



INTERNATIONAL LAW, THE IAEA, AND THE NUCLEAR ENERGY OPTION

The production of electricity assisted by nuclear fission has always come under strict control by national authorities in most countries. These controls consist of radiation protection standards and measures for workers, the public and the environment. Design controls are put into place to minimize the possibility of industrial accidents. It is an unfortunate fact that the nuclear energy option for peaceful purposes is intertwined with a risk of horizontal proliferation of nuclear weapons; therefore, strict nuclear non-proliferation measures are exercised by national authorities.

Supra-nationally there has been much effort spent on the development of advice/standards and controls. Several inter-governmental organizations address controls. The bulk of international law for the nuclear energy option has been developed by the International Atomic Energy Agency (IAEA). With the participation of experts from around the world including Canada, the IAEA has developed a significant corpus of guidance (e.g., technical reports, safety series) for its Member States. After the Chernobyl accident and in the 1990s, there was a push to make this "guidance" more binding, culminating in the establishment of more formal agreements, such as the:

- Convention on Nuclear Safety (developed in 1994; ratified by Canada in 1996);
- Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management (developed in 1997; ratified by Canada in 1998);
- Convention on Early Notification of a Nuclear Accident (developed in 1986; ratified by Canada in 1990);
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (developed in 1986; not ratified by Canada);
- IAEA Regulations for the Safe Transport of Radioactive Material (Safety Standards Series, latest version developed in 1996, generally adopted in Canadian regulations);
- Convention on Liability for Nuclear Damage (developed in 1997; not ratified by Canada) and the Convention on Supplementary Compensation for Nuclear Damage (developed in 1997; not ratified by Canada);
- Convention on the Physical Protection of Nuclear Material (developed in 1980; ratified by Canada in 1986);
- Protocol Additional to the Agreement (Model Protocol developed in 1997) between the Government of Canada and the IAEA for the Application of Safeguards in connection with the Treaty on the Non-proliferation of Nuclear Weapons (signed by Canada in 1998).

This body of international law that the IAEA helped to establish, deals with the three main controlling aspects of the nuclear energy option, i.e., health, safety and non-proliferation. The gathering in Vienna of technical and governmental experts to develop these agreements encourages international cooperation and enhances a sound world safety culture. With respect to nuclear non-proliferation, other international organizations have been very active, namely in the development of the Comprehensive Nuclear-Test-Ban Treaty (1998) and the continued revision of the Treaty on the Non-proliferation of Nuclear Weapons (1970). Canada has actively participated in the development of these international agreements and continues to adhere fully with initial commitments.

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