



International Atomic Energy Agency

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OPTIONAL PROTOCOL CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES TO THE VIENNA CONVENTION ON CIVIL LIABILITY FOR NUCLEAR DAMAGE

1. The Optional Protocol Concerning the Compulsory Settlement of Disputes to the Vienna Convention on Civil Liability for Nuclear Damage was adopted on 21 May 1963 by the International Conference held at Vienna from 29 April to 19 May 1963. It was opened for signature on the same date. The Optional Protocol came into force on 13 May 1999, i.e. on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Optional Protocol, in accordance with Article VII.
2. The text of the Optional Protocol as adopted is reproduced in the Annex hereto for the information of all Member States. Currently the Philippines and Uruguay are parties to the Optional Protocol.

For reasons of economy, this document has been printed in a limited number. Delegates are kindly requested to bring their copies of documents to meetings.

OPTIONAL PROTOCOL CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES

The States Parties to the present Protocol and to the Vienna Convention on Civil Liability for Nuclear Damage hereinafter referred to as “the Convention”, adopted by the International Conference held at Vienna from 29 April to 19 May 1963,

EXPRESSING THEIR WISH to resort in all matters concerning them in respect of any dispute arising out of the interpretation or application of the Convention to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement has been agreed upon by the parties within a reasonable period,

HAVE AGREED as follows -

ARTICLE I

Disputes arising out of the interpretation or application of the Convention shall lie within the compulsory jurisdiction of the International Court of Justice and may accordingly be brought before the Court by an application made by any party to a dispute being a Party to the present Protocol.

ARTICLE II

The parties to a dispute may agree, within a period of two months after one party has notified its opinion to the other that a dispute exists, to resort not to the International Court of Justice but to an arbitral tribunal. After the expiry of the said period, either party may bring the dispute before the Court by an application.

ARTICLE III

1. Within the same period of two months, the parties may agree to adopt a conciliation procedure before resorting to the International Court of Justice.
2. The conciliation commission shall make its recommendations within five months after its appointment. If its recommendations are not accepted by the parties to the dispute within two months after they have been delivered, either party may bring the dispute before the Court by an application.

ARTICLE IV

The present Protocol shall be open for signature by all States which may become Parties to the Convention.

ARTICLE V

The present Protocol is subject to ratification. The instruments of ratification shall be deposited with the Director General of the International Atomic Energy Agency.

ARTICLE VI

The present Protocol shall remain open for accession by all States which may become Parties to the Convention. The instruments of accession shall be deposited with the Director General of the International Atomic Energy Agency.

ARTICLE VII

1. The present Protocol shall enter into force on the same day as the Convention or on the thirtieth day following the date of deposit of the second instrument of ratification or accession to the Protocol with the Director General of the International Atomic Energy Agency, whichever date is the later.

2. For each State ratifying or acceding to the present Protocol after its entry into force in accordance with paragraph 1 of this Article, the Protocol shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE VIII

The Director General of the International Atomic Energy Agency shall inform all States which may become Parties to the Convention -

- (a) of signatures to the present Protocol and of the deposit of instruments of ratification or accession, in accordance with Articles IV, V and VI;
- (b) of the date on which the present Protocol will enter into force, in accordance with Article VII.

ARTICLE IX

The original of the present Protocol, of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall issue certified copies.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, duly authorized thereto, have signed this Protocol.

DONE in Vienna, this twenty-first day of May, one thousand nine hundred and sixty-three.