

50th Anniversary of the Nuclear Law Committee

Colloquium of 6 February 2007

Opening Remarks by M. Luis Echávarri, Director-General of the OECD/NEA

Mr. Chair, distinguished participants, dear colleagues,

It is an honour and great pleasure to speak to you in my capacity as Director-General of the OECD Nuclear Energy Agency on the occasion of the 50th Anniversary of your Committee. Over these five decades, we have witnessed remarkable evolution and development in the area of nuclear law. All of you have contributed to bringing the Nuclear Law Committee where it stands today. Your Committee deserves the highest level of congratulation for the contribution it has made to this successful evolution in the safe and responsible use of nuclear energy.

1. History of the NLC

As most of you know and as some of you will remember, the Nuclear Law Committee was founded on 24 January 1957, although for most of its existence it was known by a different name, the Group of Governmental Experts on Third Party Liability in the Field of Nuclear Energy. A smile will probably appear on your faces when I inform you that your Committee is even older than the NEA itself. Actually, the NEA was founded on 1 February 1958, several months after its first Committees had been created and had already held meetings. Unfortunately, the first Chair of your Committee is no longer with us to confirm this statement but I have it on good authority that this is the truth. Julia Schwartz will remind you of some key moments in the history of the Committee in a few minutes.

2. Achievements of the NLC

Nuclear energy has changed over the last 50 years. After the second World War, governments were eager to promote nuclear energy because they were convinced that it would bring benefits for their economies. When I first joined the OECD/NEA 10 years ago, the nuclear energy industry was considered by most, including many of our member countries, as being in trouble. Today, the situation is looking very different. Nuclear energy is now at a turning point in its evolution. It has demonstrated its economic competitiveness in many countries and the natural resources are there to support its broader development. Governments are taking a long hard look at energy policy, carefully weighing their options, and taking into account a changing economic and environmental context. As a result, some countries have confirmed their intention to include nuclear energy in their supply mix, and in some cases have even made commitments to build new plants. Many NEA Member countries are now facing common challenges for future nuclear energy development, including the development of a new generation of nuclear energy systems, the disposal of high-level radioactive waste, and the need to maintain expertise in the long term, to mention just a few.

One of the most remarkable features of the development of nuclear liability law is that it not only accompanied, but in fact preceded, the inception of a civilian nuclear industry. After the original research and development work by governments into applications of nuclear energy, many countries considered that nuclear power would promote rapid economic growth. However, potential investors were reluctant to act because of legal uncertainty and fears of crippling liability claims if an accident should occur. Lawyers hastened to assist. At the dawn of nuclear energy in the period 1950 – 1970, lawyers ensured that the nuclear energy sector could develop in the best possible circumstances. The main international nuclear liability conventions, the Paris Convention and the Vienna Convention, were concluded in the early 60's. The Paris Convention was supplemented by the Brussels Supplementary Convention. Delegates of your

Committee negotiated both the Paris and Brussels Conventions. By giving birth to these Conventions, your Committee has set the standard for what has become the global reference for an international nuclear liability regime.

The 1986 accident at Chernobyl demonstrated that damage resulting from a nuclear incident can have detrimental effects upon people, property and natural resources that are much more serious than initially envisaged under the nuclear liability conventions. Therefore, in response to that accident, a major international effort was undertaken to modernize the existing international nuclear liability regime. Two years after the accident and thanks to joint efforts from representatives of your Committee and the IAEA, the Joint Protocol was adopted to unite the Paris and Vienna Conventions, thereby increasing the protection of victims of nuclear damage. Delegates of your Committee also were actively engaged in the negotiation and adoption of the revised Vienna Convention and the Convention on Supplementary Compensation through their country's membership in the IAEA. The most recent initiative in this ongoing international effort is the revision of the Paris and Brussels Supplementary Convention by representatives of your Committee. These revised Conventions will ensure that more money is made available to more victims for more types of damage suffered as a result of a nuclear accident than was ever the case before.

Both the Group of Governmental Experts and the Nuclear Law Committee have played an important role in making the use of nuclear energy safer. Professor Pelzer will address the main achievements of your Committee in a few moments. I would like to take this opportunity to express my deepest gratitude to the Committee for its work over the last 50 years.

3. Future of the NLC

After more than five decades, the NLC has moved beyond a focus on nuclear liability and is setting its sights on a broader variety of nuclear law issues. The increasing maturity of nuclear energy and nuclear energy law does not mean stagnation, nor does it mean a guarantee of stability. Notwithstanding decades of development of the nuclear energy sector, nuclear law is still a dynamic field. Change will happen, and new change-inducing factors will continue to emerge. I understand that Marc Léger will speak to you in more detail on concrete challenges for nuclear law in the future. However, you will agree with me that, as these changes occur, it becomes the responsibility of all concerned to maintain a clear sense of our primary health and safety goals. I am convinced that your Committee will continue to assist member countries in the development, strengthening and harmonisation of nuclear legislation that is based upon internationally accepted principles for the safe and peaceful use of nuclear energy. I also have no doubt that you will contribute to the further modernisation of the international nuclear liability regimes and encourage the strengthening of treaty relations between interested countries to address liability and compensation for nuclear damage. We will be well served by the global conscience that the NEA and your Committee personifies – broadening our perspectives on safety issues, consolidating our resources through cooperative efforts, and enhancing our insights through comparison of our commonalities and differences.

When confronted with new challenges in the nuclear law field, please remember that your Committee is unique. Nowhere in the entire world is there a similar entity which enables national delegates to meet regularly and which embodies top legal expertise on nuclear matters. Your Committee has all the necessary abilities to act as a centre of excellence for future nuclear law activities. I am therefore convinced that you will make a significant contribution in addressing these challenges and bringing substantial benefits to the international community, just as you have done over the past 50 years.

I would like to conclude by wishing you fruitful discussions and joining you in the celebration of the 50th Anniversary of your Committee.

Thank you.