

Basis of a New Global Order for Nuclear Security

by

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ABSTRACT

The 2012 Nuclear Security Summit in Seoul has been repeatedly pointed as the unequal opportunity to put to work the idea of evolving the weak current regime into the required robust and efficient global nuclear security governance. The inclusion of this essential issue as a part of the upcoming presidential discussions appears to be an auspicious sign on the road towards such transcendental change, but the more relevant steps are yet to be taken.

The core of the change is a brand-new innovative design, the nuclear security architecture, based on agreed long range strategic goals, and on shared understanding of threats and their transversal impacts worldwide.

This architecture should be able to integrate and harmonize current instruments a make them a part of a substantially improved model. Full coverage of nuclear risks (materials, radiological sources, and facilities), simplicity, flexibility, sustainability, and fairness should be a part of its more important features.

In order to achieve the more suitable model, a set of essential issues must be successfully resolved before the 2014 Summit, in order to get there the required decisions. To get a draft text for a framework agreement, with chances of reaching universal acceptance; to define proposals for integration of current mechanisms, and for implementation of universal baseline standards; to outline a detailed transition plan; and finally, to set a clear definition of roles are, perhaps, the more challenging tasks to face.

Concerning roles, this paper concludes that the Nuclear Security Summit initiative is the most appropriate forum to become, first the incubator, and later on, the steering committee for change. Its utter role in promoting and supporting such positive transformation, can justify “per se” the NSS continuity beyond 2014, even though other relevant purposes could be added. If these steps were effectively taken, the new global order for nuclear security in the 21st century would surely be the more relevant and inspiring legacy of this highest level political process.

INTRODUCTION

During the Conference on the 2012 Nuclear Security Summit and Next Generation Nuclear Security, held in Seoul, in November 2011, the upcoming Nuclear Security Summit was pointed as an excellent opportunity to push forward the idea of transforming the current nuclear security regime into newly defined nuclear security governance, able to face with success the growing global threats related to nuclear terrorism. The inclusion of the issue as a part of the presidential debate, and as a point in the Communiqué: “Coordination of the Global Nuclear Security Architecture,” appears to be promising sign, in terms of an increasing political will to achieve further improvements. Within this context, it is important to note that the Seoul Summit will be opening the door to consider more innovative solutions to the already identified problems in the regime, but discussions will be mainly focused on collecting more adhesions for nuclear security tools in their present state of development.

Once admitted the intrinsic difficulties of multilateral negotiation behind the preparation of each Summit, the intent to get more adhesions to the present instruments, even necessary, is in no way sufficient to provide more efficiency to the current regime. In this sense, a more profound and strategic change is required to efficiently cope with present and future nuclear security risks, in all their dimensions.

The core of such change is a brand-new innovative design, or architecture, based on long range views and shared understanding of risks and their transversal impacts. It should become the foundation of the desired global nuclear security governance for the 21st Century. ¹

Since the April 2010 Summit in Washington DC brought nuclear terrorism to the top of the international agenda, many voices have pointed out the need to reshape the current nuclear security regime into architecture.²

The evolution from “regime” to “architecture” is, with no doubt, a major change. It implies to define a strategic orientation as a basis to re-think, integrate, and harmonize the components of the current regime, in order to overcome weaknesses and to close identified gaps.

Concerns about the ability of the currently used instruments to reduce present and future risks derived from nuclear and radiological terrorism have been highlighted and broadly discussed through the time.

From a structural point of view, the current regime can be described as an intricate constellation of international instruments, complemented in some states by national laws. More than ten global efforts and initiatives, the vast majority voluntary and non-binding, coexist and overlap in the most complex way.³ From the countries point of view, the level of adhesion shows significant variations from one instrument to another.⁴

The voluntary and non-binding nature of most of the instruments has been always a matter of great concern, as nuclear security threats are perceived by many states as very distant from their national realities. Participation turns out reluctant and unenthusiastic and overall accomplishments usually fall below expectations. As a

reaction, brand-new initiatives are created to partially fix detected weaknesses and to bring more states on board, closing the circle of an increasing complexity.

As said in the November 2011 Seoul Conference, the root causes of difficulties and failures of the enormous nuclear security complex, are mainly related to low recognition by states of the nuclear terrorism threat; to long standing ideological antinomies between Western Powers and their allies, and other groups of states, that lead to distrust and automatic denials. In addition, there are states with political will but practical difficulties to follow the pace, mainly those with a precarious condition in terms of resources. It is mainly because of the overwhelming bureaucratic burden derived from the fragmentation of the regime in many demanding initiatives, as well as of the excess of reporting duties.⁵

Facts as low ability to deal with nuclear transgressions by the international community, and a worrisome lack of consensus about the boundaries between the multilateral control and the state's sovereign rights, have also contributed to weaken the current regime.

Concerning threats, they are there, waiting for the best opportunity to become realities. The intention of global terrorist groups to acquire fissile materials to build an improvised nuclear weapon is still in place. Radioactive sources are everywhere, and many of them uncontrolled. An attack on a nuclear facility that could derive on an incident with similar consequences as Chernobyl or Fukushima does not seem unlikely, when analyzed by experts' eyes. As a result, energetic actions are required in prevention and risks reduction, and a newly-defined architecture could help on it.

A NEW GLOBAL ORDER FOR NUCLEAR SECURITY

The proposed nuclear security architecture should be the result of a systemic strategic exercise. A few simple but powerful concepts are the basic principles underlying the model. They break long standing paradigms and push forward a new world order for nuclear security:⁶

- a. Threat scenarios and their level of risk have to be clearly defined and universally accepted. In this sense, there is still a long way to go for many states from participating in collective statements to place upon the issue as a key priority in their governmental agendas.
- b. A long range strategic vision of a world free of nuclear and radiological risks is essential to shape the model from the very beginning.
- c. All expressions of the nuclear security risk must be covered: nuclear materials, radiological materials, and facilities.
- d. Inclusion of all significant actors is required to reach universal understanding and participation in prevention of nuclear terrorism. At this point, the issue of inclusion

turns out very relevant. Every state in the world should be involved in one way or another. The NSS should include planned actions to bring on board all states, even those recognized as controversial.

- e. A fair principle of equity of duties and benefits should be set up to promote trust and acceptance, and to maximize active participation of countries of diverse profiles, through incentives and opportunities. No state right should be intended to erode “by design.”
- f. Funding is required to re-orient countries with social, economic, and technological deficits.
- g. The model is dynamic and flexible enough to match the future evolution of threats.

CHALLENGING TASKS ALONG THE ROAD

A set of issues of maximum importance must be successfully resolved along the path, and they should be ready enough in advance to be a key part of the 2014 Nuclear Security Summit’s discussions. They are:

- a. **Definition of a framework agreement with chances of universal acceptance.**
Given the diversity of current instruments and commitments, it seems essential to define for the future architecture a higher level rule/ instrument, which could serve to bring order and simplicity, by integrating and coordinating initiatives and developments. It could take the shape of a nuclear security framework convention. This convention would serve as the basic agreement and institutionalize comprehensive standards of performance and responsibility, and a binding standard baseline.⁷
- b. **Definition of a comprehensive and articulated proposal**
Besides the draft text for the framework agreement the proposal should include a case of action, able to picture the multidimensional impacts of a nuclear security incident, occurring anywhere in the world; models for integration of current mechanisms, and for implementation of a baseline of required universal standards as well as related management of change and action plans. In addition, key roles and responsibilities in the future global governance should be carefully formulated such as proposals of transformation for current international organizations, as well as the potential definition of new roles, that could be required to efficiently put the change into practice. Key decisions about the proposal and future steps should be made during the 2014 Summit in the Netherlands.
- c. **Definition of an Executive Agency for the Global Governance**
As suggested above, the brand-new architecture will require of brand-new roles. Perhaps the more relevant one is the nomination of an international executive

agency to take care of states' nuclear security commitments in the future. Its role should to include verification, promotion, and guidance. Several of such roles are performed in the present by the International Atomic Energy Agency within a non-binding framework. Enhancing the IAEA's role in global nuclear security has been seen by many analysts as a measure of maximum importance. The Fissile Materials Working Group, for example, in its Consensus Policy Recommendations points out with detail the IAEA's important role to play in providing leadership on nuclear security issues.⁸

Nevertheless, the non-binding nature of IAEA recommendations and the lack of authority to establish mandatory baseline standards, or to ensure that nations adequately secure their nuclear and other radioactive materials, results in a gap to be closed.

The executive agency devoted to make operational the new global order for nuclear security should have the necessary authority to verify and take action concerning the implementation of nuclear security standards and states' commitments. In this sense, further study is required to assess, within the framework of its current multiple duties, the dimension of the IAEA's required enhancement to become such agency, versus the alternative of a potential coordinated work between the IAEA and a newly created "ad-hoc" organization with an exclusive focus on the matter.

- d. Appointment of a high level expert group to shape the proposal.** To appoint and put to work a high level international, plural, and multidisciplinary group of nongovernmental experts seems to be the more adequate way to timely design a suitable model for the future governance. The expert group's work should be innovative but realistic, and because of its same nature, should lie apart from governmental urgencies and pressures. The expert group alternative has clear advantages in terms of innovative potential, flexibility, neutrality, capability to handle big workload, and also it could be attractive in terms of costs. It would be in charge of shaping a first proposal to be submitted to multilateral consideration within the necessary timeframe.
- e. Gradual implementation to preserve the present regime's achievements.** This critical point implies, for sure, the convenient action to make current instruments as universal as possible. Such intent should continue through the usual mechanisms but, at the same time, governments should refrain from proposing other new initiatives and partial transformations out of the comprehensive design in elaboration. It is important to remark that the upgraded design should be subject to a progressive implementation in order to preserve the best achievements of the current regime, while incorporating new elements to close known gaps and redundancies.
- f. Joint work of governments, multilateral organizations and initiatives, and international nongovernmental networks.** While the transformation is taking

place, it is required a coordinated work of all the involved actors. Governments increasing their awareness and political will to go ahead with the change, while enhancing their international voluntary commitments. Multilateral organizations and initiatives keeping their nuclear security focus and priorities. International nongovernmental networks (experts, industry, public advocacy) emerging as relevant actors to complement the governmental and multilateral action. For this dynamics to succeed, it is required a recognition and acceptance by governmental actors of the potential value that high reputation nongovernmental networks could add to the process of change.

THE SUMMIT CONCEPT, SEOUL 2012, AND BEYOND

The April 2010 Nuclear Security Summit in Washington DC, was successful to navigate the complexity of the current regime and to place nuclear security high in the international agenda. It stated limited but ambitious goals concerning nuclear materials and curbing illicit trafficking. The short term goal of securing all vulnerable materials in four years, although unlikely to be fully achieved, has to be taken now as a kind of powerful leitmotif. In this sense, accomplishment of this goal should be seen as of relative relevance to the whole effort.

The palpable goodwill throughout the Summit led 27 states to announce voluntary commitments [the so-called “house gifts”] aimed to reduce existing vulnerabilities and to help others to do so, through funding, assistance, and information-sharing.⁹

As said, Seoul Summit is seen by many as the moment to consolidate and enhance achievements derived from Washington 2010. It is known that it will address all major issues in the field of nuclear security, and it will expand discussions to radiological materials, and safety/security relations. The three principal agendas will be: the fight against nuclear terrorism, the security of nuclear materials and facilities (and safety implications for it), and finally radiological materials and related terrorism.¹⁰

In this sense, expectations to give steps, even in practical terms, towards an effective system of global governance, are high, as was stated by the ROK First Vice Foreign Minister Ahn Ho-young referring to the Seoul Summit: "I think it's going to be a very important building block for something I call global governance," "There is a serious gap in global governance in the nuclear security area," Ahn said. "When we develop a working institution to deal with the nuclear security issue, then, we will make another very important achievement which is the development of building blocks for global governance,"¹¹

An Eminent Persons Group was appointed by the ROK President, Lee Myung-bak to offer their advice for the successful hosting of the Seoul Summit. In this sense, the Eminent Persons Group's Joint-statement emphasizes: "In order for the global nuclear security architecture to be robust enough to protect humankind and the planet, it needs to be based on the principle of integrated and balanced independence and

interdependence between countries with shared responsibility.” Additionally, the Group defines six drivers to success for the Seoul Summit. They are: progress on implementation of Washington’s Summit commitments; a ‘Seoul Communiqué’ with a practical vision and new concrete measures; reaffirmation of the essential role of the IAEA in the nuclear security and safety framework; interdependence between nuclear security and safety, together with a recognition of the threat posed by radiological terrorism; the importance of cooperation on prevention of illicit trafficking; and the need to make efforts to hold a third Summit to provide political impetus at the highest level for the nuclear security regime strengthening process.¹²

Not less important is the parallel activity around the Summit carried out in the Symposium and in the Nuclear Industry Summit. In this sense it has been particularly wise the choice of: “Innovating Global Nuclear Security Governance,” as the subtitle of the Symposium. It is especially relevant as the agreement on the vision of a future nuclear security framework could lead to agreement on what it should be done to achieve such vision.^{13 14}

Sustainability of the Summit effort

There has been an abundant discussion about the Summit’s survival beyond 2014, and also, concerns about its usefulness have been raised. The narrow scope of nuclear security, a possible Summit fatigue, and also a potential shift in the US policy, depending on results of the 2012 presidential election, have been some of the points of analysis and debate concerning its sustainability.

Evans, for example, warns that nuclear security “is only one small part of what must be done to eliminate nuclear threats once and for all, and summit fatigue will make it difficult to sustain key world leaders’ commitment to meeting for so narrow a purpose. New thinking is urgently needed on how to recover the momentum of just two years ago.”¹⁵

The need of an appropriate institutional setting to sustain high-level political attention is also pointed out, and several international forums have been analyzed as potential candidates to provide such institutionalization. They would be, consequently, potential candidates to replace and even to improve what has been done by the Summit process. A broader nuclear agenda and regularity for the meetings has been also brought as relevant to select a potential follow-on forum. However, a detailed analysis of current alternatives, from the IAEA to the G-20, has only highlighted the uniqueness of the Summit concept to push forward a new global security order. It is also obvious, that how high-level security meetings will continue in the future will depend on the knowledge [and on the agreement] about the need to go ahead.^{16 17 18}

A substantial change of focus beyond 2014

To find for further Summits a meaningful purpose it is possible and necessary. In this sense, time has arrived to change their focus from short term goals to long term action. It is time to start the process to put in place the nuclear security architecture in the way

that has been described in this paper. The key role of Summits in this process has also been highlighted through the analysis. Moreover, the Summit should promote the idea, and therefore it would act as its incubator.

Should this line of action be adopted, the Seoul Summit will be the moment of truth to reach agreement about the need to define the improved global nuclear security governance required for the 21st Century. Consequently, the 2014 Netherlands Summit should be the decision point to push ahead an integrated proposal to be implemented between 2014 and 2020.

Beyond 2014, it is hard to envision a more appropriate international forum than the Nuclear Security Summit to act as the steering committee of the change. This high purpose, that could be also expanded to other nuclear matters, together with the need to keep the momentum of the worldwide effort against nuclear and radiological terrorism, give this high level process sufficient reasons of continuity.

CONCLUSION

The need of a positive change in the current nuclear security regime is progressively gaining support, not only in the academic but also in the political environment. Should this idea be pushed forward during the 2012 Seoul Summit, there will be a set of relevant priorities and challenging tasks to address in the next two years, in order to define a suitable architecture and model of governance before the 2014 Summit. In this sense, cooperative work between governments, multilateral organizations and nongovernmental networks is a key. In particular, the role of an ad-hoc high level nongovernmental expert group acquires a big relevance as the agent capable to shape a foundational proposal to take the current regime to a next level of simplicity, efficiency, and adhesion.

The Nuclear Security Summit is seen as the most appropriate forum to act as an incubator first, and then, as a steering committee for the change. Such change to a new global order for nuclear security, which hopefully would see the light by 2014, should be completed by 2020. These utter roles would justify “per se” the continuity of this highest level political forum beyond 2014.

The Nuclear Security Summit process has been so far, and should be during the pointed time span, the appropriate environment to agree and enhance the essential cooperation required to fulfill ambitious goals concerning reducing the nuclear and radiological risks.

It would be a very modest result for such huge effort if, after prematurely interrupting the Summits sequence, the ultimate outcome has to do with only several more states with their nuclear security homework done. It would be read by the international community as an unfinished business.

If right decisions were made in the Seoul Summit, and they could be sustained over time, the global nuclear security governance for the 21st century would be the more relevant and inspiring legacy of this remarkable highest level political process.

¹ Note that the term “Architecture” is used in a slightly different way in the Washington (and probably in the Seoul) NSS documents, and in this paper: the NSS documents use it as the aggregated of instruments which make up the current regime, while this paper uses “Architecture” as an improved design able to simplify, integrate, harmonizes, and close the most significant gaps of the current regime.

² I. Arguello, “Regime Change for Nuclear Security,” FMWG Blog, the Bulletin of the Atomic Scientists, September 7, 2011. <http://www.thebulletin.org/web-edition/columnists/fissile-materials-working-group/regime-change-nuclear-security>

³ The more significant instruments are:

- The Convention on the Physical Protection of Nuclear Materials, CPPNM, enforced since 1987 and its Amendment dated 2005, which covers the protection of materials in most of circumstances beyond transportation, is not yet into force.
- The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, ICSANT, enforced since 2007.
- The 2003 Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary, Guidance on the Import and Export of Radioactive Sources of 2004.
- The 2004 UN Security Council Resolution 1540, which calls on states to take "adequate and effective" measures to prevent terrorism and proliferation.
- The 2001 UN Security Council Resolution 1373.
- The 2009 UN Security Council Resolution 1887, which assesses threats to global security, derived from terrorism.
- The Proliferation Security Initiative, PSI, launched in 2003, focused on interdiction of suspicious materials related to weapons of mass destruction, during transport.
- The 2002 G-8 Global Partnership, that uses fund-raising to support safety, disarmament, and nonproliferation projects.
- The 2006 Global Initiative to Combat Nuclear Terrorism, GICNT, an information-exchange initiative.
- The IAEA’s Nuclear Security Fund.

⁴ In order to illustrate the point: The CPPNM, so far the only legally binding undertaking directly related to nuclear materials, has got to February 2012, 145 states parties, while its Amendment, considered essential to fully protect such materials, has got only 53 acceptances, approvals, or ratifications, while it is required two thirds (so far 97), in order to take it into force. It is interesting to notice that 17 ratifications were made after the 2010 NSS. The ICSANT, the other binding legal tool related to nuclear terrorism, has got to date 115 signatures but only 77 ratifications (11 made after 2010 NSS). The Code of Conduct on the Safety and Security of Radioactive Sources, 110 specific states’ supports, while the Global Initiative to Combat Nuclear Terrorism sums, to date 82 partners.

⁵ Author’s remarks at the Session 4 “Nuclear Security beyond 2012,” Conference on the 2012 Seoul Nuclear Security Summit and Next Generation Nuclear Security, IFANS-KINAC-FMWG, Seoul, November 2011.

⁶ I. Arguello, “Regime Change for Nuclear Security.”

⁷ Fissile Materials Working Group, "Preventing Nuclear Terror in the 21st Century: Policy Recommendations," January 2012. <http://www.fmwg.org/FMWGRecommendationsRpt1912.pdf> FMWG.

⁸ Ibid.

⁹ To February 2012, about 80 % the voluntary commitments have been accomplished or they are in progress to be accomplished.

¹⁰ Bong-Geun Jun, "Road to the 2012 Seoul Nuclear Security Summit," The US-Korea Institute at SAIS, February 2012.

¹¹ Remarks by Ahn Ho-young, First Vice Foreign Minister of ROK, Yonhap News Agency, February 29, 2012. <http://english.yonhapnews.co.kr/national/2012/02/29/71/0301000000AEN20120229006700315F>.

¹² "Joint Statement of the Eminent Persons Group for the 2012 Seoul Nuclear Security Summit," November 29, 2011. http://www.thenuclearsecuritysummit.org/userfiles/Joint_Statement.doc.

¹³ Symposium-like events -that can be thought as an excellent arena to test innovative political ideas in the nuclear security field and to share thoughts among experts, governments, and other social actors. They open a valuable horizon of opportunity.

¹⁴ Bong-Geun Jun, "Road to the 2012 Seoul Nuclear Security Summit."

¹⁵ Gareth Evans, "Nuclear Disarmament Midnight's Hour," Project Syndicate, February 28, 2012. <http://www.project-syndicate.org/commentary/evans15/English>.

¹⁶ Bong-Geun Jun, "Road to the 2012 Seoul Nuclear Security Summit."

¹⁷ Mark Fitzpatrick, Jasper Pandza, "Maintaining High-Level Focus on Nuclear Security," The US-Korea Institute at SAIS, February 2012.

¹⁸ Gareth Evans, "Nuclear Disarmament Midnight's Hour."