

Meeting on the Code of Conduct on the Safety and Security of Radioactive Sources for States which have not yet expressed political support

Vienna, 11-13 July 2011

Summary Note from the Chair

1. A meeting of experts from IAEA Member States and non-Member States was held from 11 to 13 July 2011 at the IAEA Headquarters in Vienna under the chairmanship of Mr. L. Chamney (Canada). The Scientific Secretaries for the meeting were Mr. H. Mansoux (NSRW), Mr. B. Waud (NSNS) and Mr. W. Tonhauser (OLA). The meeting was attended by 52 participants from 32 countries which included 3 non-member states.
2. The purpose of the meeting was to explain the *Code of Conduct on the Safety and Security of Radioactive Sources* (Code) and the supplementary *Guidance on the Import and Export of Radioactive Sources* (Guidance), to discuss the non-legally binding nature of the Code, and to demonstrate the advantages of expressing political support to the Code using examples of selected countries. More specifically, the meeting was structured to identify concerns and challenges to implementing the Code from States which have not yet expressed political support.
3. The meeting was opened by IAEA DDG Mr. D. Flory who outlined the purpose and objectives of the Code of Conduct and the expectations for the meeting. Mr. Flory informed participants that Jamaica had submitted its letter of political support for the Code of Conduct to the IAEA DG just prior to the meeting, bringing the total number of supporting States to 104. Mr. Flory also acknowledged and welcomed the extra-budgetary funding provided to the Secretariat from the United States Nuclear Regulatory Commission in support of the meeting.
4. Presentations were made by Agency staff on the status of radioactive source safety and security initiatives of the Agency, and on the development of the Code and associated Guidance and their key objectives, principles and provisions. The non-legally binding status of the Code was emphasized. The Secretariat clarified that at the time the Code was drafted, States preferred to focus on implementation of the provisions of the code rather than creating new legal obligations. Consequently, a non-legally binding instrument was adopted. It was also noted that support for the Code and the Guidance entails making commitments that, while not legally binding, can be equally effective as legally binding obligations.
5. Agency staff also discussed the various IAEA safety standards and security guidance documents that can provide support to the development of national programmes to implement the provisions of the Code. Agency staff described the IAEA services available for assisting in the implementation of the Code. Finally, the model template letter for States to express their support for the Code and the Guidance, including national Points-of-Contact for the Guidance, was reviewed. It was clarified that according to the two relevant General Conference resolutions (GC(47)/RES/7.B and GC(48)/RES/10.D), States are invited to express support to the Code and to the Guidance either jointly or separately.

6. Participants heard from a number of States invited by the Agency to speak on the status of their national regulatory programs on safety and security of radioactive sources, and on their positions and views on providing political support to the Code. The invited countries included some that had not yet expressed political support to the Code, and importing and exporting States that had previously submitted letters of support to the IAEA. The presentations were intended to facilitate discussion on challenges and concerns to expressing political support for the Code, and to implementing the provisions of the Code. The presentations also served to generate discussion on the benefits and motivation for States to express political support to implementing the Code. On a point of interest, Malaysia informed that Cabinet approval had been received on 12 July 2011 to submit a letter expressing political support to the IAEA, by the end of July.

7. All presentations made during the meeting will be placed on the Agency's website.

What are the Concerns and Challenges?

8. During the discussions, no States were identified as having taken a position of rejecting the possibility of expressing support for implementation of the Code. Further, no substantive concerns or obstacles to States expressing support for the Code were raised. Rather, some of the principal reasons put forward for States not yet expressing support included the following:

- Challenges in communicating to policy decision-makers to increase their awareness of the purpose of the Code and the benefits of supporting the Code;
- States have other competing priority issues, including those involving adherence to conventions and treaties;
- The need for developing a regulatory programme to control radioactive sources varies widely among countries and those with very limited uses of radioactive sources do not necessarily place the political commitment to the code as a priority;
- The fact that the Code is not a legally binding instrument may have lessened the motivation of a few States to make support a priority;
- There remain misunderstandings of the legal status of the Code, with resulting concerns on the nature of the commitments that would be taken on through expression of support;
- Some States have taken the approach of strengthening their legislative and regulatory capacity, including extensive consultation with industry and affected Ministries, before seeking government approval to commit to the Code;
- There are concerns over the human resource and the funding requirements that would need to be found and sustained with a commitment to implement the Code;
- Some States have found challenges in identifying the appropriate channels for seeking a national decision on support to the Code.

Why Adopt the Code?

9. A central issue raised in the discussions was the need for better understanding of the motivations and benefits that would be associated with expressing political support to the Code. Participants stressed that the technical authorities in States need to be better informed on how to justify the commitment to the Code to their policy decision-makers. A number of benefits for States that express political support to the Code were identified in the discussions, including the following:

- ensuring that radioactive sources are used in an internationally accepted framework for radiation safety and security;
- providing a harmonized basis for the establishment of national policies, laws, regulations and regulatory programmes;
- facilitating enhanced bilateral and international cooperation with the Agency and other expert organizations;
- supporting and streamlining the process of authorizing transfers of radioactive sources between importing and exporting States, and stabilizing the importing process and minimizing the risk of denials;
- providing a motivation to focus on national initiatives to improve key priority areas in the management of radioactive sources, for example, establishing a baseline inventory of sources or upgrading physical security measures;
- increasing international peer recognition and credibility in the State's commitment to safe and secure management of radioactive sources.

What Concrete Steps can be taken to Address Concerns?

10. Participants discussed ways by which technical authorities in States and the Agency could take concrete steps to increase awareness and communication of the purpose of the Code and the benefits of supporting the Code. It was recognized that technical authorities in States should take the lead in identifying the priority issues for establishment of effective national programmes for the safe and secure management of radioactive sources, and in “sensitizing” and communicating with their policy decision-makers on this.

11. Three follow-up actions were identified by participants in regard to supporting this need:

- (1) ***Bilateral Consultations:*** Participants in the meeting should identify if there is a real and specific interest at the technical level in their country to consider implementation of the Code and, if so, communicate this to the Agency Secretariat at the working level before the end of August 2011. The Agency will then seek to follow-up with senior officials from that State on a bilateral basis on the margins of the IAEA General Conference in September 2011, with the objective of increasing their awareness of the purpose of the Code and the benefits to expressing political support to it.
- (2) ***Communication Tools:*** The Agency should consider development of an information “Fact Sheet” as a communication tool to be placed on the Agency website and available for distribution. The “Fact Sheet” would focus on raising awareness of the purpose and benefits of the Code, and on clarifying misperceptions on the legal status of the Code. It would be targeted at a high-level,

policy audience, and could be used by States as part of their outreach activities related to implementation of the Code.

- (3) **Outreach:** Technical authorities should consider inviting the Agency or international experts to participate in regional meetings or national events involving policy makers at which radioactive source management issues will be discussed, for the purpose of outreach on the purpose and benefit of the Code.
- (4) **Point of Contact:** As a possible initial step of the process of expressing support to the Code and the Guidance, participants were invited to encourage their State to designate a Point of Contact as per paragraph 4 of the Guidance.

13 July 2011