



BADAN PENGAWAS TENAGA NUKLIR
Indonesian Nuclear Energy Regulatory Agency



Working Group 4: SAFEGUARDS LEGISLATION KIT (SLK)

5th Annual Meeting APSN

Nay Pyi Taw-Myanmar, September 1 – 5, 2014



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Introduction

- Proposed on 2nd APSN Plenary Meeting → establishment of WG 4
- Base on handbook in law:
 - The State authority has responsibility to:
 - ✓ Establish regulations and requirements
 - ✓ Authorize possession and use of nuclear material
 - ✓ Oversee compliance with the requirements by conducting inspections and evaluations
 - ✓ Respond effectively to non-compliance
- Model legislation as a one-stop shop for legislative updates, taking into account relevant international instruments



Objectives of SLK

- to help States develop a more comprehensive national legislation on nuclear safeguards in accordance with their own respective internal legal processes
- to provide States with references to a wide array of consolidated elements and provisions contained in relevant binding international legal instruments and guidance documents that establish the global framework for nuclear safeguards



Scope of SLK

- Comprehensive safeguards agreement
- Additional Protocol
- Small Quantities Protocol



Contents of SLK

1. Legal Notice
2. Definition
3. National Policy
 - In line with the objectives of safeguards that utilization of NM for peaceful purposes
4. National Authority
 - Establishment of national authority
 - Emphasizing on international obligation
5. Implementing Safeguards and Additional Protocol
 - Basis for implementing regulations
 - SSAC
 - Implementation of additional protocol



Contents of SLK

5. Inspections

- National inspection and access
- International inspection
- Escort team
- Inspected persons and personnel

6. Further implementing provisions: forfeiture, confidentiality and legal assistance

- Forfeiture of nuclear weapons
- Seizure of a nuclear weapons production facility
- Protection of confidential information
- Enabling legal assistance to other States

7. Penal provisions

8. Final provisions



Comments from APSN Member

- SMP need to clarify on implementation safeguards: National Safeguards System or implementation of international safeguards obligations under IAEA agreements or Treaty on NWFZ → Japan
- Definition:
 - The nuclear weapons definition shall not be in the definition because it has already outside the scope of nuclear safeguards → Malaysia



Comments from APSN Member

- National Policy : there should be a reiteration of the NPT as well as the Bangkok Treaty because both agreements have explicitly self explained on the use of the peaceful use of the nuclear technology
- Inspection (3): regulatory body must always have the right to verify all kind of information which it may deemed important. This right is not only limited to be the IAEA inspector.
- Article 6-7 is irrelevant in the nuclear safeguards because the objective of nuclear safeguards is to prevent and detect the diversion of nuclear material for declared activities. This two article is suitable for nuclear security provisions. → general discussion on 4th APSN



Comparison of old and new document

No	Topic	old	new
1	Legal Notice	The Office of the Legal Adviser reminds users that the text of the Nuclear Safeguards and decisions adopted thereunder by the Policy-Making Organs are the only authentic legal reference	Deleted
2	Foreword	-	Objectives and scope of the SLK
3	Definition	Not include references	<ul style="list-style-type: none">• Include references• Some definition have been corrected



Comparison of old and new document

No	Topic	old	new
4	National policy	7 articles	8 articles <ul style="list-style-type: none">[Name of State] is committed to NPT [and any other Nuclear-Weapon-Free Zone Treaty].
5	National Inspection and Access	Article #1 : include no categories	Inspection activities in [name of State] fall into three major categories – design information verification, inspections, and complementary access.
6			<ul style="list-style-type: none">New article (article #2): inspection activities
7		Article #2	<ul style="list-style-type: none">Turns into #3Modification sentences: activities of [competent authority] inspectors shall include but not limited to:

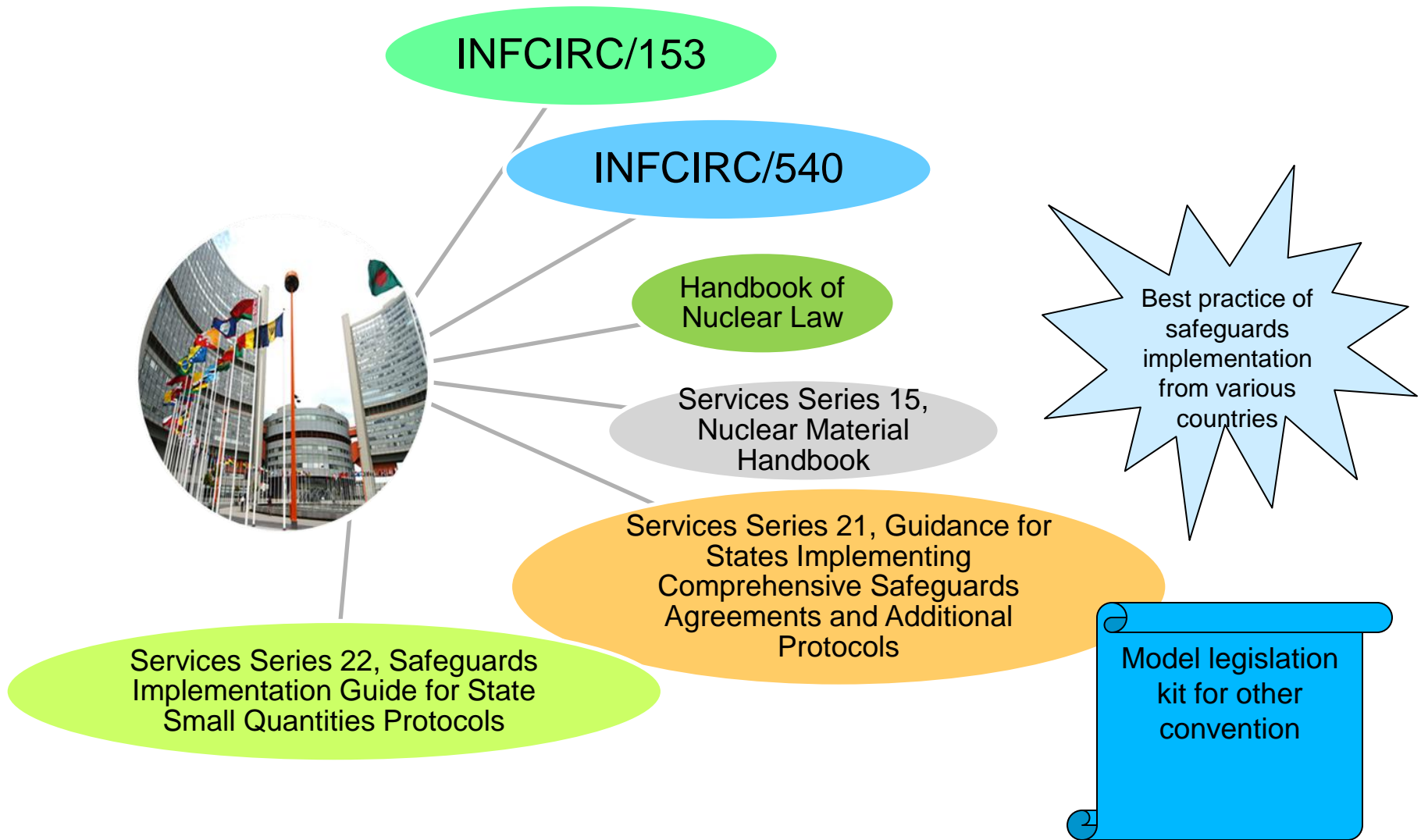


Comparison of old and new document

No	Topic	old	new
8		No article #5	Article #5: [Competent authority] inspectors shall have authorization to take law enforcement measures that can be implemented under the existing national legislation.



References





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**Thank you
for
your attention**