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EMERGENCY ASSISTANCE IN THE EVENT OF NUCLEAR RADIATION ACCIDENTS

Memorandum by the Director General

1. In September of last year the Director General provided the General Conference with a memorandum on the action that had by then been taken by the Board of Governors and himself in relation to the resolution on agreements for assistance in the event of radiation accidents which the Conference had adopted in 1964 [1].
2. Pursuant to a request of the Board, the Expert Committee mentioned in that memorandum was convened; it met in December 1965. The Committee's report, to which were annexed its draft articles for a multilateral agreement on emergency assistance in the event of nuclear radiation accidents, together with related papers prepared by the Secretariat at the Committee's request, was placed before the Board in February 1966.
3. The Board requested the Director General to provide Member States with a summary both of its own discussions and of those in the Expert Committee. It also decided to set up a Committee of the Whole to complete the drafting of the multilateral agreement and to draft a model bilateral agreement based on the same principles. It asked the Committee to take account of the fact (though no decision had been reached on the point) that it might not be possible for the Agency to be party to such agreements, and to consider how the Agency might provide assistance under a multilateral or bilateral agreement separate from or supplementary to the draft agreements the Committee was to prepare.
4. The Committee of the Whole met in May and presented its report to the Board in June. It annexed to its report drafts of the following agreements on emergency assistance in the event of nuclear radiation accidents:
 - (a) A multilateral agreement to which the Agency would be a party;
 - (b) A multilateral agreement to which the Agency would not be a party, but which contained an article dealing with the role of the Agency under the agreement;
 - (c) A model bilateral agreement between States; and
 - (d) A model bilateral agreement between the Agency and a State.
5. The Committee came to the conclusion that it would be impossible to draft a generally acceptable provision on liability and compensation for death, injury or damage arising out of assistance given in an emergency, and therefore decided not to include an article on that subject in its draft agreements.

[1] GC(IX)/INF/83. The resolution in question is GC(VIII)/RES/177.

6. When the Board was considering the Committee's report, several Governors indicated that their Governments had not had enough time to study the report and its annexes and that they could not therefore enter into a detailed discussion of them. As an interim measure the Board requested the Director General:

- (a) To prepare and circulate to all Member States, for their information and comments, a progress report on the subject, indicating the issues on which agreement had not as yet been reached;
- (b) To communicate to the Board for its guidance any comments he might receive from Member States; and
- (c) To put the subject of emergency assistance on the provisional agenda both of the September meetings of the Board and of the tenth regular session of the General Conference.

The Board also recommended that when it discussed the subject again after the tenth regular session of the General Conference, invitations be issued to any Members which served on the Committee of the Whole but which might not then be on the Board to participate in the Board's deliberations.

7. In relation to the Board's request mentioned in paragraph 6(a) above, it is to be noted that agreement has not as yet been reached on the following issues:

- (a) Is the Agency to recommend a multilateral agreement or a model bilateral agreement to its Member States?
- (b) If a multilateral agreement is preferred, should the Agency be a party to it?
- (c) Which States should be entitled to become party to such a multilateral agreement?

If a multilateral agreement is preferred, it would seem that consideration may eventually have to be given to the question whether it is necessary or desirable for the Agency to convene a diplomatic conference for the purpose of concluding it.