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Summary

Nuclear damage is one of the most serious environmental problems in our society today, although it is a phenomena which has accompanied the old peaceful uses of nuclear energy, however, that the high rates now amounted to a serious, and that now threatens the rights and the environment alike, especially as it is not prohibited if the border is not without barriers.

Given the special nature of this, we have prepared a legal study in the specialized field of international protection from damage to the peaceful uses of nuclear energy, especially the doctrine that the subject had already been addressed in part through the provision of either of the studies of various aspects, or by examining the causes of this damage and the impact of radiation nuclear air, water and other various components of the environment.

Therefore, we have an introductory chapter to shed light on the historical evolution of nuclear damage under international regulation and legislative development of the safe handling of nuclear materials in Egypt.

We have identified the concept of nuclear damage and the nature of its own, and the advantages and disadvantages of the peaceful uses of nuclear energy. And we have an overview of the incidents of radioactive sources in various countries of the world and reviewed the analytical study of accidents and radioactive material sources in Egypt and the willingness to confront the nuclear and radiological emergencies in Egypt. Through this introductory chapter we review the efforts of international and local organization of the safe handling of nuclear materials.

We have found that the Egyptian nuclear legislation has omitted many of the elements that must be contained in the nuclear legislation, the most important elements are essential:

The first element: the responsibility of the licensee of the nuclear activity, but only the fact that Egypt is a party to the Vienna Convention on Civil Liability for Nuclear Damage, 1963 which is part of domestic law in accordance with Article 151 of the Constitution, as noted above, there are things have been better delegated to the Egyptian be governed by the terms of the Convention left to domestic law.

Pillar II: Egyptian legislation is omitted in another very serious situation which the legislative basis for radiological emergencies in the light of the conventions to which Egypt is a party, the Convention on Early Notification of a Nuclear Accident, 1986, the Convention on the request for assistance in the event of a Nuclear Accident or Radiological Emergency 1986, where the control should be given opportunities to establish a radiological emergency plan on a national level have a potential application.

Can be invoked in this regard to Article 25 of Law 4 of 1994 on the environment in the development of a national plan for environmental emergency response will be adopted by the Council of Ministers have to be effective on a national level, which provides oversight to the greater possibilities and a wider range of freedom of movement of the radiological emergency response.

We also find that the new nuclear legislation should adopt the same philosophy underlying the 1994 Convention on Nuclear Safety, which has become for the time being the umbrella of a global nuclear safety, as the agreement is considered the catalyst and model for a nuclear organization and the first international instrument to establish the principles

of nuclear safety in the binding framework, Despite the fact that Egypt is not a party to the Convention must be respected, it is the principles that have come out of the general principles of nuclear law.

As well as the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management 1997, these agreements represent a universal language in the field of nuclear safety and the common denominator for most of the decisions taken in the nuclear field, as Egypt is not a party, therefore we feel the need to consider acceding to those treaties.

Thus, we addressed this study in two parts: Dealt with in the first section, including the protection of nuclear damage in international law and could have identified the protection of nuclear damage is the two sides (Insurance - Inspection) and we talked about both of them something Vthdtna detail on the emergence of insurance for nuclear damage and the sources of rules and the importance of insurance in the domestic legal systems and its inception and development in Egypt, and the sources of insurance resulting from the nuclear damage and set the sources of domestic and international sources in the form of the International Labor Organization, the European economy, the League of Arab States, the Arab Labor Organization.

We reviewed the insurance coverage for nuclear damage and the element of risk in insurance in general and the characteristics of the work injury insurance.

We have dealt with the extent of the dangers of nuclear damage insurance and the terms of that, and we spoke about the security systems of traditional insurance, and have concluded that there is a considerable lack of prior insurance laws in the light of these developments in the vast field of peaceful uses of nuclear energy and the number of accidents that have occurred in various country's nuclear facilities and personnel in this area, which has shown us the inadequacy of regulatory controls, which calls on States to establish regulatory authority responsible for implementing the legal and regulatory framework, with appropriate authority and the subject-matter jurisdiction and the elements of financial and administrative responsibilities assigned to the counter, and procedures must be carried out by the regulatory authority within the framework of preventive or legally binding .

It also concluded that it is necessary to prepare a new law complements the measures of international conventions and national legislation consistent with the principles of the internal conventions in order to increase insurance for nuclear damage, and workers in this field and promote regional and global cooperation to achieve a higher level of nuclear safety and in accordance with the principles of international solidarity.

It also offered to the other end of the protection is the inspection of nuclear installations in international law, we have identified the concept search tool that is essential to stabilize and control the implementation of the regulatory authority on the various practices so that if the inadequate or non-integrated system, the subject of the notification, registration and licensing will become progressively to the formalities, and ends up becoming the regulatory action is not integrated, no value, we have offered to the principles underlying the inspections under the international legal order and the main objectives of the inspection of nuclear installations and

different types of this inspection, we have identified that vary according to whether periodic or routine or on the occasion of a special event or to the usual routine inspection and special inspection, and is divided into inspection of declared and undeclared, as prior notification of the Declaration.

It was found that the effectiveness of the inspection regime depends to a large extent on his patrol, so there must be certain periods where the inspection, can also be done to strengthen the inspection regime, however, declared, so that at different times to achieve the element of surprise and shows the true essence of the situation. We talked about the techniques and methods of inspection of nuclear installations.

We found that there are countries that take for the nuclear facilities, a resident inspector with the Inspector for certain nuclear facility all the time, as in the American system, a system of effective inspections of nuclear facilities, and can change at the same time, the resident inspectors from time to time to provide a neutral in this regard.

Also be given powers to enable the inspector to carry out its work effectively, such as: given the status of judicial police, which have been overlooked Egyptian legislation.

We reviewed the international legal regime for the inspection of nuclear facilities through the conventions and international organizations regarding the inspection and the effectiveness of the role of the International Atomic Energy Agency on inspections of nuclear facilities.

We found that there has been significant improvement in the effectiveness of the role of the International Atomic Energy Agency and the efficiency of the international system of inspection and has widened the scope of implementation, even including the vast majority of countries in the world.

We have national laws and decisions of the Organization's internal inspection.

It also dealt with in section II of this study international legal responsibility for nuclear damage and the basis of the idea of international liability for nuclear damage, evolution and importance of the study of international responsibility and in particular for the peaceful uses of nuclear energy and the elements of international liability for nuclear damage in the accident of nuclear and nuclear damage resulting from the incident and the chain of causation.

We addressed the scope of application of international liability for nuclear damage and the development of this responsibility. We talked about the basis of strict liability of the State's responsibility for damages resulting from the peaceful uses of nuclear energy and the nature of nuclear damage, as justification for the application of the theory of strict liability.

We reviewed the state liability for nuclear damage through the criminal responsibility of the State for Nuclear Damage, and we have the concept of criminal responsibility of the State in the international legal system and made clear the extent to which the State is criminally accountable for the damage and the nuclear deal was approved by the UN on the criminal responsibility of the State.

And also explained the State's civil liability for nuclear damage and identified the elements of civil liability and the impact of compensation and the international conventions governing the civil liability for nuclear damage.