Strengthening the IAEA: the double track.

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Session: Expanding the Reach of Nonproliferation and Nuclear Security Efforts
Challenges: central role within the non-proliferation regime

- Current IAEA verification obligations
  - NPT, regional treaties
  - Bilateral agreements

- Future verification roles
  - PMDA, Article VII. 3.
  - Disarmament: discussion on legal basis and potential new verification missions for the IAEA.

- Nuclear security.

- IAEA’s unique expertise
  - 2338 professional and support staff from over 90 countries
  - 350 inspectors; 250 in the field
  - Safeguards applied in 171 States
  - 1125 facilities under safeguards

  → ‘The Agency’s safeguards are a fundamental component of the nuclear non-proliferation regime’ ‘The Conference emphasizes the important role of IAEA in fostering international cooperation in nuclear security’

(* 2009 Annual report)
Challenges: persistent difficulties

- Legal authority
  - Non universality of Additional protocol.

- Institutional aspects
  - Politicization: bipolarization of the Board of governors; introduction of political items.
  - Compartmentalization: need to know vs. need to share.
  - Continuity of expertise at stake.

- Proliferation of non institutional mechanisms within the regime.

- Resources
  - Budget: extraordinary bargain’ (UN High level panel).
  - 2 international laboratories
  - 2 regional safeguards offices
Strengthening the IAEA

- Objectives:
  - Preserving the institutional legitimacy and the consensual nature of the system.
  - Engaging States in the strengthened process: developing a verification incentive.
  - Effectiveness: measure of the extent to which the Agency is able to achieve its objective.
  - Efficiency: measure of the productivity of the Agency, i.e., how well the available resources (staff, equipment, money) are used to fulfil the Agency's part in the implementation of its function.

- Double track approach.
  - **Internal level**: Agency’s actions → internal process (Secretaryat)
    → internal process (member States)
  - **External level**: Agency’s actions → External actors
    → Agency
Internal actions (1)

- Enhancing verification attractiveness.
  
  • Optimization
  
    • Problem with quantitative verification: Agency’s biggest customers: Canada, Japan.
    • ‘There is always a debate about whether the Agency should focus its limited resources on states with large nuclear power industries or those believed to present higher proliferation risks’ (James Acton)
    • Solution: targeting and tailoring verification.

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  • Transparency dividend
    • Maximize the interrelation between transparency and verification.
    • Develop State specific factors determining the ‘proliferation risk’, without breaching sovereign equality (differentiation without discrimination).
    • Enhance cooperation with State (SSAC, RSAC): tension between non-duplication of verification efforts and the independence of Agency’s verification.

- Enhancing deterrence.
  
  • Full use of existing authority: more intrusive verification in case of non-transparency.
  • Special inspections; case of Syria.
Internal actions (2)

- **Improving institutional transparency.**
  - Within the department of Safeguards → Long-term Strategic Plan.
    - Collaborative analysis in safeguards evaluation.
    - Better communication between inspectors and analysts; from inspectors to investigators?
    - Constant assessment of the Agency’s independence and credibility.
  - Within the Secretariat.
    - Past tensions between EXPO and the Department of Safeguards.
    - Need for all actors within the Secretariat to go in the same direction: ‘one-house’ approach.

- **Depoliticizing political organs.**
  - To what extent do political organs influence the technical work of the Secretariat?
  - Need for Member States to focus on what falls within the mandate of the Agency.
  - Need to promote a balanced functional approach: support for peaceful uses.
  - Necessary resources.
- Furthering cooperation and communication: external transparency.

- With other verification organizations
  - Sharing best practices.
  - Avoiding duplication of activities.

- With the industry.

- With the public = NGOs, think tanks.
  - Objectives of the Rules on the consultative status of non-governmental organizations within the
  - Access to information and meetings.
    - Visibility of information (Safeguards implementation report; illicit trafficking).
    - Confidentiality regime.
External actions (2).

- Engaging other mechanisms within the non-proliferation regime: external actions of external mechanisms.

→ PSI, NSG, 123 agreement, WINS, and UN Security Council.

• Risks:
  • from mutual trust to mutual defiance
  • undermining multilateralism

• Solutions:
  • Coordinating and central role of the Agency
  • Democratization
  • Institutionalization? (ICNND recommendations)
  • Generic UNSC resolutions?
Conclusion

- Strengthening the IAEA requires a collaborative approach from all actors involved: technical and political organs of the Agency (including member states), other mechanisms of cooperation within the regime, non-governmental organizations.

- Strengthening the IAEA will benefit to all actors and will ultimately strengthen the regime itself.