

T. C. Resmî Gazete

Kuruluş Tarihi : (7 Teşrinievvel 1336) — 7 Ekim 1920

Yönetim ve yazı işleri için Başbakanlık Mevzuatı Geliştirme ve Yayın Genel Müdürlüğüne başvurulur.	3 Eylül 1990 PAZARTESİ	Sayı : 20624
---	---------------------------	--------------

YÜRÜTME VE İDARE BÖLÜMÜ

Milletlerarası Sözleşme

Karar Sayısı : 90/565

Hükümetimiz tarafından 26 Eylül 1986 tarihinde Viyana'da imzalanan ve 18/1/1990 tarihli ve 3609, 3610 sayılı Kanunlarla onaylanmaları uygun bulunan ekli :

1 — "Nükleer Kaza veya Radyolojik Acil Hallerde Yardımlaşma Sözleşmesi"nin 8/2, 10/2 ve 13/2,

2 — "Nükleer Kaza Halinde Erken Bildirim Sözleşmesi"nin 11/2, maddelerine ilişikteki ihtirazi kayıtlar konulmak suretiyle onaylanması; Dışişleri Bakanlığının 28/5/1990 tarihli ve EİOA-III-3671-2874 sayılı yazısı üzerine, 31/5/1963 tarihli ve 244 sayılı Kanunun 3 üncü maddesine göre, Bakanlar Kurulu'nca 8/6/1990 tarihinde kararlaştırılmıştır.

Turgut ÖZAL
Cumhurbaşkanı

Y. AKBULUT
Başbakan

M. KEÇECİLER
Devlet Bakanı

C. ÇİÇEK
Devlet Bakanı

İ. ÖZARSLAN
Devlet Bakanı

K. AKKAYA
Devlet Bakanı

A. AKSU
İçişleri Bakanı

C. ALTINKAYA
Bayındırlık ve İskân Bakanı

L. KAYALAR
Tarım Orman ve Köy İşleri Bakanı

F. KURT
Enerji ve Tabii Kaynaklar Bakanı

K. İNAN
Devlet Bakanı

İ. ÇELEBİ
Devlet Bakanı

E. KONUKMAN
Devlet Bakanı

H. ÖRÜÇ
Devlet Bakanı

İ. S. GİRAY
Dışişleri Bakanı V.

H. ŞIVGIN
Sağlık Bakanı

İ. AYKUT
Çalışma ve Sosyal Güvenlik Bakanı

N. K. ZEYBEK
Kültür Bakanı

H. DOĞAN
Devlet Bakanı

V. DİNÇERLER
Devlet Bakanı

H. ÖRÜÇ
Devlet Bakanı V.

M. O. SUNGURLU
Adalet Bakanı

A. KAHVECİ
Maliye ve Gümrük Bakanı

G. TANER
Devlet Bakanı

K. AKKAYA
Devlet Bakanı V.

M. TAŞAR
Devlet Bakanı

İ. S. GİRAY
Millî Savunma Bakanı

A. AKYOL
Millî Eğitim Bakanı

C. TUNCER
Ulaştırma Bakanı

Ş. YÜRÜR
Sanayi ve Ticaret Bakanı

İ. AKÜZÜM
Turizm Bakanı

Yürütme ve İdare Bölümü Sayfa : 1

NÜKLEER KAZA HALİNDE ERKEN BİLDİRİM SÖZLEŞMESİ (*)

(26 Eylül 1986 tarihinde, 8 inci Genel Oturum sırasında kabul edilmiştir.)

Bu Sözleşmeye Taraf Devletler,

bazı ülkelerde nükleer çalışmalar yapılmakta olduğundan haberdar olarak, nükleer kazaların önlenmesi, vukuunda ise sonuçlarının en aza indirilmesi amacıyla nükleer çalışmalarda yüksek düzeyde güvenliğin sağlanması için alınmış bulunan ve alınmakta olan kapsamlı önlemlere işaretle,

nükleer enerjinin güvenli gelişimi ve kullanımında uluslararası işbirliğinin daha da güçlendirilmesini arzulayarak,

sınırlar ötesi radyolojik sonuçlarının en aza indirilmesi için devletlerin nükleer kazalara ilişkin bilgileri mümkün olan en kısa zaman içinde vermesi gerektiğine inanarak,

bu alanda bilgi alışverişi için ikili ve çok taraflı düzenlemelerin faydasına dikkat çekerek, aşağıda belirtilen konularda mutabık kalmışlardır :

MADDE 1**Uygulama Kapsamı**

1 — Taraf bir Devletin veya onun kazai yetkisi veya denetimi altındaki özel ve tüzel kişilerin ikinci paragrafta zikredilen tesislerinde veya faaliyetlerinde, diğer bir Devlet için radyasyon güvenliği açısından önem arzedeabilecek, uluslararası sınırları aşan veya aşabilecek radyoaktif madde salınımıyla sonuçlanmış veya sonuçlanabilecek herhangi bir kaza halinde bu Sözleşme uygulanacaktır.

2 — Birinci paragrafta zikredilen tesisler ve faaliyetler aşağıda sıralanmıştır :

- nerede konumlandırılmış olursa olsun herhangi bir nükleer reaktör;
- herhangi bir nükleer yakıt çevrimi tesisi;
- herhangi bir radyoaktif atık yönetimi tesisi;
- herhangi bir radyoaktif arakların taşıması veya depolanması;
- zirai, sınai, tıbbi, ilmi ve araştırma amaçlarıyla radyoizotopların imali, kullanımı, depolanması, yok edilmeleri ve taşınmaları;
- uzay araçlarında güç üretimi için radyoizotop kullanımı.

MADDE 2**Bildirim ve Bilgi Verme**

Birinci maddede belirtilen bir kazanın olması halinde (bundan sonra "nükleer kaza" olarak zikredilecektir) aynı maddede zikredilen Taraf Devlet :

(a) nükleer kaza mahiyeti, vukubulduğu zamanı ve uygun görüldüğü hallerde tam yerini doğrudan veya Uluslararası Atom Enerjisi Ajansı (bundan sonra "Ajans" olarak zikredilecektir) kanalıyla birinci maddede belirtildiği gibi fiziksel olarak etkilenmiş veya etkilenebilecek devletlere ve Ajansa derhal bildirecek ve

(b) ajansa ve paragraf (a) da zikredilen devletlere bu ülkelerdeki radyolojik sonuçların en aza indirilmesine ilişkin 5 inci maddede tanımlanan bilgilerden temin edebildiklerini derhal doğrudan veya Ajans kanalıyla, iletacaktır.

MADDE 3**Diğer Nükleer Kazalar**

Taraf Devletler, radyolojik sonuçların en aza indirilmesi yönünden, birinci maddede tanımlananların dışında kalan diğer nükleer kazaların meydana gelmesi halinde de bildirimde bulunabilirler.

MADDE 4**Ajansın Görevleri**

Ajans;

(a) İkinci maddenin (a) paragrafı uyarınca aldığı bildirim hakkında Taraf Devletlere, üye Devletlere, birinci maddede belirtildiği gibi fiziksel olarak etkilenen veya etkilenebilecek diğer devlet ve ilgili uluslararası-hükümetlerarası kuruluşlara (bundan sonra "uluslararası kuruluşlar" olarak zikredilecektir) derhal bilgi verecek; ve

(b) Herhangi bir Taraf Devlete, üye Devlete veya ilgili uluslararası kuruluşa talepleri halinde, ikinci maddenin (b) paragrafı uyarınca alınan bilgileri süratle temin edecektir.

NOT (*): 12 nci maddenin 3 üncü paragrafı gereği, Anlaşma 27 Ekim 1986 tarihinde yürürlüğe girmiştir.

MADDE 5

Temin Edilecek Bilgiler

1 — İkinci maddenin (b) paragrafı uyarınca temin edilecek bilgiler, bildirim yapan Taraf Devletin o ana kadar temin edebildiği aşağıdaki verileri ihtiva edecektir :

(a) nükleer kazanın ne zaman vuku bulduğu mahiyeti ve uygun görüldüğü hallerde tam yeri;

(b) ilgili tesis veya faaliyet;

(c) kazanın, tahmin veya tespit edilen nedeni ve radyoaktif maddelerin sınırlarötesi yayılımına ilişkin olarak nükleer kazanın tahmini gelişimi;

(d) radyoaktif salınımın uygun ve elverişli olduğu ölçüde mahiyeti, muhtemel fiziksel ve kimyasal yapısı ve miktarı, terkihi ve etkili salınım yüksekliği de dahil olmak üzere genel özellikleri;

(e) radyoaktif maddelerin sınırlarötesi yayılımının tahmini için gerekli olan meteorolojik ve hidrolojik şartlara ilişkin o sırada geçerli ve tahmini bilgiler;

(f) radyoaktif maddelerin sınırlarötesi yayılımına ilişkin çevresel ölçüm sonuçları;

(g) tesis sahası dışında alınmış veya planlanmış koruyucu tedbirler;

(h) radyoaktif salınımın zamana bağlı tahmini gelişimi.

2 — Acil durumun, öngörülebilir ya da gerçek sona eriş zamanı da dahil olmak üzere, gelişimine ilişkin bu türden yeni bilgiler, uygun araştırmalarla bu bilgilere ilave edilecektir.

3 — Bildirimi yapan Taraf Devlet tarafından "gizli" olarak nitelenmiş olanlar hariç, ikinci maddenin (b) paragrafı uyarınca alınan bilgiler sınırlamaya tabi olmaksızın kullanılabilir.

MADDE 6

Danışma

İkinci maddenin (b) paragrafı gereği bilgi sağlayan Taraf bir Devlet, etkilenen diğer bir Taraf Devletin kendi ülkesindeki radyolojik sonuçların en aza indirilmesi maksadıyla yöneltceği ilave bilgi ve danışma taleplerine, makul bir şekilde uygulanabilir olduğu ölçüde süratle cevap verecektir.

MADDE 7

Yetkili Makamlar ve Temas Noktaları

1 — Taraf Devletlerden her biri, ikinci maddede zikredilen bildirimde bulunmak ve bu tür bilgileri almak için yetkili makamlarını ve temas noktalarını, Ajansa ve diğer Taraf Devletlere doğrudan veya Ajans kanalıyla bildirecektir. Bu tür temas noktaları ve Ajans bünyesindeki merkezi bir birim sürekli olarak hizmete hazır bulundurulacaktır.

2 — Taraf Devletler 1 numaralı paragrafda zikredilen bilgilerde meydana gelebilecek herhangi bir değişiklikten Ajansı süratle haberdar edeceklerdir.

3 — Ajans ulusal yetkili kuruluşlar ve haberleşme merkezleriyle birlikte ilgili uluslararası kuruluşların haberleşme merkezlerinin güncelleştirilmiş listelerini tutacak ve bunları Taraf Devletlere, Üye Devletlere ve ilgili uluslararası kuruluşlara bildirecektir.

MADDE 8

Taraf Devletlere Yapılacak Yardım

Kendisinin nükleer faaliyeti olmayan, ancak aktif bir nükleer programı olup Sözleşmeye taraf bulunmayan bir devlet ile ortak sınırlara sahip, Sözleşmeye Taraf bir Devletin talebi üzerine, Ajans, Statüsüne uygun olarak ve Sözleşme hedeflerinin gerçekleştirilmesini kolaylaştırmak üzere, uygun bir radyasyon izleme sistemi için fizibilite ve kuruluş incelemeleri yapacaktır.

MADDE 9

İkili ve Çok Taraflı Anlaşmalar

Taraf Devletler, karşılıklı çıkarların daha da geliştirilmesi yolunda, uygun gördükleri durumlarda, bu Sözleşmenin ana konusuna ilişkin ikili ya da çok taraflı anlaşmalar yapabilirler.

MADDE 10

Diğer Uluslararası Anlaşmalarla İlişkisi

İşbu Sözleşme, Taraf Devletlerin bu Sözleşme kapsamındaki konularda halen yürürlükte bulunan veya bu Sözleşmenin amaç ve hedeflerine uygun olarak gelecekte varılabilecek uluslararası anlaşmalardan doğacak karşılıklı hak ve yükümlülüklerini etkilemeyecektir.

MADDE 11

Uyuşmazlıkların Çözümü

1 — Taraf Devletler arasında veya Taraf bir Devlet ile Ajans arasında, bu Sözleşmenin yorumlanması veya uygulanması ile ilgili bir uyuşmazlığın ortaya çıkması halinde, uyuşmazlığa taraf olanlar, uyuşmazlığın çözümü için görüşmeler yoluyla veya anlaşmazlıkların diğer barışçı yollarla çözümü yöntemlerinden kendilerince kabul edilecek biri vasıtasıyla birbirlerine danışırlar.

2 — Taraf Devletler arasında bu nitelikteki bir uyuşmazlık birinci paragraf çerçevesindeki danışma talebinden itibaren bir yıl içinde çözülememiş ise, uyuşmazlığa taraf olan devletlerin herhangi birinin talebi üzerine hakemliğe sunulur veya karara bağlanmak üzere Uluslararası Adalet Divanına götürülür. Uyuşmazlığın hakemliğe götürülmesi halinde, başvuru tarihinden itibaren 6 ay içinde uyuşmazlık tarafları hakemlik kurulunun oluşumu hakkında bir anlaşmaya varamamışlar ise, taraflardan biri Uluslararası Adalet Divanı Başkanından veya Birleşmiş Milletler Genel Sekreterinden bir veya daha fazla hakem atamalarını talep edebilir. Uyuşmazlık taraflarının birbiriyle çatışan taleplerde bulunması halinde Birleşmiş Milletler Genel Sekreterine yapılmış olan talep öncelik kazanır.

3 — Bu Sözleşmeyi imzalarken, onaylarken, kabul ederken, uygun görürken veya kabulürken, bir devlet kendisinin paragraf 2'de sözü edilen uyuşmazlıkların çözümüne dair usûllerden herhangi biri veya her ikisi ile birden bağlı olmadığını beyan edebilir. Bu tür bir beyanda bulunmuş bir Taraf Devlet karşısında diğer Taraf Devletler, paragraf 2'de sözü edilen uyuşmazlık çözümü usûlleri ile bağlı olmayacaklardır.

4 — Paragraf 3'e uygun olarak beyanda bulunan Taraf bir Devlet, depoziter makama bildirimde bulunarak bunu her zaman geri çekebilir.

MADDE 12

Yürürlüğe Giriş

1 — Bu Sözleşme Viyana'da Uluslararası Atom Enerjisi Ajansı Merkezinde 26 Eylül 1986 ve New York'da Birleşmiş Milletler Merkezinde 6 Ekim 1986'dan itibaren yürürlüğe girinceye kadar veya oniki ay boyunca, daha uzun olan dönem muteber olmak üzere, bütün devletlerin ve Birleşmiş Milletler Namibya Konseyi tarafından temsil edilen Namibya'nın imzasına açık kalacaktır.

2 — Bir devlet ve Birleşmiş Milletler Namibya Konseyince temsil edilen Namibya; bu Sözleşmeyi imzalayarak veya onaya, kabule ya da uygun bulmaya bağlı imzayı takiben onayı, kabul veya uygun bulma belgesini tevdi ederek ya da katılma belgesini sunarak, Sözleşme hükümleriyle bağlı olma muvafakatını ifade edebilir. Onay, kabul, uygun bulma veya katılma belgeleri depoziter makama tevdi edilecektir.

3 — Bu Sözleşme, bağlayıcılık muvafakatının üç devlet tarafından ifade edilmesinden otuz gün sonra yürürlüğe girecektir.

4 — Yürürlüğe girmesinden sonra bu Sözleşme ile bağlı olmayı kabul ettiğini ifade eden her devlet için, bu Sözleşme, muvafakat beyanından 30 gün sonra yürürlüğe girer.

5 — a) Bu maddede belirtildiği üzere, bu Sözleşme, kapsadığı konularda uluslararası anlaşmaların müzakeresi, imzalanması ve uygulanması itibariyle yetkili olan uluslararası örgütlerin ve egemen devletlerce kurulmuş olan bölgesel birleşme örgütlerinin katılımına açık olacaktır.

b) Yetki alanlarına giren konularda bu örgütler, kendi adlarına, Sözleşmenin Taraf Devletlere atfettiği haklara sahip olacaklar ve yükümlülüklerini yerine getireceklerdir.

c) Bu örgütler, katılma belgelerini tevdi ederken Sözleşmenin kapsadığı konulardaki selahiyetlerinin sınırlarını gösteren bir açıklamayı da depoziter makama ileteceklerdir.

d) Böyle bir örgüt, kendisine üye devletlere tanınmış oylar dışında bir oy hakkına sahip olmayacaktır.

MADDE 13

Geçici Uygulama

Herhangi bir Devlet imza sırasında veya bu Sözleşmenin kendisi için yürürlüğe girmesinden önceki herhangi bir tarihte, bu Sözleşmeyi geçici olarak uygulayacağını beyan edebilir.

MADDE 14

Değişiklikler

1 — Bir Taraf Devlet bu Sözleşmede değişiklikler önerebilir. Önerilen değişiklik, bunu, diğer bütün Taraf Devletlere derhal iletilecek olan depoziter makama sunulacaktır.

2 — Taraf Devletlerin çoğunluğunun, depoziter makamdan, önerilen değişiklikleri ele almak üzere bir konferans toplamasını istemeleri durumunda, sözkonusu makam, çağırıcı müteakip en az 30 gün sonra başlayabilecek böyle bir konferansa katılmaları için bütün Taraf Devletlere, çağırıda bulunacaktır. Taraf Devletlerin tamamının üçte-iki çoğunluğu ile konferansda kabul edilen değişiklik, Viyana ve New York'da bütün Taraf Devletlerin imzasına açılacak bir protokol şeklinde düzenlenecektir.

3 — Protokol, en az üç devletin bağımlık muvafakatlarını beyan etmelerinden 30 gün sonra yürürlüğe girecektir. Yürürlüğe girişinden sonra bu protokol ile bağımlı olmayı kabul edecek her devlet için protokol, muvafakat beyanından 30 gün sonra yürürlüğe girer.

MADDE 15

Çekilme

1 — Taraf bir Devlet depoziter makama vereceği yazılı beyanla bu Sözleşmeden çekilebilir.

2 — Çekilme, beyanın depoziter makamca alındığı tarihten bir yıl sonra geçerli olur.

MADDE 16

Depoziter Makam

1 — Ajans Genel Direktörü bu Sözleşmenin depoziteri olacaktır.

2 — Ajans Genel Direktörü, Taraf Devletleri ve diğer bütün devletleri aşağıda belirten durumlardan ivedilikle haberdar eder :

- a) Bu Sözleşmenin veya herhangi bir değişiklik protokolünün her imzalanışında,
- b) Sözleşmeye veya herhangi bir değişiklik protokolüne ilişkin her onay, kabul, uygun bulma veya katılma belgesinin depozit edilmesinde,
- c) 11 inci maddeye uygun olarak her çekincenin konulmasında veya bunun geri alınmasında,
- d) 13 üncü maddeye uygun olarak bu Sözleşmenin geçici uygulanacağı beyanında,
- e) Bu Sözleşmenin ve herhangi bir değişikliğinin yürürlüğe girişinde ve,
- f) 15 inci madde çerçevesinde yapılan her çekilmeye.

MADDE 17

Asıl Metinler ve Tasdikli Suretleri

Arapça, Çince, İngilizce, Fransızca, Rusça ve İspanyolca metinlerinin eşit derecede geçerli olduğu bu Sözleşmenin aslı, Taraf Devletlere ve bütün diğer devletlere tasdikli suretlerini gönderecek olan Uluslararası Atom Enerjisi Ajansı Genel Direktörünce muhafaza edilecektir.

Bu hususları bildirerek, aşağıda imzaları bulunan tam yetkili temsilciler 12 nci maddenin birinci paragrafında belirtildiği üzere imzaya açılmış bulunan bu Sözleşmeyi imzalamışlardır.

Uluslararası Atom Enerjisi Ajansı Genel Konferansının Bindokuzyüz Seksenaltı yılının Yirmialtı Eylül gününde Viyana'da yapılan özel oturumunda kabul edilmiştir.

“NÜKLEER KAZA HALİNDE ERKEN BİLDİRİM SÖZLEŞMESİ”

İhtirazi Kayıt

“Türkiye, Nükleer Kaza Halinde Erken Bildirim Sözleşmesinin 11 inci maddesinin 3 üncü paragrafı uyarınca, 11 inci maddenin 2 nci paragrafı hükümleri ile bağlı olmadığını beyan eder.”

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

(Adopted on 26 September 1986, during the 8th plenary meeting)

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,

DESIRING to strengthen further international co-operation in the safe development and use of nuclear energy,

CONVINCED of the need for an international framework which will facilitate the prompt provision of assistance in the event of a nuclear accident or radiological emergency to mitigate its consequences,

NOTING the usefulness of bilateral and multilateral arrangements on mutual assistance in this area,

NOTING the activities of the International Atomic Energy Agency in developing guidelines for mutual emergency assistance arrangements in connection with a nuclear accident or radiological emergency,

HAVE AGREED as follows:

Article 1

General provisions

1. The States Parties shall cooperate between themselves and with the International Atomic Energy Agency (hereinafter referred to as the "Agency") in accordance with the provisions of this Convention to facilitate prompt assistance in the event of a nuclear accident or radiological emergency to minimize its consequences and to protect life, property and the environment from the effects of radioactive releases.
2. To facilitate such cooperation States Parties may agree on bilateral or multilateral arrangements or, where appropriate, a combination of these, for preventing or minimizing injury and damage which may result in the event of a nuclear accident or radiological emergency.
3. The States Parties request the Agency, acting within the framework of its Statute, to use its best endeavours in accordance with the provisions of this Convention to promote, facilitate and support the cooperation between States Parties provided for in this Convention.

Article 2

Provision of assistance

1. If a State Party needs assistance in the event of a nuclear accident or radiological emergency, whether or not such accident or emergency originates within its territory, jurisdiction or control, it may call for such assistance from any other State Party, directly or through the Agency, and from the Agency, or, where appropriate, from other international intergovernmental organizations (hereinafter referred to as "international organizations").

2. A State Party requesting assistance shall specify the scope and type of assistance required and, where practicable, provide the assisting party with such information as may be necessary for that party to determine the extent to which it is able to meet the request. In the event that it is not practicable for the requesting State Party to specify the scope and type of assistance required, the requesting State Party and the assisting party shall, in consultation, decide upon the scope and type of assistance required.

3. Each State Party to which a request for such assistance is directed shall promptly decide and notify the requesting State Party, directly or through the Agency, whether it is in a position to render the assistance requested, and the scope and terms of the assistance that might be rendered.

4. States Parties shall, within the limits of their capabilities, identify and notify the Agency of experts, equipment and materials which could be made available for the provision of assistance to other States Parties in the event of a nuclear accident or radiological emergency as well as the terms, especially financial, under which such assistance could be provided.

5. Any State Party may request assistance relating to medical treatment or temporary relocation into the territory of another State Party of people involved in a nuclear accident or radiological emergency.

6. The Agency shall respond, in accordance with its Statute and as provided for in this Convention, to a requesting State Party's or a Member State's request for assistance in the event of a nuclear accident or radiological emergency by:

- (a) making available appropriate resources allocated for this purpose;
- (b) transmitting promptly the request to other States and international organizations which, according to the Agency's information, may possess the necessary resources; and
- (c) if so requested by the requesting State, co-ordinating the assistance at the international level which may thus become available.

Article 3

Direction and control of assistance

Unless otherwise agreed:

- (a) the overall direction, control, co-ordination and supervision of the assistance shall be the responsibility within its territory of the requesting State. The assisting party should, where the assistance involves personnel, designate in consultation with the requesting State, the person who should be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person should exercise such supervision in cooperation with the appropriate authorities of the requesting State;
- (b) the requesting State shall provide, to the extent of its capabilities, local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the assisting party for such purpose;
- (c) ownership of equipment and materials provided by either party during the periods of assistance shall be unaffected, and their return shall be ensured;
- (d) a State Party providing assistance in response to a request under paragraph 5 of article 2 shall co-ordinate that assistance within its territory.

Article 4

Competent authorities and points of contact

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact authorized to make and receive requests for and to accept offers of assistance. Such points of contact and a focal point within the Agency shall be available continuously.
2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.
3. The Agency shall regularly and expeditiously provide to States Parties, Member States and relevant international organizations the information referred to in paragraphs 1 and 2.

Article 5

Functions of the Agency

The States Parties request the Agency, in accordance with paragraph 3 of article 1 and without prejudice to other provisions of this Convention, to:

- (a) collect and disseminate to States Parties and Member States information concerning:
 - (i) experts, equipment and materials which could be made available in the event of nuclear accidents or radiological emergencies;
 - (ii) methodologies, techniques and available results of research relating to response to nuclear accidents or radiological emergencies;
- (b) assist a State Party or a Member State when requested in any of the following or other appropriate matters:
 - (i) preparing both emergency plans in the case of nuclear accidents and radiological emergencies and the appropriate legislation;
 - (ii) developing appropriate training programmes for personnel to deal with nuclear accidents and radiological emergencies;
 - (iii) transmitting requests for assistance and relevant information in the event of a nuclear accident or radiological emergency;
 - (iv) developing appropriate radiation monitoring programmes, procedures and standards;
 - (v) conducting investigations into the feasibility of establishing appropriate radiation monitoring systems;
- (c) make available to a State Party or a Member State requesting assistance in the event of a nuclear accident or radiological emergency appropriate resources allocated for the purpose of conducting an initial assessment of the accident or emergency;
- (d) offer its good offices to the States Parties and Member States in the event of a nuclear accident or radiological emergency;
- (e) establish and maintain liaison with relevant international organizations for the purposes of obtaining and exchanging relevant information and data, and make a list of such organizations available to States Parties, Member States and the aforementioned organizations.

Article 6**Confidentiality and public statements**

1. The requesting State and the assisting party shall protect the confidentiality of any confidential information that becomes available to either of them in connection with the assistance in the event of a nuclear accident or radiological emergency. Such information shall be used exclusively for the purpose of the assistance agreed upon.
2. The assisting party shall make every effort to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a nuclear accident or radiological emergency.

Article 7**Reimbursement of costs**

1. An assisting party may offer assistance without costs to the requesting State. When considering whether to offer assistance on such a basis, the assisting party shall take into account:
 - (a) the nature of the nuclear accident or radiological emergency;
 - (b) the place of origin of the nuclear accident or radiological emergency;
 - (c) the needs of developing countries;
 - (d) the particular needs of countries without nuclear facilities; and
 - (e) any other relevant factors.
2. When assistance is provided wholly or partly on a reimbursement basis, the requesting State shall reimburse the assisting party for the costs incurred for the services rendered by persons or organizations acting on its behalf, and for all expenses in connection with the assistance to the extent that such expenses are not directly defrayed by the requesting State. Unless otherwise agreed, reimbursement shall be provided promptly after the assisting party has presented its request for reimbursement to the requesting State, and in respect of costs other than local costs, shall be freely transferrable.
3. Notwithstanding paragraph 2, the assisting party may at any time waive, or agree to the postponement of, the reimbursement in whole or in part. In considering such waiver or postponement, assisting parties shall give due consideration to the needs of developing countries.

Article 8**Privileges, immunities and facilities**

1. The requesting State shall afford to personnel of the assisting party and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their assistance functions.
2. The requesting State shall afford the following privileges and immunities to personnel of the assisting party or personnel acting on its behalf who have been duly notified to and accepted by the requesting State:
 - (a) immunity from arrest, detention and legal process, including criminal, civil and administrative jurisdiction, of the requesting State, in respect of acts or omissions in the performance of their duties; and

- (b) exemption from taxation, duties or other charges, except those which are normally incorporated in the price of goods or paid for services rendered, in respect of the performance of their assistance functions.
3. The requesting State shall:
- (a) afford the assisting party exemption from taxation, duties or other charges on the equipment and property brought into the territory of the requesting State by the assisting party for the purpose of the assistance; and
- (b) provide immunity from seizure, attachment or requisition of such equipment and property.
4. The requesting State shall ensure the return of such equipment and property. If requested by the assisting party, the requesting State shall arrange, to the extent it is able to do so, for the necessary decontamination of recoverable equipment involved in the assistance before its return.
5. The requesting State shall facilitate the entry into, stay in and departure from its national territory of personnel notified pursuant to paragraph 2 and of equipment and property involved in the assistance.
6. Nothing in this article shall require the requesting State to provide its nationals or permanent residents with the privileges and immunities provided for in the foregoing paragraphs.
7. Without prejudice to the privileges and immunities, all beneficiaries enjoying such privileges and immunities under this article have a duty to respect the laws and regulations of the requesting State. They shall also have the duty not to interfere in the domestic affairs of the requesting State.
8. Nothing in this article shall prejudice rights and obligations with respect to privileges and immunities afforded pursuant to other international agreements or the rules of customary international law.
9. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound in whole or in part by paragraphs 2 and 3.
10. A State Party which has made a declaration in accordance with paragraph 9 may at any time withdraw it by notification to the depositary.

Article 9

Transit of personnel, equipment and property

Each State Party shall, at the request of the requesting State or the assisting party, seek to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting State.

Article 10

Claims and compensation

1. The States Parties shall closely cooperate in order to facilitate the settlement of legal proceedings and claims under this article.
2. Unless otherwise agreed, a requesting State shall in respect of death or of injury to persons, damage to or loss of property, or damage to the environment caused within its territory or other area under its jurisdiction or control in the course of providing the assistance requested:

- (a) not bring any legal proceedings against the assisting party or persons or other legal entities acting on its behalf;
 - (b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the assisting party or against persons or other legal entities acting on its behalf;
 - (c) hold the assisting party or persons or other legal entities acting on its behalf harmless in respect of legal proceedings and claims referred to in sub-paragraph (b); and
 - (d) compensate the assisting party or persons or other legal entities acting on its behalf for:
 - (i) death of or injury to personnel of the assisting party or persons acting on its behalf;
 - (ii) loss of or damage to non-consumable equipment or materials related to the assistance;
- except in cases of wilful misconduct by the individuals who caused the death, injury, loss or damage.

3. This article shall not prevent compensation or indemnity available under any applicable international agreement or national law of any State.

4. Nothing in this article shall require the requesting State to apply paragraph 2 in whole or in part to its nationals or permanent residents.

5. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare:

- (a) that it does not consider itself bound in whole or in part by paragraph 2;
- (b) that it will not apply paragraph 2 in whole or in part in cases of gross negligence by the individuals who caused the death, injury, loss or damage.

6. A State Party which has made a declaration in accordance with paragraph 5 may at any time withdraw it by notification to the depositary.

Article 11

Termination of assistance

The requesting State or the assisting party may at any time, after appropriate consultations and by notification in writing, request the termination of assistance received or provided under this Convention. Once such a request has been made, the parties involved shall consult with each other to make arrangements for the proper conclusion of the assistance.

Article 12

Relationship to other international agreements

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

Article 13

Settlement of disputes

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

Article 14

Entry into force

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfil the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organization shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organization shall not hold any vote additional to those of its Member States.

Article 15**Provisional application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

Article 16**Amendments**

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all other States Parties.
2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.
3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

Article 17**Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.

Article 18**Depositary**

1. The Director General of the Agency shall be the depositary of this Convention.
2. The Director General of the Agency shall promptly notify States Parties and all other States of:
 - (a) each signature of this Convention or any protocol of amendment;
 - (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
 - (c) any declaration or withdrawal thereof in accordance with articles 8, 10 and 13;
 - (d) any declaration of provisional application of this Convention in accordance with article 15;
 - (e) the entry into force of this Convention and of any amendment thereto; and
 - (f) any denunciation made under article 17.

Article 19**Authentic texts and certified copies**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 14.

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

"Convention On Assistance in the Case of a
Nuclear Accident or Radiological Emergency"

Reservations

1. "In conformity with article 8 paragraph 9 of the Convention, Turkey does not consider itself bound by article 8 paragraph 2 (a) with regard the immunity from civil proceedings, by paragraph 2 (b) concerning exemption from taxation, duties or other charges for personnel of the assisting party."

2. "Turkey 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 article 10, thereof.

3. "Turkey hereby declares that in accordance with paragraph 3 of the article 13 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 13, thereof."

CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

(Adopted on 26 September 1986, during the 8th plenary meeting)

THE STATES PARTIES TO THIS CONVENTION,

AWARE that nuclear activities are being carried out in a number of States,

NOTING that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,

DESIRING to strengthen further international co-operation in the safe development and use of nuclear energy,

CONVINCED of the need for States to provide relevant information about nuclear accidents as early as possible in order that transboundary radiological consequences can be minimized,

NOTING the usefulness of bilateral and multilateral arrangements on information exchange in this area,

HAVE AGREED as follows:

Article 1**Scope of application**

1. This Convention shall apply in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph 2 below, from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance for another State.
2. The facilities and activities referred to in paragraph 1 are the following:
 - (a) any nuclear reactor wherever located;
 - (b) any nuclear fuel cycle facility;
 - (c) any radioactive waste management facility;
 - (d) the transport and storage of nuclear fuels or radioactive wastes;
 - (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
 - (f) the use of radioisotopes for power generation in space objects.

Article 2**Notification and information**

In the event of an accident specified in article 1 (hereinafter referred to as a "nuclear accident"), the State Party referred to in that article shall:

- (a) forthwith notify, directly or through the International Atomic Energy Agency (hereinafter referred to as the "Agency"), those States which are or may be physically affected as specified in article 1 and the Agency of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate; and
- (b) promptly provide the States referred to in sub-paragraph (a), directly or through the Agency, and the Agency with such available information relevant to minimizing the radiological consequences in those States, as specified in article 5.

NOTE: Pursuant to Article 12.3, the Convention entered into force on 27 October 1986.

Article 3**Other Nuclear Accidents**

With a view to minimizing the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in article 1.

Article 4**Functions of the Agency**

The Agency shall:

- (a) forthwith inform States Parties, Member States, other States which are or may be physically affected as specified in article 1 and relevant international intergovernmental organizations (hereinafter referred to as "international organizations") of a notification received pursuant to sub-paragraph (a) of article 2; and
- (b) promptly provide any State Party, Member State or relevant international organization, upon request, with the information received pursuant to sub-paragraph (b) of article 2.

Article 5**Information to be provided**

1. The information to be provided pursuant to sub-paragraph (b) of article 2 shall comprise the following data as then available to the notifying State Party:
 - (a) the time, exact location where appropriate, and the nature of the nuclear accident;
 - (b) the facility or activity involved;
 - (c) the assumed or established cause and the foreseeable development of the nuclear accident relevant to the transboundary release of the radioactive materials;
 - (d) the general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;
 - (e) information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;
 - (f) the results of environmental monitoring relevant to the transboundary release of the radioactive materials;
 - (g) the off-site protective measures taken or planned;
 - (h) the predicted behaviour over time of the radioactive release.
2. Such information shall be supplemented at appropriate intervals by further relevant information on the development of the emergency situation, including its foreseeable or actual termination.
3. Information received pursuant to sub-paragraph (b) of article 2 may be used without restriction, except when such information is provided in confidence by the notifying State Party.

Article 6**Consultations**

A State Party providing information pursuant to sub-paragraph (b) of article 2 shall, as far as is reasonably practicable, respond promptly to a request for further information or consultations sought by an affected State Party with a view to minimizing the radiological consequences in that State.

Article 7**Competent authorities and points of contact**

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact responsible for issuing and receiving the notification and information referred to in article 2. Such points of contact and a focal point within the Agency shall be available continuously.
2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.
3. The Agency shall maintain an up-to-date list of such national authorities and points of contact as well as points of contact of relevant international organizations and shall provide it to States Parties and Member States and to relevant international organizations.

Article 8**Assistance to States Parties**

The Agency shall, in accordance with its Statute and upon a request of a State Party which does not have nuclear activities itself and borders on a State having an active nuclear programme but not Party, conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system in order to facilitate the achievement of the objectives of this Convention.

Article 9**Bilateral and multilateral arrangements**

In furtherance of their mutual interests, States Parties may consider, where deemed appropriate, the conclusion of bilateral or multilateral arrangements relating to the subject matter of this Convention.

Article 10**Relationship to other international agreements**

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

Article 11**Settlement of disputes**

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.

2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depositary.

Article 12

Entry into force

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfil the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organization shall communicate to the depositary a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organization shall not hold any vote additional to those of its Member States.

Article 13**Provisional application**

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

Article 14**Amendments**

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all other States Parties.
2. If a majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.
3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

Article 15**Denunciation**

1. A State Party may denounce this Convention by written notification to the depositary.
2. Denunciation shall take effect one year following the date on which the notification is received by the depositary.

Article 16**Depositary**

1. The Director General of the Agency shall be the depositary of this Convention.
2. The Director General of the Agency shall promptly notify States Parties and all other States of:
 - (a) each signature of this Convention or any protocol of amendment;
 - (b) each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;
 - (c) any declaration or withdrawal thereof in accordance with article 11;
 - (d) any declaration of provisional application of this Convention in accordance with article 13;
 - (e) the entry into force of this Convention and of any amendment thereto; and
 - (f) any denunciation made under article 15.

Article 17

Authentic texts and certified copies

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 12.

ADOPTED by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

"Convention On Early Notification Of a Nuclear
Accident"

Reservation

"Turkey hereby declares that in accordance with paragraph 3 of the article 11 of the Convention on Early Notification of a Nuclear Accident, it does not consider itself bound by the provisions of paragraph 2 of article 11, thereof."
