

International Conference on Radioactive Waste Management: Solutions for a Sustainable Future (CN-294)



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Legal and Regulatory Aspects of Regional Radioactive Waste Management Regimes: Africa and the South Pacific Compared

The paper will to examine and compare, from a legal/regulatory point of view, the regimes for the management of radioactive waste developed in Africa and the South Pacific. Due to their vastness, both regions are often considered as attractive grounds for dumping/storing radioactive waste. Regarding Africa, the paper will analyze the Bamako Convention (signed in 1991), as reinforced by the African Convention on the Conservation of Nature and Natural Resources (2003), and regarding the South Pacific, the Waigani Convention (1995). Their institutional set up will also be examined. Since they were established as regional regimes under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989), it will be appraised whether they exhibit similar characteristics or not.

The achievements, problems and challenges facing these regimes will be examined and their overall work assessed, principally through the work of the respective Conferences of the Parties (for the Bamako Convention the last (Third) Conference was held in February 2020, for the Waigani Convention in August 2019 ((Tenth Meeting)). To draw comparisons, the relevant socio-economic environments will be taken into consideration. Moreover, the important question of transnational criminal liability for violating the regional rules and norms will be addressed. In this regard, Africa is a world pioneer: the prohibited under the Bamako Convention trafficking in hazardous waste is considered an international crime and alleged perpetrators face prosecution before the International Law Section of the African Court of Justice and Human Rights (not yet operative). The right to a general satisfactory environment favourable to peoples' development, enshrined in the African Charter on Human and Peoples' Rights, will also be discussed.

Another point to be discussed is that not all States in the two regions have become contracting parties to, respectively, the Bamako Convention and the Waigani Convention. This raises regulatory issues, including possible unfair competition by those States which have not accepted the strict obligations enshrined in the respective regime. Finally, while the two regions are geographically distant, most States participate in the so-called African, Caribbean and Pacific (ACP) Group of States allowing for possible regulatory approximation.-

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