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ENGLISH

CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

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

Reservations/Declarations

- Part I: Reservations/Declarations made upon or following signature
Part II: Reservations/Declarations made upon or following deposit of
instrument expressing consent to be bound

PART I

AFGHANISTAN

[26 September 1986] 1/

"... 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] 1/

"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] 1/

"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."

1/ Date of deposit of reservations/declarations.

"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

[26 September 1986] 1/

"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] 1/

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] 1/

"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] 1/

"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 any 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 any 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] 1/

"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/

"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 of nuclear safety the Democratic People's Republic of Korea will apply both conventions provisionally."

(Original in English)

FRANCE

[26 September 1986] 1/

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

[26 September 1986] 1/

"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] 1/

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] 1/

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

[26 September 1986] 1/

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] 1/

"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-weapon 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

[26 September 1986] 1/

"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] 1/

"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

[26 September 1986] 1/

"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 on 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)

MONGOLIA

[8 January 1987] 1/

The following identical reservation was received in respect of both Conventions:

"The Mongolian People's Republic states that it does not consider itself bound by the provisions of paragraph 2 of article 11 of the Convention on Early Notification of a Nuclear Accident and the provisions

of paragraph 2 of article 13 of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency concerning the procedure of the settlement of disputes arising from the interpretation or application of the Conventions. In its opinion, for submission of any dispute of such nature to arbitration or the International Court of Justice, the consent of all the parties to the dispute is necessary." (Original in English and Russian)

NETHERLANDS

[26 September 1986] 1/

"... 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

[26 September 1986] 1/

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

[26 September 1986] 1/

"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

[26 September 1986] 1/

"... 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 depository."
(Original in English)

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[26 September 1986] 1/

"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

[26 September 1986] 1/

"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] 1/

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

[26 September 1986] 1/

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)

PART II

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[26 January 1987] 1/

The following identical reservation was received in respect of both Conventions:

"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)

GERMAN DEMOCRATIC REPUBLIC

[29 April 1987] 1/

The Convention on Early Notification of a Nuclear Accident

"The German Democratic Republic does not consider itself bound by the dispute settlement procedure provided for in Paragraph 2 of Article 11."

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

"The German Democratic Republic does not consider itself bound by the dispute settlement procedure provided for in Paragraph 2 of Article 13."
(Original in German; English translation supplied by the Government)

HUNGARY

[10 March 1987] 1/

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)

NEW ZEALAND

[11 March 1987] 1/

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

"In accordance with Article 8 (9) of that Convention I declare on behalf of the Government of New Zealand that New Zealand does not consider itself bound by the provisions of Article 8 (2) (a) and Article 8 (3) (b) of the Convention."
(Original in English)

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[26 January 1987] 1/

The following identical reservation was received in respect of both Conventions:

"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 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)

UNION OF SOVIET SOCIALIST REPUBLICS

[23 December 1986] 1/

The following identical reservation was received in respect of both Conventions:

"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 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)

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