

## **SAFEGUARDS ACCOUNTABILITY AND TRANSPARENCY – ESSENTIAL ELEMENTS OF PUBLIC CONFIDENCE**

### *3.c. International Safeguards, Building confidence through transparency and public opinion*

***Dr Craig Everton***

***Director, IAEA Safeguards Section***

***Australian Safeguards and Non-Proliferation Office***

The fundamental and foundational purpose of IAEA safeguards is maintaining international confidence that states remain compliant with their non-proliferation commitments. If the international community is not confident in the IAEA's compliance findings then some States could respond by developing strategic nuclear capabilities to hedge against a perceived lack of assurance that a neighbour is not doing likewise. What then are the key underpinnings of a system that instils confidence? As with any compliance verification/assurance system independence of the body charged with the responsibility of ensuring or verifying compliance and accountability and transparency regarding its findings and processes are essential.

Accountability and transparency are essentially a manifestation of communication and are fundamental to any governance system. The UN global issues web site on governance describes it as: "Good governance promotes equity, participation, pluralism, transparency, accountability and the rule of law, in a manner that is effective, efficient and enduring"<sup>1</sup>. The key relationships in the field of safeguards are communication between operators, safeguards regulatory authorities, Member States, the IAEA and the international public.

#### ***Communication relationship – regulator and international community***

Fundamental to maintaining international confidence in the compliance with any treaty commitment is the provision of sufficient information so that the international community can assess and understand the compliance. Under comprehensive safeguards agreements the IAEA provides the results to the State from individual inspections (paragraph 90(a)) and its overall conclusions (paragraph 90(b)). For States with an Additional Protocol the IAEA provides its conclusions from complementary access visits through Articles 10(b) and 10(c).

The confidentiality constraints on the IAEA somewhat limit the information that it can provide about its safeguards findings about individual States. However, Member States are not constrained in this way, and can assist in building confidence about their compliance by providing information publicly about IAEA verification activities and findings in their State. Some examples<sup>2</sup> include the Finnish Radiation and Nuclear Safety Authority (STUK), the South African Nuclear Energy Corporation (NECSA), the Australian Safeguards and Non-Proliferation Office (ASNO). ASNO publishes in its annual reports the IAEA's findings outlined in 90(b) statements and findings from complementary access in 10(c) statements.

#### ***Communication relationship – regulator and regional peers***

Another very effective transparency measure that supports States build confidence in the international community is the sharing of safeguards implementation information and

---

<sup>1</sup> [www.un.org/en/globalissues/governance/](http://www.un.org/en/globalissues/governance/)

<sup>2</sup> Further information available at: [www.stuk.fi/julkaisut\\_maaraykset/tiivistelmat/b\\_sarja/en\\_GB/stuk-b173/](http://www.stuk.fi/julkaisut_maaraykset/tiivistelmat/b_sarja/en_GB/stuk-b173/), [www.necsa.co.za/public-information/environment/nuclear-safeguards](http://www.necsa.co.za/public-information/environment/nuclear-safeguards), [www.dfat.gov.au/asno/annual\\_report\\_1112/pdf/addendum-to-appendix-d.pdf](http://www.dfat.gov.au/asno/annual_report_1112/pdf/addendum-to-appendix-d.pdf).

experience with safeguards peers in other countries. Some examples include the Asia-Pacific Safeguards Network (APSN)<sup>3</sup> and the Nuclear Regulatory Network<sup>4</sup> of the Southern African Development Community. The objectives of APSN as set out in its Statement of Principles are to improve the quality, effectiveness and efficiency of safeguards implementation in the Asia-Pacific region, by engaging in activities such as: promoting regional cooperation in appropriate nuclear safeguards application and practices; and, providing a forum for the sharing of appropriate knowledge on nuclear safeguards. APSN has published a paper on this topic, *Fundamentals and Good Practices of Safeguards Regulatory Authorities*<sup>5</sup>.

### ***Communication relationship – regulator and IAEA***

The accountability of States to the IAEA is provided through the mandatory reporting and IAEA inspector access under safeguards agreements. But it should not stop here – it is important for safeguards regulatory authorities to take a cooperative and transparent approach, operating with a mindset of being partners with the IAEA in this important endeavour. It is not productive to building and maintaining confidence for States to take a narrow, legalistic approach to the provision of information to the IAEA. The APSN paper described above lists one fundamental principle as: “promoting and cultivating a good cooperative relationship with the IAEA”, and one good practice as being: “proactive in the voluntary provision of relevant information to the IAEA on activities of safeguards relevance in the State.”

### ***Communication relationship – IAEA and international community***

It is not just States that should be accountable and transparent with the IAEA, this is also important for the IAEA Secretariat’s interactions with Member States. The IAEA Secretariat clearly puts a high premium and effort into accountability and transparency through various communication mechanisms such as the Safeguards Implementation Report (SIR), reports to the Board of Governors, General Conferences, informational web pages containing fact sheets, background information and chronologies of key events, etc.

Considering the SIR, this is a valuable resource for Member States to understand the safeguards work of the IAEA, but it could be improved so that Member States can better understand the basis behind the IAEA safeguards findings for each State<sup>6</sup>. Compared to a few years ago SIRs are certainly more readable to non-specialists and contain well written explanations of the Secretariat’s processes and approaches. However further improvements could be made in the form of more State-by-State information with context to assist the reader interpret this information. There are some State-by-State statistics in the SIR’s annexes but the types of statistics presented vary each year making it difficult to compare across years. There would also be value in making more information from SIRs available to the general public to assist the broader international community build confidence in the effectiveness of the safeguards system on a similar basis of knowledge as Member States.

---

<sup>3</sup> Information about APSN, including its Statement of Principles are at: [www.apsn-safeguards.org](http://www.apsn-safeguards.org). APSN’s membership is: Australia, Bangladesh, Canada, Indonesia, Japan, Republic of Korea, Malaysia, Myanmar, New Zealand, Philippines, Singapore, Thailand, USA and Vietnam. Cambodia, Laos and Mongolia have attended some meetings, and their membership has been endorsed, but they have not yet formalised membership. The IAEA and European Commission have observer status with APSN.

<sup>4</sup> [www.rpaz.co.zw/sadc-nrn.html](http://www.rpaz.co.zw/sadc-nrn.html)

<sup>5</sup> Available at APSN web site: [www.apsn-safeguards.org](http://www.apsn-safeguards.org), and IAEA Resources and Assistance for States web site: [www.iaea.org/safeguards/resources-for-states/additional-documents.html](http://www.iaea.org/safeguards/resources-for-states/additional-documents.html).

<sup>6</sup> See for example, the Canadian Centre for International Governance Innovation (CIGI) 2011 report, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*.