

AGREEMENTS

MULTILATERAL AGREEMENTS

Negotiations to revise the 1979 Convention on the Physical Protection of Nuclear Materials (2003)¹

The group of legal and technical experts established to revise the 1979 Convention on the Physical Protection of Nuclear Materials (see the author's previous update on these negotiations in *Nuclear Law Bulletin* No. 70) held a further two-week round of negotiations from 3 to 14 March 2003 in Vienna. This session was intended to be the last meeting of the group, resulting in a finalised amended text. It is recalled that the group of legal and technical experts met five times since December 2001, with the work carried out becoming increasingly relevant in connection with the developing international situation, which clearly called for a strengthening of the international physical protection regime for nuclear facilities and materials.

In general, with the exception of certain issues which need to be resolved at a political level, the outcome of the session should be regarded as a positive one. More specifically, the amended text of the Convention includes the following basic principles, upon which a consensus was reached or a large majority achieved:

- a broader scope of the Convention, covering nuclear materials not only during international transport but also during domestic use, storage and transport, as well as protection of nuclear materials and facilities against sabotage;
- confirmation that physical protection is the primary responsibility of individual States;
- introduction of obligations on Contracting Parties to meet physical protection requirements governing materials and facilities (including in the case of lost or stolen materials), to mitigate the radiological consequences of sabotage, to set up a legal and regulatory regime and to establish a licensing and inspection authority;
- introduction of the fundamental physical protection objectives and principles (O & P) as endorsed by the IAEA Board of Governors as "Security Fundamentals" and referred to in the Resolution adopted by the IAEA General Conference in 2001 (see *Nuclear Law Bulletin* Nos. 68 & 70);
- introduction of new tools for international co-operation;

1. This Note was kindly provided by Mr. Fabrizio Nocera, Legal Adviser to the ENEA in Italy, who participated in these negotiations.

- broadening of the list of punishable offences (including sabotage and smuggling of nuclear materials) under the Convention.

The remaining outstanding points concern the inclusion of damage to the environment among the punishable offences, the exclusion of sabotage during armed conflicts from such offences, the organisation of revision conferences on the Convention after a certain number of years, and the wording to reflect the degree of commitment by States to the O & P mentioned above. On these issues, positions still diverge to a varying extent and therefore will have to be reconsidered at the diplomatic conference convened to adopt the revised Convention.

The outcome of the March meeting has been reflected in a report by the Chairman of the Group and has been forwarded to the Director General of the IAEA together with the proposed amended text of the Convention.

Multilateral Nuclear Environmental Programme in the Russian Federation – MNEPR (2003)

The Framework Agreement on the MNEPR initiative was signed by several OECD Member countries² and the Russian Federation on 21 May 2003 in Stockholm, Sweden. This Agreement is the culmination of negotiations which resulted in 1999 in a Declaration of Principles regarding the MNEPR (the text and a description of this Declaration were published in *Nuclear Law Bulletin* No. 63). The MNEPR constitutes a framework for assistance activities and other forms of co-operation in support of the development and effective implementation of projects in the field of safety of spent nuclear fuel and radioactive waste management primarily in north-west Russia.

A Protocol on Claims, Legal Proceedings and Indemnification was adopted in addition to the MNEPR Framework Agreement. It contains in particular a model indemnity confirmation letter to be provided by the Ministry for Atomic Energy of the Russian Federation to each Contractor providing assistance.

The NEA Secretariat provided legal support throughout the negotiations on this instrument and the Secretary-General of the OECD has been designated as co-depository of these instruments, together with the Ministry of Foreign Affairs of the Russian Federation.

The text of the Framework Agreement and the Protocol is reproduced in the Chapter “Texts” of this *Bulletin*.

Status of Conventions in the Field of Nuclear Energy

1979 Convention on the Physical Protection of Nuclear Materials

Since the last update in *Nuclear Law Bulletin* No. 70, five States namely Colombia, the Marshall Islands, Mozambique, Swaziland and Tonga have become Contracting Parties to this Convention. Therefore, as of 10 May 2003, there are 86 Parties to this Convention, as set out in the table below.

2. The Framework Agreement was signed by Belgium, Denmark, Finland, France, Germany, the Netherlands, Norway, Russia, Sweden, the United Kingdom, the United States of America, the European Community and the European Atomic Energy Community.

Status of signatures, ratifications, acceptances, approvals, accessions or successions

State	Date of Signature	Date of Deposit of Instrument
Albania		5 March 2002 (accession)
Antigua and Barbuda		4 August 1993 (accession)
Argentina	28 February 1986	6 April 1989 (ratification)
Armenia		24 August 1993 (accession)
Australia	22 February 1984	22 September 1987 (ratification)
Austria	3 March 1980	22 December 1988 (ratification)
Belarus		9 September 1993 (succession)
Belgium	13 June 1980	6 September 1991 (ratification)
Bolivia		24 January 2002 (accession)
Bosnia and Herzegovina		30 June 1998 (succession)
Botswana		19 September 2000 (accession)
Brazil	15 May 1981	17 October 1985 (ratification)
Bulgaria	23 June 1981	10 April 1984 (ratification)
Canada	23 September 1980	21 March 1986 (ratification)
Chile		27 April 1994 (accession)
China, People's Republic of		10 January 1989 (accession)
Colombia		28 March 2003 (accession)
Croatia		29 September 1992 (succession)
Cuba		26 September 1997 (accession)
Cyprus		23 July 1998 (accession)
Czech Republic		24 March 1993 (succession)
Denmark	13 June 1980	6 September 1991 (ratification)
Dominican Republic	3 March 1980	
Ecuador	26 June 1986	17 January 1996 (ratification)
Estonia		9 May 1994 (accession)
Euratom	13 June 1980	6 September 1991 (confirmation)
Finland	25 June 1981	22 September 1989 (acceptance)
France	13 June 1980	6 September 1991 (approval)
Germany	13 June 1980	6 September 1991 (ratification)
Ghana		16 October 2002 (accession)
Greece	3 March 1980	6 September 1991 (ratification)
Grenada		9 January 2002 (accession)
Guatemala	12 March 1980	23 April 1985 (ratification)

Haiti	9 April 1980	
Hungary	17 June 1980	4 May 1984 (ratification)
Iceland		18 June 2002 (accession)
India		12 March 2002 (accession)
Indonesia	3 July 1986	5 November 1986 (ratification)
Ireland	13 June 1980	6 September 1991 (ratification)
Israel	17 June 1983	22 January 2002 (ratification)
Italy	13 June 1980	6 September 1991 (ratification)
Japan		28 October 1988 (accession)
Kenya		11 February 2002 (accession)
Korea, Republic of	29 December 1981	7 April 1982 (ratification)
Latvia		6 November 2002 (accession)
Lebanon		16 December 1997 (accession)
Libyan Arab Jamahiriya		18 October 2000 (accession)
Liechtenstein	13 January 1986	25 November 1986 (ratification)
Lithuania		7 December 1993 (accession)
Luxembourg	13 June 1980	6 September 1991 (ratification)
Macedonia, The Former Yugoslav Republic of		20 September 1996 (succession)
Mali		7 May 2002 (accession)
Marshall Islands		7 February 2003 (accession)
Mexico		4 April 1988 (accession)
Moldova, Republic of		7 May 1998 (accession)
Monaco		9 August 1996 (accession)
Mongolia	23 January 1986	28 May 1986 (ratification)
Morocco	25 July 1980	23 August 2002 (ratification)
Mozambique		3 March 2003 (accession)
Namibia		2 October 2002 (accession)
Netherlands	13 June 1980	6 September 1991 (acceptance)
Niger	7 January 1985	
Norway	26 January 1983	15 August 1985 (ratification)
Pakistan		12 September 2000 (accession)
Panama	18 March 1980	1 April 1999 (ratification)
Paraguay	21 May 1980	6 February 1985 (ratification)
Peru		11 January 1995 (accession)
Philippines	19 May 1980	22 September 1981 (ratification)
Poland	6 August 1980	5 October 1983 (ratification)

Portugal	19 September 1984	6 September 1991 (ratification)
Romania	15 January 1981	23 November 1993 (ratification)
Russian Federation	22 May 1980	25 May 1983 (ratification)
Serbia and Montenegro	15 July 1980	5 February 2002 (succession)
Slovak Republic		10 February 1993 (succession)
Slovenia		7 July 1992 (succession)
South Africa	18 May 1981	
Spain	7 April 1986	6 September 1991 (ratification)
Sudan		18 May 2000 (accession)
Swaziland		17 April 2003 (accession)
Sweden	2 July 1980	1 August 1980 (ratification)
Switzerland	9 January 1987	9 January 1987 (ratification)
Tajikistan		11 July 1996 (accession)
Tonga		24 January 2003 (accession)
Trinidad and Tobago		25 April 2001 (accession)
Tunisia		8 April 1993 (accession)
Turkey	23 August 1983	27 February 1985 (ratification)
Ukraine		6 July 1993 (accession)
United Kingdom	13 June 1980	6 September 1991 (ratification)
United States	3 March 1980	13 December 1982 (ratification)
Uzbekistan		9 February 1998 (accession)

1996 Comprehensive Nuclear Test Ban Treaty

Since the last update in *Nuclear Law Bulletin* No. 68, 17 countries namely Albania, Botswana, Burkina Faso, Côte d'Ivoire, Ecuador, Georgia, Jamaica, Kazakhstan, Kuwait, Latvia, Mauritania, Nauru, Niger, Samoa, San Marino, Singapore and Venezuela have become Contracting Parties to this Treaty. Therefore, as of 10 May 2002, there are 100 Parties to this Treaty as set out in the table below, including 31 States whose signature and ratification are required for the Treaty to enter into force.

* Indicates one of the 44 States whose ratification is required for the Treaty to enter into force.

Status of signatures, ratifications, acceptances, approvals or accessions

State	Date of Signature	Date of Deposit of Instrument
Albania	27 September 1996	23 April 2003
Algeria*	15 October 1996	
Andorra	24 September 1996	
Angola	27 September 1996	
Antigua and Barbuda	16 April 1997	

State	Date of Signature	Date of Deposit of Instrument
Argentina*	24 September 1996	4 December 1998
Armenia	1 October 1996	
Australia*	24 September 1996	9 July 1998
Austria*	24 September 1996	13 March 1998
Azerbaijan	28 July 1997	2 February 1999
Bahrain	24 September 1996	
Bangladesh*	24 October 1996	8 March 2000
Belarus	24 September 1996	13 September 2000
Belgium*	24 September 1996	29 June 1999
Belize	14 November 2001	
Benin	27 September 1996	6 March 2001
Bolivia	24 September 1996	4 October 1999
Bosnia and Herzegovina	24 September 1996	
Botswana	16 September 2002	28 October 2002
Brazil*	24 September 1996	24 July 1998
Brunei Darussalam	22 January 1997	
Bulgaria*	24 September 1996	29 September 1999
Burkina Faso	27 September 1996	17 April 2002
Burundi	24 September 1996	
Cambodia	26 September 1996	10 November 2000
Cameroon	16 November 2001	
Canada*	24 September 1996	18 December 1998
Cape Verde	1 October 1996	
Central African Republic	19 December 2001	
Chad	8 October 1996	
Chile*	24 September 1996	12 July 2000
China*	24 September 1996	
Colombia*	24 September 1996	
Comoros	12 December 1996	
Congo	11 February 1997	
Congo, Democratic Republic of*	4 October 1996	
Cook Islands	5 December 1997	
Costa Rica	24 September 1996	25 September 2001
Côte d'Ivoire	25 September 1996	11 March 2003
Croatia	24 September 1996	2 March 2001

State	Date of Signature	Date of Deposit of Instrument
Cyprus	24 September 1996	
Czech Republic	12 November 1996	11 September 1997
Denmark	24 September 1996	21 December 1998
Djibouti	21 October 1996	
Dominican Republic	3 October 1996	
Ecuador	24 September 1996	12 November 2001
Egypt*	14 October 1996	
El Salvador	24 September 1996	11 September 1998
Equatorial Guinea	9 October 1996	
Estonia	20 November 1996	13 August 1999
Ethiopia	25 September 1996	
Fiji	24 September 1996	10 October 1996
Finland*	24 September 1996	15 January 1999
France*	24 September 1996	6 April 1998
Gabon	7 October 1996	20 September 2000
Gambia	9 April 2003	
Georgia	24 September 1996	27 September 2002
Germany*	24 September 1996	20 August 1998
Ghana	3 October 1996	
Greece	24 September 1996	21 April 1999
Grenada	10 October 1996	19 August 1998
Guinea	3 October 1996	
Guinea-Bissau	11 April 1997	
Guyana	7 September 2000	7 March 2001
Haiti	24 September 1996	
Holy See	24 September 1996	18 July 2001
Honduras	25 September 1996	
Hungary*	25 September 1996	13 July 1999
Iceland	24 September 1996	26 June 2000
Indonesia*	24 September 1996	
Iran, Islamic Republic of*	24 September 1996	
Ireland	24 September 1996	15 July 1999
Israel*	25 September 1996	
Italy*	24 September 1996	1 February 1999
Jamaica	11 November 1996	13 November 2001

State	Date of Signature	Date of Deposit of Instrument
Japan*	24 September 1996	8 July 1997
Jordan	26 September 1996	25 August 1998
Kazakhstan	30 September 1996	14 May 2002
Kenya	14 November 1996	30 November 2000
Kiribati, Republic of	7 September 2000	7 September 2000
Korea, Republic of *	24 September 1996	24 September 1999
Kuwait	24 September 1996	6 May 2003
Kyrgyzstan	8 October 1996	
Lao People's Democratic Republic	30 July 1997	5 October 2000
Latvia	24 September 1996	20 November 2001
Lesotho	30 September 1996	14 September 1999
Liberia	1 October 1996	
Libyan Arab Jamahiriya	13 November 2001	
Liechtenstein	27 September 1996	
Lithuania	7 October 1996	7 February 2000
Luxembourg	24 September 1996	26 May 1999
Macedonia, The Former Yugoslav Republic of	29 October 1998	14 March 2000
Madagascar	9 October 1996	
Malawi	9 October 1996	
Malaysia	23 July 1998	
Maldives	1 October 1997	7 September 2000
Mali	18 February 1997	4 August 1999
Malta	24 September 1996	23 July 2001
Marshall Islands	24 September 1996	
Mauritania	24 September 1996	30 April 2003
Mexico*	24 September 1996	5 October 1999
Micronesia, Federal States of	24 September 1996	25 July 1997
Moldova, Republic of	24 September 1997	
Monaco	1 October 1996	18 December 1998
Mongolia	1 October 1996	8 August 1997
Morocco	24 September 1996	27 April 2000
Mozambique	26 September 1996	
Myanmar	25 November 1996	
Namibia	24 September 1996	29 June 2001

State	Date of Signature	Date of Deposit of Instrument
Nauru	8 September 2000	12 November 2001
Nepal	8 October 1996	
Netherlands*	24 September 1996	23 March 1999
New Zealand	27 September 1996	19 March 1999
Nicaragua	24 September 1996	5 December 2000
Niger	3 October 1996	9 September 2002
Nigeria	8 September 2000	27 September 2001
Norway*	24 September 1996	15 July 1999
Oman	23 September 1999	
Panama	24 September 1996	23 March 1999
Papua New Guinea	25 September 1996	
Paraguay	25 September 1996	4 October 2001
Peru*	25 September 1996	12 November 1997
Philippines	24 September 1996	23 February 2001
Poland*	24 September 1996	25 May 1999
Portugal	24 September 1996	26 June 2000
Qatar	24 September 1996	3 March 1997
Romania*	24 September 1996	5 October 1999
Russian Federation*	24 September 1996	30 June 2000
Saint Lucia	4 October 1996	5 April 2001
Samoa	9 October 1996	27 September 2002
San Marino	7 October 1996	12 March 2002
Sao Tome and Principe	26 September 1996	
Senegal	26 September 1996	9 June 1999
Serbia and Montenegro	8 June 2001	
Seychelles	24 September 1996	
Sierra Leone	8 September 2000	17 September 2001
Singapore	14 January 1999	10 November 2001
Slovak Republic*	30 September 1996	3 March 1998
Slovenia	24 September 1996	31 August 1999
Solomon Islands	3 October 1996	
South Africa*	24 September 1996	30 March 1999
Spain*	24 September 1996	31 July 1998
Sri Lanka	24 October 1996	
Suriname	14 January 1997	

State	Date of Signature	Date of Deposit of Instrument
Swaziland	24 September 1996	
Sweden*	24 September 1996	2 December 1998
Switzerland*	24 September 1996	1 October 1999
Tajikistan	7 October 1996	10 June 1998
Thailand	12 November 1996	
Togo	2 October 1996	
Tunisia	16 October 1996	
Turkey*	24 September 1996	16 February 2000
Turkmenistan	24 September 1996	20 February 1998
Uganda	7 November 1996	14 March 2001
Ukraine*	27 September 1996	23 February 2001
United Arab Emirates	25 September 1996	18 September 2000
United Kingdom*	24 September 1996	6 April 1998
United States of America*	24 September 1996	
Uruguay	24 September 1996	21 September 2001
Uzbekistan	3 October 1996	29 May 1997
Vanuatu	24 September 1996	
Venezuela	3 October 1996	13 May 2002
Vietnam*	24 September 1996	
Yemen	30 September 1996	
Zambia	3 December 1996	
Zimbabwe	13 October 1999	

1963 Vienna Convention on Civil Liability for Nuclear Damage

Since the last update in *Nuclear Law Bulletin* No. 69, the Vienna Convention ceased to apply to Slovenia as of 12 November 2002, following its notification of termination on 9 November 2001. Therefore, as of 10 May 2003, there are 32 Contracting Parties to this Convention.

1963 Brussels Supplementary Convention

Since the last update in *Nuclear Law Bulletin* No. 45, the Republic of Slovenia has become a Contracting Party to the Brussels Supplementary Convention. Therefore, as of 10 May 2003, there are 12 Contracting Parties to this Convention.

1986 Convention on Early Notification of a Nuclear Accident

Since the last update in *Nuclear Law Bulletin* No. 69, Colombia has become a Contracting Party to this Convention (accession). Therefore, as of 10 May 2003, there are 88 Contracting Parties to this Convention.

1986 Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency

Since the last update in *Nuclear Law Bulletin* No. 70, Albania has become a Contracting Party to this Convention (accession). Therefore, as of 10 May 2003, there are 85 Contracting Parties to this Convention.

1997 Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Since the last update in *Nuclear Law Bulletin* No. 70, two States, namely Belarus and United States have become Contracting Parties to this Convention (ratification). Therefore, as of 10 May 2003, there are 31 Contracting Parties to this Convention.