

# The Role and Functions of the Office of Legal Affairs in the TC Programme

Presented by  
Mona Ali Khalil  
Senior Legal Officer  
Office of Legal Affairs



**IAEA**

International Atomic Energy Agency

# The Role and Responsibilities of the IAEA

## Article II of the Statute

*“The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose”*

# OLA: Mission Statement

To provide the highest possible standards of legal services regarding the implementation of the IAEA's mandate and activities:

- to the Secretariat;
- to the Policy-Making Organs (PMOs);
- to the Member States.

OLA reports directly to the Director General.

# Structure of OLA

The three Sections of OLA are:

- Section A: General Legal
- Section B: Non-Proliferation and PMOs
- Section C: Nuclear and Treaty Law

# Section A: General Legal

- Privileges and Immunities
- Headquarters Agreement with Host Country
- Procurement of Goods and Services
- Contracts and Agreements
- Personnel matters (Staff Regulations and Rules)
- Financial Matters (Financial Regulations and Rules)
- Host Arrangements
- Other Administrative Matters

## Section B: Non-Proliferation and Policy-Making Organs

- Comprehensive Safeguards Agreements
- Model Additional Protocol
- Project and Supply Agreements
- Activities arising from Security Council resolutions
- Legislative Assistance
- Statute of the IAEA
- General Conference and Board of Governors
- Rules of Procedure

# Section C: Nuclear and Treaty Law

- Nuclear Safety
- Nuclear Security
- Nuclear Liability
- Technical Cooperation
- Legislative Assistance
- Depositary Functions

# OLA Role in TC Programme

- Legal Advice to TC Department
- Legal issues arising from TCP and TC Fund
- Legal Advice to TACC and Board of Governors
- Promoting Agency's Legal Framework (3S Concept)
- Project and Supply Agreements
- Revised Supplementary Agreement concerning the Provision of Technical Assistance
- Regional Agreements and Arrangements (AFRA)
- Legislative Assistance (TC project RAF/0/015)
- Fellowships



# Legal Framework: General

## Agency's Legal Framework

- Statute of the IAEA
- Agreement on the Privileges and Immunities of the IAEA
- Relevant resolutions of the Policy-Making Organs
- Relevant resolutions of the Security Council
- Binding and Non-binding Legal Instruments

# Legal Instruments under IAEA Auspices

- Agreement on the Privileges and Immunities of the IAEA
- Convention on the Physical Protection of Nuclear Material (CPPNM)
- 2005 Amendment to the CPPNM
- Convention on Early Notification of a Nuclear Accident
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency
- Convention on Nuclear Safety
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
- Vienna Convention on Civil Liability for Nuclear Damage
- Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage
- Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention
- Revised Supplementary Agreement
- Comprehensive Safeguards Agreement and Additional Protocol

# Revised Supplementary Agreement

- Applicability of the UNDP Standard Basic Assistance Agreement (SBAA)
- Applicability of Agency's Safety Standards and Measures (INFCIRC/18/Rev.1)
- Peaceful Use Undertaking and Safeguards
- Physical protection of nuclear facilities, equipment and materials (INFCIRC/225/Rev. 4)
- Government responsibility upon transfer of title to equipment or material

# UNDP Standard Basic Assistance Agreement

- Execution of projects
- Facilities for execution of UNDP assistance
- Government participation and contribution
- Privileges and Immunities

# Regional Agreements and Arrangements

- RCA: Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology
- AFRA: African Regional Co-operative Agreement for Research, Development and Training related to Nuclear Science and Technology
- ARCAL: Co-operation Agreement for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean
- ARASIA: Co-operative Agreement for Arab States in Asia for Research, Development and Training related to Nuclear Science and Technology

# IAEA Legislative Assistance Programme

## Objectives of Programme:

- Raise awareness of the binding and non-binding instruments
- Assist States to comply with their international obligations
- Enable States to establish national legislative frameworks

## Synergies between Safety, Security and Safeguards (3S Concept)

## Tools of Programme:

- Bilateral assistance: drafting or reviewing national laws
- National and regional training courses and seminars
- Training of individuals/human resources development

# Fundamental Elements of Implementing Legislation

- Regulatory Authority
- Licensing
- Inspection
- Enforcement
- Criminalization
- International Cooperation
- Import/Export Controls

# Conclusion

- Member States are encouraged to enhance their status vis-à-vis the legal framework of the IAEA.
- Member States are encouraged to avail themselves of the legislative assistance provided by the IAEA.
- The IAEA is happy to provide advice and assistance upon request.