
MEMORANDUM TO PARLIAMENT

BY

DR. JOE OTENG-ADJEI

**MINISTER FOR ENVIRONMENT,
SCIENCE, TECHNOLOGY & INNOVATION**

ON

**RATIFICATION OF THE CONVENTION
ON EARLY NOTIFICATION OF A
NUCLEAR ACCIDENT (1986)**

17TH DECEMBER, 2013

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1. ACTION REQUESTED

I respectfully invite Parliament to consider and ratify the Convention on Early Notification of a Nuclear Accident (Convention on Early Notification).

2. BACKGROUND

The Convention on Early Notification was adopted in 1986 following the Chernobyl nuclear power plant accident. It establishes a notification system for nuclear accidents which have the potential for international transboundary release that could be of radiological safety significance for other States. It requires States to report the accident's time, location, radiation releases, and other data essential for assessing the situation. Notification could be made to affected States directly or through the International Atomic Energy Agency (IAEA), and to the IAEA itself.

Reporting is mandatory for any nuclear accident involving the following facilities and activities:

- Any nuclear reactor wherever located;
- Any nuclear fuel cycle facility;
- Any radioactive waste management facility;
- The transport and storage of nuclear fuels or radioactive wastes;
- The manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
- The use of radioisotopes for power generation in space objects.

States may also give notification of other accidents not listed as well. The five nuclear-weapon States, China, France, Russia, the United Kingdom, and United States, have all declared their intent to also report accidents involving nuclear weapons and nuclear weapons tests.

Among others, the Convention requires States to:

- Notify the IAEA of their available experts, equipment, and other materials for providing assistance.
- In case of a request, each State Party decides whether it can render the requested assistance as well as its scope and terms.
- Assistance may be offered without costs taking into account *inter alia* the needs of developing countries and the particular needs of countries without nuclear facilities.

The depositary of this Convention is the Director General of the IAEA at Vienna, Austria and serves as the focal point for such cooperation by channeling information, supporting efforts, and providing its available services. The Convention was opened for signature in Vienna on 26th September 1986 and entered into force on 26 February 1987. To date the convention has 117 States and International Organizations as Parties to it.

3. OBLIGATIONS OF GOVERNMENT AND HOW THESE ARE TO BE ADDRESSED

The ratification of the Convention does not involve any financial obligation on the part of Ghana or any other obligation apart from the following commitments:

- (1) Ghana is expected to notify directly or through the IAEA or to IAEA, in the event of an accident specified in the convention those States which are or may be physically affected of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate;
- (2) Promptly provide those States notified directly or through the Agency, and the IAEA with such available information relevant to minimizing the radiological consequences in those States.
- (3) Ghana is also expected to make known to the IAEA and to other States Parties, directly or through the IAEA, its competent authorities and point of contact responsible for issuing and receiving the notification and information referred to in the convention. Such points of contact and a focal point within the IAEA shall be available continuously.
- (4) The IAEA must be promptly informed of any changes that may occur in the information referred to in paragraph (3) above. The IAEA maintains an up-to-date list of such national authorities and points of contact as well as points of contact of relevant international organizations and will provide it to States Parties and Member States and to relevant international organizations should the accident anticipated in the convention occurs.

4. BENEFITS TO BE DERIVED FROM RATIFICATION OF THE CONVENTION

The Convention strengthens international response to a nuclear accident or radiological emergency, including terrorist or other malicious attacks. It provides for early notification of neighboring states and the IAEA with a view to minimizing the consequences of such accidents or emergencies to protect life, property and the environment against the effect of radioactive releases. Assistance may also be offered without costs taking into account the needs of developing countries particularly if it does not have nuclear facilities.

The convention also serves as the focal point for cooperation by channeling information, supporting efforts, and providing its available services. It requires IAEA to collect and disseminate information to States Parties who will in turn notify the IAEA of their available experts, equipment, and other materials for providing assistance.

5. NEED FOR RESERVATION

The Convention does not provide for reservations but Article 8.1 makes provisions for the requesting State to extent to the assisting party and personnel acting on its behalf, the necessary privileges, immunities and facilities for the performance of their assistance functions. A State Party may also denounce the Convention by a written notification to the depositary.

6. INTER-MINISTERIAL CONSULTATION

There was an African Regional Cooperation Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA) Project between the Atomic Energy Commission and the International Atomic Energy Agency (IAEA) for: '*Establishing a Legal Framework for the Safe, Secure and Peaceful Uses of Nuclear Energy.*' The main

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thrust of the project is among others to enable Ghana establish a proper legislation in the areas of emergency preparedness, nuclear safety and security, including safe transportation of radioactive material, radioactive waste management, safeguards and physical protection of nuclear materials and compensation for nuclear liability, for the peaceful application of nuclear technology in Ghana.

The project was coordinated by the Principal Legal officer of Ghana Atomic Energy Commission. The project team consisted of two representatives from the Attorneys Generals Department; a Chief State Attorney and a State Attorney, Civil and the Drafting Divisions respectively. The other members were the Executive Secretary and the Director of Policy of the Energy Commission, Legal Officers from the Ministry of Environment Science and Technology, Council for Scientific and Industrial Research, Standards Board, and the Water Resources Commission. The Director of the Radiation Protection Board of the Atomic Energy Commission was also a member of the team.

The Team discussed the ratification of some international legal instruments including the Convention on Early Notification of Nuclear Accidents.

7. FINANCIAL IMPACT

The ratification of the Convention does not involve any financial obligation on the part of Ghana.

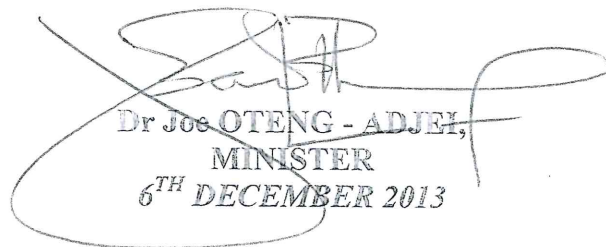
8. CABINET APPROVAL

This Convention received Cabinet approval for ratification by Parliament but it was not laid before Parliament until its last recess in 2012. A copy of the Cabinet approval letter granted at its 19th Meeting held on 14th, 19th and 20th October 2010 is attached for your information.

At its thirteen meeting, held on Thursday, 5th December 2013, Cabinet approved the Convention on Early Notification of a Nuclear Accident (Convention on Early Notification). A copy of the letter-referenced OP/CA.1 v 2 and dated 5th December 2013 is attached for your perusal and action.

9. RECOMMENDED ACTION

In view of the importance of the Convention and benefits associated with our membership, I respectfully invite Parliament to ratify the Convention.


Dr Joe OTENG - ADJEI,
MINISTER
6TH DECEMBER 2013