DISCUSSION PAPER: The Nuclear Security Mission beyond 2014: Options for Addressing Governance Gaps

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June 2013

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Introduction

"Governance" here refers to the institutional arrangements, in particular, treaties, decisions of international bodies, cooperation arrangements, and other mechanisms, for balancing national and international interests—the basic architecture of the global nuclear security system. Gaps remain in the current governance architecture. This discussion paper focuses on the arrangements for addressing these gaps and for reaching collective decisions for strengthening the global nuclear security system—in particular, whether the Nuclear Security Summits will continue, and if not, what the options are for successor arrangements to the Summit process in pursuit of continuing the nuclear security mission.

The Nuclear Security Summits have garnered the attention and commitment of heads of government for efforts to prevent terrorist and other unauthorized access to weapons-usable nuclear materials. Such efforts have been undertaken over many years, but the need for them was elevated to far greater prominence by President Barack Obama's 2009 Prague declaration of a new international initiative to secure all vulnerable nuclear material around the world within four years and the consequent Summit process.

Despite the good progress from the 2010 and 2012 Nuclear Security Summits, the 2014 Nuclear Security Summit will not be able to announce "mission accomplished," i.e., that all nuclear

materials worldwide are now effectively secured, much less that the many specific objectives and tasks in the Summit Communiqués and the Work Plan have been fully achieved. Furthermore, even with the importance attached to nuclear security by world leaders, there is still no global system for tracking, accounting for, managing, and securing all weapons-usable nuclear materials, nor is there a path in place for creating such a system. In short, at the end of three Nuclear Security Summits, and notwithstanding the tireless efforts of many governments in demonstrating tangible progress in reducing nuclear risks, world leaders may still fall short of comprehensively and sufficiently addressing the threat.

A decision has yet to be made by the heads of government participating in the Summits whether to continue the Summit process beyond 2014. In view of the substantial work yet to be done, this decision is crucial to the further strengthening of the global nuclear security system. This paper discusses why continuing high-level engagement is needed to address gaps in the global nuclear security system and suggests principles for guiding thinking on how to address those gaps. Drawing on lessons from other multilateral summits and arrangements, the paper outlines possible options for either building new or reforming existing nuclear security architecture to ensure the sustainability of the ongoing nuclear security mission, beyond the Summit process.

The Need for Continued High-Level Engagement

The 2010 Washington Summit highlighted the global threat posed by nuclear terrorism and the need to work together to secure nuclear material and prevent illicit nuclear trafficking and nuclear terrorism. Participants reached a consensus about the nature of the threat and agreed to a collective effort to secure nuclear material within four years, as outlined in the Summit Communiqué and Work Plan. The 2012 Seoul Summit built on the progress of the Washington Summit and included new practical and technical commitments from states, some of which required coordinated action at the bilateral, regional, or multilateral level.

Concrete and tangible progress at the individual state level notwithstanding, sufficient global

architecture to tackle the threat is still not in place. Looking beyond the current Communiqués and Work Plan, many governments and observers are increasingly aware of the need to develop a common understanding of a comprehensive nuclear materials security system and the mechanisms for assessing the effectiveness of this system. However, this need is not yet understood by all governments, and a roadmap to achieve such a system has yet to be developed, thus underlining the need for continuing engagement at the head-of-government level.

An appreciation of the gaps in the current global nuclear security system can be gained by considering what a strengthened system should look like and comparing this with the current reality. Through the Global Dialogue on Nuclear Security Priorities, consensus has emerged among participants on the need to strengthen the global nuclear security system, and that a strengthened system should have the following attributes:

- The system should be comprehensive – it should cover all nuclear materials and facilities at all times;
- The system should employ international standards and best practices, consistently and globally;
- At a national level, each state's system should have internal assurance and accountability mechanisms;
- Globally, the system should facilitate a state's ability to provide international assurances that all its nuclear materials and facilities are secure;
- The system should work to reduce risk through minimizing and, where feasible, eliminating, weapons-usable material stocks and the number of locations where these are held.

The current global nuclear security system falls well short of these attributes. The current system comprises a patchwork of agreements, guidelines, and multilateral engagement mechanisms. These have numerous gaps and limitations, which can diminish collective global security and undermine confidence in the effectiveness of the system. These gaps and

limitations have been covered in other Global Dialogue papers.[1]

Head-of-government engagement is required to develop consensus on the need for a strengthened system and its elements. Before the Summit process can be devolved, specific questions that need to be addressed include the following:

- What arrangements or mechanisms are needed to address existing gaps in nuclear security governance?
- What kind of continuing engagement process is best suited to overseeing the nuclear security mission once these gaps have been closed?

Some Guiding Principles for Ongoing Engagement

In considering the possible arrangements for engagement after the 2014 Summit, some guiding principles are suggested:

- *Preserving political will:* How can the most effective use of head-of-government engagement be ensured, including the need to avoid "nuclear security fatigue" from overuse of such engagement?
- *Maintaining commitment and effective decision making:* What kinds of issues require engagement at the level of leaders and will not progress quickly without them, as distinct from issues that can be devolved to the ministerial, senior official, or expert and technocratic level?

  Nuclear security has yet to reach a level of political importance where it is routinely addressed in existing forums, such as the International Atomic Energy Agency (IAEA) Board of Governors or General Conference. Until that happens, efforts to strengthen the global nuclear security system will still require high-level national commitment, possibly at the head-of-government level.

- *Broadening participation:* Is progress best made by a subset of states, or should all

states be included in the process? Participants in the Nuclear Security Summit process need to determine if nuclear security is an issue that requires urgent coordinated effort by key states, is a problem that can be tackled only if all or most states are a party to the solution, or is somewhere in-between.

At some point, decision making about global nuclear security governance should include all states. Key questions are when should the process be broadened, and how can it be done without the process becoming vulnerable to political obstruction? For this reason, broadening participation will require some relaxation of the consensus approach, or selection of a forum where consensus is not the rule, to avoid the risk of impasse as seen, for example, in the Conference on Disarmament.

- *Avoiding duplication:* How can existing institutions, forums, and resources be better used or reformed?
- *Facilitating accountability:* Are there arrangements that would have accountability advantages?

What Next after 2014? Possible Options to Consider

Perhaps because of the original remit of the Nuclear Security Summit, posited as a four-year effort by President Obama, from the outset head-of-government engagement was not framed for the long term. Thus, continuing the Summits in perpetuity is unlikely. However, some suggestion exists of a capstone Summit in 2016. Beyond 2016, further Summits might be possible only on an ad hoc basis. Therefore, it is necessary to consider what successor arrangements to the current Summit process should be established to further facilitate nuclear security accountability, provide international assurance, or take other steps to address gaps in the global nuclear security architecture.

International consultation, coordination, and cooperation will continue to be required for these further and necessary improvements to nuclear security at the global and national levels. Heads of governments can usefully not only make commitments for improvements, but also ensure

the accountability that these commitments become reality.

If the political will remains for at most one more Nuclear Security Summit after 2014, in light of the unique power this gathering of leaders has to address the gaps in the existing system if they choose to exercise it, thinking and planning should begin now about how to do this. If no further Summit takes place, these matters need to be addressed by other processes discussed below.

Who Should Decide?

A fundamental issue is how Summit successor arrangements will be determined. This should be decided by the 2014 Summit or by the 2016 Summit, if one takes place. It will be far easier for the Summit to settle its own succession than would a different group of states starting from scratch, or the IAEA as a near-universal consensus-based forum to attempt to gather support to address the successor issue after the Summit process has ended.

While a decision taken by the Summit on successor arrangements has no formal standing in the IAEA or other relevant entities, the states represented in the Summit include the key members of the IAEA and its Board of Governors. If they act collaboratively as a community within the IAEA, amongst the CPPNM parties, and in other fora, they are well placed to advance Summit decisions on this and other issues.

Historical Precedents

Historical examples of other summit or similar arrangements informed the analysis of possible successor arrangements to the Nuclear Security Summits. The appendix provides summaries of these examples:

- The Organization for Security and Cooperation in Europe (OSCE) shows an evolution from summit meetings to regular (annual) ministerial meetings, with summits now being held on an occasional basis.

An OSCE secretariat was established to support the summit and ministerial processes. In the case of nuclear security, however, an international secretariat already exists, the IAEA, which could be used to support the Summit successor.

- The Summit of the Americas shows a pattern of triennial summits on different topics, with supporting meetings including at least one annual meeting at the ministerial level, and regular reports on implementation of summit decisions. The summit process has taken advantage of an existing secretariat, the Organization of American States. The parallel in nuclear security could be to use the IAEA for the secretariat function (subject to the considerations discussed previously).

- In the transition from the Group of Eight (G-8) to the Group of Twenty (G-20), greater participation has increased the difficulty of building consensus. This circumstance has resulted in the more sensitive issues being limited to the G-8.

Options for Consideration

Options to consider for addressing remaining gaps in the global nuclear security architecture after the 2014 Nuclear Security Summit are outlined below. It has been said that "form should follow function," i.e., the meeting format should reflect the level of decisions required. As discussed in this paper, the nuclear security agenda has not yet reached a stage of maturity where sign-off from the Summit to the IAEA or other operational fora would ensure that appropriate decisions are taken and commitments made. While some matters could be resolved at officials' level, there are other matters that will require high level consideration, including by heads of government. The options reflect this situation.

These options are not mutually exclusive. A decision could be made to hold one more Summit in 2016, but that does not preclude other options that could occur in parallel or sequentially. In addition, under a less-than-Summit-level approach, the option would remain of convening ad hoc Summits for specific purposes (as is done, for example, with the OSCE; see the appendix).

1. Continue with the current Nuclear Security Summits indefinitely.

As discussed, this option seems unlikely to gain support.

2. Hold one more Nuclear Security Summit in 2016.

A possible 2016 Summit has been suggested. A possible scenario for this Summit is that heads of government at the 2014 Summit agree to address the gaps in the system and to spend the time between 2014 and 2016 developing a program to do so. On this basis, the Summit series might be characterized as follows:

- The 2010 Summit was where consensus was reached about the need to deal with the global threat.
- The 2012 Summit reflected progress and consolidation.
- The 2014 Summit would be where leaders commit to taking a truly comprehensive approach to address the problem—a "blueprint" Summit.
- The 2016 Summit would be the "accountability moment" for the heads of government, and where the future engagement arrangements are established.

Considering that the United States initiated the Summit process, it could conceivably have substantial involvement in drawing this sequence of Summits to a close. This could involve the 2016 Summit returning to Washington, or perhaps the United States could co-host the Summit with another state, possibly a developing country from the global South.

3. Establish a new meeting process at less-than-Summit level.

One approach is to establish a new meeting process, similar to the Summit process (e.g., a high-level, two-year cycle with extensive preparatory meetings), but at a level lower than heads of government. It could be a high-level dialogue with ministers or representatives designated by the head of government and supported by Sherpa meetings as with the current Summits.

This approach has the advantage of maintaining a similar pattern and frequency of meetings as

the Summit process, including, if desired, continuing the practice of participation by invitation only. Disadvantages (which also apply under the current Summit process) include the need to find a host state for each meeting, the workload and cost borne by the host state, and the lack of a standing secretariat to provide continuity (currently, the secretariat for each Summit changes with the host).

4. Establish a new, less-than-Summit-level meeting process under IAEA auspices.

A variant of the previous option is to have a new meeting process with the IAEA as convener. However, some constraints work against the IAEA exercising such a role effectively. For instance, the IAEA does not have the equivalent convening power, political clout, and resources of major governments. It does not have a record of attracting high-level representation (e.g., at the IAEA's 2012 Ministerial Conference on Nuclear Safety, only 23 percent of participating states were represented by ministers). The IAEA would not currently be able to replicate the intense political and diplomatic preparations necessary for the successful convening of a major global meeting having substantive outcomes. In fact, IAEA conferences do not have outcomes that constitute specific commitments for the participants. Another issue is that whereas the Nuclear Security Summit remit, through the Washington Communiqué, calls on states to "maintain the effective security of all nuclear materials," the IAEA's mandate is limited to only civilian nuclear materials.

As noted previously, future participation is one issue that would have to be addressed in establishing Summit successor arrangements. The IAEA could not be selective, and any meeting would have to be open to all member states; thus, having the IAEA as convener will determine the participation issue in one particular way.[2]

(a) IAEA nuclear security conferences

The IAEA is convening an international conference on nuclear security in July 2013. The conference is aimed at policy makers and senior officials. The IAEA does not indicate if further such conferences are planned, but because an objective of this conference is to provide input

to the IAEA's 2014–17 Nuclear Security Plan, similar conferences could be held for subsequent plans (i.e., on a four-year cycle).

The 2013 nuclear security conference is not comparable to the Nuclear Security Summits: the conference is not focused on the areas requiring strengthening, as previously outlined, and in particular is not seeking agreement on actions to be taken by participating states. The conference is not expected to issue a final document but is rather, in the manner of the periodic IAEA symposia on nuclear safeguards, designed to foster discussion and technical exchanges. The conference will not decide on the 2014–17 Nuclear Security Plan, which is instead drafted by the IAEA Secretariat and approved by the Board of Governors. Reflecting that it is not a decision-making conference, it does not seek high-level participation by those able to commit their governments. Furthermore, participation is open to representatives from any IAEA member state.

Such conferences have an important role in contributing to the IAEA's planning processes, but without a major change of agenda and format, future IAEA nuclear security conferences would not meet the broader needs discussed in this paper.

5. Convene meetings on the margins of the IAEA General Conference.

The annual IAEA General Conference is an occasion when many ministers, senior officials, and experts convene in one place. The opportunity could be taken to convene high-level nuclear security meetings immediately before or after the General Conference.

One practical issue is that meetings of the IAEA Board of Governors are scheduled before and after General Conferences, and these could involve some of the prospective participants for a nuclear security meeting. If the nuclear security meetings were scheduled to avoid a clash with the Board meetings, this approach would lose the advantage of immediate proximity to the General Conference. Another practical issue concerns the meeting secretariat. If this is to be the IAEA, then choosing the busiest time of the year for the IAEA Secretariat may not be wise. All in all, there seem no particular advantages, and some disadvantages, in tying a nuclear

security meeting cycle to the IAEA General Conferences.

6. Hold review conferences of CPPNM parties.

The Convention on the Physical Protection of Nuclear Materials (CPPNM) provides that conferences, at intervals of not less than five years, may be convened "to review the implementation of the Convention and its adequacy." Although this objective does not correspond fully to the areas for improvement previously outlined, such review conferences *could* address many if not all of these matters. Review conferences are to be convened by the IAEA, as CPPNM depositary, if a majority of parties so request.[3]

The need for majority support to convene a conference might be seen as a disadvantage, but no nuclear security conference would be worthwhile without substantial support, so this threshold is not necessarily a problem. Other issues include whether the minimum five-year cycle is too long to meet the needs of an evolving action plan and whether the meeting agendas might be tied too narrowly to the text of the convention, thereby limiting what can be covered. On the latter point, the CPPNM does not apply to nuclear material and facilities used for military purposes, though the parties "understand" that such material and facilities are and will continue to be accorded stringent physical protection. The relevant states could offer to discuss any aspects of non-civilian material on a voluntary basis, but clearly, the conference would have a limited remit for such material.

Participation would have to be open to all CPPNM parties (and would have to exclude non-parties, although they could attend as observers). One constraint on what might be reviewed is that many CPPNM parties are not yet party to the CPPNM 2005 Amendment, and this is likely to remain the case for some time.

The lengthy period between review conferences could be addressed through an intersessional process, such as a program of preparatory meetings, but these would not normally be given decision-making authority. An advantage of using the review conference mechanism is that the IAEA, through its role as CPPNM depositary, could be tasked as being the secretariat for the

review process.

In the future, CPPNM review conferences could have a valuable role, and such a role would strengthen the CPPNM as an institution, but in the near term, they do not appear to offer a suitable successor to the Summit process.

7. Use other existing mechanisms or institutions.

(a) Global Partnership Against the Spread of Weapons and Materials of Mass Destruction

The Global Partnership is a multilateral initiative to reduce the risk of terrorism using weapons of mass destruction through cooperative capacity building on specific projects. The Global Partnership currently comprises 24 partners (23 states and the European Union [EU]).[4] The Global Partnership has limited objectives and membership compared with the Nuclear Security Summit. Unless these are broadened, it is unlikely to become a successor to the Summit process.

(b) Global Initiative to Combat Nuclear Terrorism (GICNT)

The GICNT is an international partnership with the mission of strengthening global capacity to prevent, detect, and respond to nuclear terrorism by conducting multilateral activities that strengthen the plans, policies, procedures, and interoperability of partner states. Its membership comprises 85 states plus four observer organizations.

The GICNT's priority functions are nuclear detection, nuclear forensics, and response and mitigation. It facilitates information sharing among partners and observers through expert-level workshops, seminars, exercises, and other activities and has held more than 50 multilateral activities and exercises to share best practices and lessons learned to strengthen individual and collective capabilities for preventing, detecting, deterring, and responding to nuclear terrorist incidents.

Possibly the GICNT could provide an accountability mechanism for following progress on

existing Summit "house gifts" and "gift baskets." Overall, however, its focus is more specialized and technical than the Summit process, and it does not seem well suited to take on the role of Summit successor.

(c) International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT)

ICSANT has a specific purpose, defining nuclear terrorism and detailing how offenses should be handled. ICSANT has no provision for convening meetings of the parties, except for considering amendments to the Convention. Thus, ICSANT does not offer a mechanism for dealing with the broader matters currently covered by the Summit process.

8. Choose a combination approach.

To account for the realities of today's nuclear security landscape, one possible model is a combination of meetings at different levels.

(a) Regular ministerial-level meetings, supported by intersessional meetings of high-level experts

- The ministerial meetings could be convened every two years, with four to six experts meetings in between, similar to the current Summit/Sherpa cycle.
- These meetings could be open to all IAEA members, in which case the IAEA could provide the secretariat. If the meetings were by invitation, secretariat arrangements other than the IAEA would be required (they could be modeled on the Biological Weapons Convention Implementation Support Unit, see appendix).
- The ministerial meetings could be integrated with IAEA nuclear security conferences (for example, every second ministerial meeting could be combined with a quadrennial IAEA conference), provided this schedule did not distract from the focus of the ministerial meetings on national action to strengthen nuclear security. Another approach would be to integrate the expert meetings with the IAEA nuclear security conference cycle.

(b) Summit meetings convened on an ad hoc basis when needed to address particular issues or endorse particular actions

As with the ministerial meetings, participation in summits could be open ended or by invitation. Participation could be on a different basis for each; for example, the ministerial meetings could be open ended, and the summits could be limited to key leaders.

Conclusion

After the 2014 Nuclear Security Summit, there will be a continuing need for a collaborative action plan to address key areas for strengthening the global nuclear security system, including engagement of heads of government where required. If heads of government are not prepared to commit to an ongoing series of Nuclear Security Summits (i.e., after the 2014 Summit or after a possible 2016 Summit), successor arrangements need to be established that build on the successful features of the Summit process, including the following:

- Engagement at a sufficiently high level to ensure necessary decisions are made and followed through
- Appropriate frequency of meetings
- A forum for high-level expert discussions and sharing of information and experience

The leaders participating in the Summit process should decide the issue of successor arrangements, either in 2014 or at a prospective 2016 Nuclear Security Summit.

APPENDIX

Successor Arrangements to the Nuclear Security Summits—Some Precedents and Lessons

Organization for Security and Cooperation in Europe (OSCE)

The OSCE is the world's largest regional security organization. The OSCE evolved from the Conference on Security and Cooperation in Europe (CSCE). The CSCE functioned mainly as a series of meetings and conferences, building on participating states' commitments on politico-military, economic, and environmental and human rights issues, and periodically reviewing their implementation. In the 1990 Paris Summit, the participants decided to institutionalize the CSCE on a permanent basis. In 1993, a Secretariat was established in Vienna. The 1994 Budapest Summit renamed the CSCE as the OSCE.

The OSCE holds summits at head-of-government level, to set priorities and provide orientation at the highest political level, on an as-required basis. Since the first CSCE summit in 1975, there have been five subsequent summits.[5] During periods between summits, decision-making and governing power lies with the Ministerial Council, whose members are the foreign ministers of the OSCE participating states. The Ministerial Council meets annually.

Summit of the Americas

The Summit of the Americas is a series of international summit meetings bringing together the leaders of states in North America, Central America, South America, and the Caribbean. Initially, these were held on an ad hoc basis, but in the early 1990s they were institutionalized into a regular Summit of the Americas. In recent years, the summits have followed a three-year cycle. The Organization of American States (OAS) was asked to act as technical secretariat for the summits and to assist in implementing decisions of the summits. The OAS provides support for the Summit Implementation Review Group (SIRG), which meets three times a year, with at least one meeting held at the ministerial level. The SIRG reports annually to foreign ministers on progress achieved in the fulfillment of summit mandates.

Transition from the Group of Eight (G-8) to the Group of Twenty (G-20)

The G-8 is an annual summit of the leaders of the states with the world's eight largest economies. Originally focused on economic issues, over time the G-8 expanded to address political and security issues. With the rise of new economies outside the G-8, and globalization, it became clear that more states needed to be engaged to address ongoing and emerging economic issues. In 2008, 19 states and the European Union formed the G-20. In 2009, participating leaders designated the G-20 as the "premier forum" for international economic cooperation. The G-20's purview is confined to economic matters, and the G-8 continues to meet to address a range of more sensitive political and security issues.

Biological Weapons Convention Implementation Support Unit (ISU)

This is a possible precedent for the secretariat to a Summit successor process. The ISU concept was developed for the Mine Ban Convention. This convention had no secretariat initially, but then awareness grew that something was needed for implementation and monitoring at the state level. The ISU was established on the basis of voluntary funding. The concept was then translated into the Biological Weapons Convention. An ISU could provide support to the participants in the Nuclear Security Summit process or its successor, collect reports, and provide secretariat services for international meetings.

In the case of nuclear security, however, an international secretariat already exists, the IAEA, which could be used to support the Summit successor. Can the IAEA meet the secretariat needs, or does a case exist for establishing something separate or additional? A key factor is participation. The IAEA could readily support a process that is open to all IAEA member states, or to all the parties of an agreement involving the IAEA (for example, the CPPNM), but might not be able to support a process having restricted participation.

[1] Non-Paper 1: "The Need for a Strengthened Global Nuclear Security System," Global Dialogue on Nuclear Security Priorities, NTI, http://www.nti.org/media/pdfs/Non-Paper_1_-_The_Need_for_a_Strengthened_Global_Nuclear_Security_System.pdf?_=1353439833.

2. For a more detailed discussion of the constraints on the IAEA, see Trevor Findlay, "Nuclear Summitry and the IAEA," Managing the Atom Project, Belfer Center for Science and International Affairs, Harvard University, forthcoming.
3. Currently, the CPPNM has 148 parties and a majority would comprise 75 parties.
4. Australia, Belgium, Canada, the Czech Republic, Denmark, the European Union, Finland, France, Germany, Ireland, Italy, Japan, Kazakhstan, the Netherlands, New Zealand, Norway, Poland, the Republic of Korea, the Russian Federation, Sweden, Switzerland, Ukraine, the United Kingdom, and the United States.
5. They were Helsinki 1992, Budapest 1994, Lisbon 1996, Istanbul 1999, and Astana 2010.