

UNIVERSIDAD SAN FRANCISCO DE QUITO

**NUCLEAR DISARMAMENT AND NON PROLIFERATION:
A VIEW TO POSIBLE CHANGES**

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Tesis de grado representada como requisito para la obtención del título de
Licenciado en Relaciones Internacionales

Quito, 9 de mayo 2012

**Universidad San Francisco de Quito
Colegio de Artes Liberales**

HOJA DE APROBACIÓN DE TESIS

**Nuclear Disarmament and Non Proliferation: A view to posible
changes**

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Quito, mayo de 2012

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2012

Dedico este trabajo a mi esposa Valery, a mi hijo José Antonio y a mi mamá Zulay.
Agradezco a mis grandes profesores Andrés González, Jorge Zalles y Juan Carlos
Donoso así como a mi familia y todos mis amigos que tanto me apoyaron en este
trayecto y también influyeron en todos los conocimientos que he adquirido estos años.

RESUMEN

Este trabajo llamado “Nuclear Disarmament and Non Proliferation: A view to posible changes” que traducido significa “Desarme y No Proliferación de Armas Nucleares: Una mira a posibles cambios” es resultado de una extensa investigación sobre este tema relevante en el espectro internacional. Se enfoca en torno a la pregunta de cuáles podrían ser las posibles medidas para hacer que el régimen de desarme y no proliferación sea efectivo y el objetivo de eliminar las armas nucleares en el mundo pueda ser alcanzado. La investigación incluye una revisión de los instrumentos internacionales que son parte del régimen de desarme así como de las instituciones que trabajan en el tema. Así también se revisa el rol que ha tenido el Consejo de Seguridad en el tema hasta ahora y la elaboración de un estudio de caso basado en Irán para demostrar la aplicabilidad de la normativa en este sentido y los problemas que se han encontrado. Finalmente se provee un análisis profundo de los espacios donde se puede tomar medidas para mejorar el sistema en pro de alcanzar el objetivo de desarme con el fin de contestar la pregunta y dar algún tipo de solución a los problemas que se analizan a lo largo del documento.

ABSTRACT

This paper called “Nuclear Disarmament and Non Proliferation: A view to possible changes” is a result of a wide investigation about this relevant topic in the international scope. It focus on the question of what could be the possible measures to make the disarmament and non-proliferation regime effective and reach the goal of eliminating nuclear weapons in the world. The investigation includes a revision of international instruments which are part of the disarmament regime as well as from the institutions that address the issue. It also revise the role that the Security Council has had in the topic until now and the elaboration of a case study based in Iran in order to demonstrate the applicability of normative in this sense as well as the problems that appear. At the end, the paper provides a profound analysis of the spaces where measures can be taken to improve the system in order to reach the disarmament objective with the aim of answering the question and provide a possible solution to the problems that are analyzed throughout the document.

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1. Introduction

Different areas are involved in international politics, like economic power, diplomacy, government ideology and lately even environmental issues. Nevertheless, military power has been present in international relations since the world was divided in empires. The importance of each empire was determined by the number of soldiers they had as well as the strategies they used which in compound can be defined as military power. During the birth of nations, the military was fundamental to define nation's borders and how the world would be divided geopolitically. This element was key in both World Wars held in the 20th century to define the winners with a clear influence on what we have as an international system nowadays. In the 21st century, military power is still dominant when speaking of international relations even though tendencies go towards pacific settlement of disputes but the risk of military confrontations is always present.

On that note, the development of powerful and innovative weapons has been crucial in government's policies. These policies were developed in the constant risk that states believe they are due to potential armed conflicts and the subsequent necessity of "being secure." Security has always been stick to how armed a country may be with the ineludible consequence of a race between actors in the international arena to determine who has the most weaponry or who has the weapon that will damage the most to the enemy. In this regard, weapons like the bow and arrow, bayonet, grenades, tanks, explosives, chemical weapons, napalm, among others are examples of how countries have worked hard to develop the most destructive devices to eliminate enemies. In this desire, humans developed weapons that are able not only to eliminate enemies but to affect dozens of generations and some would say that these devices can eliminate any kind of life over the earth when talking about Nuclear Weapons.

The process of developing Nuclear Weapons cannot be defined as its creation was rather circumstantial. Other kind of experiments was developed when the reaction of certain components brought interesting outcomes. Away from giving technical explanation of how nuclear weapons work, the most relevant fact in these explanations is that Nuclear Weapons exist and if used, humanity could see their last days of existence. In the wake of this potential holocaust, disarmament and non-proliferation became a recurrent topic of discussion in international politics forums in order to explore solutions to this progressive problem.

For this cause, it is imperative to explore the ways that the world addresses such a threatening problem. In this regard, the detailed analysis of the Nuclear Disarmament and Non-Proliferation regime is crucial to intend to understand the framework in which states are involved around nuclear arms. In this sense, the institutions that deal with the topic related crisis are the corner stone in the focus of this investigation which is: Which are the possibilities of having a nuclear disarmed world and what measures should be taken to achieve this goal in the international system? Along the paper, some hints may appear to answer the question, but the complexity of the framework is the challenge to develop ideas on how is it possible to make countries deny themselves the possibility of having weapons that would assure their victory over enemies but will also ensure their own destruction.

2. Background

Nuclear Disarmament and Non-Proliferation is a complex topic that has been a high priority on the international agenda since the first nuclear weapons were used in 1945 by the United States in attacks against Hiroshima and Nagasaki.¹ This was obviously an out breaking sign of alarm to the whole world when verifying that one bomb could disappear a whole city with everything in it. In the Co-chairs' Preface of the 2009 Report of the International Commission on Nuclear Non-Proliferation and Nuclear Disarmament, which is an Australian and Japanese governments initiative, stipulated that:

*The nuclear problems the world has to address are immensely large, complex and difficult. Every state with nuclear weapons has to be persuaded to give them up. States without nuclear weapons have to neither want nor be able to acquire them. Terrorists have to be stopped from buying, stealing, building or using them. And in a world where, for good reason, the number of power reactors may double in the next twenty years, the risks associated with purely peaceful uses of nuclear energy have to be effectively countered.*²

This statement completely summarizes the essence of the problem what should be the world's aim related to this as the risk of possible use of these devices becomes larger and larger due to the international context.

At this stage, it is important to differentiate between nuclear disarmament, arms control, and nuclear non-proliferation. Nuclear disarmament is the removal and elimination of existing nuclear warheads.³ Arms control is the regulation of the commerce and trespassing of weapons, or the reduction without elimination of nuclear stockpiles.⁴ Finally, nuclear non-proliferation involves the prevention of new nuclear weapon states and also the cessation of new production of warheads.⁵ This differentiation is necessary as this kind of problems derive in several others that may also make the solution diffuse and deviate from the root problem. In

¹ Stimson, *The decision to use the Atomic Bomb*, 1947. p. 1.

² Evans and Kawaguchi, *Eliminating Nuclear Threats*. 2009. p. ix..

³ Damrosch, *Banning the Bomb: Law its limits*, 1986. p.654.

⁴ Arms Control Association, 2010. http://www.armscontrol.org/act/2011_01-02/Index

⁵ Damrosch, *Banning the Bomb: Law its limits*, 1986. p. 655.

this case, disarmament is the root solution to the Nuclear Weapons problem with an important component on non-proliferation to avoid future problems and having as a consequence the elimination of the need for arms control. In this sense, the Canberra Commission, which is an independent commission created by the Australian government in order to stop the proliferation of nuclear weapons, made clear that so long as any state has nuclear weapons, others will want them; so long as these kinds of weapons still exist, it remains unknown if they will be used again; and any such use would be catastrophic for the world as we know it.⁶

Twenty three years after the end of the Cold War, which was the historical context in which these devices proliferated after their appearance in World War II, there were at least 23,000 nuclear warheads still in existence, with a combined capacity equivalent to 150,000 times average the power of the weapon used in Hiroshima.⁷ These numbers may seem crazy but this is as much states care about their security and about how this stockpiles would ameliorate other states from attacking them. In the international context, there are states who are permitted by the Nuclear Non-Proliferation Treaty (NPT) to have nuclear weapons. From these states that have this “advantage” the United States and Russia together have over 22,000 warheads (which is understandable due to the weapons race held during the Cold War between these two powers) while France, the United Kingdom, China, India, DPRK, Israel and Pakistan possess around 1,000 warheads between them.⁸ These numbers are extra official as countries like DPRK, Israel and India claim that they don’t have nuclear weapons but are not part of the nuclear regime while the risk of conflict with these countries is high. Furthermore, nearly half of all warheads are still operationally deployed, and the US and Russia each have over 2,000 weapons on high alert, ready to be launched immediately.⁹ This numbers are overwhelmingly high and analysts assure that these reserves would be enough to destroy the world several times if used.

⁶ *The Canberra Commission in the Elimination of Nuclear Weapons*. <http://www.ccnr.org/canberra.html>.

⁷ Evans and Kawaguchi, *Eliminating Nuclear Threats*, 2009. p. xviii.

⁸ Evans and Kawaguchi, *Eliminating Nuclear Threats*, 2009. p. xvii.

⁹ Evans and Kawaguchi, *Eliminating Nuclear Threats*, 2009. p. xvii.

Since 1945, the international community has been developing ideas and concrete measures to prevent states from having nuclear weapons and a regime that would limit those who were permitted.¹⁰ In the need of concrete measures, for many years, nuclear non-proliferation arrangements revolved around two treaties: the Anti-Ballistic Missile (ABM) Treaty and the Nuclear Non-Proliferation Treaty (NPT).¹¹ One of the options was clearly the agreements between states to avoid the possibility of having a conflict and having stockpiles of nuclear weapons. The ABM Treaty became this option real and consisted in bilateral treaties that the United States promoted. Nevertheless, this treaty failed since the United States withdrew from it, rendering it inactive and leaving an enormous empty space regarding the capability of states to commit into an agreement that would keep them from having nuclear weapons. The other option was a multilateral attempt that would create a normative they would bind states to accorded rules between them and that's how the NPT was created even though now is considered as a controversial treaty, therefore has enormous pressure over it.¹² While the Nuclear Non-Proliferation Treaty (NPT) is the cornerstone of the global non-proliferation regime, it is clear that the regime has a wider range, as a large and growing number of inter-related and mutually reinforcing legal instruments, institutions, programs, initiatives, and arrangements that complement the NPT and its associated International Atomic Energy Agency (IAEA) safeguards system.¹³ Most of these resources work under the same objective which is to diminish the probabilities of a nuclear war even if in some areas these overlap and at the same time lose legitimacy.

3. Nuclear Disarmament and Non-Proliferation Regime

There are several instruments in the international framework regarding nuclear non-proliferation and disarmament even though not all of them work but try to address the

¹⁰ Stimson, *The decision to use the Atomic Bomb*, 1947. p. 1.

¹¹ Lodgaard, *The Future of the Non-Proliferation Treaty*, 2008. p. 1.

¹² Lodgaard, *The Future of the Non-Proliferation Treaty*, 2008. p. 1.

¹³ Falk, *Nuclear Weapons, International Law and the World Court: A Historic Encounter*, 1997. p. 66.

different areas of impact that this already industry has produced worldwide. Of these instruments, there are two that have an important weight in the international structure regarding this topic: the Comprehensive Nuclear Test-Ban Treaty (CTBT) and the proposed Fissile Material Cut-off Treaty (FMCT).¹⁴ These contain specific measures focused on securing nuclear weapons, materials, and technology from potential terrorists and state carriers as well as reducing proliferations risks.¹⁵

In addition, the Nuclear Suppliers Group is another initiative as well as the Proliferation Security Initiative.¹⁶ The Nuclear Suppliers Group was founded in 1974 in response to the Indian nuclear test of that year, and it works as the informal arrangement of 46 nuclear supplier states that seeks to prevent, through the coordination of national export controls, the transfer of equipment, materials and technology that could contribute to nuclear weapons programs in states other than those recognized as nuclear-weapon states in the framework of the NPT.¹⁷ As a consequence of this initiative the Security Council, in *Resolution 1172*, provided a waiver to India in order to allow them make negotiations with the NSG under safeguards which was a very polemic action due to the interests that were crashed to Pakistan as the first enemy of India.¹⁸ The Proliferation Security Initiative (PSI) was launched by the United States in May 2003, with the purpose of interdicting ships, aircraft, and vehicles suspected of carrying nuclear and other weapons of mass destruction, ballistic missiles, and related technologies from exporting and importing countries that are under suspicion of proliferation.¹⁹ This measure was one of the desperate measures ordered by former President George W. Bush as one of the points in his strategy to tackle terrorists. So far, there is no evidence that any terrorist group in the world have a nuclear device or even

¹⁴ Kwang Teo and Atsushi *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005. p.2.

¹⁵ Kwang Teo and Atsushi *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005. p.2.

¹⁶ Lodgaard, *The Future of the Non-Proliferation Treaty*, 2008. p. 5.

¹⁷ Lodgaard, *The Future of the Non-Proliferation Treaty*, 2008. p. 5.

¹⁸ *Peace Now: 2008*, 2008. p.47.

¹⁹ Lodgaard. *The Future of the Non-Proliferation Treaty*. 2008. p. 5.

have the capability to build one but the main objective of this initiative was to prevent terrorists from acquiring such a destructive measure. The apparition of this measure brought a new problem to the table which was that countries, in order to be secure, had to sacrifice their liberty. This concept was not well received by the majority of the international community and the initiative did not have the impact expected by the United States. Nonetheless, there is still no definite measure that would establish contingency if a terrorist group acquire a new weapon.

Moreover, there are two other instruments that have even less influence than the previous ones but still have their relevance. One of the most relevant areas inside Nuclear Weapons is the materials needed to develop a warhead. The risk of terrorist acquiring these devices was already identified when the worry of non-state actors having these weapons appeared. In the wake of this situation, it was imperative to develop the Convention on the Physical Protection of Nuclear Material created in 1987 and its 2005 amendment which includes security measures to avoid the acquisition of nuclear weapons by terrorists.²⁰ Thus it has no real scope of action as no terrorist groups have acquired this weaponry but the policies of prevention may be qualified as successful due to this fact. Furthermore, there are other security and arms control arrangements, including efforts to curb missile proliferation like the Missile Technology Control Regime (MTCR) which is an association of countries that want to achieve non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction.²¹ However the actions that this regime impulse is not tangible, therefore it has been widely ignored and has no influence on the issues that come up every year regarding the global problem.

It is clear that these resources have not been the most recorded and have the most efficiency addressing the goal of nuclear disarmament but they constitute the structure of the framework that was built to regulate this kind of arsenal. In addition to these resources, there

²⁰ Lodgaard. *The Future of the Non-Proliferation Treaty* 2008. p. 5.

²¹ Lodgaard. *The Future of the Non-Proliferation Treaty*, 2008. p. 5.

is one that has the largest importance in this issue and is a special example of an international instrument that has had a partial success on binding states to its claims. This instrument is the Nuclear Non-Proliferation Treaty which is a controversial document but succeed on imposing measures to a great quantity of countries. However, due to those countries that did not abide to its normative, its legitimacy and validity is being discussed.

4. Nuclear Non-Proliferation Treaty (NPT)

The Nuclear Non-Proliferation Treaty (NPT) is the most widely ratified arms control and non-proliferation treaty, with 189 states party.²² After a decade of negotiation beginning in the

²² Kwang Teo and Atsushi *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005. p.1.

late 1950s, the treaty was opened for signature in 1968 and entered into force in 1970.²³ This alternative came up as a great opportunity to control countries in their aim of arming themselves to protect from their enemies. In this regard, one of the most relevant topics is the issue of non-proliferation to states recognized by the treaty as non-nuclear, including all states other than China, France, Russia, the UK, and the United States.²⁴ This differentiation has brought huge debates on how unfair it is for the controlled states for other “VIP” states that are allowed to manage this kind of weaponry. However, the debate is useless as these were the WWII winners and their legitimacy has been proven by the United Nations to which every nation in the world is signatory and it implies preferential benefits to these countries. Furthermore, the great challenge established in the treaty resides in preventing non-nuclear weapons states (NNWS) from acquiring nuclear technologies.²⁵ A third area of application, which is not contained in the NPT but its concept has been largely developed in this area, is that of the countries that already possess nuclear technology but do not have nuclear weapons and are characterized as the potential Nuclear Weapons States or threshold states, which actually are the ones that represent the most immediate and imminent threat when analyzing nuclear disarmament and non-proliferation.²⁶ Threshold states are the largest potential risk to the whole Nuclear Disarmament regime and in situations like the recent problem in Libya lead to the idea that the world is not secure with these instruments and that it depends on the decision of one bad dictator if we survive or not. In this category there are several states contemplated such as: Argentina, Brazil, Sweden, South Africa, Iran, Libya, Taiwan, Japan, Australia, Spain, Italy, Switzerland, Netherlands, among others.²⁷ Argentina became a risk to international security when the war with United Kingdom was held due to the inequality of

²³ Kwang Teo and Atsushi, *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005. p. 1.

²⁴ Kwang Teo and Atsushi, *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005. p. 4.

²⁵ Kwang Teo and Atsushi, *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*. 2005. p. 5.

²⁶ Evans and Kawaguchi, *Eliminating Nuclear Threats*, 2009. p. 50.

²⁷ Evans and Kawaguchi, *Eliminating Nuclear Threats*, 2009. p. 51.

conditions between them and the possession of nuclear technology by Argentina. Iran is a case that in these days brings uncertainty to the whole regime and the rest of the world and it's a case that will be explained afterwards. The volatility of a leader like Muammar Al-Qaddafi was a constant threat to the aims of the NPT specially on the whole story on how it acquired nuclear technology from France in a negotiation with terrorists situation. The case of Taiwan is also a potential risk as its rivalry with China could derive in a difficult confrontation. All other countries do not represent a risk and historically never did but that does not mean they won't have a conflict and they won't have the option of developing nuclear weapons.

In this context, it is crucial to revise the articles provided in the instrument in order to define its importance as well as its flaws on how can it be improved. Articles I and II of the NPT prohibit the transfer of nuclear weapons technology from a NWS to a NNWS, while Article IV liberates accepted nuclear weapons states from these restrictions on acquisition.²⁸ However the case of France and the transference of nuclear technology to other countries like Libya broke these precepts and became an exception that brought polemic as well. Article III limits proliferation by requiring all NNWS to be subject to inspections of their nuclear facilities by the IAEA to ensure transparency in all nuclear-related activities.²⁹ As all NNWS agreed on this clause, it's not refutable on how unfair is this disposition, however as NWS has compromised themselves to reduce their arsenal, this article should contain a disposition claiming the revision of these reductions as well. Non-nuclear weapons states, which were asked to join the NPT and thus voluntarily give up their right to acquire nuclear weapons, acquired something in return in Article VI, which asks all signatories of the NPT, NWS in particular, to work towards universal nuclear disarmament.³⁰ Nevertheless, these claims have stayed in paper as gradually NWS have developed or acquired even more weapons than

²⁸ Beckman, Crumlish, Dobkowski and Lee, *The Nuclear Predicament*, 2000. p. 222.

²⁹ Beckman, Crumlish, Dobkowski and Lee, *The Nuclear Predicament*, 2000, p. 222.

³⁰ United Nations, *Nuclear Non-Proliferation Treaty*, 1968, Article VI.

before and bilateral treaties such as START have been acts of good faith but not effective for disarmament purposes. The treaty also promotes the creation of regional nuclear-free zones in Article VII which is a great possibility towards disarmament as when countries from same realities agree on complete disarmament can be more sustainable than agreements between countries that do not share principles which are the case between occidental and oriental cultures.³¹ Article IV reaffirms the right to develop, research, and use nuclear energy purposes, as well as exchange equipment, materials, and scientific information, for peaceful purposes.³² This has been the Damocles Sword in this context as countries that are suspect of having a nuclear program to develop weapons, when investigated, claim that their program is created for peaceful purposes. This was the case of North Korea who ended up resigning to the treaty and it's the current case with Iran that claims its innocence on developing nuclear weapons and ratifies the pacific purposes of the nuclear program.

In addition to the previous, this instrument also provides review conferences every five years in which consensus is needed to take decisions; so far, there have been six review conferences in order to revise, amend, and strengthen treaty requirements and discuss potential challenges.³³ This represents a great opportunity every five years as this treaty is the most accepted and where more countries can participate in order to develop possible improvements to the whole regime. These challenges have included the pursuit of complete nuclear disarmament by states that already possess nuclear weapons designated as “nuclear weapons states” (NWS).³⁴ Regardless of this objective, the status of NWS will not change as it's not of their interest to change that disposition. Also, the reductions of existing stockpiles and nuclear testing prohibitions by the NWS are a topic of importance at these review conferences bearing in mind that the Strategic Arms Reduction Treaty (START) is a clear

³¹ United Nations, *Nuclear Non-Proliferation Treaty*, 1968, Article VII.

³² United Nations, *Nuclear Non-Proliferation Treaty*, 1968, Article IV.

³³ Kwang Teo and Atsushi, *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005, p. 1.

³⁴ Kwang Teo and Atsushi, *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005, p. 2.

example of this.³⁵ However, as stated before, the mentioned treaty and other attempts to reduce the stockpiles have been more than a failure as a reduction of armament in comparison to other countries would definitely mean a reduction of power. The first review conference of the NPT was held in 1975 and focused on addressing the continuing arms race between the Soviet Union and the United States.³⁶ The review conferences that were held from 1975 until 1990 focused fundamentally on the need to halt the arms race between the United States and the Soviet Union, as well as the need for recognized nuclear weapon states to reduce their stockpiles as required under Article VI of the NPT.³⁷ This fact demonstrates that the regime is not working appropriately as the United States and the former Soviet Union, the Russian Federation, have not reduced their armament making Article VI of the Treaty a black hole in the regime and some would even say in international law.

The last Review Conference was held in 2010 and there were huge expectations to what major changes or discussions would go on in this event. The 2010 Review Conference's largest controversy was over the proposal to hold a Middle East conference in 2012, with the aim of establishing a regional zone free of nuclear and other weapons of mass destruction.³⁸ Over the years, this goal has become one of the priorities due to the volatility of possible conflicts in this area. There is a persistent risk in the Middle East even though there are no declared conflicts currently as the menace of a frontal war between Iran and Israel is high. The issue here is not that these countries would not be attacking just each other as for sure, many countries in the region would intervene so a regional conflict would be the terrible outcome. In this matter, Secretary-General Ban Ki-Moon, together with United Kingdom, Russia, and the United States, was designated to declare a host government for the conference and appointing an actor to facilitate preparations for the conference and consult with relevant

³⁵ Kwang Teo and Atsushi, *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*, 2005. p. 4.

³⁶ Nuclear Threat Initiative, *Compliance and growth - NPT review conferences*, 2004.

³⁷ Nuclear Threat Initiative, *Compliance and growth - NPT review conferences*, 2004.

³⁸ Johnson, R. *Assessing the 2010 NPT Review Conference*, 2011. p. 2.

governments to analyze the steps to take towards the event.³⁹ The site for the conference was decided to be in Helsinki; however the tough situation in the Middle East between Israel and several countries has brought the idea that countries want to delay the conference for late 2012 or even 2013. Regarding disarmament and safeguards, the conference faced difficulties in making any concrete commitments which has been the common outcome of most Review Conferences.⁴⁰ The majority of states party in the conference supported past commitments, commended the New Strategic Arms Reduction Treaty (New START), and expressed support for efforts to ratify and bring the CTBT into force and both are weak decisions that do not bring nothing new to the regime and reinforce the apathy of states on the treaty.⁴¹ Nevertheless, the Fissile Material Cutoff Treaty (FMCT) was still not developed as well as any mention to more commitments from Nuclear Weapons States to disarm.⁴² Even though fissile material is one of the most important areas to take care of in this topic, countries do not develop a clear route to address it. Furthermore, one of the strongest reasons why the treaty has lost its strength and legitimacy, was not addressed and just solidified the fact that NWS do not want to reduce arsenal or even worse, disarm. Some of the most important topics to be treated were: “proposals to delegitimize nuclear weapons and reduce their role in nuclear doctrines; opposition to the modernization of nuclear weapons systems; and the need for comprehensive negotiations on some kind of nuclear abolition treaty.”⁴³ In addition, new proposals from the Non Aligned Movement (NAM) concentrated in diminishing and eliminating nuclear weapons.⁴⁴ The Additional Protocol, which is a safeguard device created in 1997 after the discovery of Iraq’s nuclear program, could not be established as a verification standard or a condition of supply and it was not possible to renew the consensus on the understanding agreed in 2000 that this protocol is an integral part of the IAEA

³⁹ Johnson, R. *Assessing the 2010 NPT Review Conference*, 2011 p. 2.

⁴⁰ Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 3.

⁴¹ Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 3.

⁴² Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 3.

⁴³ Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 5.

⁴⁴ Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 7.

safeguards system.⁴⁵ Finally, there was no progress on the crucial issues of the nuclear programs of Iran and North Korea, the nuclear arsenals of India, Pakistan, and Israel, and countries that violate or attempt to withdraw from the treaty.⁴⁶ This last fact bring small hope to the international community and the solution is just to press countries to reach to new and renovated changes to the treaty or soon it will be useless.

5. International Atomic Energy Agency (IAEA)

The International Atomic Energy Agency was the institution that countries thought would be the most appropriate to be in charge of verifying that countries are complying with the existing regime. The IAEA is guided by its Statute, which was adopted unanimously by 81 original Member States on October 23, 1956.⁴⁷ In this regard, this instrument has been amended three times, in 1969, 1973, and in 1989 due to the current need that at those times

⁴⁵ Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 7.

⁴⁶ Johnson, *Assessing the 2010 NPT Review Conference*, 2011. p. 9.

⁴⁷ IAEA, *Statute of the International Atomic Energy Agency*, 1956.

were important for member states.⁴⁸ The initial inspiration to found the Agency was based on a speech given by US President Dwight D. Eisenhower to the United Nations General Assembly in 1953 bearing in mind that was one of the promoters of having a regime to control such dangerous devices.⁴⁹ This intervention is better known as the “Atoms for Peace” address, where Eisenhower proposed the creation of an international body that would regulate the peaceful uses of nuclear energy in his quality as President of the major power that the world had in those days.⁵⁰

The IAEA is officially an independent body from the United Nations; however, it entered into a formal relationship with this organization with an agreement adopted in 1959 that was needed in order to avoid overlap between both institutions and work in coordination to reach better results.⁵¹ Under this agreement, the IAEA reports annually to the General Assembly and also reports to the Security Council on matters of international peace and security, as well as on a case-by-case basis when an IAEA member state is in non-compliance with its nuclear safeguard obligations.⁵² These interventions have covered more importance with time as the IAEA has become vital in important crisis where the biggest fear was a possible nuclear war or at least the use of one over a population causing huge damage to everything on it.

In this regard, there are three defining areas of nuclear cooperation that guide the work of the Agency: “Safeguards and Verification; Safety and Security; and Science and Technology.”⁵³ To fulfill the objectives of Safeguards and Verification, the Agency oversees inspections of nuclear facilities to ensure that known safeguarded nuclear materials are not used for military means which is the most important role of the IAEA in relation to non-proliferation.⁵⁴ In relation to nuclear Safety and Security, the Agency works to protect people

⁴⁸ IAEA, *Statute of the International Atomic Energy Agency*, 1956, Article VI, paragraph A.1, D.

⁴⁹ President Eisenhower, *Address to the 470th Plenary Meeting of the UN General Assembly*, 1953.

⁵⁰ President Eisenhower, *Address to the 470th Plenary Meeting of the UN General Assembly*, 1953.

⁵¹ IAEA, *The Texts of the Agency's Agreements with the United Nations, 1959, INFCIRC/11 8 IAEA, The Texts of the Agency's Agreements with the United Nations, 1959, INFCIRC/11, Section I.A, Article III.1(a), III.1(b)*.

⁵² IAEA, *The Texts of the Agency's Agreements with the United Nations, 1959, INFCIRC/11 8 IAEA, The Texts of the Agency's Agreements with the United Nations, 1959, INFCIRC/11, Section I.A, Article III.1(a), III.1(b)*.

⁵³ IAEA, *Our Work; Three Pillars of Nuclear Cooperation*, 2009.

⁵⁴ IAEA, *Statute of the International Atomic Energy Agency*, 1956, Article XII.

from exposure to radiation by establishing international norms and guidelines for ensuring the security of nuclear materials and facilities.⁵⁵ In this context, the IAEA has failed to accomplish its precepts as the disasters in Chernobyl of the 80's and the recent catastrophe in Japan represent the flaws of the system. These flaws are evident most of all in the cases of crisis and the lack of contingency plans to manage crisis like the detailed before. Moreover, the Agency assists States in implementing these guidelines and assists in improving their ability to respond to emergencies that may come up from a nuclear casualty; nevertheless this is just trespassing knowledge and not effective assistance from the Agency to the country that is suffering the terrible consequences of an accident of this nature.⁵⁶ The third pillar of the IAEA's work, nuclear Science and Technology, consists of encouraging and assisting states to increase their use of nuclear technology in the fields of health, energy, agriculture, and the environment.⁵⁷ There is a huge debate around this pillar as showing the benefits of acquiring nuclear energy would impulse countries to develop it. That, naturally is not wrong, the problem is that countries that do not have the capability to manage it in a sustainable way can derive in terrible accidents or even worse, it is easier to develop weapons that if not managed appropriately could cause even worse outcomes.

The IAEA structure is composed of three main bodies that direct the Agency's activities: the General Conference, the Board of Governors, and the Secretariat.⁵⁸ The General Conference contains all 150 IAEA Member States and meet annually, to examine and approve current Agency projects, approve budget, and to entertain matters that the Board of Governors suggest to this body.⁵⁹ This instance is clearly a great forum to propose changes in the institution in a way that would contribute to the great objective of disarmament. Moreover,

⁵⁵ IAEA, *Safety Standards for Protecting People and the Environment*, 2006 20 Turner, *The Statesman's Yearbook*, 2008. p. 27.

⁵⁶ IAEA, *Our Work; Three Pillars of Nuclear Cooperation*, 2009.

⁵⁷ IAEA, *Statute of the International Atomic Energy Agency*, 1956, Article II.

⁵⁸ IAEA, *Statute of the International Atomic Energy Agency*, 1956, Articles V, VI, VII.

⁵⁹ IAEA, *Statute of the International Atomic Energy Agency*, 1956, Article V.

the General Conference also has the duty to approve the Director-General.⁶⁰ For instance, the Board of Governors is a body of 35 Member States who meet five times a year at IAEA headquarters; this organ has to present the General Conference with budgetary and program matters, approve safeguard agreements, and nominate the Director-General to the General Conference.⁶¹ Even though this organ doesn't have the democratic essence that it should due to its importance in decision making, its relevance relies on the scope of power that this organ has inside the regime. The IAEA Secretariat consists of a multidisciplinary support staff that helps achieve the challenges and activities of the Agency, led by the Director-General and including inspectors, nuclear experts, nuclear engineers, and managerial staff.⁶² This staff is not enough to cover the necessities in emergency cases for which one of the recommendations to strengthen the framework would be to augment personnel in order to widen the support that can be provided to member states.

Currently, the IAEA's primary non-compliance concerns are the nuclear programs of Iran and the Democratic People's Republic of Korea. Iran has not shown evidence that it has suspended its enrichment-related activities or its heavy water programs.⁶³ Additionally, Iran did not cooperate with the Agency's inquiries into the possible military purposes of its nuclear program based on their argument of the peaceful nature and purposes of the program.⁶⁴ In the case of DPRK, the state doesn't cooperate with the IAEA at all since there is no binding commitment from the country to this organ but it is the only organ that can legally make inspections regarding nuclear activities in any country.⁶⁵

The link between the NPT and the IAEA is extremely strong and works based on the needed coordination due to the circumstances in which both work. While the NPT constitutes

⁶⁰ IAEA, *Statute of the International Atomic Energy Agency*, 1956, Article VII.A.

⁶¹ IAEA, *International Atomic Energy Agency Primer Fact sheet*, 2008.

⁶² IAEA, *Statute of the International Atomic Energy Agency*, 1956, Article VI.

⁶³ ElBaradei, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran*, 2009, Section C.

⁶⁴ ElBaradei, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran*, August 2009, Section C.

⁶⁵ IAEA, *Agency Inspectors Asked to Leave Democratic People's Republic of Korea (DPRK)* Press Release, 2009.

the framework for disarmament measures, it is the responsibility of the IAEA to verify the NPT compliance by inspecting and monitoring the activities of Member States that utilize nuclear technology, in order to verify that the technology is being used for peaceful purposes.⁶⁶ To comply with its responsibility, the IAEA has three types of safeguard agreements: comprehensive safeguards agreements, item-specific safeguards agreements, and voluntary offer agreements.⁶⁷ In Article III of the NPT, all NNWS states party must create comprehensive safeguards agreements with the IAEA which cover all of the declared nuclear activities within a State that can be inspected and monitored by the institution. The item-specific safeguard arrangement covers only certain nuclear activities within a state which are under the jurisdiction of the IAEA.⁶⁸ These kind of safeguards exist; however can be improved in most of the cases. Currently the IAEA has item-specific safeguards agreements with India, Pakistan and Israel, all of which are states that have not signed onto the NPT and are therefore free from safeguards agreements.⁶⁹ These safeguards are symbolic and represent the discourse that these countries want to project as they do not accept they have nuclear weapons so they don't receive sanctions, but at the same time have their own nuclear agenda without any specific control that would stop them from using or proliferating this kind of armament. Voluntary offer agreements are primarily undertaken between the IAEA and nuclear weapons states, since under the terms of the NPT, nuclear weapons states are exempt from comprehensive safeguards agreements.⁷⁰ This constitutes a serious problem for countries that are confined by the safeguards that Nuclear States don't which is a serious violation to the principle of equity. However, countries have already accepted those terms in the treaty but that does not exclude the clear situation of deterioration that this framework is living currently.

⁶⁶ Holman, Canton, Maher, McIntyre, and Thomas, *Europa World Year Book 2003*, 2003. p. 82.

⁶⁷ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*.

⁶⁸ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*.

⁶⁹ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*.

⁷⁰ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*.

6. Role of the Security Council

Within the powers and responsibilities of the most important organ in international security and peace is the fact of addressing those elements that constitute a threat and would endanger life in the planet. The role of the Security Council regarding Nuclear Disarmament and Non-Proliferation has not been constantly active; nevertheless the United Nations Charter in its 26th Article delivers the responsibility of promoting disarmament to this organ.⁷¹ In this regard, it is important to point out that the Council in its fundamental mandate of addressing threats and breaches to international peace and security acted in Israel's nuclear programs in

⁷¹ United Nations, *United Nations Charter*, 1945, Article 26.

1981, Iraq's nuclear program from 1991 to 2007, nuclear tests by India and Pakistan in 1998, Iran's non-compliance to IAEA's mandate in 2006, among others.⁷² It is important to point out that the Security Council intervention has been fundamental in cases where the world was facing a threat related to dangerous armament for conflicts. In this context, heads of state in a Council meeting in 1992 determined that Weapons of Mass Destruction (WMD) proliferation is a threat to international peace and security opening the possibility of acting under Chapter VII of the Charter if an event of this nature appears in the international scope.⁷³ This decision was ground breaking and set a key precedent to the goal of disarmament. Under this premise, the Council acted under Chapter VII in 2004 through S/RES/1540 requiring all states to establish controls over WMD and the means to deliver them and to enact and enforce the necessary national implementing legislation with the objective of prohibiting terrorists and other non-state actors from developing, acquiring and using these kinds of weapons.⁷⁴ Even though, critiques argue that this kind of measures came up when the United States was a huge victim of terrorist attacks and decided to declare war on terrorism, it was an important step attack one of the main risks of the existence of nuclear armament in the world.

A crucial year regarding the role of the Security Council in this topic was 2009 due to various events. The United Kingdom came up with a new initiative on nuclear disarmament as well as France will to reduce its nuclear arsenal.⁷⁵ United States President, Barack Obama, stipulated its will to reduce the country's stockpiles in order to work towards a world free from Nuclear Weapons as well as its posterior agreement with Russia in the Strategic Arms Reduction Treaty.⁷⁶ Sadly, these intentions do not project in reality as the international

⁷² Security Council Report, *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

⁷³ Security Council Report, *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

⁷⁴ United Nations, *S/RES/1540*, 2004.

⁷⁵ Security Council Report, *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

⁷⁶ Security Council Report, *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

community expects and have done nothing to make those expectations true through the Security Council for obvious reasons.

One of the areas that the Security Council has taken action is the acquisition of nuclear weapons by Non State Actors and S/RES/1373 adopted in 2001, after the terrorist attacks in the US, was the first action in this sense.⁷⁷ Other area where the Security Council has intervened is the Security Assurances to Non-Nuclear Weapons States through S/RES/255 adopted in 1968 and S/RES/984 adopted in 1995 in order to secure Non-Nuclear State when being threatened or in conflict with a Nuclear Weapons State.⁷⁸ Furthermore, the Council has acted regarding the establishment of Nuclear Weapons Free Zones through S/RES/1170 accepting the African Nuclear Weapons Free Zone Treaty.⁷⁹ In this same sub topic, the Council has worked in terms of establishing nuclear weapons free zone in Middle East through: S/RES/687 adopted in 1991 which took Iraq's actions as a step towards a nuclear weapons free zone; S/RES/1284 passed in 1999 with the creation of UNMOVIC in order to achieve the goal of a Middle East free from nuclear weapons; and S/RES/1747 passed in 2007 as well as S/RES/1803 adopted in 2008 which were worked to solve Iran's situation and maintaining the prime objective of establishing a nuclear weapons free zone in Middle East.⁸⁰ As a matter of fact, Syria presented a draft resolution in 2003 towards a nuclear free zone in this region but it was never put to vote due to a lack of support by P-5 members.⁸¹ This case is just a glimpse of the obstacles and limitations that important decisions confront in important forums such as the Security Council due to independent agendas and political interests from member states, especially P-5 members.

Moreover, the Security Council participated in several events that came up to the attention

⁷⁷United Nations, *S/RES/1373*, 2001.

⁷⁸ United Nations, *S/RES/255 and S/RES/984*, 1968 and 1995.

⁷⁹ United Nations, *SC/RES/1170*, 1998.

⁸⁰ Security Council Report, *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

⁸¹ Security Council Report , *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

of the Council. In 1981, the Council adopted S/RES/487 regarding Israel's attack against the Osirak reactor and emphasizing the recognition to the right of all states, especially developing countries, to establish programs of peaceful nuclear development.⁸² In the context of the Democratic People's Republic of Korea crisis of 1993, the Council passed SC/RES/825 affirming the importance of the IAEA safeguard agreements for the implementation of the NPT.⁸³ In the wake of the India and Pakistan crisis the Security Council, through S/RES/1172, embraced the NPT and CTBT emphasizing Article VI of the NPT regarding the commitment of the five nuclear-weapon states on nuclear disarmament.⁸⁴ With the prevailing crisis in Iran, the Council adopted S/RES/1737 in 2006, S/RES/1747 in 2007, and S/RES/1803 in 2008 where it stipulated its commitment to the NPT and recalled the right of state parties to acquire nuclear power for peaceful matters.⁸⁵ All of these have contributed to small achievements in the fight for disarmament and non-proliferation but don't have a tangible change that would embrace an advance in this objective.

7. Study Case

Due to the complexity of the topic, there are several cases to analyze as circumstances where the regime has been proven to function or not. Iran, for instance, is a particular case where the country has not satisfied the International Atomic Energy Agency need for it to collaborate.⁸⁶ The IAEA has done innumerable attempts to work with the country and at the same time trying to do its work. Iran has not accepted to all the interventions and has defended its sovereign right to maintain information in confidentiality. Its nuclear program is, according to the Iranian government, for peaceful objectives while a part of the international community argument that this program is doubtful and has a high risk of becoming a program

⁸² United Nations, *SC/RES/487*, 1981.

⁸³ United Nations, *SC/RES/825*, 1993.

⁸⁴ United Nations, *S/RES/1172*, 1998.

⁸⁵ United Nations; *S/RES/1737*, *S/RES/1747*, and *S/RES/1803*; 2006, 2007 and 2008.

⁸⁶ Crail, *Iran's Nuclear Program: An Interview with Iranian Ambassador to the IAEA Ali Asghar Soltanieh*, 2011.

that develops nuclear weapons.⁸⁷ Nevertheless this can also be guided by the image that some countries have projected by Iran like Israel or the United States. On the other hand, Iran's premier has done efforts to make the international community believe he is a conflictive leader for declarations such as "Israel should disappear from the world map." The case of Iran is interesting as it's not a case that just popped up but it has several years present in the international topics and its interesting how recently it has become a priority in the disarmament and non-proliferation agenda.

Even though Iran has proven to avoid the international instruments regarding Nuclear Weapons, Iran signed the Nuclear Nonproliferation Treaty in 1968, ratified it in 1970, and since February 1992 has allowed the IAEA to inspect its nuclear facilities even though Iran already signed the Safeguards Agreement in 1974.⁸⁸ Its signature and ratification is a symbol of good faith by the authorities of Iran historically. In addition to this, the IAEA released the Additional Protocol to the Safeguards Agreement, in 1997, which Iran signed in 2003 but has not ratified until now.⁸⁹ This signature could be vital in order to revert all the polemic about nuclear armament in the country as is one of the reasons why international community suspects that its nuclear program is not for pacific purposes.

Simultaneously, Iran's nuclear program has 55 years of history. In 1957, the United States and Iran accorded a civil nuclear cooperation agreement which included technical assistance and the lease of enriched uranium to Iran.⁹⁰ Ten years later, Iran opened a nuclear research center sponsored by the United States with a research reactor.⁹¹ In 1974, Iran had its first two nuclear energy reactors in Bushehr sponsored by a private German firm.⁹² Nevertheless, these reactors had to suspend its construction and they were bombed during the

⁸⁷ Craill, *Iran's Nuclear Program: An Interview with Iranian Ambassador to the IAEA Ali Asghar Soltanieh*, 2011.

⁸⁸ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

⁸⁹ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

⁹⁰ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

⁹¹ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

⁹² Burr, *U.S.-Iran Nuclear Negotiations in the 1970's Featured Shah's Nationalism and U.S. Weapons Worries*, 2009.

Iran-Iraq war leaving them totally destroyed.⁹³ Until 1978, Iran tried to negotiate with United States in order to have enough capacity to exploit nuclear energy; however politics inside the US stopped the negotiations due to the fact that authorities considered inconvenient for Iran to have this kind of energy.⁹⁴ That year, an agreement was reached between both nations in order to guarantee high enriched uranium fuel to Iran.⁹⁵

After 1979, when the revolution in Iran was held, the nuclear activity was stopped due to the energy supply cut by the United States.⁹⁶ Six years later, Iran and China established nuclear relations and China provided a training reactor in order to reactivate nuclear activity.⁹⁷ An important agreement with Argentina was signed in 1987 related to the enriched uranium supply which was fundamental for Iran's nuclear program process. Subsequently, in 1990, Iran reconstructed the Bushehr nuclear plant and in 1992 Iran signed a crucial agreement with Russian Federation in order to build a new nuclear power plant.⁹⁸ It was in 1998 that Iran's nuclear program started to become doubtful as the rates of other types of energy in Iran were understood as enough to satisfy the country's needs as well as Iran's interest to develop a second power plant sponsored by Russia in 1999.⁹⁹ United States former President, Bill Clinton, signed the Iran Nonproliferation Act in which the US would punish any nation or institution that provides any kind of nuclear assistance to Iran.¹⁰⁰ Nonetheless, Russia and Iran reached to an agreement of nuclear and military cooperation speeding the nuclear process.¹⁰¹

The year 2003 was the turning point in which Iran started to depend on itself to develop nuclear energy as they discovered uranium in their territory.¹⁰² In this regard, the

⁹³ Burr, *U.S.-Iran Nuclear Negotiations in the 1970's Featured Shah's Nationalism and U.S. Weapons Worries*, 2009.

⁹⁴ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

⁹⁵ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

⁹⁶ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

⁹⁷ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

⁹⁸ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

⁹⁹ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

¹⁰⁰ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

¹⁰¹ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

¹⁰² Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

preoccupation about Iran's nuclear program grew but their discourse was that it was for peaceful means and even supported a proposal made by Syria to eliminate weapons of mass destruction in the Middle East.¹⁰³ The IAEA reported that Iran was not violating the NPT in 2003¹⁰⁴ however; there were findings of highly enriched uranium later on but with the intervention of United Kingdom, France and Germany, Iran committed to suspend uranium enrichment.¹⁰⁵ After various advances in the process, Iran signed the Paris Accord with the three European countries assuring that Iran will not pursue nuclear weapons notwithstanding the fact that they have the right to produce nuclear energy for peaceful purposes.¹⁰⁶

The relation between Iran and the IAEA was not fluent and US former President Bush considered initiating a conflict with Iran in 2005 but an agreement with Russia to control the use of uranium fuel again calmed the tension.¹⁰⁷ This same year, the IAEA urged Iran to stop all enriching activities as it found non-compliance actions by Iran to the Safeguards Agreement directing the situation to the Security Council.¹⁰⁸ The Security Council took action and under *Resolution 1696* demanded Iran to suspend its uranium enrichment activities with possible contingency if they not complied with the decision.¹⁰⁹ This measure was effective for instance, however Iran reactivated its program and the US signed an Act to impose economic sanctions to any actor that cooperated with Iran's nuclear program.¹¹⁰ In that regard, due to the lack of Iran's compliance, the Security Council adopted *Resolution 1737* which froze Iran's authorities' assets.¹¹¹ This measure was strengthened by Resolution 1747 from the Security Council which forbids arms exchange with Iran.¹¹² In this sense, in 2008, the Security Council approved *Resolution 1803*, which imposed further economic sanctions

¹⁰³ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

¹⁰⁴ IAEA, *Implementation of the NPT safeguards agreement in the Islamic Republic of Iran*, 2003.

¹⁰⁵ Nikou, *Timeline of Iran's Nuclear Activities*, 2010.

¹⁰⁶ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

¹⁰⁷ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

¹⁰⁸ IAEA, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2005.

¹⁰⁹ Security Council, *Resolution 1696*, 2006.

¹¹⁰ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

¹¹¹ Security Council, *Resolution 1737*, 2006.

¹¹² Security Council, *Resolution 1747*, 2007.

on Iran with their ratification in *Resolution 1835*.¹¹³ In 2010, due to the progress of Iran uranium enriching program, the Security Council adopted *Resolution 1929* which imposed a fourth round of sanctions on Iran imposing financial sanctions and expanded arms embargo but it had no use as well as US and European Union sanctions.¹¹⁴ In that context Russia announced the termination of Iran's first nuclear power plant.¹¹⁵

In September 2011, the Bushehr reactor was inaugurated after years of being built and now Iran announced the construction of a new nuclear power plant, improving its nuclear capacity.¹¹⁶ In November 2011, the IAEA released its report assuring that Iran has been doing practices of nuclear explosives and expressed its concern that Iran's nuclear program is becoming a military process to which Iran rejected and hinted a possible withdrawal of the NPT.¹¹⁷ Finally in February of this year, the IAEA reported that Iran refuses to permit the Agency visit the area where there is suspicion of possible explosives and the doubts increase as Iran lose more credibility.¹¹⁸ The last weeks, there has been an increasing tension between Iran and Israel due to the supposed sponsorship from Iran to terrorist groups in the Gaza strip and the possibility of conflict between those nations arises.¹¹⁹

In conclusion Iran is a good example on how the framework is failing. It is valid to analyze this case as it's the perfect example on what areas should the regime be reformed and reinforced. Iran is one case that still has no end as the expectations are intact but the regime has not changed at all to turn this situation around. Even worse, this case leaves the door open for other countries to follow the same steps for which is necessary to create plans that would prevent other countries of having this practices. The bottom line is that the legitimacy of the

¹¹³ Security Council, *Resolution 1803 and 1835*, 2008.

¹¹⁴ Security Council, *Resolution 1929*, 2010.

¹¹⁵ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

¹¹⁶ Global Security, *Weapons of Mass Destruction-Nuclear Weapons*, 2012.

¹¹⁷ IAEA, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran*, 2011.

¹¹⁸ IAEA, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran*, 2012.

¹¹⁹

disarmament and non-proliferation regime is in the border line and the world can easily face a nuclear anarchy soon with possible disastrous outcomes.

8. Conclusion

In these days, the issue of achieving nuclear disarmament and non-proliferation is a challenging topic for the international community as it is vital to maintain international peace and security. In this regard, it is important to highlight the relevance that this topic should have. Being the Security Council the most important body when talking about security and peace in the world, the existence of instruments that can destroy the world in no time is a matter of extreme importance of the international arena. With these facts noted, the NPT and the IAEA are key tools to enforce the nuclear disarmament and non-proliferation; however the role of the Security Council must be more active than its historical actions. In order to find solutions it can be useful to answer the next questions: What has been the role of the International Community regarding the topic? Does this role have been effective through time in order to achieve the long term goal of disarmament and non-proliferation? Is the NPT an effective instrument or alternative measures should be taken? Does the functions and structure of the IAEA is efficient or should it have more Security Council support? Does the issue

needs more instruments that can norm states towards complete disarmament? What could be the incentives for NWS to reduce their nuclear arsenal and long term elimination? What could be the incentives stop NNWS from acquiring nuclear weapons? What measures can the Security Council take in order to impose resolutions over countries regarding this topic specially? It is essential to understand that nuclear disarmament and non-proliferation is a determining factor for the present and the future security of the world, therefore for the prevailing peace in the international arena.

Throughout this document, the different scenarios where the framework regarding disarmament and non-proliferation can improve have been analyzed. The results are not very positive as there is a whole political trap around the topic but there are certainly several challenges and possible actions that could be done. United Nations Secretary General Ban Ki-moon, in his address to the East-West Institute, expressed about the future actions that should be taken towards disarmament saying:

*Commence discussions, perhaps within its Military Staff Committee, on security issues in the nuclear disarmament process. They could unambiguously assure non-nuclear-weapon states that they will not be the subject of the use or threat of use of nuclear weapons. The Council could also convene a summit on nuclear disarmament. Non-NPT states should freeze their own nuclear-weapon capabilities and make their own disarmament commitments.*¹²⁰

The Security Council, as its clear above, has not taken substantial actions regarding disarmament but there are plenty of actions that it may take to do it. In this regard, a possibility to strengthen its role towards the topic is to define periodic meetings and an annual high level meeting to follow the issues in the nuclear disarmament and non-proliferation

¹²⁰ United Nations News Centre, *Address to the East-West Institute entitled "The United Nations and security in a nuclear-weapon-free world"*, 2008.

agenda.¹²¹ This option would provide the possibility to guarantee a constant discussion the highest level towards solving the issues that this topic brings even every day. Other option could be to establish a high-level subsidiary body to support the Council in elaborating substantial strategies in order to achieve the goal of disarmament and non-proliferation.¹²² This option would make more sense bearing in mind that the IAEA has lost its strength and the Security Council has been the only organ that has taken huge but not enough steps towards nuclear disarmament. In that sense a new organ would not only develop its own agenda but will have constant contact with the IAEA and other institutions in order to harmonize the framework serving as coordinator of all the proposals to address this issue. An additional option could be to develop an omnibus Council resolution bringing together and updating all of the existing resolutions, statements and other decisions of the Council to date containing thematic outcomes on issues of disarmament, arms control and non-proliferation.¹²³ Nevertheless, even if a recount resolution is provided by the Security Council, nothing will assure to the international community that this will work better than the individual resolutions. The unification of all of them would make easier to refer to just one document rather than all the mentioned in previous chapters but they don't take effective measures that would facilitate disarmament and non-proliferation in a short, mid or long term. Further options could be the development of plans of universalization of the NPT and the IAEA Additional Protocol; plans for better compliance to the NPT and IAEA Additional Protocol by the Council; contingency plan to NPT or IAEA Additional Protocol withdrawal; or leading plans for new processes for the establishment of nuclear free zones.¹²⁴ All these plans would just reinforce the existing framework around the topic and would give an answer

¹²¹ Security Council Report , *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

¹²² Security Council Report , *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

¹²³ Security Council Report , *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

¹²⁴ Security Council Report , *Cross-Cutting Report No. 2The Security Council's Role In Disarmament And Arms Control: Nuclear Weapons, Non-Proliferation And Other Weapons Of Mass Destruction*, 2009.

to the initial thesis which is what measures should be taken to achieve the goal of disarmament?

There are too much variables in this topic that makes it really complex to solve or even address in an effective manner. Some would say that the long term goal of nuclear disarming is impossible to reach if the world powers don't agree to do so. Some, more optimists would say that with time, countries will understand that having destructive devices is not beneficial for the planet and would abide to the existent regime. Others would say that achieving disarmament is a matter of enforcing the existent regime. There is no delineated path to follow in this topic which makes it fascinating. Nonetheless, the final conclusion is that there are ways to promote disarmament and non-proliferation in a sustainable and efficient manner but the obstacles are found in member states and their actions. So long, there are no ways to influence on those attitudes and the international system awaits new more rational leaders to come. It seems like this theory is utopic so the most viable way is to use the instruments and resources available towards a stronger commitment from countries to worldwide goals and international law. This is of extreme necessity as the future of the world resides in the same countries that compose it and if a new world conflict appears with nuclear armed actors probably the world will disappear and that is something that the international community should be aware of.

9. Annotated Bibliography

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The speech given by this honorable man in US and world's history was fundamental in order to have the system about Nuclear Weapons that we have. This is the essence of having a change in the world from a view of war and power to have peace and the calm of not having devices that would assure the earth's destruction if used. As this speech served as the initiation of the package of rules that the international system has regarding this topic, it is relevant to revise it.
- ElBaradei, M., Dr. (2009, September 14). *Looking to the Future*. Statement presented at The Fifty-Third Regular Session of the IAEA General Conference 2009, Vienna, Austria. Retrieved August 20, 2011, from <http://www.iaea.org/NewsCenter/Statements/2009/ebsp2009n011.html>
Mohamed ElBaradei is a person of great influence when talking about nuclear weapons. He is the authorized voice to know where to go to in any circumstance that may affect the actual system. In this source, this character identifies the next steps in this subject and the great challenges that arose since the NPT has become weaker as well as the possible ways to keep going towards a strong framework.

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The International Commission on Nuclear Non-Proliferation and Disarmament is an important actor in the Nuclear Disarmament framework. The information that this report provides is very interesting regarding the facts in the composition of the regime inside this topic and has a detailed overview of the topic.

- Goldblat, J., & Lomas, P. (1987). The threshold countries and the future of the nuclear non-proliferation regime. In J. Simpson (Ed.)

Circumstantially, the threshold states are in the eye of the hurricane, especially due to the crisis in which the regime is immersed. The lack of trust in the NPT and the enforcement of its rules, it becomes more dangerous that nuclear weapons can get to be managed by wrong people. The great challenge of the regime in these days is resumed in the prevention from acquiring nuclear weapons by Non-Nuclear States and this source summarizes this challenge effectively.

- International Atomic Energy Agency. (2008, November). *IAEA Primer*. Retrieved September 3, 2011, from <http://www.iaea.org/Publications/Factsheets/English/iaea-primer.pdf>

The IAEA is the most important organ in the system to make the rules provided in the NPT to be respected and complied by the members. This source provides the history of action made by this organ and permits a more profound understanding on how it works for countries to have nuclear devices and the fundamental difference of having a peaceful nuclear program and having other that is not for the same purpose.

- Kwang Teo, T. and Atsushi, T. (2005). *Incentives and Disincentives for Accession into the Non-Proliferation Treaty: Why is Nuclear Non-Proliferation Globally Supported*. APSA.

Due to the polemic nature of the NPT it is important to consider the benefits of having this instrument in the international system. This source deepens in the fact that the NPT is probably one of the most strong international law sources and that it is vital to maintain in order to have a world free from nuclear weapons. This source may provide ideas of how states behave and how they can be influenced in order to comply with the existent normative or possible new ones.

- Lodgaard, S.(2008) *The Future of the Non-Proliferation Treaty*. IOS Press.

The NPT is no longer a strong framework in the area of disarmament. The departure of the DPRK and the minimum consequences of this action let the world vie the weakness of the system and the vulnerability of the world in this sense. This document provides an objective analysis of where the NPT is going, providing interesting information for proposals.

- Rockwood, L. (2007). *Safeguards and Nonproliferation: The First Half-Century from a Legal Perspective*. *Journal of Nuclear Materials Management*, 35(4)

The Safeguards agreements and existing ways to regulate the bearing of nuclear technology becomes every day more complex to explain and understand. This source provides a complete explanation of what these are and how in the last years, these have become more relevant due to the circumstances and due to the weakness of the existing norms. It may be relevant to consider that these could open doors for new proposals and strengthen the system.

- Scheinman, L. (1985). *The Non-Proliferation Role of the IAEA*. Baltimore: Johns Hopkins University Press.

This is a very interesting document on how the role of the IAEA is important when talking of Nuclear Non-Proliferation. It provides a relevant analysis of the role of the IAEA on achieving this goal. It's an objective source that gives out the strong parts of

this regime and the weaknesses as well so it can be analyzed in a way that proposals to strengthen this body would be plausible.

- Statue of the International Atomic Energy Agency, Oct. 23, 1956. Retrieved August 16, 2011, from http://www.iaea.org/About/statute_text.html.

This document is basic to understand the system under which nuclear weapons disappearance is the main objective. The statute gives a detailed gridline of what the IAEA is about, including how the organs work and what is the process to which every state should stick to in order to acquire nuclear technology and even have nuclear weapons. It is fundamental to revise this statute in a detailed manner as the IAEA is a crucial organ regarding nuclear non-proliferation as it is the only one that can make inspections inside countries and have a close link with the Security Council.

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