

**THE FACILITATION OF INSTANCES OF DENIALS OF SHIPMENT  
FROM AN IAEA PERSPECTIVE  
PART 1**

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**ABSTRACT**

The paper is divided in 3 Parts. Part 1 provides an overview of the new organizational structure put in place for facilitating the solving of instances of denials of shipment of radioactive material. In Part 2, the term denial and the reporting process are defined. The outputs of this process are entries for the database. The subsequent analysis of the reports and the database provide orientations to update the action plan. In Part 3, the benefits of networking are discussed, in terms of facilitation of denials, and harmonization of the practices and of applicable Regulations and sustainability of the transport of radioactive. Involvement of Member States and industry is requested to maintain this networking operational for the different issues related to the safe transport of radioactive material.

Radioactive materials are used for medical diagnosis and therapy, sterilization of medical products, industrial purposes and for power production. These materials need to be transported from a production site to the place of use. In accordance with the mandate of the International Atomic Energy Agency to promote safe applications of radiation for peaceful purposes, the Agency publishes and periodically updates Regulations for the Safe Transport of Radioactive Material. The Transport Regulations which serve as the basis for many international and national regulations assure a high degree of safety. Instances of refusal to carry radioactive cargo and of permission to conveyances having such cargo aboard, despite conformance with the regulations, have been reported in recent years. Such delays in and denials of shipments of radioactive material for medical use can result in hardships to patients undergoing diagnosis and treatment with radioactive material and to others, who rely on products sterilized by radiation.

**(Paper 383 – Part 1; Paper 385 - Part 2; Paper 404 – Part 3 and Conclusion - PATRAM 2010)**

**1. NEW STRUCTURE FOR FACILITATING INSTANCES OF DENIALS OF SHIPMENT**

1.1. History

In July 2003, the International Conference on the Safety of Transport of Radioactive Material noted that the nuclear industry and other industries using radioactive material were facing reduced availability of transport routes, modes and carriers as a result of decisions by commercial carriers, ports and handling facilities not to accept radioactive material. The Conference suggested that the International Atomic Energy Agency should work more closely with the Modal Organizations of the United Nations and with Non-governmental

Organizations in determining why shipments of radioactive material are being denied, and develop a strategy for addressing this issue.

The Agency's General Conference has been particularly interested in the subject of refusals of shipments of radioactive materials. In GC(48)/RES/10C operative para 12 the 2004 General Conference welcomed "the progress made on the problems related to refusals of shipments of radioactive materials (in particular for medical applications), and looks forward to a satisfactory resolution of this issue."

In GC(49)/RES/9B operative para 12 the 2005 General Conference welcomed "the progress made in conjunction with the International Federation of Air Line Pilots' Associations (IFALPA) on the problems related to refusals of air shipments of radioactive materials (in particular for medical applications) and looks forward to a satisfactory resolution of this issue, and encourages the Secretariat to continue addressing the denial of shipping issue, including by establishing a steering committee to oversee the resolution of the problem, as recommended by TRANSSC."

In GC(51)/RES/11 operative para 14 the 2007 General Conference welcomed the formation of the International Steering Committee and urges the Secretariat to actively facilitate the Steering Committee's work including the further development of the action plan and a database on incidents of denials and encourages Member States to cooperate with the Steering Committee and its work, and further calls upon Member States to facilitate transport of such radioactive material when it is carried in compliance with the IAEA's Regulations for the Safe Transport of Radioactive Material (Transport Regulations)..

As a result, an International Steering Committee on Denials of Shipments of Radioactive Material was being constituted to further these efforts and get national focal points nominated by the end of 2007. Since then recurrent General Conference Resolution urges the IAEA Secretariat to actively facilitate the Steering Committee's work and encourages Member States to cooperate with the Steering Committee and its work.

A similar approach to the recurrent Resolutions at General Conference on denials of shipment was developed since 2001 by Member States with the concern of industry through the Facilitation Committee of the International Maritime Organization (IMO) to develop resolutions to combat the instances of denials and delays of shipment of radioactive material, focusing on the medical use. It led to Resolution .A.984(24), during the 24<sup>th</sup> Assembly of December 2005 on "Facilitation of the Carriage of IMDG Code Class 7 RAM including those in packaged form used in medical or public health applications".

## 1.2. The new organisational structure

In its 5<sup>th</sup> meeting in February 2010, the International Steering Committee (ISC) was challenged to decide who should be the committee members, how the ISC should be managed and to "accept working toward a goal of making sure denials and delays of shipment of radioactive material would be reduced to a level not worthy of reporting by 2013".

The structure including the ISC, regional networks and national groups was reviewed and a more cohesive approach was agreed. A body was created composed of national, regional and international government nominated representatives, to which other representatives from transport industry, suppliers and other relevant associations would be added.

The need for continuous cooperation between all involved parts was recognized. The diversity of participants was understood as essential to fulfil all of the required actions. In this regard,

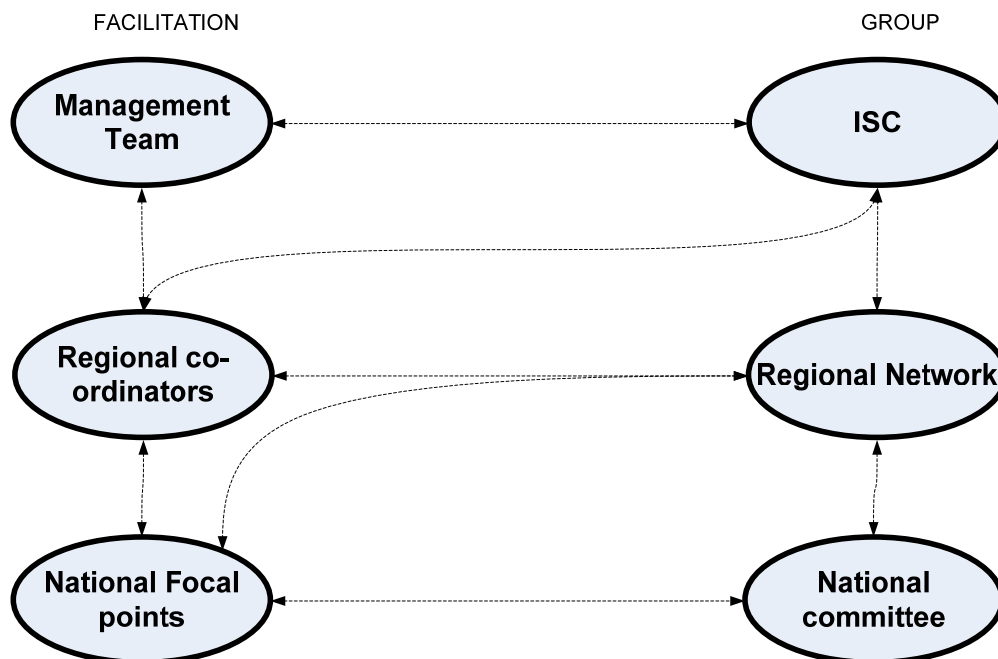
the relationship among the various actors and stakeholders must be optimized. Communication has proven to be a key factor in this process and the most valuable tool in solving Denials and Delays problems.

Facilitation rather than coordination is the main role of the ISC. The identification of the need, scope and expected products of meetings is the responsibility of the Management Team. Regional Coordinators and members of the Management Team will work closely in guiding and supporting National Focal Points.

National Focal Points and Regional Coordinators are entrusted to initiate and maintain respectively their national and regional networks, and to share knowledge, to facilitate the solving of instances of denials/delays of shipment and to encourage reporting.

In this new organizational structure, individuals (National Focal Point, Regional Coordinator and member of the Management Team) are supported by groups (National network/committee, regional network and International Steering Committee) in their facilitation action, as described in the chart here below, respectively at national, regional and global levels.

The Denial Secretariat, which includes the secretariats of IMO, ICAO and IAEA, serves as the interface between all individuals and networks. The role of the Denial Secretariat is to support the global structure, to maintain the new organizational structure and to provide tools such as the database, handbook and communication toolkit. A formal exchange of letter between the UN bodies is required to officially recognize the existence of the Denials Secretariat.



**Figure 1: New organization structure for facilitation.**

### 1.3. The individuals of the new organizational structure

The individuals of the new organizational structure are the National Focal Points, the Regional Coordinators and the members of the Management Team, respectively for the national, regional and global levels respectively.

In order to facilitate communication between the Steering Committee and Member States, the Steering Committee identified the need for a National Focal Point (NFP) to be nominated by each member state. This was to occur no later than 30 December 2007.

In August 2010, 69 Member States had identified and duly nominated individuals to act as National Focal Point (NFP) for the Denial and Delays of Shipment of Radioactive Material. Thus far, most of NFPs that have been nominated by Member States belong to competent authorities.

During the period 2007-2009 many regional workshops were conducted, involving approximately 300 participants and dealt with the issue of delays and denials of radioactive material. Regional Coordinators were volunteers, chosen by their peers among the present NFPs during the related workshops and confirmed by the ISC. A primary coordinator for the purpose of communication with the secretariat may be nominated for each region. This situation permits a more efficient structure for reporting.

Countries have been assigned to at least one region, depending on the sphere of influence they are related to. Five regions have been identified:

- America (as a whole), including North America, Latin and South America, and Caribbean region);
- Mediterranean region;
- Europe;
- Asia Pacific;
- Africa.

The ISC is headed by the members of the Management Team, i.e. a Chair and two Deputy Chairs, one IAEA representative and the former ISC Chairs. Each ISC Chair will serve a term of one year, at which point the person will become a 'former' ISC Chair and be replaced by the Deputy Chair who has served the longest. At the same time, a new Deputy Chair will be elected from the ISC membership. The Management Team has for task of driving and coordinating the complete process of facilitation.

The work of the members of the Management Team include: reviewing the instances of denial and delay through the IAEA database or as requested by RCs or NFPs; identifying and implementing the actions to resolve the above instances where the RC or NFP requests additional assistance; Involving RCs or NFPs as appropriate; identifying and contacting the key people who can help resolve specific instances; defining strategy and Task Prioritisation in accordance with the ISC Action Plan; advising the IAEA on integrating the denial and delay work being done by the UN bodies IMO, ICAO, IAEA; providing a regular (at least every six months) update report to the ISC, RCs and NFPs; holding monthly conference calls, and meetings as necessary, carrying out its functions as listed above; and where requested, providing assistance on specific projects and draw on outside help for this task.

- Roles and responsibilities

The roles and responsibilities of NFPs and RCs were approved during the fifth International Steering Committee (ISC) meeting in February 2010. Subsequently, the updating of the 2009 action plan led to the identification of on-going activities respectively for NFPs and RCs, which may be supplementary to those already listed roles and responsibilities.

The central role of the NFP is to constitute the point of exchange with the RC and the industry on the one hand and to validate/review denial reports on the other hand. The NFPs also participate in lobbying, however NFPs often belong to competent authority and this activity is not compatible with the role of civil servant. In that aspect, the NFP is the contact or relay, and not the one undertaking all actions (e.g. lobbying).

- IAEA Actions

As decided by the Steering Committee, the first technical meeting (TM) for NFPs on Delay and Denials of Shipment of Radioactive materials was held in the same week as the Regional Coordinators meeting and the Fifth International Steering Committee (ISC) meeting on Delay and Denials of Shipment of Radioactive Material. All these meetings are planned on an annual basis.

To complete this task, IAEA is organizing in 2011 both consultant and technical meetings to perform in depth analysis of the newly issued denials and delays reports, to update the regional action plans, to develop communication strategy and communication toolkit, and brochures aimed at carriers, and to prepare a simplified training and e-learning package targeting denial.

The 2010 meetings provided a forum to discuss and agree on a new organisational structure. Through various practical trainings on denial scenarii, participants learned how to handle a complex denial case and experienced in a quasi realistic context the importance of information exchange at the national, regional and global level to come to a solution of a denial. It also enhanced the NFPs understanding of what denials are as a prerequisite to enable them to produce adequate and complete denial reports, to make an adequate analysis of the causes of a denial and to identify root causes correctly, in order to obtain sustainable solutions. The reporting of denials in the international database and its management are crucial.

#### 1.4. The groups for facilitating: the networks

The networks of the new organizational structure are the ones related to National Focal Points, the Regional Coordinators and the members of the Management Team, respectively for the national, regional and global levels. National and Regional Networks have been introduced and agreed during the 5<sup>th</sup> ISC meeting, to be built and maintained respectively under the responsibility of the NFP and the RC, when the existing International Steering Committee remains the acting network for the members of the Management Team.

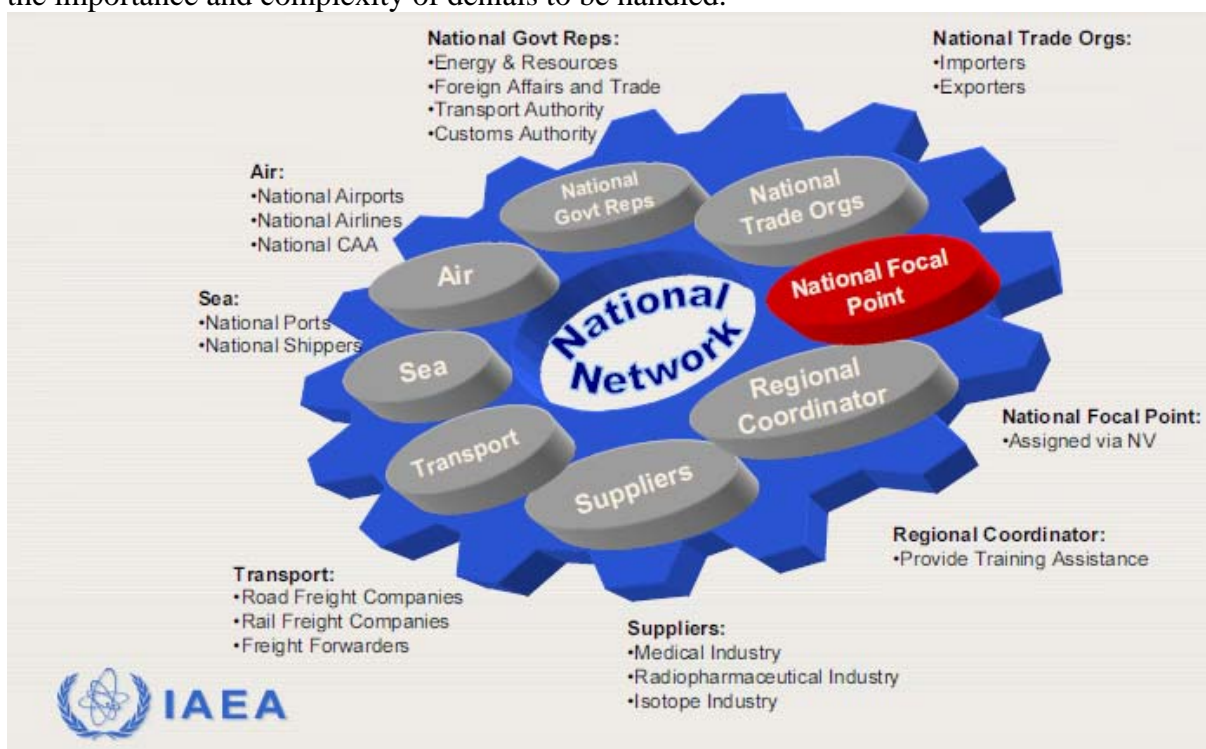
Historically, ISC first invited Member states to collaborate. Then, the construction with relays at regional, then at national level was introduced in a later stage. This contributes to improving reporting at a global level via the Denial Secretariat, which includes secretariats of IMO, ICAO and IAEA. Regional workshops, initiated first in Latin America (Montevideo's group), helped to elaborate this structure and to develop the interface between the 3 levels (national, regional and global). Workshops helped also to analyse the efficiency of the process, the adequacy of the developed structure, to provide feedback on the action plan.

- National Network

A NFP should in connection with the National Network:

- Identify and establish effective communication with key stakeholders in relation to the sustainable transport of radioactive material in line with government policies and approaches;
- Ensure coordination with all relevant national stakeholders relating to the preparation, and prioritization of solutions for denials/delays of shipment;
- Establish a National Committee, if necessary, for coordinating work related to formulating and executing national action plans in line with the regional action plans;
- Remain aware of national institutions taking part in activities related to denial of shipments, and to inform the Denials Secretariat of new activities.
- Develop a list of contacts for each stakeholder and the level of involvement that they have in the national network.

Flexibility of means, efforts and structures to be put in place by a NFP should be commensurate with the volume and complexity of reported denials/delays and be adapted to the importance and complexity of denials to be handled.



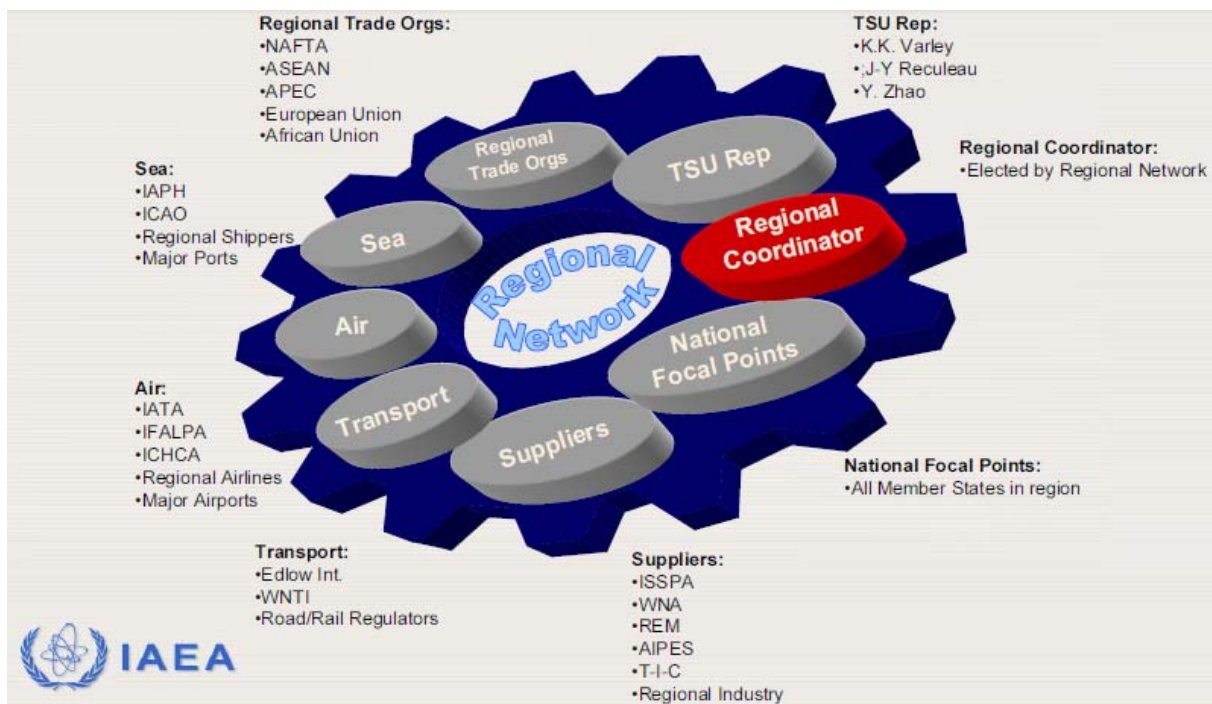
**Figure 2: Examples of which stakeholders could be involved in a National Network.**

- Regional Network

Similarly, a Regional Coordinator should in connection with the Regional Network:

- Networking with UN agencies and NFPs, forming alliances and partnerships to facilitate delivery activities and to address national/regional priorities;
- Organize the preparation and submission of half-yearly/annual reports;

- Provide feedback to other Regional Coordinators and Denials Secretariat on the success or failure of delivered solutions;
- Assist NFPs in facilitating actions, as necessary;
- Through NFP counterparts, to keep up to date on progress, problems and actions concerning denials of shipment and facilitate solutions by making interventions as necessary;
- Establish contacts with other Regional co-ordinators



**Figure 3: Example of which stakeholders could be involved in a Regional Network.**

In the definition of the NFPs roles and responsibilities, flexibility has been maintained to tailor the NFP action to the needs and to the complexity of the problems. In many instances an informal communication network can be sufficient to solve and/or facilitate the solving of the instances of denials and delays of shipment.

- International Steering Committee

The Committee's mandate is to coordinate international efforts to determine solutions for issues related to the denial of shipments and facilitate the coordination of a comprehensive international work plan of activities. ISC reports to the IAEA Director General and presents meeting conclusions and global action plan at the Board of Governors through the ambassador having the same nationality as the ISC Chair.

- IAEA actions

The formation of networks at national and regional levels was agreed in February 2010 by the International Steering Committee. It is too early to provide a feedback on the construction of the networks. The major issue of the coming year will be to obtain commitment. In that

regard, IAEA is organizing workshops (for Latin America including Caribbean region in Panama City, 15-19 November 2010; for Asia-Pacific and Africa during the 1<sup>st</sup> quarter 2011).

In the next future, the 6<sup>th</sup> ISC meeting will take place in Vienna the 20 and 21/04/2011 following the technical Meeting of NFPs (2<sup>nd</sup> Meeting of national focal points for denial of shipments) the 18 and 19/04/2011, these meetings will be combined with the meeting of the Regional Coordinators (18-21/04/2011). This will be the occasion to evaluate the effectiveness of the new organizational structure, focusing on the building of the National and Regional networks and their effectiveness at combating problems shipping radioactive material, Such networks would increase the level of communication within their respective national/regional group in order to overcome instances of delays and denials.

### 1.5. Industry

Industry has at least one representative in the Management Team. Associations like ISSPA and WNTI are represented as members of the International Steering Committee. A larger involvement of industry may appear through the constitution of the National and Regional networks.