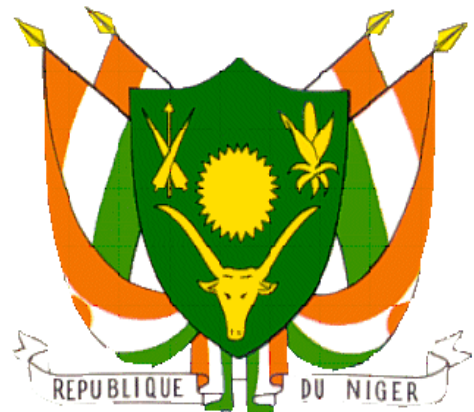


Convention on Nuclear Safety



National Report of the Republic of Niger

7th Review Meeting

March 17th, 2017

Context

The Convention on Nuclear Safety (CNS) is a 1994 International Atomic Energy Agency (IAEA) treaty that governs nuclear safety rules in state parties to the Convention.

This convention was opened for signatures on the 20th of September 1994 at the International Atomic Energy Agency headquarter in Vienna. The Republic of Niger has joined and signed the IAEA Safeguards Agreement on the 11th of June 2004, ratified on 16 February 2005, and its Additional Protocol (INFCIRC / 540) was signed on 2 May 2007. The Convention on Nuclear Safety voted by the parliament on May the 16th of 2016 and promulgated on May the 26th of and became a Law (law n^o 2016-16). Thus, Niger fulfilled the necessary conditions of accessing to this convention by depositing the instruments access on December the 5th of 2016.

The Convention's objective is to achieve and maintain a high level of nuclear safety throughout the world. One of the obligations of the Parties to the Convention is to prepare a periodical National Report. This report must describe all the measures taken to fulfill the objective of the Convention.

Article 5 of the Convention on Nuclear Safety states that, "Each Contracting Party shall submit for review, prior to each meeting referred to in Article 20, a report on the measures it has taken to implement each of the obligations of this Convention" Thus, the Republic of Niger is submitting its first ever report to the 7th Review Meeting as stated by this article. In this report are summarized several actions related with the framework of national nuclear program in compliance with IAEA milestones of infrastructure development and with respect of Convention CNS and NPT Treaty (ratified by Niger on October the 9th, 1992) .

It is important to highlight that Niger has no nuclear facilities as defined in the CNS. The current official nuclear related practices and activities are essentially related with the import, utilization, transportation, and disposal of radioactive sources and materials as applied in medical, industrial, educational, and other nuclear technology related activities. However, Niger undertakes to accept the safeguards rules set in paragraph 1 of Article 3 of the NPT. In accordance with Article 4 of the NPT which acknowledges the right of all Parties to develop nuclear energy for peaceful purposes and to benefit from international cooperation, Niger has agreed in 2010 to the principle that, the Director General of the IAEA should be informed of our country's intention to develop a civil nuclear power program and cooperation in this field. In fact, the Resolution GC (52) RES/12/BC adopted in October 2008 is related to the quality of the results achieved through the

implementation of Agency's programs and projects, particularly in the exploitation of Uranium and Energy.

Indeed, Niger sees its energy demand increasing and the forecasts for demand show the need to have, significant and divers sources of production in the future. As Niger is a major uranium producer, the Government intends to take advantage of this resource and the benefits it brings to provide better living conditions for its people. So Niger will spare no effort for adequate exam of all these issues related to the nuclear program. By this regard, Niger welcomes the resolution GC (53) RES/13B adopted in September 2009 at the 53rd session of the General Conference of the IAEA.

In addition, Niger has pledged to work with the international community to comply with international legal provisions on safety and environmental protection so that nuclear power can contributes to development and peace in Niger and in the rest of the world. The following section summarizes the various measures taken to comply with the provisions of the Convention on Nuclear Safety.

Summary of adopted measures in conformity with CNS

1. Legislative and regulatory framework

In 1995, the IAEA launched Model Projects, to assist some of its Member States that had not yet established national regulatory infrastructures, to develop legislations and regulations in line with core international standards of protection Against Ionizing Radiation and the Safety of Radiation Sources (BSS), based on the recommendations of the International Commission on Radiological Protection (ICRP).

These Standards can only be implemented through a national regulatory infrastructure by taking into account the local situations of each State. In this fact, the National Center for Radiation Protection (CNRP), a public institution with an administrative character, was created by law n° 98-011 of May 7th, 1998, amended by law n° 2006-18 of June 21th, 2006.

Act n° 2006-17 of June 21th, 2006 on nuclear safety and security and protection against the dangers of ionizing radiation sets out the guidelines for the prevention and protection policy against ionizing radiation and strengthens the activities of the National Center for Radiation Protection (CNRP).

The CNRP is under the supervision of the Ministry of Public Health. It is the largest user of ionizing radiation sources, which does not guarantee the effective independence of the latter in the accomplishment of its missions.

But until now the CNRP has played the role of regulatory authority and technical support also. But both these activities taken together are contrary to IAEA standards. That is why it is wise to dissociate them by creating a new national regulatory authority described below.

Under the Agreement on Safeguards, our country needs to establish a system of accounting and control of nuclear material. This role will be devolved to the future regulatory authority to ensure implementation. This requirement is even more important for states that, like our country, decide to introduce the nuclear power option into the national energy mix. The diversification of activities to be taken into account requires the State to have a structured regulatory regime commensurate with the magnitude and potential nature of the risk to be controlled.

One of the first steps was the establishment of Niger High Authority for Atomic Energy (HANEA), by Decree n° 2013-490 / PRN of December 4th, 2013, under the Office of the Republic President. This Authority is currently the main technical platform for preparing the country for all peaceful nuclear activities in Niger.

The second steps are the continued commitment to establish a national regulatory framework in conformity with the international conventions to which our country has subscribed. This regulatory framework is being upgraded by the development of several laws, draft laws and conventions.

These include the convention on early notification and assistance in the event of a nuclear accident or radiological emergency adopted in Vienna on September 26th, 1986. So this convention was ratified by the National Assembly and promulgated as Law n° 2016-18 on May 26th, 2016.

The ratification of these conventions will enable Niger to benefit from a legal framework for international cooperation and to develop cooperation on the peaceful use of nuclear energy in a responsible attitude.

The draft law therefore reflects Niger's commitments to the International Atomic Energy Agency (IAEA) and the world community on safety and security in the nuclear and

radiological non-proliferation into statutory and legislative texts. It also aims to complement and strengthen the current legislative arsenal for nuclear and radiological safety and security.

The document, which has been under construction for several months, has been drawn up on the basis of international nuclear law and is the result of a long process of work done by several national actors with the OLA's expert assistance.

The purpose of this bill is to enable the Republic of Niger to assert its will and ability to regulate and control the safe and peaceful use of nuclear science and technology and sources of ionizing radiation.

Relevant texts have been already prepared in order to meet international requirements with the field of peaceful use of nuclear techniques. Thus, Niger Parliament ratified on May 16th, 2016 the text on:

- the accession of Niger to the Convention on the Safety of Managed Fuel and on the Safety of Radioactive Waste Management adopted on 5th of September 1997 in Vienna and entered into force on 18th of June 2001 (promulgated as Law n^o 2016-17 of May 26th, 2016);
- the Nuclear Weapons Free Zone Treaty in Africa or the Pelindaba Treaty, adopted on 11th of April 1996 in Cairo (Egypt) and entered into force on 15th of July 2009. (promulgated as Law n^o 2016-15 of May 26th, 2016).
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The process of compliance with IAEA standards continues.

2. Regulatory Body

It sets up a new legislative and regulatory framework for all activities and installations using ionizing radiation sources. It also establishes an independent authority with human and financial resources to enable it to carry out its tasks. It is the Nuclear Safety and Regulatory Authority (ARSN), created by law 2016-45 on December 6th, 2016, which sets out its tasks, powers, organization and functioning. It is responsible for the granting of authorizations and control of nuclear and radiological activities and also the state system of accounting and control of nuclear material. This institution implementation is in progress.

3. Emergency Preparedness

Effective Management of Nuclear and Radiological emergency requires a national plan and arrangement to be in place. A well maintained and shared joint exercise is to be regularly carried out as part of the National Major Civil Contingency Strategy.

Order no. 083 of February 19th, 2009 / MSP established a national radiological emergency response team stipulating in its article 2, the mission of the team and in its article 3, the composition of the team.

Actually we have a draft of a national radiological and nuclear emergency response plan which takes into account the nuclear aspect.

4. National Committee and compliance with commitments

4.1 CTSC: Scientific Advisory and Technical Committee created by ORDER No. n°40/M/DIRCAB/PRN of December 3rd, 2014. The CTSC makes technical and scientific proposals and recommendations based on a strategic vision. It is responsible for advising on the technical structure and scientific activities, as well as on any other file that the institutions and ministries involved, the President of the Republic or the Government decides to submit it through the President of HANEA. The CTSC of HANEA is the national nuclear safety committee.

4.2 Commitments

Niger regularly fulfilled its obligations regarding the accounting of radioactive and nuclear material by sending to the IAEA Department of Guarantees all the information on stocks and its movement.

Niger is committed to conducting a nuclear power program and has thus brought its institutional and legislative frameworks up to international standards:

- Law on Nuclear was transmitted to the Council of Ministers in order to be examined and sent to the Parliament for adoption;
- Establishment of an independent regulatory authority called ARSN since December 6th, 2016. Its implementation is in progress.

End.