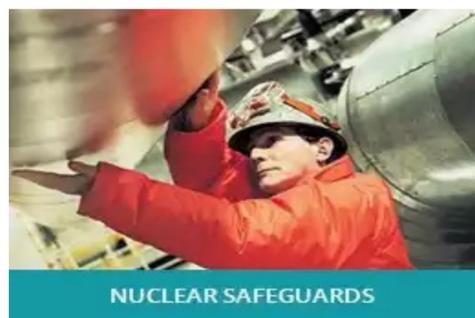


(The Ghana Nuclear Power Programme Organization (GNPPO) is mandated with the task of coordinating, overseeing and administering the phase-to-phase implementation of the Nuclear Power Programme in Ghana until the commissioning of Ghana's first nuclear power plant.)

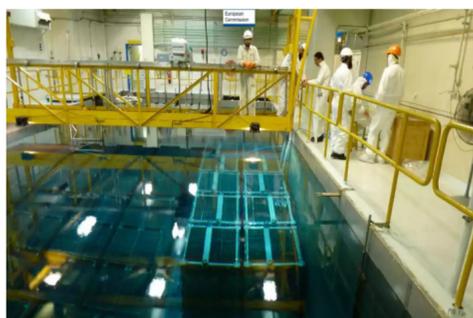
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GNPPO NEWSLETTER



NUCLEAR SAFEGUARDS



Legislative Framework

BACKGROUND

LEGAL FRAMEWORK is one of the 19 infrastructure issues to be addressed by newcomer countries for a successful implementation of a Nuclear Power Programme. A fundamental understanding of the requirements for a legal framework is therefore necessary to the GNPPO and other government institutions involved in the Nuclear Power Programme.

The purpose of a legal framework is to develop a national legislation that would comprehensively cover all aspects of nuclear law (i.e. nuclear safety, nuclear security, safeguards and civil liability for nuclear damage) and regulations. In addition, the legislation should implement international legal instruments to which the country is a party or intends to become a party.

WHY IS IT NECESSARY TO ESTABLISH NATIONAL NUCLEAR LAW AND REGULATIONS FOR A NUCLEAR POWER PROGRAMME?

Promulgation of nuclear law and regulations in any newcomer country serves as the means of providing legal and structural framework to the nuclear related activities in the country. Nuclear law and regulations are promulgated to address the following:

- The safety principle (prevention and protection);
- The security principle (peaceful use of nuclear power);
- The responsibility principle (operator or licensee);
- The permission principle (review and authorization by regulatory body);
- The continuous control principle (right of inspection and access by the regulatory body);
- The compensation principle (extent of nuclear liability);
- The sustainable development principle (protection of future);
- The compliance principle (international and transboundary agreements, treaties and conventions);
- The independence principle (separation of regulatory body from nuclear implementation organizations);
- The predictability and transparency principle (clarity of the process and availability of information on all aspects of nuclear power to the applicants and to the public).

"Safety is protecting the people from the radioactive material". "Security is protecting the radioactive material from the people". "Link to safeguards: there is always need to know where radioactive material is". Further link to liability: in the event of a nuclear accident, there should be mechanism to compensate victims".



With governments' decision to embark on a Nuclear Power Programme to generate electricity, there's the need to establish a legal framework, which considers relevant international instrument. Under these instruments, the duties and responsibilities of the various organizations required for the programme's success (especially the regulatory body and the licensee) are spelt out.

In the current issue of GNPPO newsletter, the focus is on relevant international instruments that Ghana should ratify (i.e. become party to) and the status of Ghana in relation to such international instruments. This bulletin will also highlight other important legislations that require review for successful implementation of the programme. The status of promulgation of national nuclear law and the development of regulations would be presented in another issue.

WHAT ARE THE RELEVANT INTERNATIONAL LEGAL INSTRUMENTS FOR A NUCLEAR POWER PROGRAMME?

The objectives of the international legal instruments is to provide a legal framework for conducting activities related to the peaceful uses of nuclear energy and ionizing radiation in a manner which adequately protects individuals, property and the environment.

The International legal instruments are broadly divided into four (4):

1. NUCLEAR SAFETY

- Convention on Early Notification of a Nuclear Accident (INFCIRC/335);
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (INFCIRC/336);
- Convention on Nuclear Safety (INFCIRC/449);
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (NFCIRC/546).

2. NUCLEAR SECURITY

- Convention on the Physical Protection of Nuclear Material (INFCIR/274);
- Amendment to the Convention of the Physical Protection of Nuclear Material (GOV/INF/2005/10-GC(49)/INF/6).

3. SAFEGUARDS

- Structure and Content of Agreements Between the IAEA and States Required in Connection with the Treaty on the Non-Proliferation of nuclear weapons (INFCIRC/153 Corrected); Comprehensive Safeguards Agreement.

- Model Protocol Additional to the Agreement(s) Between States and the IAEA for the Application of Safeguards — INFCIRC/540 Corrected;- Additional Protocol

- Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the IAEA.

4. NUCLEAR LIABILITY

- Vienna Convention on Civil Liability for Nuclear Damage (INFCIRC/500);
- Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (INF-CIRC/402);
- Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage (INFCIRC/566);

"Safety and security are national responsibilities, but the consequences of a nuclear accident or of a terrorist act are global. GNPPO will leave no room for complacency. We believe Safety and Security are always a work in progress (continuous improvement)"



WHAT IS GHANA'S STATUS REGARDING TO THE INTERNATIONAL LEGAL INSTRUMENTS?

0 NUCLEAR SAFETY

Ghana has ratified two of the conventions under nuclear safety. These are: Convention on Nuclear Safety and Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

Parliament has given approval for accession to the remaining two conventions. Instruments of accession are to be submitted to the depository of the IAEA. When this is done, Ghana would have ratified all the conventions under nuclear safety.

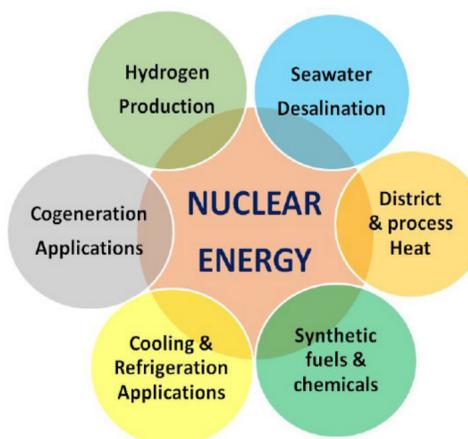
0 NUCLEAR SECURITY SAFEGUARDS

Ghana has ratified all the international legal instruments under Nuclear Security and Safeguards.

0 NUCLEAR LIABILITY

Parliament has given approval for accession to the Convention on Supplementary Compensation for Nuclear Damage and the instrument of accession is to be submitted to the depository of the IAEA.

The legal directorate of Ghana Atomic Energy Commission is currently working on the three remaining internal legal instruments all under nuclear liability. When these are completed, Ghana would have completed and satisfied all the international legal instruments. This demonstrates GNPPO's commitment to ensure safety and security for Ghana's Nuclear Power Programme.



ONGOING ACTIVITIES RELATING TO LEGAL FRAMEWORK

In addition to ratifying international legal instruments, there is also the need to understand other national/local legislation that would require a review or need to be enacted for a successful implementation of the Nuclear Power Programme. Other legislations to be considered are:

- Environmental protection;
- Emergency preparedness and response;
- Occupational health and safety of workers;
- Protection of intellectual property;
- Local land use controls;
- Foreign investment;
- Taxation, fees, electricity tariffs and incentives;
- Roles of national and local governments;
- Stakeholders and public involvement;
- International trade and customs;
- Financial guarantees and other any required financial legislation;
- Research and development.

The review of national legal framework requires a lot of collaboration from various institutions and professionals. Indeed the Roadmap of the Ghana Nuclear Power Programme clearly identifies the need to do a review and gap analysis of relevant national laws.

The GNPPO is making effort to coordinate the review and gap analysis of relevant national laws.

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PRE-INIR MISSION

Ghana requested an Integrated Nuclear Infrastructure Review (INIR) mission for Phase 1 of the Nuclear Power Programme. The purpose of this mission is for GNPPO to receive expert guidance from a team of experienced professionals assembled by the IAEA. The team will also conduct a holistic review of the infrastructure preparedness of Ghana's Nuclear Power Programme. A preliminary meeting to discuss the modalities for the mission will take place from 8-10 August, 2016.

