

1 Introduction

1(1) International nuclear policy

- [IAEA Statute](#)
- [国連総会決議 32/50](#)
- [NPT](#)
- “Australia and New Zealand failed...” [核実験事件判決](#)【判例国際法（第3版）5】
【国際法判例百選（第3版）98】
- [South Pacific Nuclear Free Zone](#)
- [CTBT](#)
- [核兵器使用勧告の意見](#)【判例国際法（第3版）163】【国際法判例百選（第3版）112】

1(2) Nuclear power: the emergence of environmental concern

- [1996 Protocol](#)
- [Council of Europe](#), Parliamentary Assembly [Rec 1968 \(1988\)](#)

2 The international regulation of nuclear energy

2(1) IAEA and the regulation of nuclear risks

(a) Powers over health and safety

- [IAEA safety standards](#)

(b) The legal effect of IAEA health and safety standards

- ‘[D]espite their non-binding character, IAEA health and safety standards have been a significant contribution to controlling the risks of nuclear energy.’
なのはなぜか。
- ‘[C]an IAEA standards then be regarded as “soft law”?’
への答えは？

(c) IAEA as an international inspectorate and review body

- ‘the Agency can, if requested, also provide safety advice and a review of safety practices’

2(2) International agreements on nuclear safety

- これら条約の評価と課題を大まかに言えば？

(a) The Nuclear Safety Convention

- [条約文](#)
- ‘Thus the Convention takes a significant step towards defining the obligations of states operating nuclear installations’
ということは具体的にどのような条約規定に現れて

いるか？

- 6 条の緩い文言にもかかわらず、‘Decisions on the future of such reactors are thus not left entirely to the discretion of the state concerned’と言えるのはなぜか。
- ‘control and sanction’ではなく‘peer review’というのは条約のどこに現れているか。
- それが‘compares unfavourably with most of the more recent global environmental agreements’であるのは具体的にどういう点においてか。

(b) The Joint Convention on the Safety of Spent Fuel and Radioactive Waste Management

- [条約文](#)
- ‘This formulation does not make IAEA or OECD/NEA soft law binding on parties to the 1997 Joint Convention, but it strengthens the view that nuclear soft law is particularly relevant’とあるが、どのように relevant になるのか。

2(3) Other international regulatory bodies

(a) Euratom

- [条約文](#)
- [Euratom](#)
- [Council Directive 2014/87/Euratom](#)

(b) OECD

- [NEA](#)

(c) ILO

- [ILO Convention No 115](#)

2(4) The effectiveness of international regulation

- [Moscow Declaration on Nuclear Safety and Security](#)

3 Control of transboundary nuclear risks

3(1) International obligations

3(2) Nuclear installations: notification and consultation

- ‘These precedents all point first to the conclusion that...’の conclusion とは？ また、
どういう precedents がその根拠になっているか。

3(3) Cooperation and assistance in cases of nuclear emergency

(a) Notification

- [Convention on Early Notification of a Nuclear Accident](#)

(b) Assistance

4 State responsibility for nuclear damage

4(1) Strict of absolute responsibility

- ‘strict’, ‘absolute’, ‘objective’ responsibility の異同は？
 - ‘a matter of degree’ (p. 442)にも注意

4(2) State claims

- ‘they demonstrate the lack of international consensus on this point’ というのは、どうい
う実例のどういうことに基づいて言えるのか。

4(3) Reforming the law of state responsibility for nuclear injury

- ‘the two systems of public and private liability remain complementary’ なのはなぜか。
- ‘it is difficult to conclude that state responsibility at present affords a realistic prospect’ で
あるのはなぜか。

5 Civil liability for nuclear damage

- [Paris Convention of 1960](#)
- [Vienna Convention of 1963](#)
- [Joint Protocol](#)
- 1997 protocol
- 他の越境汚染と異なる考慮が働くとすれば、どのようなものか。

5(1) The Scheme of the conventions

- 5つの特徴を簡潔に説明せよ。

5(2) Why liability without fault?

- 理由はどのように説明されているか。

5(3) The channelling of liability

- ‘the operator’にされる理由は？

5(4) Allocation of loss

- ‘to limit the operator’s liability’の理由は？

(a) The Paris Convention scheme

- [Brussels Supplementary Convention on Third Party Liability in the Field of Nuclear Energy](#)
- [2004 Protocol](#)
- ‘If the 2004 Protocols ever come into force’ → [2022 年 1 月 1 日発効](#)
- 2004 年改正（2022 年発効）の動機は？

(b) The Vienna Convention scheme

- この scheme に参加するメリット・デメリットは？

5(5) Bringing claims under the conventions

- 条約がもたらす利点は？

5(6) Non-party claims

- ‘non-party claims’とは？
- それを認める理由は？

5(7) Nuclear damage and the environment

6 Conclusions

- ‘no significant claim has ever been brought’である理由は？

補論 ALPS 処理水の処分

- [経産省](#)
- [東電](#)
- [放射線環境影響評価報告書（2023 年 2 月）](#)
 - 「参考 B ALPS 処理水に関する各処分方法の検討経緯」（参-添 2-432）
 - ◇ 「2013 年 12 月 4 日には、国際原子力機関……調査団から……助言があった」（参考 B-1）
 - ‘The IAEA team believes it is necessary to find a sustainable solution to the problem of managing contaminated water at TEPCO’s Fukushima Daiichi NPS. This would require considering all options, including the possible resumption of controlled discharges to the sea.’ [\(IAEA\)](#)

[International Peer Review Mission, Second Mission, 15 November – 4 December 2013](#), p. 8).

- ‘The International Peer Review was planned... in the framework of the IAEA Action Plan on Nuclear Safety’ (*ibid.*, p. 16).

- ◆ [IAEA Action Plan on Nuclear Safety](#)

←このような計画を立てることのできる法的根拠は？

- ◇ 「IAEA は……2020 年 4 月 2 日に報告書を公表」（参考 B-14）
- [IAEA Follow-up Review of Progress](#), 2 April 2020, p. 20.
- ◇ 「IAEA グロッシー事務局長から同種のステートメント」（参考 B-15、リンクあり）