

DRAFT CONFERENCE CONCLUSIONS

Alexandre Kiss, Jon Van Dyke and Michael Geistlinger made the following draft conclusions for the conference:

- (1) States are responsible under general international law for any damage caused outside their jurisdiction by nuclear activities, including those caused by the siting an operation of nuclear facilities and the transport and disposal of nuclear wastes. States must in this regard exercise due diligence.
- (2) The current study of the International Law Commission on the responsibility of States for internationally wrongful acts should take explicitly into consideration damage resulting from nuclear activities, with contributions to this work by the civil society to the extent possible. In particular, the problem of defining what constitutes sufficient injury in this field should be studied further. Even States only potentially affected or which cannot provide injury should be able to claim.
- (3) The obligations resulting from international treaties as well as from national legislation protecting humans such as the right to life, to health, to the respect of private life, to information, to due process and to non-discrimination must be complied with, taking into account the potential influence of nuclear activities on the exercise of such rights.
- (4) Similarly, international agreements aiming at the protection of the environment must be complied with, considering the possibility of the influence of nuclear activities on the objects of protection.
- (5) International treaties and regulations aiming at the prevention of nuclear damage should be further developed, especially by IAEA, if necessary with assistance of other international organisations. Such organisations should be invested with the necessary means to control compliance by the States with the international rules and norms related to nuclear security, especially by the regular submission of reports by States and by onsite inspection.
- (6) NGOs must coordinate and concentrate their efforts on obtaining observatory status in international bodies in charge of drafting and on the surveillance of compliance with such rules and norms related to nuclear activities.