



International Atomic Energy Agency

GENERAL CONFERENCE

Forty-fifth regular session

GC

GC(45)/INF/18
17 September 2001

GENERAL Distr.
Original: ENGLISH and
SPANISH

DECLARATIONS BY MEMBER STATES AND REGIONAL GROUPS REGARDING SAFETY IN THE MARITIME TRANSPORT OF RADIOACTIVE MATERIAL

The attached text is being distributed at the request of the Ambassador of Uruguay,
Chairman of the Latin American and Caribbean Group.

For reasons of economy, this document has been printed in a limited number.
Delegates are kindly requested to bring their copies of documents to meetings.

DECLARATIONS BY MEMBER STATES AND REGIONAL GROUPS REGARDING SAFETY IN THE MARITIME TRANSPORT OF RADIOACTIVE MATERIAL

1. BACKGROUND

The action taken to date in the multilateral international context with regard to safety in the maritime transport of radioactive material shows that a process of strengthening of the international regime governing this matter is under way. Here, we take into consideration the following:

- (a) Under Article III.6 of the Agency's Statute, it is the function of the Agency "to establish ... standards of safety for protection of health and minimization of danger to life and property", and "to provide for the application of these standards, at the request of the parties";
- (b) The IAEA established Regulations for the Safe Transport of Radioactive Material in 1961, and issued complete and revised editions of those Regulations in 1964, 1967, 1973, 1985 and 1996;
- (c) The Board of Governors (1996) recommended to all international organizations that engaged, or expected to engage in the transport of radioactive material that they "adopt the revised Regulations or use them, as far as practicable, as the basis for the formulation of regulations and in connected regulatory activities";
- (d) During 2001, a number of international organizations responsible for various modes of transport (the International Civil Aviation Organization, International Air Transport Association, International Maritime Organization and Inland Transport Committee of the United Nations Economic Commission for Europe) began to incorporate the 1996 version of IAEA's Transport Regulations in their own regulations for the transport of hazardous goods, with a view to making them obligatory as of 1 January 2002;
- (e) The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management has entered into force. Moreover, the Diplomatic Conference which adopted the Joint Convention urged States parties to adopt in full the IAEA's Transport Regulations in "the formulation and implementation of their national laws and regulations".
- (f) The 1998 General Conference, in its resolution GC(42)/RES/13, recognized that "compliance with regulations which take account of the Agency's Transport Regulations is providing a high level of safety during the transport of radioactive materials", invited States shipping radioactive materials "to provide, as appropriate, assurances to potentially affected States upon their request that their national regulations take into account the Agency's Transport Regulations and to provide them with relevant information relating to shipments of radioactive

materials”, and stated that “the information provided should in no case be contradictory to the measures of physical security and safety”;

- (g) The General Conference, in its resolution GC(44)/RES/17, paragraph 8, called for “efforts, at the international, regional and bilateral level, to examine and further improve measures and international regulations relevant to the international maritime transport of radioactive material and spent fuel, consistent with international law, and stresses the importance of having effective liability mechanisms in place”.

2. DECLARATIONS BY STATES AND INTERNATIONAL ORGANIZATIONS

The States interested in the maritime transport of radioactive material have made a number of declarations expressing their concern over the risks involved in the transport of this type of material for the health of coastal populations and the environment of coastal regions, and over the potential economic damage. Thus, they are determined to strengthen and improve the international legal framework governing this matter, in particular with regard to all features of transport safety and liability in the event of accidents, and other relevant aspects.

Communications and declarations made by countries:

- (a) In its communiqué of August 2001, the Pacific Islands Forum: “reiterated its continuing concerns over the shipment of radioactive materials through the region. It acknowledged the continued constructive and useful discussions taking place between Forum members and government officials and nuclear industry representatives from France, Japan and the United Kingdom on innovative arrangements and assurances to meet Forum members’ continuing concerns.” Also, it “noted the assurances made by the shipping States and shippers relating to the safety of the shipments and their response in the event of an incident ... called for the shipping States also to provide assurances on providing compensation in the event of an incident where there was no release of radioactivity ... [and] agreed that its concerns should be constructively and vigorously pursued at the appropriate political level.”
- (b) In December 2000, the Governments of Argentina, Brazil, Chile and Uruguay issued a Joint Declaration on the Transport of Radioactive Waste stating the following: “We reiterate our concern to the Governments of France, Japan and the United Kingdom that these shipments take the Cape Horn route. We note the need to continue working within the competent international organizations to strengthen regulations on safety in the transport of radioactive material. We believe that consideration should be given, inter alia, to assurances of non-contamination of the marine environment, exchange of information on selected routes, communication of emergency plans in the case of accident, the commitment to recover the radioactive material if the ships carrying it are involved in an accident, and the importance of having effective liability mechanisms in place”.

- (c) In January 2001, the Permanent Commission for the South Pacific, which comprises Colombia, Chile, Ecuador and Peru, issued the following declaration: “The Permanent Commission for the South Pacific (CPPS), an international organization established in 1952 to co-ordinate the maritime policies of Chile, Colombia, Ecuador and Peru, has consistently kept to its commitment to safeguard the quality of life of its inhabitants through measures that include the protection, conservation and use of the living resources of the marine environment in the South-East Pacific.”

In conformity with this principle, the CPPS is particularly concerned by the decision taken by some States to transport radioactive material through the South-East Pacific and the Panama Canal because of the environmental risk involved. This position has been consistently maintained by its Member States in various multilateral fora.

The international law of the sea places upon States the obligation to protect and preserve the marine environment. However, there are still major limitations and gaps in international legislation on liability for ecological damage. In the meantime, in accordance with Principle 15 of the Rio Declaration on Environment and Development, appropriate steps should be taken without delay to prevent possible damage to the marine environment.

The Commission reiterates the interest of its members in strengthening, as soon as possible, the regulations on international maritime transport of radioactive waste and irradiated nuclear fuel. Such transport must be carried out with the greatest possible transparency, by direct and secure routes, with assurances of non-contamination of the environment, with contingency plans, and taking into account the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency.

The CPPS notes the desire of its Member States to find effective solutions by setting up constructive and permanent lines of dialogue with the States involved in maritime transport of radioactive material.

On this occasion, the CPPS wishes to draw the attention of the international community to the need to adopt measures to ensure the prevention of any type of risk which might endanger the oceans of our planet.

- (d) Declaration by the Rio Group in March 2001: “The countries of the Rio Group express their concern at the transit of radioactive and hazardous material along the coastal routes or navigable waterways of Member States, given the risks of damage that this entails on account of the harmful effects on the health of coastal populations and on the ecosystems of the marine and Antarctic environment. We urge the international community to implement without delay the mechanisms established by the IAEA and the IMO which provide for security measures for the transport of radioactive material and hazardous waste, and to adopt additional regulations, in particular with regard to assurances of non-contamination of the marine environment, exchange of information on selected routes, communication

of contingency plans for accidents, the commitment to recover materials in the event of spillage (or loss of material through sinking or other causes), clean-up of affected zones and the establishment of mechanisms and effective regulations governing liability in case of damage.”

- (e) In April 2001, at the Third Summit of the Americas in Quebec, Canada, 34 participating Heads of State or Government from North America, Central America, the Caribbean and South America adopted the following declaration: “Acknowledging the concerns about the maritime transport of radioactive material, including waste, through routes close to the coasts of States or along navigable waterways of the Hemisphere and the potential health consequences for our people and the possible threat to the marine environment, and consistent with maritime rights and obligations in international law, [we] encourage and support full compliance by international maritime and air carriers with International Maritime Organization, International Civil Aviation Organization and International Atomic Energy Agency standards of safety.

“[We furthermore] stress the importance of having effective liability mechanisms in place; encourage consideration of strengthening additional international measures, as necessary, which may include: assurances of non-contamination of the marine environment; the commitment to recover radioactive material, including waste, in the case of accidental discharge or loss; provision for reparation, rehabilitation or reconstruction, as appropriate, for affected people in the case of an accident; and [we] invite countries shipping radioactive material, including waste, to provide timely information to potentially affected States in the Hemisphere relating to such shipments, consistent with the need to maintain and ensure the safety and security of those shipments.”

- (f) In April 2001, the United Nations Commission on Sustainable Development adopted recommendation 21(h), which reads as follows: “Recalling paragraph 8 of the Governing Council of the International Atomic Energy Agency (IAEA) resolution GC(44)/RES/17 and taking into account the very serious potential for environment and human health impacts of radioactive wastes, make efforts to examine and further improve measures and internationally agreed regulations regarding safety, while stressing the importance of having effective civil liability mechanisms in place, relevant to international maritime transportation and other transboundary movement of radioactive material, radioactive waste and spent fuel, including, inter alia, arrangements for prior notification and consultations done in accordance with relevant international instruments.”
- (g) Last August, the countries of the Rio Group adopted the Santiago Declaration at their Presidential Summit: “We, the member countries of the Rio Group, express our concern at the risks involved in the transport of radioactive material and hazardous waste through coastal routes or along navigable waterways of member countries, given the risk of damage this involves coupled with the harmful effects on the health of coastal populations and on the ecosystems of the marine and Antarctic environment. We therefore urge the international community to

continue working towards strengthening the existing international legal framework of safety measures for such transport.”