

FROM AGREEMENT TO COMPLIANCE: BUILDING CONFIDENCE IN THE NUCLEAR SECURITY REGIME

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ABSTRACT

One of the priority areas for the 2014 Nuclear Security Summit (NSS) in The Hague was highlighting the need to build confidence in adherence to the nuclear security measures agreed upon both within and outside the context of the NSS process. This focus stems from the general principle that states have a fundamental interest in the highest possible nuclear security standards being applied in every other state. Confidence-building as such is not controversial. However, determining the precise means and methods of building confidence is where hesitation and disagreements arise. Applicable legally-binding instruments, such as the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism, as well as Security Council Resolution 1540, already contain certain mechanisms related to confidence-building in the form of inter alia reporting requirements, information sharing, coordination, cooperation and provisions for interaction. Not all of these mechanisms have been made full use of in practice. These law-based mechanisms, though, are limited as the international nuclear security regime is founded in large part on legally non-binding instruments, such as the Nuclear Security Series documents developed under the auspices of the IAEA. In the context of the NSS process, a number of suggestions have been made by the NGO community as well as by participating states with the aim of increasing trust in the strength of the regime. Such proposals have ranged from expressing political commitment to implement the IAEA recommendations to establishing a peer review process similar to that under the legal framework for nuclear safety. This paper identifies and assesses measures that are feasible in light of state sensitivities, yet that will have the best chance of achieving the goal of building confidence in compliance with the nuclear security regime. Confidence-building measures are essential to the strength of the regime, not only building trust among states but also serving to further compel compliance. As such, determining workable approaches to confidence-building is vital to the continued viability of the regime as a whole.

INTRODUCTION

Nuclear security encompasses actions aimed at preventing, detecting and responding to criminal acts, including nuclear terrorism, and other unauthorized acts involving nuclear and other radioactive material, related facilities and activities [1]. While nuclear security within a state is the responsibility of that state, the effects of an incident involving the malicious intentional use of radioactive materials would not be confined to within the borders of a single country. This means that there is a shared interest in the highest nuclear security standards being applied in every state. Extending beyond shared interests, though, there is also a clear interdependence when it comes to the nuclear security regime. Terrorists or other criminal actors will seek to exploit weaknesses that may exist in one state to the detriment of other states. Therefore, states need to trust that their neighbors have strong national nuclear security systems in place.

These shared interests and interdependence with respect to nuclear security are generally recognized. However, there are two primary issues that impair attempts at initiating the openness required to assure others of the effectiveness of domestic regimes. First, there is a high level of sensitivity associated with the materials and facilities involved, as well as with the nature of security measures enacted to deal with state-specific threats. Such sensitivities will impact the extent to which states are willing to engage in confidence-building and, more generally, to enter into binding international agreements. This leads to the second issue: the

substantial piece of the international framework made up of non-legally binding instruments. While providing flexibility and a higher level of technical detail, the relevant non-binding instruments, namely those in the International Atomic Energy Agency's (IAEA) Nuclear Security Series [2] and the Code of Conduct on the Safety and Security of Radioactive Sources (Code of Conduct) and the supplementary Guidance on the Import and Export of Radioactive Sources (Import/Export Guidance), are by virtue of their form not equipped with the type of confidence-building mechanisms found in treaties; all efforts at building confidence with respect to these guidelines will be, by definition, voluntary. Then there are legally binding instruments – the Convention on the Physical Protection of Nuclear Material (CPPNM), the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), and the nuclear security-related aspects of United Nations Security Council Resolution 1540 – that to a certain extent contain the type of confidence-building provisions often seen in arms control treaties. These binding provisions are limited in line with the particular scope of the respective legal instrument, whereas the scope of the non-binding instruments taken together is more comprehensive. The basic theme of this paper, then, is that not only is it in the general interest that states become party to relevant legal instruments or otherwise express commitment to non-binding instruments, but having done so they must also act in accordance with the agreed rules, norms and guidelines. Across that spectrum, from agreement to compliance, confidence-building plays an essential role in supporting effectiveness of the overall regime.

Confidence-building measures, or CBMs, were first introduced in the military sphere to ease mistrust, fear, tensions and hostilities [3]. In the case of nuclear security, the starting point is different – cooperative instead of confrontational. This does not reduce the need for taking steps to build confidence. Rather it should make states more willing to take such measures in a cooperative mode, which can in turn have the effect of raising standards and compelling compliance through, for instance, facilitating the sharing of good and best practices. In other words, confidence-building can have the dual impact of demonstrating the effectiveness of the regime and, at the same time, further strengthening the regime.

MEANS AND METHODS OF BUILDING CONFIDENCE

Confidence-building measures come in many forms. The only requirement is that of effect – the measures are meant to allay concerns of the recipient or audience, whether that be one state in the case of bilateral arrangements, a group of states or an international organization. Generally, means and methods of building confidence can be divided into three categories: commitment, information production/exchange and sustained interaction. Each of these categories is of direct relevance for the nuclear security regime.

Perhaps it goes without saying, but commitment – becoming party to the relevant treaties, pledging to follow norms and guidelines domestically, and other politically binding commitments – in itself builds trust. Particularly when it comes to non-legally binding instruments that are not subject to ratification procedures, the added step of expressing commitment to adhere to the principles, norms and guidelines contained therein can increase trust. This is a key part of the reasoning behind the initiative to strengthen nuclear security implementation introduced at the 2014 Nuclear Security Summit (NSS), which is discussed further below.

Information production/exchange is the category most often associated with the idea of confidence-building. Within this category are assurances. Assurance is a broad concept, one that is commonly used in international law, but it generally involves a state gathering and

providing of information about itself and its activities to others (i.e. states or international organizations) to demonstrate compliance with or adherence to agreements [4]. The related activities can range from certification of facts to the sharing of confidential information. The idea, of course, is for states to undertake assurances on a mutual basis, leading not only to the production of information but to information exchange. The next step would be assessment of the provided information by other states or an international organization. In essence, for nuclear security, this is what happens in the course of the advisory service missions undertaken under the auspices of the IAEA. Reflecting its role in removing uncertainties and alleviating mistrust, information production/exchange is also used in the context of dispute settlement, for example through clarification of contested information. It should be pointed out that to be of value for building confidence, the information that is produced and exchanged must be acceptable to the recipient or audience, meaning that it is sufficiently credible and probative [5].

Sustained interaction serves a number of functions. It can facilitate and institutionalize information exchange. It can lead to the necessary evolution of the regime in light of changing circumstances, which is important for instilling confidence in the regime's adequacy to achieve the goals for which it was developed. It can function as a catalyst for additional measures and arrangements, such as bilateral or regional cooperation or transgovernmental partnerships, which often lead to progress beyond baseline international norms and guidelines. The relevant legal instruments, as shown below, contain specific provisions for sustained interaction, namely through treaty review or consultation. In the area of nuclear security, such mechanisms for interaction are not just confined to the legally binding sphere, as routine meetings are also held to discuss safety and security of radioactive sources. Before moving on, it is important to note here that such interaction is not limited to the inter-state level. The range of actors involved in aspects of nuclear security – from industry to scientific, technical and academic stakeholders – allows for various types of interactions that all feed into a strengthened regime. These latter types of interactions are often placed under the banner of improving nuclear security culture. A stronger nuclear security culture leads to greater confidence in the effectiveness of the regime.

It is often worthwhile to look at other regimes as potential models, or at least indications of what is possible. The regime for biological weapons is an example of one that relies heavily on confidence-building measures, or CBMs, and illustrates the broad range of forms that such measures can take. Established during the Second Review Conference of the Biological Weapons Convention (BWC), and expanded following the Third Review Conference, these measures include, but are not limited to: exchanges of information on research centers and laboratories, national biodefense research and development programs and on outbreaks of infectious diseases and similar occurrences caused by toxins; encouragement of publication of results of biological research related to the BWC and promotion of the use of knowledge; active promotion of contacts between scientists, other experts and facilities engaged in biological research directly related to the BWC; and declarations of legislation, regulations and other measures including exports and/or imports of pathogenic micro-organisms, as well as of past activities in offensive and/or defensive biological research and development programs [6]. In the case of biological weapons, then, the review conference process, which is designed to sustain interaction among states parties to the BWC, has been used to make progress in the area of confidence-building. The CBMs were further adopted pursuant to the BWC provision on consultations. This demonstrates the practical application of the aforementioned categories of measures.

TREATY-BASED MECHANISMS FOR CONFIDENCE-BUILDING

As alluded to in the preceding section, the legally-binding elements that make up the nuclear security framework not only create obligations but also mandate information production/exchange and provide the platform for sustained interaction. The problem is that the relevant provisions are severely under-utilized. Under the CPPNM, for instance, there are a few notable provisions. The first has to do with information exchange. Article 14 of the CPPNM requires information to be provided by each state party on national laws and regulations that give effect to the Convention. The IAEA is to receive this information and then communicate it to all other states parties. Article 14 is an obligation of notification, leaving the amount of detail to be provided up to the discretion of the state party. However, even very basic information shared will serve to enhance transparency and therefore boost confidence, though states should be encouraged to share as many details as possible without compromising sensitive information. The way in which the provision is formulated means that sharing information regarding national implementation measures is not necessarily meant to be a one-time action. Laws and regulations giving effect to the CPPNM will clearly need to be updated in light of changing circumstances, such as becoming party to the CPPNM Amendment, and that information should be provided accordingly.

In terms of sustained interaction, there is a review process foreseen under the CPPNM. Review conferences are explicitly meant to assess the implementation of the Convention and its adequacy in light of the prevailing circumstances. This is an opportunity for creating an institutional basis for sustaining the discussion of nuclear security issues as covered in the Convention. Only one review conference has thus far been convened, in 1992, but a majority of parties can obtain further conferences at five-year intervals. Initiating a regular review conference process every five years would serve a number of functions. A Conference of the Parties could decide to encourage periodic submissions of the Article 14 reports, agree to share additional information, or even decide to request the IAEA not only to collect the information on national laws and regulations, but to make some sort of analysis in an effort better determine compliance.

Building confidence in compliance with the CPPNM could also be facilitated by means of consultation pursuant to Article 5(3) of the Convention (Article 5(4) of the 2005 CPPNM Amendment). This provision is formulated to support the harmonization of physical protection measures for nuclear material in international transport. These bilateral interactions have a narrower scope than the review conference process but nonetheless provide a platform for cooperative interaction. Once the CPPNM Amendment enters into force, Article 5(5) will provide a mechanism for states parties similarly to consult and cooperate in obtaining guidance for physical protection measures related to nuclear material in domestic use, storage and transport and to nuclear facilities. Reflecting the increased sensitivities of domestic measures in comparison with measures aimed at international transport, Article 5(5) of the CPPNM Amendment uses the word “may” instead of “shall”, meaning that such cooperation and consultation is not a legal obligation but rather a voluntary action.

A last relevant provision under the CPPNM is Article 4. Pursuant to Article 4, states are obligated to receive assurances that nuclear material will be protected during international nuclear transport at certain levels prior to exporting/importing or authorizing the export/import of that material. Assurances are also required for transit of nuclear material across the territory of a state party. The form of such assurances is not elaborated, thus being

left to agreement or arrangement between the relevant states (importing or exporting). The assurances are only required for physical protection during the international transport. States parties are not obligated to receive assurances that the material will be appropriately protected in the receiving state once the international transport has concluded. This is a very specific use of assurance devices, on a bilateral level, but it serves the purpose of establishing confidence in the level of physical protection of nuclear material incidental to international transport nonetheless.

ICSANT, for its part, does not set forth a review process equivalent to that under the CPPNM. Instead, in Article 20 it mandates that consultations be conducted in order to ensure the effective implementation of the Convention. No timeframe for such consultations, or routine repetition, is included, which means that the states parties themselves will have to initiate the mechanism. The open wording of the provision – ensuring effective implementation – gives the states parties substantial room for defining the scope of such consultations. Consultations could be invoked, for instance, to clarify or agree to particular interpretations of the Convention’s other provisions. They could also be invoked to share information with respect to treaty implementation.

APPROACH TO THE NON-BINDING INSTRUMENTS

As mentioned above, much of the international framework for nuclear security revolves around non-legally binding instruments. The loss of so-called compliance pull due the form of commitment can be compensated for through confidence-building measures. Information production/exchange is important to increasing confidence in adherence to non-binding instruments. With respect to the Nuclear Security Series guidelines, this is done primarily through the advisory services offered under the auspices of the IAEA, which has the expertise and legitimacy to facilitate such arrangements. International Physical Protection Advisory Service (IPPAS) missions, for instance, review a state’s physical protection system in light of guidelines contained in INFCIRC/225/Rev.5 [7] and recognized best practices and, as such, provide added support for compliance with these standards. International Nuclear Security Advisory Service (INSServ) missions serve similar functions, examining, among other things, a state’s legislative and regulatory framework for nuclear security as well as physical protection of nuclear and other radioactive material. The Integrated Regulatory Review Service (IRRS) looks at ways to enhance a state’s regulatory system for nuclear, radiation, radioactive waste and transport safety and security of radioactive sources. Many institutional arrangements exist. By means of these advisory services, information on a state is not only produced, provided and gathered, but it is also assessed, resulting in a report given back to the state with recommendations for improvements and recognition of good practices. States are expected to act on the recommendations, and the good practices can be used to inform recommendations for other states. As states voluntarily undergo such reviews, including follow-up missions to assess progress, the more the institutional relationship in this area develops, supporting (limited) transparency and strengthening the pull of compliance with the non-binding guidelines.

The Netherlands, for example, has completed a full series of IPPAS missions including a follow-up mission. In the interest of transparency, the Netherlands chose to share the non-sensitive portions of the IPPAS reports. This approach should be emulated by other states that have undergone the reviews, as not all information in the reports really needs to be kept confidential.

As referred to above, specifically for radioactive sources there is a mechanism in place for sustained interaction. A formalized process was established in 2006 for a “periodic exchange of information and lessons learned and for the evaluation of progress made by states towards implementing the provisions” of the Code of Conduct and the associated Import/Export Guidance [8]. The mechanism established, and subsequently endorsed by the IAEA Board of Governors, is voluntary and comprises triennial dedicated international meetings to be organized by the IAEA Secretariat and regional meetings scheduled on an ad hoc basis to be organized by participants, though these could also be scheduled in conjunction with IAEA meetings in the various technical cooperation areas or meetings of other relevant regional organizations. The objectives, which concern promoting information exchange, include, *inter alia*, assisting states in implementation of the Code of Conduct and Import/Export Guidance and inviting and encouraging more states to implement and politically commit to the two instruments. This process, partially because it is not a treaty-based review procedure, allows for greater flexibility, particularly in the broader participation, which includes IAEA member states and non-member states and those that have not yet made political commitments to the Code of Conduct and Import/Export Guidance. Such a process can serve both to increase the sense of obligation among states that have already made a political commitment to one or both of the instruments, thereby strengthening the compliance pull, and to incentivize those states that have yet to commit to do so. Using the formalized process as a forum, information exchange and discussion of lessons learned on implementation can serve to highlight both good/best practices as well as shortcomings. The formalized process, and related meetings both regional and international, will become particularly useful in driving and maintaining momentum once the NSS process has concluded.

CONFIDENCE-BUILDING IN THE CONTEXT OF THE NSS

In the lead-up to the 2014 NSS, a lot of attention was paid primarily to the concept of assurances. Getting agreement on assurance measures has proven difficult due to the close guarding of information on nuclear security regimes, seen as highly sensitive and thus confidential. One of the key new developments in the Hague Communiqué, which is the final consensus outcome document of the NSS, was getting such measures, to a certain degree, mentioned in the document. As denoted by the title of the relevant paragraph in the Communiqué – paragraph 20 – the emphasis is on the voluntary nature of (most of) the various proposed measures. Though certainly noteworthy that such a paragraph was included in the consensus outcome document of the 2014 NSS, it is quite weakly formulated (no encouragement to take measures but only stating that states “may consider” taking such measures) and is further qualified by noting that many NSS-participating states are already taking such measures.

To be sure, not all assurance measures are voluntary. Most of the non-exhaustive list included in paragraph 20 is of a voluntary nature, but one – “providing information through relevant existing reporting mechanisms and forums” – can be read as including, for instance, the reporting requirement under Article 14 of the CPPNM. This is a non-voluntary (for states parties to the CPPNM) assurance mechanism which to this point has been underutilized but can be reaffirmed to help build confidence in nuclear security regimes. It is positive that a few states referred to having submitted information in accordance with CPPNM Article 14 in their national progress reports.

Paragraph 15 of the Hague Communiqué underlines the benefits of the IAEA review and advisory services, i.e. IPPAS and INSServ missions, among others. Though voluntary, the Communiqué encourages states to make use of the services and share lessons learned,

without of course compromising sensitive information. With respect to international law, these missions are of importance due to the fact that they are the only mechanisms that assess, *inter alia*, a state's legal and regulatory framework for nuclear and other radioactive material in line with international (legally binding and non-binding) instruments. Should more states make use of such services, and take steps in accordance with the recommendations that come out of the reviews, an expected outcome would be increased compliance with relevant international instruments.

In discussing the role of the UN in paragraph 17, the Communiqué urges the full implementation of Security Council Resolution 1540. Resolution 1540 is legally binding on all Member States of the UN by virtue of Article 25 of the UN Charter and because it was adopted under Chapter VII of the Charter. Reference here is made to all of Resolution 1540, and subsequent resolutions (i.e. Resolution 1977), though emphasis is ostensibly on the nuclear security-related elements, such as operative paragraph 3 of Resolution 1540. The Hague Communiqué further urges states to continue reporting efforts to implement Resolution 1540 on a regular basis to the 1540 Committee, which pursuant to rule 28 of the Security Council's rules of procedure has tasked with overseeing implementation of the Resolution. The 1540 Committee fulfills a supervisory function by collecting and assessing reports submitted by Member States on steps taken or intended to be taken in implementing the Resolution.

Gift baskets – joint statements or commitments made by two or more NSS-participating states – were introduced in the Seoul Summit in 2012, and the practice continued at the 2014 NSS. It was the gift baskets presented at this year's Summit that represented the most progressive developments. In particular the gift basket, or initiative, on “Strengthening Nuclear Security Implementation” was generally regarded as a significant step forward for the NSS process. At the press conference presenting the initiative, Dutch Foreign Minister Frans Timmermans pointedly described one of the objectives of the initiative as being to build confidence in each government's nuclear security measures. States that have signed on to the initiative pledge to “subscribe to the fundamental principles” as laid down in Nuclear Security Series no. 20 and to “meet the intent of the recommendations” in Nuclear Security Series documents nos. 13-15.

A key development of the initiative is the commitment by subscribing states to “continue to improve the effectiveness of their nuclear security regimes and operators' systems” through international peer reviews and self-assessments. IPPAS missions are specifically mentioned, but the language leaves open the option for hosting other types of peer reviews, including those described above. Again, these voluntary arrangements remain the only international measure of whether states are acting in accordance with nuclear security guidelines, making them essential to building confidence in states' nuclear security regimes. Noteworthy is that subscribing states are making a general pledge not only to host peer reviews, but also to host them “periodically”. Read in conjunction with the commitment to act upon recommendations resulting from the reviews, hosting reviews periodically would seem to mean that subscribing states intend to request regular follow-up missions to review implementation of the suggested improvements. An aim for the, likely last, NSS in 2016 should be to increase as much as possible the number of subscribing states, ideally convincing nuclear weapon state holdouts China, India, Pakistan and Russia to sign on. Not only would this build additional confidence, but it would also give credence to the idea of the guidelines as being international standards, which would have an impact even outside of the NSS process. Also, hosting IPPAS or other peer review missions is in line with the measures listed in paragraph 20 of the Hague

Communiqué, and subscribing states should be encouraged to share non-sensitive information from the peer reviews, as the Netherlands has done, in the interest of transparency and disseminating good practices.

An additional aspect of the NSS process that deserves mentioning here is the submission by participating states of national progress reports for the past two Summits. While the amount of information shared is left to individual state discretion, these reports have provided public insight into steps taken to strengthen domestic and international nuclear security regimes. Some states have, of course, been more open than others, but the information provided allows observers to get a sense and make an assessment of state actions, which certainly helps to build confidence. The U.S., for instance, pointedly stated in its national progress report that it takes INFCIRC/225/Rev.5 into account also in securing military-use materials and facilities. Russia similarly referred in its report to *all* nuclear material, storage sites and associated facilities being secured “at least” to the level prescribed in INFCIRC/225/Rev.5. In addition, several other NSS-participating states indicated in their reports that they are already applying the IAEA recommendations, namely INFCIRC/225 (fourth and fifth revisions) domestically.

THE PATH FORWARD

What will become most important once the NSS process has drawn to a close is sustaining interaction to continue the international cooperative efforts aimed strengthening the nuclear security framework. The NSS process has placed nuclear security as a central issue on the agenda of the international community. Much has been accomplished in terms of reducing the amount of weapons-grade fissile materials worldwide and improving the security of nuclear and other radioactive materials and related facilities. This high-level process has provided a platform for cooperation, and the achievements made have definitely served the broader function of increasing trust in the international and domestic nuclear security regimes. However, the process was designed to be non-permanent with limited participation. The NSS process has approached nuclear security in a broad fashion – seeking to secure all nuclear and other radioactive materials, civilian and non-civilian material in international transport and domestically, and to prevent non-state actors from using such material for malicious purposes. This comprehensive approach has been facilitated by the open structure of the Summit process allowing participating states to introduce and cover as many relevant areas as possible. The problem is that this approach cannot simply be absorbed into existing instruments and institutions.

Without the biennial Summits, states should first turn to the existing treaty-based mechanisms for sustaining interaction as described above. The review process under the CPPNM should be invoked and instituted on a regular basis. It can serve as a forum involving the 149 states parties for continuing the discussion, particularly when the 2005 Amendment enters into force, on security of nuclear material and related facilities used for peaceful purposes. As the process carries on, thereby establishing an ongoing relationship among parties, openness and transparency can be expected to increase. Put another way, the more states interact on an institutionalized basis, the more opportunity there will be to alleviate any compliance concerns and to take additional confidence-building steps. In a similar vein, states parties to ICSANT should make use of the Article 20 consultation provision.

The same goes for legally-binding assurances, namely Article 14 of the CPPNM. This is an obligatory (for states parties to the CPPNM) assurance mechanism, which to this point has been underutilized but should be reaffirmed in the interest of building confidence in national nuclear security regimes. It is positive that a few NSS-participating states – including the

Netherlands, UK, Japan, Canada and Australia – referred to having submitted information in accordance with Article 14 in their national progress reports for the 2014 Summit. Widespread compliance with Article 14 should be sought, and further examination should be conducted of just how far states are willing to go in sharing information and opening up their nuclear security regimes to external scrutiny. The more transparent states are, by way of information exchange or hosting of peer reviews, etc., the more confidence states will become in each other's regimes. This will have the effect of increasing trust, and it will also assist with a higher degree of harmonization of international efforts.

The issue with treaty-based confidence-building measures is that they are restricted to the scope of the respective treaty and the participation of states parties, whereas arrangements put in place for non-legally binding instruments, though by definition voluntary, provide more flexibility in terms of scope and participation. This is demonstrated by the formalized process for radioactive sources. The third meeting in the process, which took place in 2013 in Abu Dhabi, involved representatives from 87 IAEA member states, one non-member state and six international organizations. The process has proven to be a good mechanism for assessing progress in terms of implementation of the Code of Conduct, identifying persistent challenges and sharing experiences in order to learn from others [9]. However, the number of states participating in the meetings does not match the number of states having made political commitments to follow the code; this number currently stands at 121. At the least, all states that have expressed such commitment should attend the formalized process meetings, and other states should be encouraged to attend and express commitment.

Going forward, consideration should be given to establishing such a process for the full scope of the Nuclear Security Series documents. The recommendations documents, nos. 13-15, together aim at helping states establish comprehensive national nuclear security regimes, covering nuclear material, other radioactive material, related facilities, and such material out of regulatory control. Commitments similar to those made by two-thirds of the NSS-participating states under the "Strengthening Nuclear Security Implementation Initiative" could be signed on to by other states, and regular meetings could be initiated to share information and discuss lessons learned with regard to implementing the guidelines nationally. Such an approach could provide a framework for continued routine discussions of the full range of nuclear security issues. This could also be combined with the idea to make the ministerial-level conference on nuclear security, which was held for the first time in July 2013 at the IAEA, a regular occurrence.

What this paper seeks to show is that confidence in the nuclear security regime can be best served by a combination of the three categories of means and methods laid out earlier – commitment, sustained interaction and information production/exchange. Each can have a hand in reinforcing the others. In any case, though, confidence-building needs to play a central role going forward. Several commitments have been made, whether becoming party to legally-binding instruments or pledging to apply non-legally binding principles, norms and guidelines. The issue remains, though, that it is in the common interest not only that states have made commitments to take steps aimed at improving nuclear security but that they are acting in accordance with those commitments. The purpose of confidence-building is to both compel and demonstrate compliance. Because of the shared interests and interdependence at the foundation of the nuclear security regime, taking measures such as those discussed above should not only be desirable but also achievable.

1. See International Atomic Energy Agency, “Objective and Essential Elements of a State’s Nuclear Security Regime,” Nuclear Security Series No. 20, 2013.
2. The full list of Nuclear Security Series documents is available at <http://www-ns.iaea.org/security/nss-publications.asp?s=5&l=35>.
3. Group of Governmental Experts, “Comprehensive Study on Confidence-Building Measures,” Department of Political and Security Council Affairs, United Nations Centre for Disarmament, A/36/474, 1982.
4. On assurances, see K. Abbott, “‘Trust but Verify’: The Production of Information in Arms Control Treaties and Other International Agreements,” 26 *Cornell International Law Journal* 1, 1993.
5. Abbott, “Trust but Verify,” at 28-29.
6. Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, Final Document, BWC/CONF.III/23, Part II, Annex to Final Declaration on Confidence-building measures.
7. International Atomic Energy Agency, “Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5),” IAEA Nuclear Security Series No. 13, 2011.
8. International Atomic Energy Agency General Conference, “Measures to strengthen international cooperation in nuclear, radiation and transport safety and waste management,” GC(49)/RES/9, par. 59.
9. “Findings of the President of the Conference,” International Conference on the Safety and Security of Radioactive Sources: Maintaining Continuous Control of Sources throughout Their Life Cycle, 27-31 October 2013, p. 5.