

IAEA Conventions for Early Notification
and for Assistance in case of Nuclear Accident

Background

In the wake of the Chernobyl nuclear accident last spring, the international community was faced with the urgent need to establish efficient mechanisms providing for early notification and assistance in case of nuclear accident. From July 21 to August 15, 1986, a group of experts, representing some 50 countries, met at the International Atomic Energy Agency (IAEA) headquarters in Vienna, at the invitation of the Director General of the Agency, to draft two Conventions bearing on the subject. On September 26, 1986, fifty states, including Canada, signed the "Convention on Early Notification of a Nuclear Accident" and the "Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency".

Convention on Early Notification of a Nuclear Accident

The Convention on Early Notification covers a large scope of nuclear activities or facilities where nuclear accidents may happen. Whether an accident occurs in a nuclear reactor, in a radioactive waste management or nuclear fuel facility, during the transport of nuclear fuel or as a result of the use of radioisotopes for power generation in space object, there is an obligation for States Parties to (a) notify the IAEA and those States which may be physically affected of such occurrence, and (b) promptly provide them with the available information relevant to minimizing the radiological consequences. The Convention describes the basic data to be made available e.g. time, location and nature of the accident; established cause; general characteristics of the radioactive release and its predicted behaviour over time. It also provides that the IAEA shall act as a channel of communication for the dissemination of such information to interested states.

While it is worth noting that the Convention does not differentiate between civil and military nuclear activities and facilities, there remains a grey area in relation to its applicability in cases of accidents involving nuclear weapons. It is hoped that, should such an accident occur, notification will nonetheless be effected by the State responsible on the same basis as that provided for in the Convention.

Another one of the Convention's lacuna is that the State in which the nuclear accident occurs has the sole discretion to determine whether it will result in an international transboundary release that could be of radiological safety significance for another State, thereby triggering the notification process. Standardized criteria to measure the threshold beyond which such safety could be deemed to have been compromised will be developed in the years to come.