

Some reflections on nuclear security diplomacy

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Introduction

This article will briefly look at some of the key features of the Nuclear Security Summits (NSSs). It will mention achievements, problems and gaps in the nuclear security regime. The perspective of the analysis will be centred on diplomatic efforts, rather than on the specifics of nuclear security. Some thoughts on the future of nuclear security after the end of the summit process will also be provided by focusing on alternative fora which could receive the summit's baton. In conclusion, the role of the IAEA will be emphasized to underline its importance in the post-summit environment.

Achievements

On 5 April 2009, US President Barack Obama outlined an ambitious foreign policy agenda in Prague. One of the highlights of this speech was the announcement of “a new international effort to secure all vulnerable nuclear material around the world within four years.”¹ A year later, the US government convened the first Nuclear Security Summit (NSS) in Washington, D.C., to lay the foundations for achieving this goal. Within the following six years, another three NSSs were held in Seoul (2012), The Hague (2014) and, again, in Washington, D.C. (2016) to continue down this path. With this process now ended, it is not clear what will happen next.

It is important to mention some of the most tangible achievements of the NSS process, which include a reduction in the number of sites hosting nuclear-weapons usable material and support for education and training initiatives for capacity building and human resource development. Furthermore, 11 countries eliminated their stocks of weapons-usable nuclear materials entirely. As a result of the summit process, numerous African states, for example, joined nuclear terrorism conventions.²

* The views expressed in this article are the author's and do not necessarily represent the VCDNP.

¹ Remarks By President Barack Obama In Prague As Delivered <https://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered>

² Hubert Foy, *Sustaining progress in nuclear security without the summits—an African view*, Bulletin of Atomic Scientists, 25 March 2016 <http://thebulletin.org/what-path-nuclear-security-beyond-2016-summit>

It is worth mentioning some of the key features of the summit format: the personal engagement of national leaders; the regularity of the gatherings; and the creation of a forum for discussion.³ These features have enabled the tangible outcomes mentioned above.

Until 2016, the prospect of a follow-up summit meant that States had to be accountable for the commitments they had made.⁴ Raising nuclear security to the highest political level has enabled progress that perhaps would not have been achieved if the NSSs had not taken place.⁵ The high-level attention that was sustained between the summits may have led to a structural change in the way countries deal with nuclear security,⁶ perhaps even after the conclusion of the summit process.

The summits have led to strengthening the core elements of the nuclear security architecture: the role of the IAEA; implementation of relevant UN Security Council resolutions; and cooperation among international organizations dealing with nuclear security.⁷

According to one expert, the NSS process motivated some countries to develop a national nuclear security policy for the first time so that their political leaders could make announcements at the summits.⁸

The Nuclear Security Contact Group

The final NSS established a mechanism to continue, in a way, the activities of the NSSs. By a joint statement, 40 countries created the Nuclear Security Contact Group with the aim of synchronizing efforts to implement commitments made during the summit process.⁹ The group will meet regularly on the margins of the IAEA annual General Conference and on other

³ *The Nuclear Security Summits: Securing the World from Nuclear Terrorism*, March 29, 2016 <https://www.whitehouse.gov/the-press-office/2016/03/29/fact-sheet-nuclear-security-summits-securing-world-nuclear-terrorism>

⁴ Michelle Cann, Kelsey Davenport and Jenna Parker, *The Nuclear Security Summit: Progress Report on Joint Statements*, An Arms Control Association and Partnership for Global Security Report, March 2015 https://www.armscontrol.org/files/ACA_NSS_Report_2015.pdf

⁵ Matthew Bunn, Martin B. Malin, Nickolas Roth, and William H. Tobey, *Advancing Nuclear Security: Evaluating Progress and Setting New Goals*, Report by The Project on Managing the Atom, Belfer Center for Science and International Affairs, March 2014 <http://belfercenter.ksg.harvard.edu/files/advancingnuclearsecurity.pdf>

⁶ Trevor Findlay, *Beyond Nuclear Summity: The Role of the IAEA in Nuclear Security Diplomacy After 2016*, Report by The Project on Managing the Atom, Belfer Center for Science and International Affairs, March 2014 <http://belfercenter.ksg.harvard.edu/files/beyondnuclearsummityfullpaper.pdf>

⁷ Bunn et al., *Advancing Nuclear Security*, cit.

⁸ Findlay, *Beyond Nuclear Summity*, cit.

⁹ <http://www.nss2016.org/document-center-docs/2016/4/4/joint-statement-on-sustaining-action-to-strengthen-global-nuclear-security-architecture>

occasions. Membership in this group will not be limited to summit participants.¹⁰ It will be comprised of the Sherpas that led the summit process as well as other senior expert government officials.¹¹ The scope of this group will be to continue building on the work done by the summits with the intention not to lose the network and trust built over the course of the years.¹²

The creation of this group is particularly significant given that the work done by the Sherpas in preparation for the summits was arguably “as important as the summit itself.” One could argue that the outcome of the summits was already pre-negotiated, and heads of state or government just put their seals of approval on what had already been agreed by the Sherpas.¹³ If that was the case, then the sheer existence of the nuclear security contact group is encouraging. The group should be able to continue working as before even without the convening of high-level gatherings. However, it remains to be seen whether this group will be able to operate as functionally as the Sherpa network did. Whether governments will empower it with the necessary political support remains an open question. The end of the summit process could de-incentivize governments to achieve results given that the platform for showcasing their successes has ceased to exist.

Lack of regulation

While recognizing the most noteworthy results of the NSSs, the major shortcoming of the summit process must also be addressed: the lack of an effective global nuclear security system. As an end goal, this has been described as “the ultimate finish line: a point where all high-risk nuclear and radiological materials and facilities are rigorously protected from theft or sabotage.”¹⁴ Even before the 2016 summit took place, it was clear that, after the NSSs, the nuclear security regime would remain “a patchwork ... with far too many holes.”¹⁵ Some of the gaps include the lack of a common set of international standards and best practices and the absence of a mechanism for holding States accountable. Since the global nuclear security

¹⁰ Ryan Faith, *The Nuclear Industry Says Security Is Pretty Good — But It Could Be Better*, Vice News, March 31, 2016 <https://news.vice.com/article/the-nuclear-industry-says-security-is-pretty-good-but-heres-what-we-need-to-worry-about>

¹¹ Steven Pifer and Leore Ben-Chorin Monday, *Takeaways from Obama’s last Nuclear Security Summit*, Brookings, 4 April 2016 <https://www.brookings.edu/blog/order-from-chaos/2016/04/04/takeaways-from-obamas-last-nuclear-security-summit/>

¹² Bonnie Jenkins, *A Sustained Focus on Nuclear Security*, 21 April 2016 <https://blogs.state.gov/stories/2016/04/21/sustained-focus-nuclear-security>

¹³ Findlay, *Beyond Nuclear Summitry*, cit.

¹⁴ Miles A. Pomper, *The Nuclear Security Summit will leave unfinished work*, Bulletin of Atomic Scientists, 25 February 2016 <http://thebulletin.org/nuclear-security-summit-will-leave-unfinished-work9186>

¹⁵ Ibidem.

framework is not comprehensive, the differences in States' approaches to nuclear security create weak links that could be exploited for malicious purposes. A common framework holding each and every State accountable to the same standards has been identified as the only way to ensure that governments are respecting their commitments.¹⁶

The degree of success of the 2016 NSS can be measured in accordance with the degree to which its gift baskets and joint statements enhanced the overarching goal of achieving a global nuclear security framework. There was a certain hope and expectation that the final NSS could and should create an “effective global system for assurance, accountability, and action” once the summit process was concluded.¹⁷ Others believed that “the need to develop a truly global nuclear security system” should have led to the continuation of the NSSs¹⁸ or should at least have been envisaged in one of the 2016 gift baskets.¹⁹

The nuclear security framework still has not been sufficiently strengthened. There is a widespread belief that the world is in dire need of a “framework agreement on nuclear security that can supplement...existing conventions and close the security gaps.”²⁰ The fact that the NSSs have not created binding international obligations has been described as their “main weakness.”²¹ Now that this process is over, the patchwork nature of the framework can be seen as even more worrisome.

Unfinished Business?

Several commentators have argued that the work of the NSSs stopped “well short of the ultimate finish line: a point where all high-risk nuclear and radiological materials and facilities are rigorously protected from theft or sabotage.”²² Even if this could not have been achieved by the NSSs, more attention could have been drawn to a number of important areas. High-risk radioactive sources, for example, were not adequately addressed throughout the process.²³ The

¹⁶ Joan Rohlfing, Samantha Pitts-Kiefer, and Andrew J. Bieniawski, *Global Dialogue on Nuclear Security Priorities: Building an Effective Global Nuclear Security System*, NTI, March 2016 http://www.nti.org/media/pdfs/Global_Dialogue_Report_final.pdf?_id=1458780838

¹⁷ Ibidem.

¹⁸ James Conca, *Fallout From The Nuclear Security Summit*, April 3, 2016 <http://www.forbes.com/sites/jamesconca/2016/04/03/fallout-from-the-nuclear-security-summit/#3345dc0372ab>

¹⁹ Cann et al., *The Nuclear Security Summit*, cit.

²⁰ Kenneth N. Luongo, *Endgame for the Nuclear Security Summits*, ARMS CONTROL TODAY, January 9, 2014 https://www.armscontrol.org/act/2014_01-02/Endgame-for-the-Nuclear-Security-Summits

²¹ Findlay, *Beyond Nuclear Summitry*, cit.

²² Pomper, *The Nuclear Security Summit*, cit.

²³ Ibidem.

same is true for the use of HEU for civilian purposes.²⁴ There are also “new areas” in which robust protection must be built, such as cyberattacks against civilian nuclear power reactors.²⁵

The most controversial issue concerns the security of nuclear material in military use, which comprises 83% of all weapons-usable nuclear material around the globe. These materials currently remain outside of international control.²⁶ UN Security Council resolution 1540 (2004) requires that countries ensure the physical protection of *all* nuclear materials, but without providing specific guidelines in this regard. There clearly is a legal gap.²⁷ Some States question whether nuclear material in military use should be discussed at all in nuclear security gatherings, while others believe that it should be the main focus of the debate.

What does the future hold?

Some commentators have called for the continuation of the NSS process, in one form or another, while others have welcomed its conclusion. One recommendation to continue “in some sense” the summit process has been to encourage countries to agree on the means of promoting comprehensive information sharing. This would be particularly effective in raising awareness about nuclear terrorism among developing countries.²⁸ A key element of the NSSs which is deemed to be worth preserving is the practice of gift basket diplomacy, a mechanism that can sustain political momentum by ensuring continuity and promoting innovation at the same time.²⁹ The only component of the summit process that will continue with little or no alteration will be the convening of the Nuclear Industry Summit.³⁰

A fundamental disagreement on the future of nuclear security exists with respect to what is actually needed in terms of process: should world leaders still engage in “some form of continued high-level dialogue”³¹ or is the detailed work carried out by senior officials more crucial?³²

Whatever future is imagined for nuclear security, a significant role is very often attributed to the United States, in general, and to the US President, in particular. Comments on how

²⁴ Rohlffing et al., *Global Dialogue on Nuclear Security Priorities*, cit.

²⁵ Kelsey Davenport and Kingston Reif, *Nuclear Summit Seeks Sustainable Results*, Arms Control Today, March 2016, https://www.armscontrol.org/ACT/2016_03/News/Nuclear-Summit-Seeks-Sustainable-Results

²⁶ Rohlffing et al., *Global Dialogue on Nuclear Security Priorities*, cit.

²⁷ Ibidem.

²⁸ Hubert Foy, *Sustaining progress...*, cit.

²⁹ Cann et al., *The Nuclear Security Summit*, cit.

³⁰ Faith, *The Nuclear Industry Says...*, cit.

³¹ Bunn et al., *Advancing Nuclear Security*, cit.

³² Findlay, *Beyond Nuclear Summitry*, cit.

international nuclear security efforts would wither if the United States lost interest have been part of the debate long before the conclusion of the summit process.³³ No 2016 presidential candidate indicated during his or her campaign a willingness to organize further NSSs; this prospect has become even more unlikely given the results of the US elections.³⁴

Numerous alternatives to the NSSs have been floated, some extremely vague, others extremely detailed. For example, a partnership-based approach has been suggested as a more sustainable and effective mechanism in comparison with the summits' "short-term rush for improvements."³⁵ Another generic suggestion has been to encourage commitments by like-minded states.³⁶ More concrete discussions have involved the call for "all states to regularly participate in peer reviews and share more information" to help build confidence on the global security of nuclear material.³⁷ Some slightly more detailed proposals are worth mentioning, such as the creation of new fora. Ministers of foreign affairs and energy could periodically meet to continue making progress.³⁸ A troika of the countries that hosted the summits could be formed.³⁹ Alternatively, existing fora could be utilized, such as the annual G8 Summits, as a venue for announcing new commitments,⁴⁰ or the G20, where periodic attention could be dedicated to nuclear security as a special agenda item.⁴¹ Article 16 of the Convention on the Physical Protection of Nuclear Material⁴² could serve as a mechanism for convening regular meetings to sustain political attention on nuclear security.⁴³ However, given all the limitations of these fora, none of them would seem to be able to replace all of the advantages of the NSSs.⁴⁴

³³ Ibidem.

³⁴ Jeff Murphy, Chris Kruckenberg, *Neglecting nuclear security in the 2016 election*, The Bulletin, 19 August 2016 <http://thebulletin.org/neglecting-nuclear-security-2016-election9786>

³⁵ Bunn et al., *Advancing Nuclear Security*, cit.

³⁶ Ibidem.

³⁷ Rohlfing et al., *Global Dialogue on Nuclear Security Priorities*, cit.

³⁸ Michael H. Fuchs, *For nuclear security, summits on the sidelines?*, Bulletin of Atomic Scientists, 14 April 2016 <http://thebulletin.org/what-path-nuclear-security-beyond-2016-summit>

³⁹ Luongo, *Endgame for the Nuclear Security Summits*, cit.

⁴⁰ Bunn et al., *Advancing Nuclear Security*, cit.

⁴¹ Findlay, *Beyond Nuclear Summitry*, cit.

⁴² Article 16 reads: "1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the prevailing situation. 2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective." <https://www.iaea.org/sites/default/files/infocirc274.pdf>

⁴³ Jonathan Herbach and Samantha Pitts-Kiefer, *More Work to Do: A Pathway for Future Progress on Strengthening Nuclear Security, Arms Control Today*, October 2015 https://www.armscontrol.org/ACT/2015_10/Features/More-Work-to-Do-A-Pathway-for-Future-Progress-on-Strengthening-Nuclear-Security

⁴⁴ Luongo, *Endgame for the Nuclear Security Summits*, cit.

The 2016 Summit developed five Action Plans intended for the United Nations, the IAEA, INTERPOL, GICNT and the Global Partnership. These existing bodies have been assigned a key responsibility in continuing to promote the nuclear security agenda in the post-summit environment. There is general consensus that “the best way to monitor implementation [of gift baskets] is through the day-to-day work of existing institutions and partnerships.”⁴⁵ Actual verification of States’ compliance with their summit commitments matters more than pompous declarations which only stay on paper.⁴⁶ The question remains, however, whether these five institutions will be capable of preserving the summits’ momentum without the participation of heads of state in regular biannual meetings. That is why discussions have been taking place on additional means of engaging the industry while maintaining political attention.⁴⁷ These multilateral agencies could promote certain mechanisms introduced by the summits, such as the gift basket practice.⁴⁸ However, the Action Plans do not propose to expand the mandates of these institutions beyond what they are already doing in the nuclear security sphere. For this reason, it is unlikely that they will solely be able to “fill the gap” created by the end of the NSSs.⁴⁹

Conclusion: the role of the IAEA

With the end of the summit process, there is almost unanimous support for the leading role that the IAEA must take in order to strengthen nuclear security. The international nuclear security conferences that the IAEA has organized since 2013 will continue to be convened every three years. In this regard, the IAEA has become the most suitable candidate to inherit the legacy of the summit process. This “regular pattern” will offer the best venue to replicate or continue the work begun by the NSSs. The success of the IAEA’s 2013 international conference was due to the summits’ ability in drawing attention to nuclear security.⁵⁰ The same could be said about the IAEA’s December 2016 conference. The structure of the IAEA offers drawbacks and advantages in comparison to the summit process. Its universal nature, for example, is a double-edged sword: on the one hand, it legitimizes the IAEA’s activities, while on the other

⁴⁵ Michael H. Fuchs, *Why the Nuclear Security Summits deserve to continue*, Bulletin of Atomic Scientists, 27 March 2016 <http://thebulletin.org/what-path-nuclear-security-beyond-2016-summit>

⁴⁶ Goren, The 2016 summit is done, cit.

⁴⁷ Pomper, The Nuclear Security Summit..., cit.

⁴⁸ Cann et al., The Nuclear Security Summit, cit.

⁴⁹ Matthew Bunn, *The Nuclear Security Summit: Wins, losses, and draws*, Bulletin of Atomic Scientists, 8 April 2016 <http://thebulletin.org/nuclear-security-summit-wins-losses-and-draws9310>

⁵⁰ Findlay, Beyond Nuclear Summitry, cit.

hand, it affects the efficiency of international diplomacy. However, there does not seem to be any suitable alternative to the IAEA in taking the helm of nuclear security.

Going forward, nuclear security is likely to feature less in the headlines than it did during the NSSs. The summits laid the foundation for more detailed work to be carried out by experts working silently and out of the spotlight. The IAEA will most probably be the main, albeit not the only, venue for discussions on nuclear security, by combining high-level politics with technical expertise.