

Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency

This Convention provides that States Parties shall cooperate between themselves and with the IAEA to facilitate prompt assistance in the event of a nuclear accident or radiological emergency. It is noteworthy that the State Party requesting assistance needs not to be the State where the nuclear accident occurred.

The Convention further establishes the framework under which assistance will take place, stating the obligations of both the requesting and assisting parties and setting out the role of the IAEA. Though assistance would normally be offered on a cost recovery basis, the Convention provides certain criteria to be taken into account when considering if assistance should be offered without costs. Among these criteria, the needs of developing countries are to be given due consideration.

The Convention also contains clauses on privileges and immunities to be granted to the assisting party and on the transit of its personnel, equipment and property. A further provision on claims and compensation stipulates that the assisting party and its personnel will be held harmless by the requesting party in respect of legal proceedings that might be brought against them for acts performed in the course of assistance. This latter clause, and those relating to privileges and immunities may be the object of a reservation at the time of signing, ratifying or acceding to the Convention.

Conclusion

Although these two hastily drafted Conventions have some shortcomings, they are, nonetheless, an important step forward in the creation of international mechanisms to respond to nuclear accidents and better remedy their effects if and when they do occur. Canada actively participated throughout the process that led to the drafting of the present texts, and supported their adoption on September 25, 1986, by the Special Session on Nuclear Safety of the General Conference of the IAEA. Canada signed both Conventions, subject to ratification, on September 26 and is now studying the means to implement them under its domestic legislation. Canada's signature paralleled along that of States most advanced in the development of nuclear technology, including the United States, the USSR, the United Kingdom and France.