

NUCLEAR GOVERNANCE – SUMMITS, CONVENTIONS AND VECTORS OF NUCLEAR NON-PROLIFERATION

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ABSTRACT

FROM A STRATEGICALLY POINT OF VIEW, THE SYSTEM OF SATELLITES BECOMES A VERY IMPORTANT TARGET, ESPECIALLY IN THE FIRST PHASE OF A MAJOR CRISIS WHEN MASKING LABOR PROJECTION OPPONENT. TO ENSURE UNMASKING, THERE ARE CONCERNED CAPABILITIES IN THE SPACE OF THE OPPONENT ESPECIALLY BY ELECTRONIC MEANS THAT "SATELLITES HAVE NO MOTHERS".

ALTHOUGH THE NPT REGIME FROM THE BEGINNING PUT INTO ADVANTAGE NWS, IT WAS IGNORED BY CONTINUING THE SECURITY POLICIES CENTERED ON MAJOR ROLE OF NUCLEAR WEAPONS AND IMPROVEMENT OF THE QUALITY OF THE COMPANY'S OWN NUCLEAR WEAPON SHOP. ON THE OTHER HAND, NNWS IS CONDITIONED BY THE ACCESSION TO THE ADDITIONAL PROTOCOL OF THE IAEA AND EXCLUSIVE RELATIONSHIPS WITH A MULTILATERAL BANK OF FUEL AS THE BASIS OF PEACEFUL NUCLEAR ACTIVITIES CARRIED OUT WITH A NWS.

CNS IS CONSIDERED THE CORNERSTONE OF THE SUB-FRAME OF GLOBAL NUCLEAR SAFETY UNDERSTOOD THAT THE WHOLE INSTITUTIONAL FRAMEWORK (INTERGOVERNMENTAL ORGANIZATIONS, NUCLEAR INDUSTRY, NETWORKS OF TRADE AND COOPERATION IN THE FIELD OF NUCLEAR ENERGY, THE NON-GOVERNMENTAL ORGANIZATIONS).

VECTORS OF INTERNATIONAL NON-PROLIFERATION ARE OF DIVERSITY, BENEFIT FOR THE AMPLITUDE OF THE REALITIES INTEGRATING GLOBAL: THE UN SECURITY COUNCIL, G-8 GLOBAL PARTNERSHIP, INTERNATIONAL ATOMIC ENERGY AGENCY - IAEA, THE EUROPEAN UNION, INTERPOL, THE NUCLEAR SUPPLIERS GROUP - NSG, THE PROLIFERATION SECURITY INITIATIVE - PSI.

KEYWORDS: THE SYSTEM OF SATELLITES, THE NPT REGIME, THE GLOBAL NUCLEAR SAFETY, VECTORS OF INTERNATIONAL NON-PROLIFERATION

In the first decade of the second millennium, announced with much boasted "the second nuclear age" / "the nuclear renaissance" is strongly stopped by the Fukushima accident; the waiver of nuclear energy,² joint energy development strategies,³ review of safety standards and the slower pace of construction of new reactors,⁴ attractiveness of other energy sources,⁵ improvement of the supply cycle,⁶ reviewed conditions of transfer the

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² Belgium, Germany, Switzerland and Taiwan.

³ The Japan Nuclear Energy Regulatory Authority.

⁴ China's massive construction program of over two dozen reactors has been delayed but remains underway. Romania has stopped to build the two reactors.

⁵ USA

enrichment and reprocessing - ENR),⁷ reconsideration of bilateral agreements for nuclear cooperation.⁸

THE SYSTEM OF SATELLITES

Nowadays, the space has become a *sine qua non* element for great powers prosperity and a place for military capabilities to strategically ensure communication, navigation and safety. Capabilities in space can provide a global coverage, continuity even on sensitive areas aspects extremely valuable from a military point of view and in international affairs.

On the other hand, the emerging actors in space - launch of commercial satellites, anti-satellite tests, etc - increased the number of debris/trash in space, even if they officially share the general interest related to safety, stability and security in its aim of use for peaceful purposes. Commercial satellites reallocation has direct effects on the crisis development, especially because many states use commercial systems for satellites and communication systems of national military forces.

Introduction of spatial security on diplomatic agendas and defense strategies but also in the academic area is the result of distrust and different perceptions on this important issue.⁹ Finding a common language and understanding on space settlement arrangements and security systems operating in this field become an objective which requires and will require efforts particularly supported.¹⁰

International community records efforts on regulatory regime of space¹¹ but also in promoting at international level the transparency of measures for increasing confidence.¹² These kinds of efforts and achievements do not cover examples of attacks on systems of satellites during a major crisis.

From a strategically point of view, the system of satellites becomes a very important target, especially in the first phase of a major crisis when masking labor projection opponent. To ensure unmasking, there are concerned capabilities in the space of the opponent especially by electronic means that "satellites have no mothers", i.e. that their destruction does not entail vigorous public protests which support political and military countermeasures. The act of decision in times of crisis is severely limited by time frame and should be avoided when inaction equals to the disaster, the handiest option is the paroxysm variant reporting to the action from the opponent, even if the reason invites to take into account all the parameters for the analysis of the crisis development.

Enemy's deterring as a resultant of strategic stability is directly dependent on balance stability generated by the capabilities of the space. Strategies centered on coup d'état on the opponent's capabilities from the space, as a general rule, in the event of no neutralization of its opponent response force are intertwined with its capabilities, risks of space, vulnerability, having wide consequences. The consequences of destruction of planetary carrier shall be

⁶ IAEA.

⁷ The Nuclear Suppliers Group.

⁸ USA.

⁹ The United States continues to express concern about Chinese space activities and China's lack of transparency when it comes to unique space launch profiles or robotics experiments. China, for its part, expresses concerns about U.S. activities, such as the reusable experimental test platform known as the X-37B. See James Finch, "Bringing Space Crisis Stability Down to Earth," in *Joint-Forces Quarterly*, Vol. 76 by NDU Press on December 30, 2014.

¹⁰ See William Lynn, "A Military Strategy for the New Space Environment," *The Washington Quarterly* 34, no. 3 (Summer 2011), 11. National Space Policy of the United States of America, June 28, 2010, available at <www.whitehouse.gov/sites/default/files/national_space_policy_6-28-10.pdf>.

¹¹ The European Union, project "International Code of Conduct for Outer Space Activities."

¹² The United Nations Group of Government Experts Recommendations regarding bilateral and multilateral transparency and confidence-building measures.

geared for the production of debris/trash in space which represents a danger to future satellite systems that will be put in the space.

Space presence, in the context of nuclear balance is necessary to ensure that through a system of satellites can be pursued nuclear activities of the opponent, in the main, for early warning about possible missile launch of the opponent but also to assess damages caused by its own blows. The level of nuclear strategies, attack satellites monitoring predicts of nuclear imminent attacks on large-scale; on the other hand, the determining factor is still the nuclear development which is not an independent nuclear force to the systems of satellites. However, minimizing the role of satellite systems, excluding future prolonged crisis in space is a huge mistake. Crisis scenarios in space, using the benefit of an offensive attitude towards a waiting position, bet on execution of blows on its opponent and before satellites. Performing the first blow to deceive the denial of stability in space, along with the weapons arranged in space being concerned and satellites intended for peaceful purposes, but also with consequences on conventional forces which may take into consideration actions such as the "force projection" in the spectrum crisis escalation, with consequences hard to estimate.

A broad range of benefits offered by spatial capabilities, from the opponent's perspective as a main target in the initial stages of major crises, even if political implications can be difficult to control. Temporary and reversible anti-systems electronic space capabilities have become widespread; even at fingertips of non-states actors due to decreased costs introduce new dynamic attributes igniter in the crisis management.

From a military point of view, capabilities placed in the space can identify forces of its opponent, the management and the control of weapons systems, assess of damages caused by its opponent after the execution knocks. Becoming aware of potential lock marketing activities for satellite communications, directed against communication satellites used in the strategic value during a political crisis with serious consequences in the act of command can be easily interpreted as a stage prior to a nuclear crisis.

Carrying out a major crisis dependent on defining strategic stability mainly by reference to nuclear balance, must add to determinants and the emergence of new members to develop potential capabilities in space projection to ensure its own forces, outside the frame of nuclear strategic stability.

NPT

Although the NPT regime from the beginning put into advantage NWS, it was ignored by continuing the security policies centered on major role of nuclear weapons and improvement of the quality of the company's own nuclear weapon shop. On the other hand, NNWS is conditioned by the accession to the Additional Protocol of the IAEA¹³ and exclusive relationships with a multilateral bank of fuel as the basis of peaceful nuclear activities carried out with a NWS.¹⁴ Bush administration proposal to set up an international banks of supply, contributed to the development of Obama administration to be taken into consideration by several Member States as a way of exclusively and monopoly but refused again.¹⁵ It has been shown that such a bank linked to the highest standards of export - drawn up by the Nuclear Suppliers Group – NSG, may disadvantage NNWS.

¹³ The International Atomic Energy Agency (IAEA) Additional Protocol - IAEA Comprehensive Safeguards Agreement.

¹⁴ Joyner, Daniel H., "Recent developments in international law regarding nuclear weapons", in *The International and Comparative Law Quarterly*, January 2011, Cambridge University Press, 209-224.

¹⁵ See *Statement by HE Ambassador Anatoly Antonov, Head of the Delegation of the Russian Federation to the Second Session of the Preparatory Committee for the 2010 Review Conference*, April 28, 2008.

The NPT Review Conference in 2000 established a series of measures for implementation of the provisions of NPT Article IV. The NPT Review Conference in 2005 shall be concluded, without drawing up a final document; the Review Conference in 2010 NPT drew up a balanced document built on three main pillars. If previously, the emphasis has been placed on non-proliferation pillar, on its own initiative USA, the emphasis moves to non-proliferation to disarm.¹⁶ In 2013, the withdrawal of Egypt from Preparatory Committee Meeting - PrepCom of the 2015 NPT Review Conference may have undesirable effects for the entire process but also for their efforts to create a "free zone of weapons of mass destruction in the Middle East (a WMDFZ in the Middle East).¹⁷

Currently, although the efforts to create a ground frame are obvious, provided by the resolution of the Security Council No 1540/2004 (UNSCR 1540/2004), the lack of these means coordination allow the trade with nuclear materials.

Resolutions of the Security Council to punish the trade with nuclear materials represent a major step forward, complemented by the employment of experts in the field, but not enough according to expectation. It is found that a certain institutional control of this trade is coupled with increased visibility into the problem of non-proliferation. These developments have found echo in a substantial support from more than one member by the acceptance of the principles prohibition inserted in PSI, in compliance with national activities from the provisions of UNSCR 1540/2004 and the checklist of NSG.

On the other hand, there is unanimity of views by which it is claimed that nuclear safety regime is much more vulnerable than that of non-proliferation to that of non-proliferation due to low number of treaties and agreements governing this area. As a result, the route networks of the nuclear material - producer, seller, banker, and blackmail topic, beneficiary - have become subject to surveillance more uncomfortable.

By resolution no. 1887, dated on September 24, 2009 on the UNSC - The United Nations Security Council¹⁸, it is stressed the importance to compliance with the NPT obligations¹⁹ and documents relating to disarm, even if they are not obliged to abide the obligations laid down by this resolution. This resolution could be supplemented by a series of standards for the assessment and intervention in the case of non-compliance with NPT - more than welcomed, but expectations remained only at the stage of hypothetical and beneficial scenarios.²⁰ In 2009, the Obama Administration adopted a new position and constructive

¹⁶ US Statement to the NPT Review Conference, May 3, 2010, by US Secretary of State Hillary Clinton. The Joint Statement of the NWS to the 2010 RevCon states that: "As nuclear-weapon States, we reaffirm our enduring commitment to the fulfillment of our obligations under Article VI of the NPT and our continuing responsibility to take concrete and credible steps towards irreversible disarmament, including provisions for verification." See *Statement by the Deputy Minister of Foreign Affairs of the Russian Federation, Sergey A Ryabkov, to the 2010 Review Conference, May 4, 2010.*

¹⁷ See Rebecca Johnson, "The NPT's 'unacceptable and continuous failure': Egypt walks out', *Open Democracy*, May 1, 2013, available at <http://www.opendemocracy.net/5050/rebecca-johnson/npt%E2%80%99s-%E2%80%9Cunacceptable-and-continuous-failure%E2%80%9D-egypt-walksout>

¹⁸ See UN Security Council, Resolution 1887, S/ RES/1887, September 24, 2009. See www.un.org/News/Press/docs/2009/sc9746.doc.htm.

¹⁹ The 1968 Nuclear Nonproliferation Treaty (NPT), which comprises the cornerstone of the nuclear non-proliferation legal regime. See Goldschmidt, Pierre, Safeguards Non-compliance: A Challenge for the IAEA And the UN Security Council, *Arms Control Today*, January-February 2010, 22-26.

²⁰ 1887 Resolution is important, and may mark a significant reorientation of the work of the Security Council from its work over the previous decade in the nuclear area, which focused almost exclusively on dealing with non-proliferation related 'problem cases' like North Korea and Iran. See D., Joyner, 'Can International Law Protect States from the Security Council? Nuclear Non-proliferation and the UN Security Council in a Multipolar World,' in M Happold (ed), *International Law in a Multipolar World* (Routledge, London, 2010).

NPT²¹ regime, but the lack of reaction of the other NWS and American political scene did not allow a radical change at the time of the revision of NPT.²²

In 2014, as a continuation of NPT, in Oslo and Mexico took place a follow-up conference regarding the humanitarian use of nuclear weapons, boycotted by Russia and France, being considered as a "having fun."

The initiative of several NNWS to negotiate a convention concerning the prohibition on possession of nuclear weapons in the format or outside the Conference on Disarmament – CD is doomed to failure without support from NWS.²³

A possible variant of action against using nuclear weapons for NNWS could be the negotiation of a legal document concerning the prohibition on the use of nuclear weapons on the basis of the status of chemical and biological weapons,²⁴ the caducity of nuclear leader doctrines, non-legal weapons, removed outside of international law of their use.

On the other hand, 2015 NPT represents an opportunity to request NWS to come under the law of armed conflict, humanitarian law on their actions supported by using nuclear weapons.²⁵ China as a member of P-5 demonstrated receptiveness at NNWS requests from members of P-5 to participate in the humanitarian movement on the impact of using nuclear energy.

CNS

In 2012, the Convention on Nuclear Safety - CNS recorded numerous amendments from the NRC - Nuclear Regulatory Commission to analyze the causes of the accidents from Three Miles Island nuclear plants, Chernobyl and, in particular, Fukushima Daiichi. NRC is responsible for compliance with nuclear treaties and conventions to which the U.S. is a signatory party to all NPT reports, considered as a fundamental treaty but also to the outcome of the review conference.

Substantial American involvement in the NRC nuclear safety translates through the collaboration with IAEA, through bilateral relations with other governments, coordination between global negotiations. In addition, the process for the granting of licenses for the export in the peaceful uses of nuclear material, the deployment of sustained efforts to reduce the use of high enriched uranium (HEU) for the production of medical radioisotopes, the passage to the production of HEU to use molybdenum-99.

Control of exports of nuclear material and equipment is accomplished by Nuclear Supplier Group - NSG within the framework of which NRC has an important role to play in correlation with the safety standards and security with economic interests.

CNS is considered the cornerstone of the sub-frame of global nuclear safety understood that the whole institutional framework (intergovernmental organizations, nuclear industry, networks of trade and cooperation in the field of nuclear energy, the non-governmental organizations) and the ad hoc groups, governed by legal documents (conventions, agreements, codes of conduct) and technical standards designed to improve national measures but also of international cooperation. This scheme is aimed to protect individuals, society and the environment against nuclear accidents of any nature, by

²¹ "The United States is not prepared at the present time to adopt a universal policy that deterring nuclear attack is the sole purpose of nuclear weapons, but will work to establish conditions under which such a policy could be safely adopted." See *2010 Nuclear Posture Review*, VIII.

²² The 2010 Non-Proliferation Treaty Review Conference.

²³ Beatrice Fihn (ed.), *Unspeakable Suffering: The humanitarian impact of nuclear weapons*, Reaching Critical Will, WILPF 2013, www.reachingcriticalwill.org.

²⁴ The 1925 Geneva Protocol.

²⁵ Daryl G. Kimball, "Nuclear Disarmament and Human Survival," *Arms Control Today*, Vol.44/2014, January-February 2014, Washington.

promoting IAEA as a global center for emergency situations in the field of nuclear energy, even if its standards are not recognized by the entire international community.

Non-proliferation is directly dependent on strategic stability, as well as the cornerstone of nuclear field, as defined in the main relations between USA and Russia and China.²⁶ Along with other international nuclear superpowers, the allies play an important role both by means of negotiations, development of integrative processes but also regulations and interpretation of specific legal instruments.

Transparency as risks marker of the nuclear safety is in a continuous competition with multiplied threats by secret nuclear activities that indicate nuclear safety, a binomial which is waiting for a solution in the interests of all the members based on mutual confidence. Although all states accept the reality of complex relationships and the achievements there are still parts which remain to be settled. Transparency is a sine-qua-non condition for threat assessment and risk analysis but also for improving the standard of safety and security, the setting up and the creation of a network of centers of excellence in becoming a nuclear initiative of great significance in the future.

Failure of accomplishing certain standards has more than one member that does not support the concept of transparency, variant being the increase in measures to increase the confidence, the exchange of information and good practice.

Building a nuclear security framework requires that along with the transparency, to take into consideration the prevention, detection, response capabilities, and to establish a data base with nuclear samples directions of action against which many members expressed reservations.

A key issue for a regime which edifies the nuclear safety residual in passing from the acceptance and implementation of voluntary universal requirement. The major difficulty consists in an unusable state activity distinction between civil and military confidentiality protected opacity corollary state sovereignty.

VECTORS OF INTERNATIONAL NON-PROLIFERATION

Vectors of international non-proliferation are of diversity, benefit for the amplitude of the realities integrating global: the UN Security Council, G-8 Global Partnership, International Atomic Energy Agency - IAEA, the European Union, INTERPOL, the Nuclear Suppliers Group - NSG, the Proliferation Security Initiative - PSI.

American nuclear policy is centered on strengthening NPT in compliance with IAEA safety standards but for the development of the series of de-initiative in this field. United States initiatives are related to: Proliferation Security Initiative-PSI. Initiatives of security on the prevention (Container Security Initiatives - CSI) which are subscribed to strategic stability in the wider context of global disarms correlated to the concept of the "global growth zero" (Global Zero) and of a free world of nuclear weapons. Among U.S. nuclear strategy, it shall be counted the Global Threat Reduction Initiatives - GTRI, Nuclear International Material Protection and Cooperation Programs), the negotiation of a Fissile Material Cutoff - FMCT) and the entry into force of the Comprehensive Test Ban - CTBT).

²⁶ The ASEAN Regional Forum (ARF) and the Council for Security Cooperation in the Asia Pacific (CSCAP). See *The First US-China Nonproliferation and Nuclear Security Dialogue*, Washington, DC, June 26-27, 2014. See also, Hans M. Kristensen, "The Role of U.S. Nuclear Weapons: New Doctrine Falls Short of Bush Pledge", *Arms Control Association*, Strategic policy, September, 2010, available at <http://www.armscontrol.org/print/1875>.

In 2007, the initiative to abolish the nuclear weapons is launched (the International Campaign to Abolish Nuclear Weapons - ICAN) concentrated on developing a global Treaty concerning the prohibition on tests, the destruction of arms and military nuclear programs.²⁷

IAEA

The general interest of the international community in the field of nuclear energy is surrounded to fulfill the compliance with the obligations derived from the nuclear non-proliferation,²⁸ IAEA being in the position of detecting any unauthorized activity in any state without nuclear weapons (NNWS- non-nuclear-weapon state), as a signatory of the NPT but also the deviations from the agreements between a state and IAEA.²⁹

Failure to follow regime established by the agreements on nuclear safety, can be penalized by UNSC Resolutions which granted IAEA specific means for mending "any breaches from the obligations" including the extensive rights of accessing an additional agreement.³⁰ A second and a third resolution in that case, shall contain the request of ending service of enrichment and reprocessing, suspending military cooperation, the delivery of equipment to all states with that state until a third IAEA Resolution through which it found the obligations derived from nuclear non-proliferation process.³¹

UNSC considers NNWS withdrawal from NPT as a threat to international peace and security,³² if this occurs after IAEA found that the member "had violated the obligations" derived from nuclear non-proliferation process.

IAEA procedures state that the Safeguards Department (IAEA-DS - IAEA Department of Safeguards) is competent to determine whether failure to comply with the obligations is intended³³ or it is only a technical matter.³⁴ If additional checks are needed, it

²⁷ ICAN is a campaigning network that focuses specifically on mobilizing for a ban on nuclear weapons. Founded by IPPNW, ICAN now comprises NGO partners from all round the world, including Egypt, Israel, Turkey, Iran and the Gulf States. www.icanw.org.uk

²⁸ The main topic at "The 2005 Nuclear Nonproliferation Treaty (NPT) Review Conference", "The 2010 Nuclear Nonproliferation Treaty (NPT) Review Conference" and AIEA main's objective according its status "the contribution of atomic energy to peace, health, and prosperity throughout the world" while ensuring that nuclear material, equipment, facilities, and information are not used for any military purpose. See International Atomic Energy Agency, "Statute of the IAEA," available at www.iaea.org/About/statute_text.html.

²⁹ IAEA, "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran: Report by the Director General," GOV/2005/75, November 10, 2003, www.iaea.org/Publications/Documents/Board/2003/gov2003-75.pdf; IAEA, "The Structure and Content of Agreements Between the Agency and States Required in Connection With the Treaty On the Non-Proliferation of Nuclear Weapons," INFCIRC/153 (corrected), June 1972, para. 28, www.iaea.org/Publications/Documents/Infcircs/Others/infcirc153.pdf; IAEA, "Reinforcing the World's Regime Against Nuclear Weapons," November 14, 2002, www.iaea.org/NewsCenter/News/2002/II-13-903199.shtml; IAEA, "Implementation of the NPT Safeguards Agreement in the Republic of Korea: Report by the Director General," GOV/2004/84, November 11, 2004, para. 38, www.iaea.org/Publications/Documents/Board/2004/gov2004-84.pdf; IAEA, "Implementation of the NPT Safeguards Agreement in the Arab Republic of Egypt: Report by the Director General," GOV/2005/9, February 14, 2005, para. 22, www.carnegieendowment.org/static/npp/reports/gov2005-9.pdf.

³⁰ Pierre Goldschmidt, "Concrete Steps to Improve the Nonproliferation Regime," Carnegie Papers, No. 100 (April 2009), www.carnegieendowment.org/publications/index.cfm?fa=viewSrid=2_2943&prog=zgp&proj=znpp.

³¹ See the EU-3 denial (France, Germany, and the United Kingdom) to continue the negotiations with Iran. See Statement by the Iranian Government and visiting EU Foreign Ministers, October 21, 2003. www.iaea.org/NewsCenter/Focus/IaeaIran/statement_iran21102003.shtml.

³² (a threat to international peace and security) Article 39 of the UN Charter.

³³ That should be reported to the IAEA Board of Governors as "non-compliance" in accordance with Article XII.C of the IAEA status. See John Carlson, "Defining Non-compliance: NPT Safeguards Agreements," *Arms Control Today*, May 2009, pp.22-27, www.armscontrol.org/act/2009_S/Carlson.

³⁴ Need to be reported only in the annual Safeguards Implementation Report. The Safeguards Implementation Report, submitted every year to the board. See IAEA, "Implementation of the NPT Safeguards Agreement of the

will require concern from the UNSC and, in the case of failure to comply with the obligations, it may be requested the withdrawal from NPT. It is considered that we are in the situation of "infringement of the obligation" - the prohibition on access of building a facility declared or suspected, contact with certain people, consulting certain documents.³⁵

Non-existence of a definition of "non-compliance", the blur of border responsibilities between IAEA-BG (IAEA-BG - IAEA Board of Governors) and IAEA-DS responsibilities allow an important role and political considerations, as they affect objectivity of IAEA. By avoiding terminology status IAEA, in certain situations there was transferred IAEA-DS obligation which preserved the "non-compliance" to IAEA-BG.³⁶

IAEA-BG may require an UNSC Resolution³⁷ to give a delivery on specific legal rights in the field of finding "non-compliance"; after a fairly long period (2003-2006), IAEA-BG reports that UNSC Iran by "non-compliance" derived from NPT, in accordance with Article XII. C, the IAEA status, carrying on the activities of enrichment which must be suspended.³⁸ On July 15, 2011 in relation to Syria, IAEA-BG announced that UNSC suspect they reconstruct in secret a reactor at Dair Alzour after a North Korean model, destroyed in 2007 by Israel.

NSS

The existence of detection and the response of capabilities represent an intrinsic phenomenon of nuclear safety and regional safeguards, but especially at the global level – this necessity being underlined by Summit for nuclear safety (Nuclear Security Summit - NSS)³⁹. The four NSSs (last in 2016, Washington) probably won't be able to constitute a system of nuclear safety, the situation continues to remain uncertain and without even strategic drawings to be developed in the future. Moreover, in the opinion of some authors, IAEA according to its status is and will remain an institution, which is not suitable for the NSS acquisition process and becomes the vector of formation of a system of nuclear safety. Nowadays, one cannot talk about a convention framework to codify conventions, rules and standards, and to confer upon IAEA a position much more grounded in international relations, with all that is unanimous that it is necessary to nuclear governess.⁴⁰ NSS is dedicated to achieve a nuclear security regime due to the lack of creativity; in chapter

Socialist People's Libyan Arab Jamahiriya," GOV/2004/ 18, March 10, 2004, para. 4, [www.iaea.org/Publications/Documents/ Board/2004/gov2004-18.pdf](http://www.iaea.org/Publications/Documents/Board/2004/gov2004-18.pdf).

³⁵ Non-compliance represents the "obstruction of the activities of IAEA inspectors, interference with the operation of safeguards equipment, or prevention of the IAEA from carrying out its verification activities". IAEA, "IAEA Safeguards Glossary, 2001 Edition," 14, para. 2.3.(d), www.pub.iaea.org/MTCD/publications/PDF/nvs-3-cd/PDF/NVS3_prn.pdf.

³⁶ See Pierre Goldschmidt, "Exposing Nuclear Non-compliance," *Survival*, Vol. 51, No. 1 (February-March 2009), 143-163,

www.carnegieendowment.org/publications/index.cfm?fa=view&id=22734&prog=zgp&proj=znpp.

³⁷ Under Chapter 7 of the UN Charter, which addresses threats to international peace and security.

³⁸ UN Security Council, Resolution 1737, S/RES/1737, December 23, 2006.

³⁹ According to Russia, the planning process privileges, the hosts of the previous summits in the drafting of the preparatory summit documents. Russia criticized the creation of "working groups formed arbitrarily and with limited membership" to "devise guidelines for such international bodies and initiatives" as the United Nations, the International Atomic Energy Agency, the Global Initiative to Combat Nuclear Terrorism, the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, and Interpol. Officials from several countries confirmed that some states have raised some objections to the process. See Kingston, Reif; Horner, Daniel, "Russia Skips Summit Planning Meeting", *Arms Control Today*, Vol.44/ December 2014, Washington, 28-27.

⁴⁰ The European Atomic Energy Community (EURATOM) is a mechanism of regional nuclear governess while The ASEAN Network of Regulatory Bodies on Atomic Energy (ASEANTOM) is a network which can favor a future regional nuclear governess.

achievements can pass only creation of a network of centers of excellence, too little for the intended purposes.⁴¹

Being the successor of NSS in building nuclear governance, according to some authors Office of Nuclear Security - ONS could be part of the IAEA if Member States accept and implement an action plan in this regard. Although there are other options less viable as G-8, G-20, GICNT⁴² and even the creation of a new institution.

Nuclear governance centered on achieving nuclear security rests on a series of achievements⁴³ that could be built by: cohesion, globalization, increasing confidence, a verification system and the dissemination of the best practices. The existence of common security standards worldwide does not depend on the technical factors but also on the political will.⁴⁴

The NSS objectives could be taken over by several institutions already in existence. An alternative could be their continuation, under the coordination of the three host states of NSS⁴⁵ but no member has offered to organize a new NSS. However, it is taking into consideration the use of conventional framework in order to improve the system of nuclear safety.

In 2016, the NSS would be able to transfer its concern to IAEA and UN and give them a period of time to prepare for this purpose although there are questions from the specialists regarding the actual benefits from that which they would be able to bring this organization to NSS.⁴⁶

Although Russia participated in 2010, 2012, 2014 in NSS, it did not attend the session to plan for 2016 NSS (planning session, Washington, October 2016) dedicated acceleration international efforts to prevent nuclear terrorism.⁴⁷ According to a Russian diplomat, "changing political atmosphere" caused Russia to withdraw from the NSS race.⁴⁸

⁴¹ Luongo, Kenneth, N., "Endgame for the Nuclear Security Summits", *Arms Control Today*, Vol. 44/2014, January-February 2014, Washington, pp.8-11.

⁴² the Global Initiative to Combat Nuclear Terrorism – GICNT.

⁴³ UN Security Council resolutions; the amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM); the International Convention for the Suppression of Acts of Nuclear Terrorism on the prevention of nuclear terrorist acts (ICSANT); and the nuclear security summits. See Kenneth, Luongo, N., "Endgame for the Nuclear Security Summits", *Arms Control Today*, Vol. 44/2014, January-February 2014, Washington, pp.8-11.

⁴⁴ See the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances That Deplete the Ozone Layer.

⁴⁵ The United States, South Korea and the Netherlands.

⁴⁶ Horner, Daniel, "Samore Suggests 2016 Security Summit", *Arms Control Today*, Vol. 43/2013, March 2013, Washington, pp.7-8.

⁴⁷ Kenneth Luongo, a former senior adviser to the secretary of energy for nonproliferation policy who is now president of the Partnership for Global Security, said Russia's absence from the October planning session goes beyond the current crisis in relations over Ukraine. It is another step in a decision that Russia has made to "wind down cooperation" with the United States on nuclear security, Luongo said in a Nov. 21 interview. See Kingston, Reif; Horner, Daniel, "Russia Skips Summit Planning Meeting", *Arms Control Today*, Vol.44/ December 2014, Washington, pp.28-27.

⁴⁸ Luongo characterized Russia's behavior as "irresponsible" and warned that U.S. options for convincing Russia to change course are limited. Russia said that it informed the United States of its decision not to participate in the 2016 summit preparations in mid-October. Of the 53 countries that attended the 2014 summit, Russia was the only one that did not participate in the planning session. See Kingston, Reif; Horner, Daniel, "Russia Skips Summit Planning Meeting", *Arms Control Today*, Vol.44/ December 2014, Washington, pp.28-27.

REFERENCES

1. **Carlson John**, "Defining Non-compliance: NPT Safeguards Agreements," *Arms Control Today*, May 2009, pp.22-27, www.armscontrol.org/act/2009_S/Carlson.
2. **Fihn Beatrice** (ed.), *Unspeakable Suffering: The humanitarian impact of nuclear weapons*, Reaching Critical Will, WILPF 2013, www.reachingcriticalwill.org.
3. **Finch James**, "Bringing Space Crisis Stability Down to Earth," in *Joint-Forces Quarterly*, Vol. 76 by NDU Press on December 30, 2014.
4. **Goldschmidt, Pierre**, Safeguards Non-compliance: A Challenge for the IAEA And the UN Security Council, *Arms Control Today*, January-February 2010.
5. **Goldschmidt Pierre**, "Concrete Steps to Improve the Nonproliferation Regime," *Carnegie Papers*, No. 100 (April 2009), www.carnegieendowment.org/publications/index.cfm?fa=viewSrid=22943&prog=zgp&proj=znpp.
6. **Goldschmidt Pierre**, "Exposing Nuclear Non-compliance," *Survival*, Vol. 51, No. 1 (February-March 2009), pp. 143-163, www.carnegieendowment.org/publications/index.cfm?fa=viewSrid=22734&prog=zgp&proj=znpp.
7. **Horner, Daniel**, "Samore Suggests 2016 Security Summit", *Arms Control Today*, Vol. 43/2013, March 2013, Washington.
8. IAEA, "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran: Report by the Director General," GOV/2005/75, November 10, 2003, www.iaea.org/Publications/Documents/Board/2003/gov2003-75.pdf.
9. IAEA, "The Structure and Content of Agreements Between the Agency and States Required in Connection With the Treaty On the Non-Proliferation of Nuclear Weapons," INFCIRC/153 (corrected), June 1972, para. 28, www.iaea.org/Publications/Documents/Infcircs/Others/infcirc153.pdf.
10. IAEA, "Reinforcing the World's Regime Against Nuclear Weapons," November 14, 2002, www.iaea.org/NewsCenter/News/2002/11-13-903199.shtml.
11. IAEA, "Implementation of the NPT Safeguards Agreement in the Republic of Korea: Report by the Director General," GOV/2004/84, November 11, 2004, para. 38, www.iaea.org/Publications/Documents/Board/2004/gov2004-84.pdf.
12. IAEA, "Implementation of the NPT Safeguards Agreement in the Arab Republic of Egypt: Report by the Director General," GOV/2005/9, February 14, 2005, para. 22, www.carnegieendowment.org/static/npp/reports/gov2005-9.pdf.
13. IAEA, "Implementation of the NPT Safeguards Agreement of the Socialist People's Libyan Arab Jamahiriya," GOV/2004/18, March 10, 2004, para. 4, www.iaea.org/Publications/Documents/Board/2004/gov2004-18.pdf.
14. **Johnson Rebecca**, "The NPT's 'unacceptable and continuous failure': Egypt walks out", *Open Democracy*, May 1, 2013, available at <http://www.opendemocracy.net/5050/rebecca-johnson/npt%E2%80%99s-%E2%80%9Cunacceptable-and-continuous-failure%E2%80%9D-egypt-walksout>.
15. **Joyner D.**, 'Can International Law Protect States from the Security Council? Nuclear Non-proliferation and the UN Security Council in a Multipolar World,' in M Happold (ed), *International Law in a Multipolar World* (Routledge, London, 2010).
16. **Joyner, Daniel H.**, "Recent developments in international law regarding nuclear weapons", in *The International and Comparative Law Quarterly*, January 2011, Cambridge University Press.
17. **Kenneth, Luongo, N.**, "Endgame for the Nuclear Security Summits", *Arms Control Today*, Vol. 44/2014, January-February 2014, Washington.
18. **Kimball Daryl G.**, "Nuclear Disarmament and Human Survival," *Arms Control Today*, Vol.44/2014, January-February 2014, Washington.
19. **Kristensen Hans M.**, "The Role of U.S. Nuclear Weapons: New Doctrine Falls Short of Bush Pledge", *Arms Control Association*, Strategic policy, September, 2010, available at <http://www.armscontrol.org/print/1875>.
20. **Reif Kingston, Horner, Daniel**, "Russia Skips Summit Planning Meeting", *Arms Control Today*, Vol.44/ December 2014, Washington.
21. **Lynn William**, "A Military Strategy for the New Space Environment," *The Washington Quarterly* 34, no. 3 (Summer 2011), 11. National Space Policy of the United States of America, June 28, 2010, available at www.whitehouse.gov/sites/default/files/national_space_policy_6-28-10.pdf.
22. *Statement by HE Ambassador Anatoly Antonov, Head of the Delegation of the Russian Federation to the Second Session of the Preparatory Committee for the 2010 Review Conference*, April 28, 2008.

23. *Statement by the Deputy Minister of Foreign Affairs of the Russian Federation, Sergey A Ryabkov, to the 2010 Review Conference, May 4, 2010.*
24. *Statement by the Iranian Government and visiting EU Foreign Ministers, October 21, 2003.* www.iaea.org/NewsCenter/Focus/IaeaIran/statement_iran21102003.shtml.
25. *The 1925 Geneva Protocol.*
26. *The 2010 Non-Proliferation Treaty Review Conference.*
27. *The European Union, project "International Code of Conduct for Outer Space Activities."*
28. *The First US-China Nonproliferation and Nuclear Security Dialogue, Washington, DC, June 26-27, 2014.*
29. *The International Atomic Energy Agency, "Statute of the IAEA," available at www.iaea.org/About/statute_text.html.*
30. *The International Atomic Energy Agency (IAEA) Additional Protocol - IAEA Comprehensive Safeguards Agreement.*
31. *The United Nations Group of Government Experts Recommendations regarding bilateral and multilateral transparency and confidence-building measures.*
32. *The Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances That Deplete the Ozone Layer.*
33. *The 2010 Nuclear Posture Review, VIII.*
34. *UN Security Council, Resolution 1887, S/ RES/1887, September 24, 2009. See www.un.org/News/Press/docs/2009/sc9746.doc.htm.*
35. *UN Security Council, Resolution 1737, S/RES/1737, December 23, 2006.*
36. www.icanw.org.uk.
37. www.pub.iaea.org/MTCD/publications/PDF/nvs-3-cd/PDF/NVS3_prn.pdf.