

NEW INTERNATIONAL LAW CONCERNING NUCLEAR ACCIDENTS
AND RADIOLOGICAL EMERGENCIES

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ABSTRACT

In 1963 the Scandinavian States and the IAEA signed the "Nordic Mutual Emergency Assistance Agreement in Connection with Radiation Accidents". It was the first multilateral agreement in this special field of the international atomic energy law. The IAEA tried to encourage other national governments to agree also such assistance agreements and elaborated in 1966 four model agreements as multilateral or bilateral treaties. But at that time no state followed the recommendations of the Agency. Later on some Middle European governments agreed bilateral treaties on the mutual assistance and the notification in cases of radiological emergencies.

After the Chernobyl accident in April 1986 a spontaneous reaction led to the initiative of some governments and of the Tokyo Economic Summit and to the decision of the IAEA-Board of Governors to prepare two worldwide agreements on mutual assistance and early notification in cases of nuclear accidents on the basis of the IAEA recommendations published in 1982 as INFCIRC/310 and 321.

The author, member of the German delegation of Government experts at the IAEA meeting in July/August 1986 at Vienna, gives a survey on the two conventions which has been adopted by the special session of the IAEA General Conference on September 26, 1986:

- Convention on early notification of a nuclear accident;
- Convention on assistance in the case of a nuclear accident or radiological emergency.

The following legal problems will be treated: Scope of application; notification and information to be provided; competent authorities and points of contact; functions of the IAEA and other international organizations; international assistance in the establishment of radiation monitoring systems; procedure and provisions for mutual assistance; direction and control of assistance; reimbursements of costs; privileges and immunities; claims and compensation (liability).

Finally a report is given of the status of signatures, ratifications and coming into force of the two Vienna Conventions and of other treaties signed in the meantime.