AGREEMENTS

MULTILATERAL AGREEMENTS

International Convention for the Suppression of Acts of Nuclear Terrorism (2005)

On 4 April 2005, the General Assembly of the United Nations adopted the International Convention for the Suppression of Acts of Nuclear Terrorism. This instrument results from the work accomplished by the Ad Hoc Committee established by General Assembly Resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee.

The convention aims at strengthening the international legal framework for the prevention and suppression of nuclear terrorism, while recognising the right of all states to develop and apply nuclear energy for peaceful purposes. It defines in its Article 2 offences which are qualified as nuclear terrorism. These include the unlawful and intentional possession of radioactive material, and the construction, possession or use of a radioactive device with the intent of causing death, injury or damage.

The convention applies to transnational acts alone and does not govern the activities of armed forces during an armed conflict. It also states that the Parties shall co-operate by taking all appropriate measures to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in Article 2 and exchanging accurate and verified information to detect, prevent, suppress and investigate these offences and to institute criminal proceedings against persons alleged to have committed those crimes.

The convention details the obligations of the state on the territory of which an offence has been committed relating, *inter alia*, to the investigation, the prosecution and the eventual extradition of the offender. Finally the Convention governs the status of the radioactive material, devices or nuclear facilities following the commission of an offence.

The convention shall be open for signature by all states from 14 September 2005 until 31 December 2006 and shall enter into force on the thirtieth day following the date of the deposit of the 22nd instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

Entry into Force of the Kyoto Protocol (2005)

The Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) was adopted in December 1997 in Japan and was opened for signature for a period of one year commencing on 16 March 1998 and closing on 15 March 1999. It entered into force on 16 February 2005 following ratification by Russia on 18 November 2004. This entry into force ensues from the completion of the requirements listed in its Article 25, which establishes two sets of criteria. It provides that the Protocol shall enter into force 90 days after it has been ratified by at least

55 Parties to the UNFCCC, including developed countries and economies in transition representing at least 55% of the total 1990 carbon dioxide emissions from this group of countries.

The protocol sets deadlines for developed countries to achieve measurable reductions of greenhouse gas emissions, with penalties for those that fail to comply. Parties committed themselves to reduce their combined emissions of six greenhouse gases* during the five-year "committment period" 2008-12 to below 1990 levels (reduction by at least 5.2%). "Flexibility mechanisms" are set up by Annex I that may be used by the Parties to the UNFCCC to meet their targets, in addition to domestic action. Industrialised countries can trade credits, and invest in emissions-reducing projects in developing countries (through Clean Developments Mechanism – CDM) or in other industrialised countries (through Joint Implementation – JI). Such credits will count towards reaching the targets of the concerned countries and will be registered with the European Union Emissions Trading Scheme which opened on 1 January 2005.

The benefit that nuclear energy brings in terms of reducing carbon dioxide emissions is not prohibited by the Kyoto Protocol. The latter does, however, incorporate conditions that effectively exclude nuclear energy as an option for implementation under two of the three "flexibility mechanisms". This results from the decisions made at the Climate Conference (COP6bis) which took place from 16 to 27 July 2001 in Bonn.

Third Review Meeting of the Convention on Nuclear Safety (2005)

The primary objective of the 1994 Convention on Nuclear Safety is to achieve and maintain a high level of nuclear safety worldwide in the operation and regulation of nuclear power plants, through the enhancement of national measures and international co-operation. At the end of May 2005, 55 states and one regional organisation (Euratom) had ratified the convention, which entered into force on 24 October 1996.

Pursuant to Article 20 of the convention, Contracting Parties meet every three years for a review meeting in order to examine national reports presented by each Party on measures taken and in progress to implement its obligations as stipulated in Chapter 2 of the convention.

The Third Review Meeting of the Contracting Parties to the Convention was held at IAEA Headquarters, Vienna, Austria, from 11 to 22 April 2005. The meeting was attended by the 51 Contracting Parties to the convention. The President of the Review Meeting was Ms Linda J. Keen, President and Chief Executive Officer of the Canadian Nuclear Safety Commission.

A number of issues were discussed at the Review Meeting and an outcome of the meeting is available in a comprehensive Summary Report available at www-ns.iaea.org/downloads/ni/safety_convention/conv-2005.pdf. Among issues that were discussed was the possible role of the convention with regard to research reactors. It was decided to request the IAEA Director General to convene meetings with Member States to discuss how best to assure the effective application of the Code of Conduct on the Safety of Research Reactors, which was approved by the IAEA General Conference in 2004 (see *Nuclear Law Bulletin* No. 74; the text of this instrument is reproduced in the chapter Texts of this *Bulletin*). Contracting Parties also noted the positive contributions of international organisations and regulatory bodies to the development of an international safety culture. Safety initiatives in international organisations like the IAEA, as well as safety and peer review

---

* Carbon dioxyde (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF6).

processes, helped improve overall safety culture on a facility basis. Concerns about the ageing management and maintenance and motivation of the work force were also raised as they are important to maintain the safety of nuclear power plants throughout their entire life cycle.

Generation IV International Forum (GIF) (2005)

The Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems was signed in Washington DC, USA, on 28 February 2005 by Canada, France, Japan, the United Kingdom and the United States. This agreement, for which the OECD Secretary-General is depositary, allows participating countries to move forward on joint research projects on the six reactor concepts that the GIF participants have selected for development. These are: gas-cooled fast reactor system; lead-cooled fast reactor system; molten-salt reactor system; sodium-cooled fast reactor system; supercritical-water-cooled reactor system and very-high-temperature reactor system. These advanced technologies offer the promise of advantages in the areas of economics, safety and reliability, sustainability, physical protection and proliferation resistance and could be deployed commercially by 2020-30.

The framework agreement outlines the types of collaboration envisaged and provides for the establishment of System and Project Arrangements for carrying out specific work on each nuclear energy system. Parties are required to designate implementing agents to accomplish the stated objectives.

The six other GIF members (Argentina, Brazil, Euratom, the Republic of Korea, the Republic of South Africa and Switzerland) are excepted to accede to the agreement in the coming months. Pending their accession, all GIF members will continue to participate in the group's activities over the next year. The NEA serves as Technical Secretariat to the Generation IV International Forum.

Status of Conventions in the Field of Nuclear Energy

1979 Convention on the Physical Protection of Nuclear Material

Since the last update in *Nuclear Law Bulletin* No. 74, five states, namely Djibouti, Dominica, Nicaragua, Niger and Turkmenistan have become Parties to this convention. Therefore, as of 25 May 2005, there are 111 Contracting Parties to this convention.

1986 Convention on Early Notification of a Nuclear Accident

Since the last update in *Nuclear Law Bulletin* No. 73, three states, namely Angola, El Salvador and the United Republic of Tanzania have become Parties to this convention. Therefore, as of 25 May 2005, there are 95 Contracting Parties to this convention.

1994 Convention on Nuclear Safety

Since the last update in *Nuclear Law Bulletin* No. 72, India has become Party to this convention (ratification). Therefore, as of 25 May 2005, there are 56 Contracting Parties to this convention.

1996 Comprehensive Nuclear Test Ban Treaty

Since the last update in *Nuclear Law Bulletin* No. 74, two states, namely Saint Kitts and Nevis and Rwanda have become Parties to this treaty. Therefore, as of 25 May 2005, there are 121 Contracting Parties.