

2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 March 2015
English
Original: French

New York, 27 April-22 May 2015

Support for the development of a global civil nuclear liability regime

Working paper submitted by France

1. The development of a global civil nuclear liability regime resting on the support of the highest possible number of States for the relevant international conventions is a goal that has been reaffirmed several times at the international level.
2. Thus, the Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons called upon States parties, in the 2010 Action Plan, to “Put in force a civil nuclear liability regime by becoming party to relevant international instruments or adopting suitable national legislation, based upon the principles established by the main pertinent international instruments”.
3. Similarly, the Action Plan on Nuclear Safety, adopted by the member States of the International Atomic Energy Agency (IAEA) in 2011 after the Fukushima Daiichi accident, calls upon member States of IAEA “to work towards establishing a global nuclear liability regime that addresses the concerns of all States that might be affected by a nuclear accident with a view to providing appropriate compensation for nuclear damage”. It further calls upon member States “to give due consideration to the possibility of joining the international nuclear liability instruments as a step towards achieving such a global regime”.
4. Adoption by States of national laws consonant with the international principles laid down by these conventions is an important factor in the establishment of a civil nuclear liability regime. However, the establishment of treaty relations between States is an indispensable condition to ensure prompt, appropriate and equitable compensation for nuclear damage in case of cross-border nuclear accident. Support by the highest possible number of States for the international conventions on civil nuclear liability makes it possible:
 - (a) To help strengthen legal certainty for populations, determining in advance the rules to be applied in case of nuclear accident for the compensation of victims (exclusive strict liability regime, specific compensation methods, designation of the jurisdiction competent to receive claims for compensation etc.);



(b) To foster responsible development of nuclear energy, enabling nuclear operators to function in a stable and secure legal environment in which their liabilities are well defined and backed by financial guarantees;

(c) To guarantee adequate compensation for possible victims, prescribing a minimum amount of compensation in case of nuclear accident, chargeable to operators of nuclear facilities;

(d) To guarantee, without discrimination of any kind, compensation for all victims of nuclear damage, whether or not they are in the State or area where the accident occurs.

5. The relevant international instruments with regard to civil nuclear liability are the amended Paris Convention on Third Party Liability in the Field of Nuclear Energy and the Vienna Convention on Civil Liability for Nuclear Damage, as basic conventions, also linked to the Joint Protocol, the amended Brussels Convention Supplementary to the Convention on Third Party Liability in the Field of Nuclear Energy and the Convention on Supplementary Compensation for Nuclear Damage, expected to enter into force in April, 2015.

6. Avenues for progress in the development of a global regime of civil nuclear liability can be identified. In this regard, France wishes to encourage all States to increase their efforts in favour of:

(a) Support by all States, regardless of whether they have a nuclear programme, for international conventions in the field of civil nuclear liability and implementation of national implementing legislation consonant with the principles of these conventions;

(b) The earliest possible entry into force of the 2004 Protocols amending the Paris and Brussels Conventions, which should improve the terms of compensation for victims of nuclear damage (in particular, increased compensation thresholds, increased scope of compensable damage);

(c) Continued work on the subject in the relevant forums (in particular IAEA and Nuclear Energy Agency). France takes active part in discussions taking place on these matters at the international level. In August, 2013, it concluded with the United States of America a "Joint Statement" on the subject whose aim is to foster the development of a global civil nuclear liability regime;

(d) Continued focus in international deliberations on ways of making the global landscape of civil nuclear liability more unified.
