

**LECTURE ON INTERNATIONAL
TREATIES AND
INSTRUMENTS FOR THE SAFETY,
SECURITY AND SAFEGUARDS
OF NUCLEAR MATERIALS**

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DEFINATION OF RATIFY

BLACKS LAWS DICTIONARY (6TH Edition)

To approve and sanction, to make valid,
to give sanction to, to authorize or
otherwise approve

” Ratification

” The confirmation of a previous act done either by the party himself or by another.

” The affirmation by a person of a prior act which was done or professedly done on his account, whereby the act, as to some or all persons, is given effect as if originally authorized by him

INTRODUCTION

“ A **Convention** is an agreement under international law, entered into by actors in international law, namely states and international organizations

“ . Prior to 1969, the rules that regulated the conclusion of Conventions consisted, for the most part, of customary rules of international law.

“ These rules were however codified into what is today known as the Vienna Convention on the Law of Treaties

“ The Vienna Convention defines a treaty as an international agreement concluded between States in written form and governed by International Law, whether embodied in a single legal instrument or in two or more related instruments and whatever its particular designation.

“ The legal effects of Signature are as follows: where the signature is subject to ratification, acceptance or approval, signature does not establish consent to be bound. However, signature qualifies the signatory state to proceed to ratification, acceptance, or approval and creates an obligation of good faith to refrain from acts calculated to frustrate the objects of the treaty.

” Ratification of a treaty involves two distinct procedural Acts: the first is the act of the appropriate organ of the State, which is the executive in the case of Nigeria, and may be called ratification in the Constitutional sense; the second is the international procedure of the formal exchange or deposit of the Instrument of ratification which brings the treaty into force for the ratifying state. Ratification in this later sense is an important act involving and conveying consent to be bound.

“ Ratification of a treaty by a state party means acceptance and approval and denotes an international act whereby a State establishes on the international plane its consent to be bound by the rights and obligations entrenched in such a treaty.

“ After a treaty is concluded, the written instruments, which provide formal evidence of consent to be bound by ratification, accession, and also reservation and other declarations, are placed in the custody of a depository, who may be one or more states or an international organization. The depository has functions including publication and provision of information as to the time which the treaty enters into force. The United Nations Organization plays an important role as depository of multilateral treaties. Article 102 of the Charter of United Nations provides as follows:

- “ ***1. Every treaty and every International Agreement entered into by any member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it;***
- “ ***2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations”.***
- “ ***This provision is intended to discourage secret diplomacy and to promote the availability of texts of Agreements”.***

**“ CONSTITUTIONAL PROVISION(S)
RELATING TO RATIFICATION
PROCEDURE IN NIGERIA SECTION 12
OF THE 1999 CONSTITUTION;
PROVIDES THAT**

- ” 12 (1) No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.***
- ” 12 (2) The National Assembly may make laws for the federation or any part thereof with respect to matters not included in the exclusive legislative list for the purpose of implementing a treaty.***

” 12 (3) A bill for an Act of the National Assembly passed pursuant to the provisions of sub-section (2) of this section shall not be presented to the president for assent, and shall not be enacted unless it is ratified by majority of all the Houses of Assembly in the Federation

- “ Nigeria has obligations under the following international legal instruments to which the NNRA in cooperation with other governmental agencies is assiduously pursuing.
- “ They are the Nuclear Non-proliferation Treaty (NPT) which it signed in 1968 and also committed to the full implementation of same by voting for its indefinite extension in 1995.

- “ Others include the IAEA Comprehensive Safeguards Agreement (CSA) which it signed and ratified on 28th February 1988.
- “ the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in Case of a Nuclear or Radiological Emergency

- “ Additionally, in 2001 it signed the Model Additional Protocol to the Safeguards Agreement (Additional Protocol) and this came into force on 3rd April 2007.
- “ By these instruments Nigeria voluntarily approves that the IAEA can send Nuclear Safeguards Inspectors to the country to verify the location, quantity and use of nuclear materials on any part of Nigerian jurisdiction;

- “ and to ensure that such uses are for non-military purposes.
- “ Due to the absence of any unsafeguarded material on the Nigerian territory prior to the advent of the Miniature Neutron Source Reactor, the Subsidiary Arrangements to the CSA was held in abeyance. Thus, the CSA was brought into force on 16th January 2003

Ratification of Additional Instruments`

They include:

- “ Convention on Nuclear Safety
- “ Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
- “ Convention on the Physical Protection of Nuclear Materials
- “ Instrument of Acceptance of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency
- “ Protocol Additional to the Agreement between the Federal Republic of Nigeria and the International Atomic Energy Agency for the Application of Safeguards
- “ Convention on Civil Liability for Nuclear Damage

- “ LIST OF INTERNATIONAL TREATIES AND CONVENTIONS ON THE PEACEFUL APPLICATION OF NUCLEAR ENERGY (IAEA)
- “ 1) Convention on Early Notification of a Nuclear Accident ratified on 10th August 1990;
- “ 2) Vienna Convention on Civil Liability for Nuclear Damage acceded to on 4th April 2007;
- “ 3) Convention on the Physical Protection of Nuclear Material acceded to on 4th April, 2007;

- “ 4) Amendment to the Convention on the Physical Protection of Nuclear Material ratified on 10th August, 1990;
- “ 5) Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency ratified on the 10th August, 1990;
- “ 6) Convention on Assistance on Nuclear Safety, ratified on 4th April, 2007;

- “ 7) Joint Convention on the safety of Spent Fuel Management and on the safety of Radioactive Waste Management , acceded to on 4th April, 2007;

- “ 8) Treaty on Non- Proliferation of Nuclear Weapons, signed on 1st July, 1968;

- “ 9) Application of safeguards in connection with the Treaty on Non- Proliferation of Nuclear Weapons (with Protocol) signed February 29, 1988;

- “ 10) Protocol Additional to the Agreement between the Federal Republic of Nigeria and the International Atomic Energy Agency for the Application of safeguards in connection with the Treaty on the Non- Proliferation of Nuclear Weapons, signed on 20th September, 2001;
- “ 11) Revised Supplementary Agreement Concerning the Provision of Technical Assistance by the IAEA (RSA), signed 13th March, 1989;

- “ 12) Agreement on the Privileges and Immunities of the IAEA, accepted 4th April, 2007;

- “ 13) African Regional Co-operative Agreement for Research, Development and Training Relating to Nuclear Science and Technology (AFRA) . Third Extension accepted May 6, 2005.

INSTRUMENTS RATIFIED BY NIGERIA
ON THE 1ST OF MARCH 2007

INSTRUMENT OF ACCESSION TO JOIN
CONVENTION ON THE SAFETY OF
SPENT FUEL MANAGEMENT AND ON
THE SAFETY OF RADIOACTIVE WASTE
MANAGEMENT. 1/3/07

“ INSTRUMENT OF RATIFICATION OF THE AMENDMENT TO THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL. 1/3/07

“ INSTRUMENT OF ACCEPTANCE OF THE AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY. 1/3/07

“ INVENTION ON THE PHYSICAL
PROTECTION OF NUCLEAR
MATERIAL. 1/3/07

“ INSTRUMENT OF RATIFICATION OF
THE PROTOCOL ADDITIONAL TO THE
AGREEMENT BETWEEN THE
FEDERAL REPUBLIC OF

“ INVENTION ON THE PHYSICAL
PROTECTION OF NUCLEAR
MATERIAL. 1/3/07

“ INSTRUMENT OF RATIFICATION OF
THE PROTOCOL ADDITIONAL TO THE
AGREEMENT BETWEEN THE
FEDERAL REPUBLIC OF

THANK YOU