

## **“Strengthening the Role of the IAEA”**

### **Solutions for a Secure Nuclear Future Panel**

#### **FMWG NGO Nuclear Security Summit**

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The International Atomic Energy Agency (IAEA) has been consistently recognized by the nuclear security summits as playing a crucial role in nuclear security. As the multilateral organization mandated to concern itself with global nuclear governance, the Agency has been dealing with nuclear security for many years. The Agency already handles verification of nuclear non-proliferation (safeguards), nuclear safety and technical cooperation in the peaceful uses of nuclear energy. The Agency established an Office of Nuclear Security (now a Division) after the 9/11 terrorist attacks in 2001. Since 1996 the Agency has provided nuclear security assistance to Member States in the form of International Physical Protection Advisory Service (IPPAS) peer review missions. It also helps states plan and implement their nuclear security measures and strategies. The IAEA has nearly universal membership (167), and even if that makes decisions more difficult, all countries can take part and be heard. This is important, as many countries that were not invited to the summits felt excluded.

While a meeting at the IAEA may not have the clout and appeal of elaborate capital settings with heads of state, the Agency has held two conferences on the subject, the most recent of which included a one-day Ministerial meeting in 2013. It will hold a third in December this year, also accompanied by a one-day Ministerial. The December meeting will likely take decisions about what activities the IAEA will assume as the summit process ends. Some Member States believe that concentrating on nuclear security detracts from their central goal at the IAEA, which is to secure technical assistance in the peaceful uses of nuclear energy. The Ministerial meeting in December will be faced with this issue. However, the IAEA is the logical venue to continue multilateral efforts to enhance nuclear security. The challenge will be to muster the necessary financial and political support for the organization.

This is an area where groups like the FMWG can play a role in maintaining the momentum of the Summits, by monitoring the follow-up activities expected of the Agency, finding the gaps

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<sup>1</sup> This paper draws on the report “Beyond Nuclear Summitry: the Role of the IAEA in Nuclear Security Diplomacy after 2016,” by Trevor Findlay, Harvard University, and the draft report of an ongoing project, “Strengthening the IAEA: Nuclear Security and Technical Cooperation,” co-authored by Jenifer Mackby and others of the Partnership for a Secure America project (both forthcoming).

that need to be filled, and exerting pressure on the Agency and/or Member States to continue the important work that was being conducted by the Summits. Often when international organizations are given a task, government officials assume it is taken care of and they forget about it. Nuclear security is simply too crucial to be “swept under the carpet” in such a fashion.

The IAEA offers a range of services to Member States that need continuing political, technical and financial support. In 1970 it began developing guidelines for the physical protection of nuclear material that have been updated periodically, known as INFCIRC/225 (IAEA, 2015). Although the management and administrative costs of the Nuclear Security Division are covered by the IAEA’s regular budget, its substantive activities in support of nuclear security are funded by voluntary contributions to a Nuclear Security Fund. This means that funding is a perennial problem. It also means that the staff of the Agency can never fully plan or implement with certainty many of the projects deemed important by Member States and results in a number of projects being unfunded or underfunded. The same situation faces the Agency’s Technical Cooperation Programme, which provides assistance to developing countries, some of which is related to nuclear security. Thus, if countries assume that the IAEA will take on responsibilities from the Nuclear Security Summits, they need to support the recommendations they make, both politically and financially.

The IAEA, as a standing multilateral institution, is able to give nuclear security continuing attention in its annual General Conference, which includes all of its 167 members, a 35-member Board of Governors, and bodies such as the Advisory Group on Nuclear Security, and a Nuclear Security Guidance Committee, which has updated the Agency’s nuclear security guidelines. It can also campaign for Member States to sign and ratify nuclear security treaties, such as the 1980 Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment. The IAEA is the depositary for the treaty and hosted a review conference in 1992. It also played a role leading to the 2005 Amendment Conference.

Prior to the first nuclear security summit, the Agency held a 5-day International Symposium on Nuclear Security, which attracted 500 participants from 76 countries. The 2013 International Conference on Nuclear Security: Enhancing Global Efforts attracted 34 ministers to the Ministerial segment. They produced the first Ministerial Declaration in IAEA history to focus on nuclear security.

The Agency can use the upcoming December Ministerial and other gatherings to bolster awareness that all countries should be concerned with nuclear security, even if it may be difficult to achieve consensus among its members on ambitious measures to enhance it. The Washington Summit can only recommend, not mandate, the Agency to assume activities previously undertaken by the summits. It will be up to the IAEA Member States to decide if they wish to do so. Given the diversity of the membership, this is not a given. Russia plays a

confounding role. It will not attend the Washington summit on the grounds that the IAEA is the appropriate body to handle nuclear security, but then resists action by the Agency to significantly enhance its role.

Nevertheless, regardless of summit decisions, individual IAEA Member States can support the Agency both politically-- at the ministerial meeting, the nuclear security conference and other meetings--and financially and technically through support for the Agency's nuclear security activities, and Nuclear Security Fund. The Agency itself can maintain the momentum in strengthening nuclear security by convening Ministerial meetings on the issue every other year, or even convening a Head of State-level summit if warranted by an extraordinary event such as a nuclear security incident. It can, on a continuous basis, draw high level attention to the gravity posed by insufficient nuclear security, such as insecure vulnerable nuclear materials and the need to detect and intercept illicitly trafficked materials. The Agency could also continue the "house gift"/"gift basket" technique from the Summits, as well as the Sherpa and Sous-Sherpa structure and method for conference planning. The Agency could also encourage states to invite IPPAS missions with greater frequency.

Some have advocated a new Nuclear Security Convention to establish binding standards based on those proposed by the IAEA (Brill and Bernhard, 2015). At the Hague Summit 35 states pledged to strengthen their national nuclear security arrangements in accordance with the IAEA's nuclear security guidelines and serve as models of "excellent and transparent" behavior. This pledge was later embodied in an IAEA document INFCIRC/869 (IAEA 2014). The IAEA can encourage additional states to join this pledge. The group of 35 could help promote the nuclear security agenda at the Agency by tracking progress in achieving the summit goals, advising the IAEA on various initiatives, and, if necessary, reconvene a summit.

A more difficult challenge for IAEA involvement is nuclear security in respect of the enormous amount of materials used for military purposes—weapons, stockpiles, submarine propulsion. This was not a subject on the Nuclear Security Summit agendas either. Participants in the IAEA Plutonium Management Guidelines (IAEA 2004) could hold meetings to create a regime to account for and minimize plutonium stocks in both the civilian and military sectors. The nuclear weapon states recognized by the NPT have ceased the production of fissile material (plutonium and HEU) for weapons purposes, as a result of their respective universal moratoria. The IAEA could serve as the verification body for a Fissile Material Cutoff Treaty, although negotiations on such an agreement have been stalled in the Conference on Disarmament for many years.

Thus, it would be logical to use the IAEA, the major multilateral nuclear governance body, to continue the mantle of the summits. It could, if given the necessary political, technical and financial support of key Member States— especially all of the summit host countries — muster the diplomatic muscle to make the Agency a true center of global nuclear security.

If the Heads of State at the Summit suggest that the Agency should assume additional summit responsibilities and projects from the Summit process, with no assurances that countries will contribute adequate funding for them, that will add to the burden that it has carried over the years of “zero real growth.” The IAEA programs on Nuclear Security (and Technical Cooperation) are funded by voluntary contributions, and they are always short of funding for many projects that have been approved by Member States. The Agency does not have the tradition of raising funds from the private sector, although some of the other international organizations—such as UNICEF—have done so quite successfully.

Although many states resist the idea, a number of experts believe that Member States should also consider the possibility of a grand budgetary bargain that brings both nuclear security and technical cooperation into the regular budget.<sup>2</sup>

In a project on Strengthening the IAEA, the NGO Partnership for a Secure America (PSA) has examined the possibilities for partnerships between the IAEA and the international donor community, in particular the private sector, in nuclear security and technical cooperation.<sup>3</sup> The public at large, and even many experts in the international community, are unaware of the achievements of the Agency beyond nuclear safeguards and verification, including in the fields of nuclear security, agriculture, human health, oncology, and water resource management. PSA convened a group of former ambassadors and former senior officials of the Agency to find ways to enhance these activities. They studied how the IAEA could adopt fundraising methods of other international organizations in its efforts to increase support for its programs, as well as how the Agency could also turn to nongovernmental and intergovernmental organizations, foundations, development banks, national cancer centers, scientific institutions, and the private sector, in public-private partnerships. They suggested exploring partnerships with the companies involved in the nuclear, engineering, medical, agricultural, water resources and philanthropic sector (e.g., Westinghouse Electric, URENCO, Rosatom, Areva, TetraTech, Odebrecht), some of which now feel a corporate responsibility to be part of the solution to global problems.

The PSA project’s recommendations are still in draft form and therefore this paper should not be quoted, but it suggests a number of ways for the Agency to revise its procedures in this regard. Within the IAEA, the Program of Action on Cancer Therapy (PACT) serves as a model for soliciting support.

The PSA draft recommendations suggest that the Agency should recruit an influential global team of corporate leaders to engage the private sector in its activities in technical cooperation

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<sup>2</sup> See Trevor Findlay, “What Price Nuclear Governance: Funding the IAEA”, Project on Managing the Atom, Belfer Center for Science and International Affairs (forthcoming).

<sup>3</sup> Draft report, “Strengthening the IAEA: Nuclear Security and Technical Cooperation,” op cit

and nuclear security. It needs an office devoted to fundraising and branding, similar to those that other UN agencies have established, with sufficient, experienced staff dedicated to this effort. Commitment by the Director General and senior leadership is paramount in raising funds for nuclear security and technical cooperation. The Director General could convene a conference dedicated to financing needs and opportunities for establishing public-private partnerships.

In addition, the Agency will need to show more transparency and accounting in how it conducts its activities and how it spends the funding, recognizing that companies expect it to provide metrics to demonstrate the effectiveness of the projects that the companies have funded.

Other recommendations relate to identifying priorities, developing a comprehensive strategy for resource mobilization, enhancing and modernizing its communications and outreach, among others.