of accidents with nuclear weapons for nuclear weapons tests. He had also noted the declaration by the expert from France, which had been accompanied by an endorsement of a full-scope convention.

140. Turning to the draft convention on assistance, he welcomed the inclusion of article 9 on the transit of personnel, equipment and property.

141. Agreement on the two draft conventions represented only a first step in the regulation by legal means of problems arising out of the nuclear activities of States towards a comprehensive regime covering all transboundary effects of nuclear accidents. Another aspect which required particularly urgent action was the question of liability and compensation for victims of transboundary radiological contamination. That matter, as well as the definition of the term “radiological safety significance” in a manner that was consistent throughout the world, should be taken up as soon as possible after the adoption of the two conventions. The Agency should play a leading role in that process. In any case, the first steps that had been taken with the agreement on the two draft conventions were very promising ones.

142. The expert from **IRELAND**, thanking the Chairman and the Bureau for their work during the past four weeks, said that the Chernobyl accident had fully awakened Governments, scientists and world public opinion to the possibility that a major nuclear accident might have serious long-range radiological effects. The force of that awakening had led the governmental experts to complete the two draft conventions in a very short time.

143. He said that the Irish people would be reassured to hear that a framework for effective international action on early notification and mutual assistance had now been established.

144. He congratulated the Chairman on the successful conclusion of the draft convention on assistance and welcomed the conclusion of the draft convention on notification. It was, however, unfortunate that a better result involving the inclusion of all possible nuclear accidents had not been achieved. There was widespread concern throughout the world about the accidental release of radiation regardless of its source. For that reason a full-scope convention would have been preferable. It was regrettable that, although all the nuclear-weapon States had indicated their willingness to notify in the event of any nuclear accident which might be of radiological significance for another State, not all had found it possible to make such notification mandatory within the framework of the draft convention.

145. However, in the interests of concluding what he regarded as a very necessary convention at an early date, he was prepared to agree to the text elaborated. He looked forward to more detailed statements being made by nuclear-weapon States at the General Conference in respect of notification in the event of accidents involving nuclear weapons.

146. The expert from **CHINA** said that the Chinese Government attached great importance to nuclear safety and to international co-operation in that field. The decision by the Board to convene the Meeting of governmental experts to draft the two conventions had been a very important one. His primary consideration in participating in the Meeting had been the urgency of drafting the conventions, and for that reason he had worked all along in a spirit of understanding, compromise and co-operation.

147. He had consistently advocated full-scope notification because, in his opinion, any accident likely to have transboundary radiological consequences should be notified so that countries which might be affected could take early protective measures. During the Meeting he had therefore attempted with other delegations to find an appropriate solution to the problem of notification of nuclear accidents which were not covered by the scope of the draft convention on notification. The scope finally approved by the Meeting was in line with the view of the Chinese delegation and was therefore to be welcomed. In reporting to the Chinese Government he would request it to give favourable consideration to the draft conventions and to the appeal made by the Chairman to the nuclear-weapon States in respect of article 3 of the convention on notification. He would also recommend the Chinese Government to make a declaration in due course to the effect that it would voluntarily notify in the event of nuclear accidents involving nuclear weapons.

148. The expert from **DENMARK** said that the views of the Danish Government on an agreement on early notification of nuclear accidents were contained in a memorandum (GOV/INF/501) which had been circulated to all Agency Member States before the meeting of the Board of Governors in June 1986.

149. Although the draft convention on notification did not reflect all the views of the Danish Government, he wished to lend his support to that text. At the same time he wished to state that Denmark attached considerable importance to statements by nuclear-weapon States in connection with the application of article 3 of the draft convention.

150. The expert from **BRAZIL** shared the satisfaction expressed by other speakers at the approval by consensus of the texts of the two conventions, which represented an important and promising step towards strengthening international co-operation between countries, with a view both to the legitimate goal of protecting their populations and environments and to the development of stronger fraternal ties among nations. At the same time, the texts assigned an active role to the Agency in securing the transmission of information and the delivery of assistance in various sectors.

151. In the discussions of the convention on notification, his delegation had shown a strong preference for a broad scope; however, his delegation was pleased to join in the compromise which had been achieved, in particular with respect to the new article 3, which his delegation strongly supported.

152. The draft convention on assistance had a very broad scope and, in view of its humanitarian nature, deserved the highest praise. A provision which received his delegation's particularly firm support was paragraph 2 of article 1, encouraging the conclusion of bilateral arrangements, which were essential to the implementation of the convention and to the attainment of its purposes.

153. A further cause for satisfaction to his delegation was the fact that the two conventions did not have any financial implications. They therefore caused no concern to his Government. However, his Government would be stating its final position on the two conventions on the occasion of their adoption and signature at the special session of the General Conference in September 1986.

154. The expert from **GREECE** said that his delegation had from the outset been in favour of a full-scope convention on early notification covering all types of nuclear accident, regardless of their cause, in view of the importance of protecting mankind against the hazards of nuclear accidents. Nevertheless, in a spirit of compromise, his delegation had been prepared to go along with the approach adopted in the present article 1 and to welcome the inclusion of the additional article 3, which it was to be



hoped would meet the concerns of those delegations that had been most interested in ensuring full-scope coverage in article 1 of the draft convention on notification.

155. The **CHAIRMAN** asked whether the governmental experts were prepared to approve the two draft conventions in documents GE/8/Rev.3/Corr.1 and GE/9/Rev.3/Corr.1.

156. **It was so decided.**

157. The **CHAIRMAN**, before summing up the results of the Meeting of governmental experts, wished to make two points of an administrative nature. First, he asked experts to bear in mind that access to the texts of the two draft conventions should remain restricted until they were submitted to the Board. Secondly, his own report to the Board would have the following format: the body of the report would be factual and would relate to matters such as the number of experts and the composition of the Bureau. As agreed on the previous day, it would reflect the report by the Chairman of Working Group A relating to the problem of the scope of the convention on notification. As had further been agreed, it would contain the texts of proposals submitted during the past few days in Working Group A, including the proposal by the expert from the Islamic Republic of Iran on article 1. The texts of the two draft conventions, the text of his own summing-up and the text of the summary record of the final plenary meeting would be attached to his report.

*The meeting rose at 6.25 p.m.*

**PROPOSALS FOR THE SCOPE OF APPLICATION  
OF THE CONVENTION  
ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT**

1. Proposal jointly submitted by the experts from Argentina, France, Greece, India, the Islamic Republic of Iran, Japan and Spain (11 August 1986):

**ARTICLE 1**

**Scope of application**

This Convention shall apply to any nuclear accident or radiological emergency which occurs in the territory of a State Party or within the scope of any activity conducted under the jurisdiction or control of that State and from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in a transboundary transfer of radioactive material that could be of radiological safety significance in other States or in areas beyond its jurisdiction or control.

2. Proposal jointly submitted by the experts from Austria, Italy and Switzerland (14 August 1986):

**ARTICLE 1**

**Scope of application**

1. This Convention shall apply to any accident involving facilities or activities under the jurisdiction or control of a State Party and from which a release of radioactive material occurs or is likely to occur or has resulted in the implementation of emergency measures by that State to protect its population or may result in an international transboundary release or in a release which could otherwise be of radiological safety significance.

2. [ ..... ]

3. Proposal submitted by the expert from the Islamic Republic of Iran (13 August 1986):

ARTICLE 1

**Scope of application**

This Convention shall apply to any nuclear incident which occurs in any facility or within the scope of any activity, including nuclear weapons or nuclear weapon tests, in the territory or any area under the jurisdiction or control of a State Party, from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in a transfer of radioactive material that could be of radiological safety significance to other States.

4. Proposal submitted by the expert from Mexico (13 August 1986):

ARTICLE 1

**Scope of application**

(Additional paragraph)

With regard to any accident involving facilities or activities other than those referred to in paragraphs 1 and 2, the States Parties agree not to act in a manner contrary to the objectives and purposes of this Convention.

5. Proposal submitted by the expert from Spain (14 August 1986):

ARTICLE 1

**Scope of application**

This Convention shall apply:

- (a) to any nuclear accident or radiological emergency involving facilities or activities of a State Party; [ .....]; and
- (b) to any other nuclear accident or radiological emergency notified by a State Party as it deems appropriate to protect its interests and the health and safety of the public.

**SUMMING-UP STATEMENT BY THE CHAIRMAN  
OF THE MEETING OF GOVERNMENTAL EXPERTS  
AT THE FINAL PLENARY SESSION,  
HELD ON 15 AUGUST 1986**

We have now come to the end of our work, with the adoption by consensus of the texts of two draft conventions. This is what we set out to achieve in accordance with the mandate entrusted to us by the Agency's Board of Governors. I need hardly say how grateful I am to all of you for your enthusiasm and co-operation, which enabled the conclusion of our work in what is, for a task of this nature, a remarkably short time. In summing up the results of our joint endeavours over the past four weeks, I wish to make a few comments, which I propose to reiterate when I report to the Board at its meetings beginning on 22 September 1986.

The conventions whose texts we have just adopted will be presented to the Board for consideration and, subject to its endorsement, to the forthcoming ministerial-level special session of the General Conference, the Agency's supreme policy-making organ, which, I hope, will adopt them and recommend them for early signature or ratification and for provisional application, pending formal consent to be bound.

These conventions, which are the outcome of compromise, seek to provide a broad framework for an important aspect of effective international co-operation in ensuring the safe utilization of nuclear power. Clearly, however, they represent but a first step — and much still needs to be done, both by Governments and by the Agency. For example, there needs to be standardization of terminology and measurements to be used in the implementation of the conventions. This seems to be a matter of high priority.

Both conventions provide for an important role to be played by the Agency. I am confident that Governments will continue strongly to support the Agency in its efforts to serve, in accordance with its Statute and within the limits of the resources available to it, as an effective instrument of international co-operation aimed at making nuclear facilities still safer. When endorsing the conventions, the Board of Governors will, I hope, empower the Director General to carry out the functions entrusted to the Agency under the two conventions.

While providing an **international legal framework** in the areas of early notification and emergency assistance, the conventions are, of course, not exhaustive; they underline the importance of a continuing need for further bilateral, regional and multilateral co-operation and arrangements in these areas, which should address themselves to specific issues, wishes and concerns which could not — or not fully — be met in the present conventions. I also wish to point out that the two conventions are not intended to derogate from any international obligations on early notification and assistance that may already exist under international law.

During consideration of the two draft conventions, several proposals were made which were not, after discussion, incorporated into the texts adopted by consensus. As an example, I would refer to proposals relating to the scope of the Convention on Early Notification in relation to nuclear accidents arising from nuclear weapons or nuclear tests. This was shown to be a matter of great importance to certain participants, as well as reflecting a much desired objective of many others. However, on this as on many other issues a statesmanlike consensus was reached. The summary record of the final plenary session will show the extent to which participating experts were ready to go in order to achieve this consensus. I am convinced that among participants in this meeting there is the strong hope that the nuclear-weapon States would favourably consider the possibility of notifying on a voluntary basis to other States any nuclear accident with transboundary effects, limited only by the constraints imposed by considerations of national security. I appeal to the Governments of the nuclear-weapon States to use the opportunity of the special session of the General Conference to confirm their policies in this respect in conformity with article 3 of the Convention on Early Notification. I also refer to proposals relating to the threshold and triggers for notification and proposals relating to nuclear installations in border areas. Some of these proposals may require further consultations and further study in the IAEA or in another framework.

The success of the legal framework established by these conventions will naturally depend on the political will of the international community as a whole. It is my hope that the conventions will enter into force without delay, after formal adoption at the special session of the General Conference, and that Governments will take all the requisite steps to bring them into effective operation and will favourably consider requests for assistance in the application of the conventions. I am heartened by the willingness expressed by some countries to provide prompt notification in cases of releases of radioactive material having potential transboundary effects even prior to the entry into force of the relevant convention, and I would appeal to other countries to express the same willingness.

In conclusion, I would like to say to my colleagues in the group of experts that it has been both an honour and a pleasure to serve as Chairman. The Vice-Chairmen and I have all been much encouraged and helped by the excellent atmosphere and spirit of give-and-take which have characterized our discussions, and which have indeed made possible the consensus which has been achieved. We are all aware that many participants have made concessions, some not easy to make, to enable consensus to be reached, and for this I am heartily thankful. I hope that the sentiments which I have expressed in my summing-up, and will express in my report to the Board of Governors, reflect this same spirit of consensus among my colleagues in the group of experts as a whole. Thank you all very much.

# I

## **FINAL DOCUMENT OF THE SPECIAL SESSION OF THE GENERAL CONFERENCE (GC(SPL.I)/RES/1)**

(Adopted on 26 September 1986, during the 8th plenary meeting)

The General Conference, at its special session on nuclear safety and radiological protection:

### **Role of Nuclear Energy**

- Recognizes that nuclear power will continue to be an important source of energy for social and economic development.
- Emphasizes that the highest level of nuclear safety will continue to be essential to the use of this energy source.

### **Responsibility of States**

- Reaffirms that each country engaged in nuclear energy activities is itself responsible for ensuring the nuclear and radiation safety, physical security and environmental compatibility of its nuclear facilities and activities.

### **International Co-operation**

- Appeals for a strengthening of international co-operation, at both the bilateral and the multilateral level, with regard to nuclear safety, radiological protection, physical security and environmental compatibility.

### **Role of the IAEA**

- Reaffirms the central role of the Agency, under its Statute, in encouraging and facilitating international co-operation in the peaceful uses of nuclear energy, including nuclear safety and radiological protection.
- Reaffirms the usefulness of the Agency's continuing programmes for enhanced nuclear safety and radiological protection, and urges all Members to co-operate fully in the implementation of these programmes.
- Underlines the importance of and need for future increased efforts within the Agency, and in co-operation with other concerned international organizations, to promote the safe application of nuclear power.

### **Post-Accident Review**

- Expresses its satisfaction with the post-accident review meeting conducted from 25 to 29 August 1986 under the auspices of the Agency.
- Expresses its appreciation to the participating experts from the Soviet Union for providing, in the context of this meeting, valuable information for understanding the accident.
- Takes note of the report on the post-accident review meeting and requests the Board of Governors to consider carefully any proposals for enhanced nuclear safety and radiological protection activities in its future review of the regular Agency programme, taking into consideration — inter alia — the valuable information and recommendations resulting from that meeting.

### **Conventions on Notification and Assistance**

- Adopts the texts of the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which are attached, and decides to open the Conventions for signature on 26 September 1986.
- Takes note of the statements made by several States as to the need for early notification of all nuclear accidents with radiological safety significance and of the declarations made by several States on their readiness to notify also nuclear accidents other than those specified in article 1 of the Convention on Early Notification.
- Recognizes the role entrusted to the Agency in the implementation of the Conventions.
- Appeals to all States to sign and become party to the Conventions as promptly as possible.
- Appeals to all signatory States for which the Conventions will not enter into force immediately to declare, whenever possible, that they will provisionally apply either or both of the Conventions pending their entry into force for such States.

**DECLARATIONS CONCERNING THE NOTIFICATION  
OF NUCLEAR ACCIDENTS  
OTHER THAN THOSE SPECIFIED IN ARTICLE 1 OF  
THE CONVENTION ON EARLY NOTIFICATION OF  
A NUCLEAR ACCIDENT**

**CHINA**

[24 September 1986]

“Although his delegation was not without certain reservations with regard to the provisions of the two draft texts under consideration, in a spirit of co-operation it would do everything to ensure that they were adopted without delay at the current special session. He would himself sign the two draft conventions on behalf of his Government, and his country would give notification on a voluntary basis of other nuclear accidents which might have transboundary radiological effects in addition to those specified in article 1 of the draft convention on early notification.” (Statement of the delegate of China at the Special Session of the IAEA General Conference, GC(SPL.I)/OR.2, page 10.)

[24 November 1986]

“The Resident Representative of the People’s Republic of China to the International Atomic Energy Agency presents his compliments to the Director General of the Agency and has the honour to affirm that, with respect to article 3 of the Convention on Early Notification of a Nuclear Accident, China will notify on a voluntary basis nuclear accidents other than those specified in Article 1 of the Convention which might produce transboundary radiological effects as declared at the Special Session of the General Conference of the Agency on 24 September 1986 by Mr. Jiang Xinxiong, Head of the Chinese Delegation, who signed the Convention on 26 September 1986 on behalf of the People’s Republic of China.” (Communication received by the Director General of the IAEA.)

**FRANCE**

[24 September 1986]

“France would certainly sign those texts. Furthermore, irrespective of the commitments which it would take upon itself by becoming a party to the Convention on the Early Notification of a Nuclear Accident and in accordance with the option



provided in article 3 of that Convention, it planned to provide appropriate information on nuclear accidents likely to have significant transboundary effects in the area of radiological safety which were not covered by article 1 of the Convention. His Government would provide information on all nuclear accidents under the conditions set forth in the statement which the expert from his country had made on 15 August 1986, as reflected in the summary records of that meeting and reproduced in Annex V of document GC/SPL.I/2.” (Statement of the delegate of France at the Special Session of the IAEA General Conference, GC(SPL.I)/OR.2, page 16.)

## UNION OF SOVIET SOCIALIST REPUBLICS

[24 September 1986]

“The Soviet Union, which was prepared to notify all nuclear accidents if — as a result of such an accident — there was a danger of a transboundary release of radioactivity, was proposing the setting up of a system of early notification of nuclear accidents likely to cause transboundary releases, for example, on the basis of the draft convention being submitted to the present special session of the General Conference, which the Soviet Union was prepared to sign.” (Statement of the delegate of the Soviet Union at the Special Session of the IAEA General Conference, GC(SPL.I)/OR.1, page 31.)

[25 September 1986]

“The draft international convention on early notification of a nuclear accident, worked out at the IAEA meeting, could lay the basis for such a system. The Soviet Union is prepared to become party to that convention. It would strictly comply with all its provisions, including those that envisage notification of all nuclear accidents, particularly, nuclear weapons- and nuclear test-related accidents, and it calls upon all other States to do likewise.” (Programme for Establishing an International Regime for the Safe Development of Nuclear Energy, proposed by the Soviet Union at the Special Session of the IAEA General Conference, GC(SPL.I)/8.)

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[24 September 1986]

“The United Kingdom Government supported the Agency and its work unreservedly and was prepared to sign the conventions before the General Conference ... Moreover, it intended to inform the Agency and States liable to be affected

in the event of an accident occurring at its military installations; in that way, all sectors of the nuclear industry, both military and civilian, were resolved to carry out their responsibilities in that sphere.” (Statement of the United Kingdom delegate at the Special Session of the IAEA General Conference, GC(SPL.I)/OR.1, page 34.)

[26 September 1986]

“The United Kingdom Resident Representative affirms that, having regard to article 3 of the Convention, and as stated by the United Kingdom Secretary of State for Energy in his address to the Special Session of the General Conference on 24 September, the United Kingdom would in practice notify the IAEA and affected States in the event of an accident to military facilities or equipment which, although not of the type specified in article 1 of the Convention, had or might have the consequence specified in that article.” (Declaration made by the United Kingdom Resident Representative upon signing the Convention.)

## UNITED STATES OF AMERICA

[24 September 1986]

“The United States delegation was therefore prepared to sign the convention, subject to ratification, at the present session .... The United States would also voluntarily provide notification on any other nuclear accident which had, or might have, transboundary radiological effects.” (Statement of the United States delegate at the Special Session of the IAEA General Conference, GC(SPL.I)/OR.1, page 40.)



# CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

## LIST OF SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION BY STATES OR ORGANIZATIONS

State/Organization	Date of signature	Means and date of expression of consent to be bound	Entry into force
Afghanistan*	26 Sep 1986		
Algeria	24 Sep 1987		
Australia*	26 Sep 1986	ratification* deposited: 22 Sep 1987	23 Oct 1987
Austria	26 Sep 1986		
Belgium	26 Sep 1986		
Brazil	26 Sep 1986		
Bulgaria*	26 Sep 1986		
Byelorussian Soviet Socialist Republic*	26 Sep 1986	ratification* deposited: 26 Jan 1987	26 Feb 1987
Cameroon	25 Sep 1987		
Canada*	26 Sep 1986		
Chile	26 Sep 1986		
China*	26 Sep 1986	ratification* deposited: 10 Sep 1987	11 Oct 1987
Costa Rica	26 Sep 1986		
Côte d'Ivoire	26 Sep 1986		
Cuba*	26 Sep 1986		
Czechoslovakia*	26 Sep 1986	signature, 26 Sep 1986	27 Oct 1986
Democratic People's Republic of Korea*	29 Sep 1986		
Denmark	26 Sep 1986	signature, 26 Sep 1986	27 Oct 1986
Egypt	26 Sep 1986		
Finland	26 Sep 1986	deposit of approval on 11 Dec 1986	11 Jan 1987
France*	26 Sep 1986		
German Democratic Republic*	26 Sep 1986	ratification* deposited: 29 Apr 1987	30 May 1987

State/Organization	Date of signature	Means and date of expression of consent to be bound	Entry into force
Germany, Federal Republic of*	26 Sep 1986		
Greece*	26 Sep 1986		
Guatemala	26 Sep 1986		
Holy See	26 Sep 1986		
Hungary*	26 Sep 1986	ratification* deposited: 10 Mar 1987	10 Apr 1987
Iceland	26 Sep 1986		
India*	29 Sep 1986		
Indonesia*	26 Sep 1986		
Iran, Islamic Republic of	26 Sep 1986		
Iraq*	12 Aug 1987		
Ireland*	26 Sep 1986		
Israel	26 Sep 1986		
Italy*	26 Sep 1986		
Japan	6 Mar 1987	acceptance deposited: 9 Jun 1987	10 Jul 1987
Jordan	2 Oct 1986		
Lebanon	26 Sep 1986		
Liechtenstein	26 Sep 1986		
Luxembourg	29 Sep 1986		
Malaysia*	1 Sep 1987	signature, 1 Sep 1987	2 Oct 1987
Mali	2 Oct 1986		
Mexico	26 Sep 1986		
Monaco	26 Sep 1986		
Mongolia*	8 Jan 1987	ratification* deposited: 11 Jun 1987	12 Jul 1987
Morocco	26 Sep 1986		
Netherlands*	26 Sep 1986		
New Zealand		accession deposited: 11 Mar 1987	11 Apr 1987
Niger	26 Sep 1986		
Nigeria	21 Jan 1987		
Norway	26 Sep 1986	signature, 26 Sep 1986	27 Oct 1986
Panama	26 Sep 1986		
Paraguay	2 Oct 1986		
Poland*	26 Sep 1986		

State/Organization	Date of signature	Means and date of expression of consent to be bound	Entry into force
Portugal	26 Sep 1986		
Senegal	15 Jun 1987		
Sierra Leone	25 Mar 1987		
South Africa	10 Aug 1987	ratification* deposited: 10 Aug 1987	10 Sep 1987
Spain	26 Sep 1986		
Sudan	26 Sep 1986		
Sweden	26 Sep 1986	ratification deposited: 27 Feb 1987	30 Mar 1987
Switzerland	26 Sep 1986		
Syrian Arab Republic	2 Jul 1987		
Thailand*	25 Oct 1987		
Tunisia	24 Feb 1987		
Turkey*	26 Sep 1986		
Ukrainian Soviet Socialist Republic*	26 Sep 1986	ratification* deposited: 26 Jan 1987	26 Feb 1987
Union of Soviet Socialist Republics*	26 Sep 1986	ratification* deposited: 23 Dec 1986	24 Jan 1987
United Arab Emirates		accession* deposited: 2 Oct 1987	2 Nov 1987
United Kingdom of Great Britain and Northern Ireland*	26 Sep 1986		
United States of America*	26 Sep 1986		
Viet Nam, Soc. Rep. of		accession* deposited: 29 Sep 1987	30 Oct 1987
Yugoslavia	27 May 1987		
Zaire	30 Sep 1986		
Zimbabwe	26 Sep 1986		

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\* indicates that a reservation/declaration was deposited upon or following signature/ratification.

8 October 1987

Status: 72 signatories, 1 accession, 13 parties.



# CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY

## LIST OF SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION BY STATES OR ORGANIZATIONS

State/Organization	Date of signature	Means and date of expression of consent to be bound	Entry into force
Afghanistan*	26 Sep 1986		
Algeria	24 Sep 1987		
Australia*	26 Sep 1986	ratification* deposited: 22 Sep 1987	23 Oct 1987
Austria	26 Sep 1986		
Belgium	26 Sep 1986		
Brazil	26 Sep 1986		
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Canada*	26 Sep 1986		
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Côte d'Ivoire	26 Sep 1986		
Cuba*	26 Sep 1986		
Czechoslovakia*	26 Sep 1986		
Democratic People's Republic of Korea*	29 Sep 1986		
Denmark	26 Sep 1986		
Egypt	26 Sep 1986		
Finland	26 Sep 1986		
France*	26 Sep 1986		
German Democratic Republic*	26 Sep 1986	ratification* deposited: 29 Apr 1987	30 May 1987



State/Organization	Date of signature	Means and date of expression of consent to be bound	Entry into force
Germany, Federal Republic of*	26 Sep 1986		
Greece*	26 Sep 1986		
Guatemala	26 Sep 1986		
Holy See	26 Sep 1986		
Hungary*	26 Sep 1986	ratification* deposited: 10 Mar 1987	10 Apr 1987
Iceland	26 Sep 1986		
India*	29 Sep 1986		
Indonesia*	26 Sep 1986		
Iran, Islamic Republic of	26 Sep 1986		
Iraq*	12 Aug 1987		
Ireland*	26 Sep 1986		
Israel	26 Sep 1986		
Italy	26 Sep 1986		
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Jordan	2 Oct 1986		
Lebanon	26 Sep 1986		
Liechtenstein	26 Sep 1986		
Malaysia*	1 Sep 1987	signature, 1 Sep 1987	2 Oct 1987
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Monaco	26 Sep 1986		
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Morocco	26 Sep 1986		
Netherlands*	26 Sep 1986		
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Niger	26 Sep 1986		
Nigeria	21 Jan 1987		
Norway*	26 Sep 1986	signature, 26 Sep 1986	26 Feb 1987
Panama	26 Sep 1986		
Paraguay	2 Oct 1986		
Poland*	26 Sep 1986		
Portugal	26 Sep 1986		

State/Organization	Date of signature	Means and date of expression of consent to be bound	Entry into force
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South Africa	10 Aug 1987	ratification* deposited: 10 Aug 1987	10 Sep 1987
Spain	26 Sep 1986		
Sudan	26 Sep 1986		
Sweden	26 Sep 1986		
Switzerland	26 Sep 1986		
Syrian Arab Republic	2 Jul 1987		
Thailand*	25 Sep 1987		
Tunisia	24 Feb 1987		
Turkey*	26 Sep 1986		
Ukrainian Soviet Socialist Republic*	26 Sep 1986	ratification* deposited: 26 Jan 1987	26 Feb 1987
Union of Soviet Socialist Republics*	26 Sep 1986	ratification* deposited: 23 Dec 1986	26 Feb 1987
United Arab Emirates		accession* deposited: 2 Oct 1987	2 Nov 1987
United Kingdom of Great Britain and Northern Ireland*	26 Sep 1986		
United States of America*	26 Sep 1986		
Viet Nam, Soc. Rep. of		accession* deposited: 29 Sep 1987	30 Oct 1987
Zaire	30 Sep 1986		
Zimbabwe	26 Sep 1986		

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\* indicates that a reservation/declaration was deposited upon or following signature/ratification.

8 October 1987

Status: 70 signatories, 15 parties.



## **RESERVATIONS/DECLARATIONS**

### **AFGHANISTAN**

[25 September 1986]

“... the Government of the Democratic Republic of Afghanistan reserves its right to make whatever declaration it deems appropriate at the time of deposit of its instrument of ratification.”

(Original in English)

### **AUSTRALIA**

[26 September 1986]

“Australia will make any declarations as provided for by the Conventions only upon ratification.”

“Attention is also drawn to the statement by the Leader of the Australian delegation to the first Special Session of the General Conference, in particular the sections of the statement which refer to the relationship between the conventions and customary international law.”

(Original in English)

### **BULGARIA**

[26 September 1986]

“From the time of signature and until the conventions come into force for the People’s Republic of Bulgaria, the latter will apply both conventions provisionally.”

“The People’s Republic of Bulgaria does not consider itself bound by the dispute settlement procedures provided for in article 11, paragraph 2 of the Convention on Early Notification of a Nuclear Accident and in article 13, paragraph 2 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.”

(Original in Russian; translation by the Secretariat)

## **BYELORUSSIAN SOVIET SOCIALIST REPUBLIC**

[24 September 1986]

“The Byelorussian SSR also declares that it accepts provisionally the obligations under the conventions in question from the time of their signature and until their ratification. The Byelorussian SSR will not consider itself bound by the provisions of article 11, paragraph 2 of the Convention on Early Notification of a Nuclear Accident and article 13, paragraph 2 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which envisage the possibility of submitting a dispute between States Parties to arbitration or referring it to the International Court of Justice at the request of any party, and states that for submission of any international dispute to arbitration or referral to the International Court of Justice the agreement of all parties in each individual case is necessary.”

(Original in Russian; translation by the Secretariat)

## **CANADA**

[26 September 1986]

**The following identical communication was received in respect of both Conventions:**

“... the Government of Canada reserves its right to make whatever declarations it deems appropriate at the time of deposit of its instrument of ratification.”

(Original in English)

## **CHINA**

[26 September 1986]

“The Government of the People’s Republic of China has decided to sign the Convention on Early Notification of a Nuclear Accident and hereby states the following:

1. China does not consider itself bound by either of the dispute settlement procedures provided for in article 11, paragraph 2 of the Convention.
2. In view of the urgency of the question of nuclear safety, China accepts article 13, the provisionally applicable clause of the Convention before the Convention’s entry into force for China.”

“The Government of the People’s Republic of China has decided to sign the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and hereby states the following:

1. In cases of gross negligence by the individuals who caused the death, injury, loss or damage, article 10, paragraph 2 of the Convention shall not apply to China.

2. China does not consider itself bound by either of the dispute settlement procedures provided for in article 13, paragraph 2 of the Convention.

3. In view of the urgency of the question of nuclear safety, China accepts article 15, the provisionally applicable clause of the Convention before the Convention’s entry into force for China.”

(Original in Chinese and English; supplied by the Government)

## **CUBA**

[26 September 1986]

“With regard to the settlement of disputes as described in article 11 of the Convention on Early Notification of a Nuclear Accident, the Government of Cuba does not consider itself bound by the procedure for referring disputes to the International Court of Justice nor by the decision which the International Court of Justice takes in application of this Convention and which affects Cuba.”

“With regard to the settlement of disputes as described in article 13 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Government of Cuba does not consider itself bound by the procedure for referring disputes to the International Court of Justice nor by the decision which the International Court of Justice takes in application of this Convention and which affects Cuba.”

(Original in Spanish; translation by the Secretariat)

## **CZECHOSLOVAKIA**

[26 September 1986]

“The Czechoslovak Socialist Republic does not consider itself bound by the procedures of settling disputes provided for in article 11, item 2, of the Convention on Early Notification of a Nuclear Accident and in Article 13, item 2, of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.”

(Original in English)

## **DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

[29 September 1986]

“1. The Democratic People's Republic of Korea does not consider itself bound by either of dispute settlement procedures provided for in article 11, paragraph 2 of the Convention on Early Notification of a Nuclear Accident and in article 13, paragraph 2 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

2. In view of the urgency of the question on nuclear safety the Democratic People's Republic of Korea will apply both conventions provisionally.”

(Original in English)

## **FRANCE**

[26 September 1986]

### **1. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

#### **Article 8. Privileges, immunities and facilities**

The Government of the French Republic declares, in accordance with paragraph 9 of article 8, that France does not consider itself bound by the provisions of paragraphs 2 and 3 of that article.

#### **Article 10. Claims and compensation**

The Government of the French Republic declares, in accordance with paragraph 5 of article 10, that France does not consider itself bound by paragraph 2 of that article.

#### **Article 13. Settlement of disputes**

The Government of the French Republic declares, in accordance with paragraph 3 of article 13, that France does not consider itself bound by the provisions of paragraph 2 of that article.

### **2. Convention on Early Notification of a Nuclear Accident**

#### **Article 11. Settlement of disputes**

The Government of the French Republic declares, in accordance with paragraph 3 of article 11, that France does not consider itself bound by the provisions of paragraph 2 of that article.

(Original in French; translation by the Secretariat)

## **GERMAN DEMOCRATIC REPUBLIC**

[22 September 1986]

“1. The German Democratic Republic will apply, in accordance with article 13, the Convention on Early Notification of a Nuclear Accident provisionally.

In doing so it does not consider itself bound by the dispute settlement procedure provided for in paragraph 2 of article 11.

2. The German Democratic Republic nominates in accordance with article 7 of the Convention on Early Notification of a Nuclear Accident the National Board for Atomic Safety and Radiation Protection of the German Democratic Republic as competent authority and point of contact.”

“1. The German Democratic Republic will apply, in accordance with article 15, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency provisionally. In doing so it does not consider itself bound by the dispute settlement procedure provided for in paragraph 2 of article 13.

2. The German Democratic Republic nominates in accordance with article 4 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency the National Board for Atomic Safety and Radiation Protection of the German Democratic Republic as competent authority and point of contact.”

(Original in English and German; supplied by the Government)

## **GERMANY, FEDERAL REPUBLIC OF**

[26 September 1986]

### **The Convention on Early Notification of a Nuclear Accident**

“1. With reference to article 13 of the aforementioned Convention, the Federal Republic of Germany will as of today, in accordance with the law applicable in the Federal Republic of Germany, apply the Convention provisionally.

2. The Federal Republic of Germany is of the view that in the case of a nuclear accident information about the effects of the accident should also be exchanged between neighbouring States affected by the accident and expresses its wish that also other countries would act accordingly.”



## **The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

“... with reference to article 15 of the aforementioned Convention, that the Federal Republic of Germany will as of today, in accordance with the law applicable in the Federal Republic of Germany, apply the Convention provisionally.”

(Original in English and German; supplied by the Government)

## **GREECE**

[26 September 1986]

### **The Convention on Early Notification of a Nuclear Accident**

### **The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

“According to their respective articles 13 and 15, the above two conventions will be provisionally applied in Greece within the framework of the existing internal legislation.”

(Original in English)

## **HUNGARY**

[22 September 1986]

### **The Convention on Early Notification of a Nuclear Accident**

“The Hungarian People’s Republic does not consider itself bound by the dispute settlement procedures provided for in paragraph 2 of article 11 of the Convention, since, in its opinion, the jurisdiction of any arbitral tribunal or of the International Court of Justice can be founded only on the voluntary prior acceptance of such jurisdiction by all the Parties concerned.”

### **The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

“The Hungarian People’s Republic does not consider itself bound by the dispute settlement procedures provided for in article 13, paragraph 2 of the Convention, since, in its opinion, the jurisdiction of any arbitral tribunal or of the International Court of Justice can be founded only on the voluntary prior acceptance of such jurisdiction by all the Parties concerned.”

(Original in English and Hungarian; supplied by the Government)

## INDIA

[29 September 1986]

“While signing the two conventions that were approved by the special session last week, I would like to express the disappointment of my Government that the Convention on Early Notification of a Nuclear Accident does not cover all kinds of accidents. It should have been a full-scope convention covering accidents from whatever source — civil or military, including accidents emanating from nuclear weapons or nuclear weapons tests, since the transboundary effects of radiological safety significance from any source would be equally damaging. Nevertheless, we have decided to sign both conventions, subject to ratification, in view of the solemn assurance that has been given by the five nuclear-weapons states to the effect that they undertake to notify all accidents. This is in keeping with our policy of according to public declarations of state policy equal validity with other international commitments.

While ratifying these conventions, it is our intention to indicate our reservations with respect to certain articles of the two conventions, as already provided for in them.”

(Original in English)

## INDONESIA

[23 September 1986]

“The Permanent Mission has further the honour to inform the Secretariat that the Government of Indonesia wishes to make the following reservations:

- (i) article 13 on Settlement of Disputes of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency; and
- (ii) article 11 on Settlement of Disputes of the Convention on Early Notification of a Nuclear Accident.”

(Original in English)

## IRELAND

[26 September 1986]

“Ireland hereby declares that in accordance with article 8, paragraph 9 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, it does not consider itself bound by the provisions of paragraphs 2 and 3 of article 8, thereof.”

“Ireland hereby declares that in accordance with article 10, paragraph 5 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, it does not consider itself bound by the provisions of paragraph 2 of article 10, thereof.”

(Original in English)

## ITALY

[24 September 1986]

“The Italian Government, upon signature of the Convention on Early Notification of a Nuclear Accident, declares that the clauses of article 1 are not satisfactory, in so far as they impose to a contracting party the obligation to notify only accidents from which derives the release of radioactive materials, which might transcend or has transcended an international boundary, or could have other consequences outside its jurisdiction or control.

The Italian Government considers that every accident should be notified, also those which have consequences limited to the territory of the State concerned.”

(Original in English)

## NETHERLANDS

[26 September 1986]

“... declares today on the occasion of the signing of the Convention on Early Notification of a Nuclear Accident, and in accordance with article 13 of that Convention, that his Government, anticipating the entry into force of the Convention for the Kingdom of the Netherlands, will apply its provisions provisionally. This provisional application will come into effect thirty days from today, or, in case the Convention will not be in force for at least one other State at that time, on the date on which the Convention will have become applicable to one other State either by means of entry into force or by means of a declaration of provisional application.”

“... declares today on the occasion of the signing of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and in accordance with article 15 of that Convention, that his Government, anticipating the entry into force of the Convention for the Kingdom of the Netherlands, will apply its provisions provisionally. This provisional application will come into effect thirty days from today, or, in case the Convention will not be in force for at least one other

State at that time, on the date on which the Convention will have become applicable to one other State either by means of entry into force or by means of a declaration of provisional application. The provisions of article 10, second paragraph, are being excluded from this provisional application.”

(Original in English)

## **NORWAY**

[17 September 1986]

### **The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

“In conformity with article 8, paragraph 9 of the Convention, Norway does not consider herself bound by article 8, paragraph 2(a) as far as immunity from civil proceedings are concerned and by article 8, paragraph 2(b) as far as exemption from taxation, duties or other charges for personnel of the assisting party is concerned.”

(Original in English)

## **POLAND**

[22 September 1986]

“The Government of the Polish People’s Republic declares, that it will provisionally apply the Convention on Early Notification of a Nuclear Accident adopted at the Special Session of the General Conference of the International Atomic Energy Agency in Vienna on 26 September 1986, with the exception of article 11, paragraph 2, over the period between its entry into force and ratification.”

“The Government of the Polish People’s Republic declares, that it will provisionally apply the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency adopted in Vienna on 26 September 1986 with the exception of article 13, paragraph 2, over the period between its entry into force and ratification.”

(Original in English)

## **TURKEY**

[25 September 1986]

“... declarations or reservations will be made, if any, on article 11 of the Convention on Early Notification of a Nuclear Accident and on articles 8, 9 and 13 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, during the course of the submission of the instrument of ratification to the depositary.”

(Original in English)

## **UKRAINIAN SOVIET SOCIALIST REPUBLIC**

[24 September 1986]

“The Ukrainian SSR also declares that it accepts provisionally the obligations under the Conventions in question from the time of their signature and until their ratification. The Ukrainian SSR will not consider itself bound by the provisions of article 11, paragraph 2 of the Convention on Early Notification of a Nuclear Accident and article 13, paragraph 2 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which envisage the possibility of submitting a dispute between States Parties to arbitration or referring it to the International Court of Justice at the request of any party, and states that for the submission of any international dispute to arbitration or referral to the International Court of Justice the agreement of all parties in each individual case is necessary.”

(Original in Russian; translation by the Secretariat)

## **UNION OF SOVIET SOCIALIST REPUBLICS**

[25 September 1986]

“From the time of signature and until the conventions come into force for the USSR, the latter will apply both conventions provisionally.”

“The USSR will not consider itself bound by the provisions of article 11, paragraph 2 of the Convention on Early Notification of a Nuclear Accident and article 13, paragraph 2 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which envisage the possibility of submitting a dispute between States Parties to arbitration or referring it to the International Court of Justice at the request of any party, and states that for the submission of any international dispute to arbitration or referral to the International Court of Justice the agreement of all parties in each individual case is necessary.”

(Original in Russian; translation by the Secretariat)

## **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

[26 September 1986]

### **The Convention on Early Notification of a Nuclear Accident**

“The United Kingdom will apply this Convention provisionally from today’s date to the extent permitted by its existing laws, regulations and administrative arrangements.

The United Kingdom Resident Representative affirms that, having regard to article 3 of the Convention, and as stated by the United Kingdom Secretary of State for Energy in his address to the Special Session of the General Conference on 24 September, the United Kingdom would in practice notify the IAEA and affected States in the event of an accident to military facilities or equipment which, although not of the type specified in article 1 of the Convention, had or might have the consequence specified in that article.”

### **The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

“The United Kingdom will apply this Convention provisionally from today’s date to the extent permitted by its existing laws, regulations and administrative arrangements.”

(Original in English)

## **UNITED STATES OF AMERICA**

[11 September 1986]

### **The Convention on Early Notification of a Nuclear Accident**

“As provided for in paragraph 3 of article 11, the United States declares that it does not consider itself bound by either of the dispute settlement procedures provided for in paragraph 2 of that article.”

### **The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency**

“In accordance with paragraphs 3 and 4 of article 2 and paragraph 2 of article 7, the United States declares that reimbursement of costs is among the terms

of assistance it may provide unless the United States explicitly specifies otherwise or waives reimbursement.

With respect to any other State Party that has declared pursuant to paragraph 9 of article 8 that it does not consider itself bound in whole or in part by paragraph 2 or 3, the United States declares pursuant to paragraph 9 that in its treaty relations with that State the United States does not consider itself bound by paragraphs 2 and 3 to the same extent provided in the declaration of that other State Party.

With respect to any other State Party that has declared pursuant to paragraph 5 of article 10 that it does not consider itself bound in whole or in part by paragraph 2 or that it will not apply paragraph 2 in whole or in part in cases of gross negligence, the United States declares pursuant to paragraph 5 that in its treaty relations with that State the United States does not consider itself bound by paragraph 2 to the same extent as provided in the declaration of that other State Party.

As provided for in paragraph 3 of article 13, the United States declares that it does not consider itself bound by either of the dispute settlement procedures provided for in paragraph 2 of that article.”

(Original in English)

