

History and the Function of SPECPOL

The United Nations Fourth Committee of the UN General Assembly (also known as the Special Political and Decolonization Committee) is one of six committees of the United Nations. After the dismantling of the trusteeship system resulting from independence being granted to all the trust territories, and the now-limited number of non-self-governing territories, that jurisdiction is insufficient to keep the committee occupied. Consequently, it was merged with the Special Political Committee (which had been created as a seventh committee of the whole to deal with certain political issues after the General Assembly found that the First Committee (Disarmament and Political) was too busy. The Fourth Committee deals with decolonization, Palestinian refugees and human rights, peacekeeping, mine action, outer space, public information, atomic radiation and the University for Peace.¹

In its current role, the Fourth Committee can be viewed as the United Nations Security Council (UNSC) entrance door, since the questions discussed at the Security Council are often assessed earlier by SPECPOL - not only because the committee's approach is broader in terms of international security, but also because it allows all United Nations (UN) member states to be heard before the question reaches other UN instances. This explains the fact that although SPECPOL's resolutions are not binding, they are still very appealing, since they reflect the opinion of the majority of countries regarding substantive matters.

¹ <http://www.un.org/en/ga/fourth/>

Usage of the Atomic Energy

Introduction

The UN and the nuclear age were born almost simultaneously. The horror of the Second World War, culminating in the nuclear blasts at Hiroshima and Nagasaki, brought home the need to address the nuclear issue.² After the humanitarian catastrophe the atomic bomb caused in Japan, many scientists engaged in the Manhattan Project, including the scientific supervisor, Robert Oppenheimer, showed public concern about warfare and about a possible nuclear race. In 1946, the United Nations Atomic Energy Commission (UNAEC) was created to foster “the establishment and maintenance of international peace and security with the least diversion for armaments”.³

Five months after the first meeting, the US representative Bernard Baruch, motivated by the ideas spread by the academics, proposed a plan to avoid nuclear race. According to his document, the UNAEC would be the exclusive maintainer of nuclear technology for warfare, and it would have a large intelligence related to extraction, purification and use of uranium and thorium. No other country would be able to develop atomic bombs, and the US would have to discontinue their research and share all their information with the commission.⁴

The plan was rejected by the USSR, and, in 1949, the UNAEC was adjourned indefinitely.⁵ In that same year, the Russians made their first successful nuclear test, marking the start of the nuclear race. By the end of 1950, the USA had approximately 800 warheads, and the soviets were

² <http://www.un.org/en/globalissues/atomicenergy/>

³ United Nations Treaty Collection/Collection des traités des Nations Unies Website. Available at: http://untreaty.un.org/cod/repertory/art26/english/rep_orig_vol2-art26_e.pdf.

⁴ The Streit Council Website. Available at

http://www.streitcouncil.org/content/pdf_and_doc/The%20Baruch%20Plan.pdf

⁵ DART, Dorothy. Chronicle of International Events. The American Journal of International Law, v. 40, n. 3, 1946, p. 645-662

already building their arsenal.⁶ In 1953, the newly elected American president Dwight Eisenhower was determined to solve the “fearful atomic dilemma.” In his speech to the United Nations General Assembly entitled “Atoms for Peace”, he proposed the creation of an atomic energy association to control the use of nuclear technology, so that “fissionable material would be allocated to serve the peaceful pursuits of mankind.”⁷

From 1955 to 1963, many technical proposals to ban nuclear testing were made, but they were all rejected. Most of them were vetoed by the Soviets, either because the available technology was insufficient to detect tests, or because they would not allow on-site inspections on terms proposed.⁸ Despite the lack of international agreements, Eisenhower decided to initiate a series of bilateral interactions within his “Atoms for Peace” program. With the help of the Congress, he created the Atomic Energy Act, under which a series of bilateral agreements to share nuclear knowledge were made. The USA cooperated with nuclear reactors, while the other part had to allow safeguard inspections, so that that technology was used peacefully. By the end of 1959, the USA was cooperating with 42 countries. A similar program developed by the USSR.⁹

Although the countries could not reach a common ground to stall nuclear race, it was, then, clear that a multilateral program could be implemented for nuclear safeguards. In 1955, a convention took place in Geneva gathering a large number of scientists and counting with more than 1500 delegates. It was seen as an important mark to the opening of nuclear technology after the great secrecy with which researches were conducted during the early post-war days. Two years after

⁶ BUNDY, McGeorge. *Danger and Survival: Choices about the Bomb in the First Fifty Years*. New York: Random House, 1988, p. 319-325.

⁷ In his speech to the United Nations General Assembly entitled “Atoms for Peace”, he proposed the creation of an atomic energy association to control the use of nuclear technology, so that “fissionable material would be allocated to serve the peaceful pursuits of mankind.”

⁸ FEDERATION OF AMERICAN SCIENTISTS Website. Available at: <http://www.fas.org/spp/starwars/offdocs/ike/index.html>

⁹ FISCHER, David. *History of the International Atomic Energy Agency: The First Forty Years*. Vienna: International Atomic Energy Agency, 1997.

the meeting, the International Atomic Energy Agency (IAEA), based on Eisenhower's suggestion to stimulate the peaceful use of nuclear technology, was created, after long discussions between East and West, as an autonomous organization. According to its statute, the Agency's work is focused on three pillars: “nuclear verification and security, safety and technology transfer.”¹⁰

Even though the Agency was not directly linked to the UN, it was decided in its statute that it should report directly to the General Assembly and to the Security Council. The Agency would be financed by the Member States, which would also be invited to donate fissionable material. The IAEA, also known as the "Atoms for Peace Agency" was established with the main objective of fostering and controlling the pacific uses of atomic energy and nuclear development.

In the beginning of the Agency's work, the implementation of safeguards was not open to discussion, especially because of the countries involved in the issues, such as the United States, the Soviet Union and the European Countries. Until the beginning of the 1960's, the IAEA's safeguards regime struggled to be recognized in a mistrustful world divided by ideology. Countries were not satisfied with the fact that their national nuclear programs were target of inspectors, who would know their most precious technological secrets.¹¹ In a time where espionage was a strategic instrument, it is not surprising that the inspections were not totally accepted. But the increasing fear of the misuse of nuclear technology made the Agency's safeguard system to be taken seriously, as a very important control tool. Therefore the safeguard's system was evolving to become a much more complex and dynamic regime. In this sense, the most important document to complete this evolution was signed in 1968. The Non Proliferation Treaty (NPT) safeguards system made all declared non-nuclear weapon States to place all its nuclear activities under IAEA safeguards “and to conclude a comprehensive

¹⁰ INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) Website. Available at <http://www.iaea.org/About/history.html>

¹¹ FISCHER, History of the International Atomic Energy Agency...

safeguards agreement with the Agency”¹², “18 months before acceding to the NPT. On all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction, or carried out under its control anywhere...”¹³One must bear in mind that the NPT treaty identifies only five countries (United States, Russian Federation, China, United Kingdom and France) as nuclear- weapon States.¹⁴

When the NPT was established, in 1968, the IAEA created a “safeguard standard suitable for application to simple nuclear activities and to complex nuclear full cycles.” The signatory States, when the treaty is enforced, are obliged to declare all their nuclear material and facilities, as well as constantly update that information. It is important to notice that States only need to declare their material and facilities that are under the safeguards system, which, with the development of new technologies, can exclude some innovative fissile material from any kind of surveillance.

Following years after the establishment of that the NPT have shown that there were important gaps in the agreement and as time passed it became necessary to revise this regime to strengthen the IAEA safeguards system. The main event that made this need clear was the discovery, in the beginning of the 1990’s, of a clandestine nuclear program in Iraq – a State that was an NPT signatory. This event made the Agency ask for collaboration from the United Nations Security Council to support its inspections and measures.

The new measures, used to fortify the safeguards and to grant the Agency further authority for inspections,¹⁵are based on an Additional Protocol¹⁶ that obliges the State to “provide

¹² INTERNATIONAL ATOMIC ENERGY AGENCY. IAEA Safeguards: Stemming the Spread of Nuclear Weapons. IAEA Bulletin, Vol. 43, No. 4, 2001.

¹³ INTERNATIONAL ATOMIC ENERGY AGENCY. IAEA Safeguards Glossary 2001 Edition, International nuclear verification series no. 3

¹⁴ It is important to notice that the precedent regime, the nuclear weapon system was not completely abandoned, since its safeguards were still applied for the States that had not adhered to the NPT, for example: India, Israel and Pakistan.

¹⁵ IAEA Website. The Safeguards System of the International Atomic Energy Agency. Available at: www.iaea.org/OurWork/SV/Safeguards/safeg_system.pdf

the IAEA with broader information covering all aspects of its nuclear fuel cycle related activities, including research and development and uranium mining.” Countries under these new legal policies must make available every kind of information regarding their nuclear activities.

At the same time, with the end of the Cold War, there was an obvious change towards disarmament from both nuclear superpowers of the period (USA and USSR –now Russian Federation). This transformation on the geopolitical sphere was essential for the consolidation of the NPT safeguards system since the Treaty became permanent. As it is stated in the History of the IAEA:

*"The IAEA and its safeguards have thus been major beneficiaries of the end of the Cold War. By providing a bridge between the superpowers from the early 1960s (and, in a sense, since 1955, when the Soviet Union joined the Washington talks) until the termination of the Cold War in the late 1980s, and by pioneering the use of institutionalized on-site inspections, they helped in a modest way to bring about that termination."*¹⁷

Today, 439 nuclear power reactors produce approximately 16 per cent of the world's electricity. In nine countries, over 40 per cent of energy production comes from nuclear power. The IAEA, an international organization in the UN family, fosters the safe, secure and peaceful uses of atomic energy and helps ensure the use of nuclear technology for sustainable development.¹⁸

Nevertheless, the dynamics of the international arena are constantly challenging the Agency's safeguards regime. Bearing that in mind, this system must be constantly revised, as it is done by

¹⁶ INTERNATIONAL ATOMIC ENERGY AGENCY. Model Protocol Additional to the agreement(s) between state(s) and the international atomic energy agency for the application of safeguards. Available at: www.iaea.org/Publications/Documents/Infcircs/1998/infcirc540corrected.pdf

¹⁷ FISCHER, History of the International Atomic Energy Agency...

¹⁸ <http://www.un.org/en/globalissues/atomicenergy/>

the Review Conferences of the Treaty on the Nonproliferation of Nuclear Weapons that happen every five years. The last one happened in 2005, yet many advances must be made.

1. Importance of the Atomic Energy

The international community must face the fact that a growing world population with both rising standards of living and volatile rising expectations will demand a great amount of power in the years ahead.¹⁹ No doubt a large sum of this energy will come from fossil fuels over the next few decades, particularly in terms of oil for the transportation and power fields. But, in spite of forecasts of large reserves, these natural resources are limited. There is also a limit to nature's ability to absorb all the pollution that would result should we try to burn up all these fuels over the next years. Fortunately, we have discovered alternative sources of power, such as nuclear energy.

“At least 30 countries have active nuclear power reactors. However, there are scores of other major facilities containing nuclear material in over 70 countries that are ‘safeguarded’ under IAEA agreements with governments.”²⁰ Most of these nations use nuclear technologies for “a wide variety of peaceful purposes.” As stated in the Program for Promoting Nuclear Non-Proliferation (PPNN) Briefing Book, nuclear technology for peaceful purposes is traditionally divided into five principal areas: mining and processing of nuclear raw materials; the production of enriched uranium; the fabrication of nuclear fuel elements; the design, construction and operation of nuclear reactors; and fuel reprocessing. Apart from the

¹⁹ U.S. ATOMIC ENERGY COMMISSION/DIVISION OF TECHNICAL INFORMATION. Peaceful Uses of Nuclear Energy: a Collection of Speeches by Glenn T. Seaborg Chairman United States Atomic Energy Commission. Oak Ridge: USAEC Division of Technical Information Extension, 1970.

²⁰ IAEA Safeguards: Stemming the Spread...

use of nuclear energy to produce electricity from power reactors, it has also been used extensively in agriculture, medicine, industry, biology and hydrology.

According to latest reports of the IAEA, the nuclear energy can make a major contribution to meeting energy needs and sustaining the world's development in the 21st century.²¹

2. International Security Agenda

International security environment has changed greatly since the end of the Cold War. With the successful implementation of nuclear arms control treaties, the risk of a large-scale nuclear confrontation has been drastically reduced. Communication and cooperation between old adversaries have improved fundamentally, and are partly replacing deterrence as the basis for security. "Between actors on the two sides of the Cold War divide, the relationship has, in most cases, radically changed to one of a pronounced community of interests and even values. The concept of common and comprehensive security is gradually and in some regions actually becoming a reality."²² However, since 11 September 2001 security issues "have been propelled back to the top of the international agenda, and nuclear issues with them." Because of the concern about transnational, mass impact terrorism, criminals or other irresponsible people or groups putting their hands on nuclear, biological and chemical weapons,

*"The possible nuclear capabilities of States like Iraq and North Korea have become a focus of both debate and action, because of their potential contribution to further proliferation but also because of these states' record of regional confrontation. Relations between India and Pakistan have gone through periods of extreme tension, when actual hostilities seemed only a step away and the risk of escalation to a nuclear exchange could not be ruled out."*²³

²¹ INTERNATIONAL ATOMIC ENERGY AGENCY. IAEA Annual Report for 2005. Available at: <http://www.iaea.org/Publications/Reports/Anrep2005/index.html>

²² ANTHONY; ROTFELD, A Future Arms Control Agenda, p. 30.

²³ Transparency in Nuclear Warheads and Materials...

3. The Nuclear Terrorism Menace

Current scientific and technological progress and growing quantities of nuclear material available for warlike uses coming from the global movement for nuclear weapons reduction, made the access to nuclear explosives devices much easier and cheaper. As a consequence, the risk of terrorists, rogue nations or other groups acquiring such equipments with relatively small amounts of money has significantly risen. After September 11 2001, what seemed to be only a distant and almost unreal menace turned into a real concern not only for the US, but also for the whole international community, since the attacks showed how great the organization power of such terrorist groups can be.

Every international or regional treaty or mechanism to prevent the proliferation of nuclear weapons, including the NPT and the strengthened safeguards system implemented by the Additional Protocol, seems to be inefficient to stop criminal groups from acquiring clandestine information, materials or even nuclear weapons, especially for the US and its allies. Despite these countries' commitment to use nuclear energy only for pacific purposes and to submit to international control, the recent discovery of a black market in nuclear weapons and related technology obliged the nations to accept the possibility of a deliberated nuclear dispersion. Even the use of a nuclear bomb itself is not excluded if nuclear materials or information is possessed by terrorist groups.

One might say that fissile materials have only two practical uses: in nuclear weapons or as fuel materials in nuclear reactors. Considering that all nuclear warheads have fission energy elements that rely on the use of them, "controls on the production, storage, use and export of fissile materials are accordingly the principal focus of international efforts to impede the proliferation of nuclear weapons, specifically, of IAEA safeguards."²⁴ Most nuclear power reactors in the world use uranium enriched to some 4% as fuel. Even though it is produced in a technically difficult

²⁴ Transparency in Nuclear Warheads and Materials.... p. 234.

process, it may also allow enrichment to levels suitable for use in nuclear weapons, 85% or more. It is a matter of political will since, technically, any enrichment plant can, thus, be used for the production of reactor fuel or bomb grade material or both. “The production of highly enriched uranium (...) [is] regarded as raising the greatest difficulties for anyone wishing to make nuclear weapons.”²⁵

Fortunately, the technologies necessary to enrich uranium or construct reactors to produce plutonium are considered to be beyond reach for any terrorist group today and procurement and construction activities are not easily carried out clandestinely. In other words, it would be hard for terrorists to construct their own weapons. However, they can potentially steal them or buy them because of the great amounts available worldwide, with some being inadequately secured. Keeping fissile materials out of terrorists’ hands is a great challenge.

Nuclear materials in military programs are not subject to international safeguards. Uneven and incomplete application of domestic and international safeguards contributes to the inadequacy of these materials’ security nowadays. The fact is that the stronger the safeguards system become, the harder it is for the countries to implement them. Adequate security depends not only on correct nuclear materials protection, control and accounting, but also on operational and safety practices as well as on rigorous application of domestic safeguards in order to prevent theft or diversion of weapon usable materials.

4. Previous International Action

The European Atomic Energy Community (EURATOM) was created in 1957, and, since then, it rules a particular safeguards system in Europe. Its safeguards are part of the international nuclear nonproliferation regime. Tripartite agreements concluded between the Member States, the EURATOM and the IAEA establish that the Community safeguards must be applied in

²⁵ Weapons of Terror... p. 60

conjunction with those of the International Agency.²⁶ An important aspect of the EURATOM safeguards system, in contrast to that of the IAEA, is that it subjects to inspection all the civilian nuclear installations and materials in the states parties, including the ones in the United Kingdom and France, recognized nuclear weapon states.

The Treaty on the Nonproliferation of Nuclear Weapons (NPT) “forms the principal legal foundation of the broader regime of rules and constraints designed to prevent the spread of nuclear weapons as well as weapon usable fissile material and bomb making technology.” It is also the only global legal instrument through which a State can commit itself to nonnuclear weapon State status. The treaty was signed on 1 July 1968 and entered into force on 5 March 1970. “The provisions of the Treaty, particularly article VIII, paragraph 3, envisage a review of the operation of the Treaty every five years.”²⁷ These review conferences have been convened since 1975. The NPT might be considered a landmark international treaty since more countries have ratified it than any other arms limitation and disarmament agreement. The NPT parties are divided into nuclear weapon states (NWS) and nonnuclear weapon states (NNWS), with a number of basic obligations following them.

The 2000 NPT Review Conference was marked by the common idea between the parties that cooperation and timely action were needed to prevent further erosion of the NPT regime. In that way, the Conference ended with the adoption by consensus of a Final Declaration for the first time since 1985. The text contained an important setting out a number of concrete disarmament goals. The five NWS committed themselves to pursuing a program of actions on arms control and disarmament, and “collectively made an ‘unequivocal undertaking to accomplish the total elimination of their nuclear arsenal leading to nuclear disarmament.’”²⁸ The Final Declaration also pointedly noted that, despite their nuclear tests, India and Pakistan do not have the status of a

²⁶ http://europa.eu/scadplus/treaties/euratom_en.htm.

²⁷ United Nations Website. Available at: <http://www.un.org/Depts/dda/WMD/treaty/>

²⁸ ANTHONY; ROTFELD. A Future Arms Control Agenda, p.291.

NWS. The main question now seems to be how far the parties, in particular the NWS parties, will be willing to go to keep their words.

At last, we must observe the importance of another traditional instrument for the strengthening of the non-proliferation regime: the Nuclear-Weapons-Free Zone (NWFZ). Recognized by the Article VII of the NPT, NWFZs can be understood as regional arrangements concluded by states in order to completely ban the menace of nuclear weapons in a determined area. It means the prohibition of developing, manufacturing, acquiring, stockpiling, possessing, controlling and testing nuclear weapons within the zone. Another important aspect of these arrangements is the “negative security assurances”: by signing and ratifying protocols to the NWFZs, the five NWS bind themselves not to use or threaten to use nuclear weapons against states parties to the agreement. The NWFZ treaties also prohibit the transit of nuclear weapons through the zone.

There are five great NWFZ in the world today, covering Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga), Southeast Asia (Treaty of Bangkok), Africa (Treaty of Pelindaba)²⁹ and Central Asia (Treaty of Semipalatinsk). Other treaties also establish the demilitarization and denuclearization of specific territories such as Mongolia³⁰; the Antarctic; the Seabed, the ocean floor and the subsoil thereof; the outer space; the Moon and other celestial bodies.

Over the past four decades, the NWFZs, together with the NPT, have proved their substantial contribution to international security.³¹ While the NPT is a global and single-form commitment, the NWFZs enable its members to undertake regional approaches that are difficult to be taken in a global level. They also generate important regional dialogues, very beneficial for the case-to-case security specificities. In committing themselves to regional agreements, member

²⁹ Not yet into force

³⁰ Mongolia is the only state recognized by the United Nations as a single-state Nuclear-Weapon-Free Zone.

³¹ <http://www.iaea.org/NewsCenter/Statements/2005/ebsp2005n005.htm>

states tend to be more committed with their international community obligations.

5. Bloc Positions

Southern Asia: Despite having participated in the first drafts for the creation of the NPT, India is not a signatory of the treaty, and it has declared itself a nuclear power.³² According to the country, the “treaty only legitimized the continuing possession and multiplication of nuclear stockpiles by those few states possessing them,”³³ and accuses China of illegally fostering the Pakistani nuclear military program. The U.S. government imposed economic sanctions on India in 1998, after India nuclear tests, which are kept until 2001.³⁴

Some discussion was raised when, in 2005, an American Indian civil nuclear cooperation program was launched. Being a signatory of the NPT, the United States is forced not to exchange nuclear technology to NNWS for military purposes. As a result, the Indian government decided to separate its civil nuclear facilities from its military ones, the former being, now, under the IAEA’s safeguards.

Furthermore, Pakistan is not a NPT signatory either, and it has started its nuclear program shortly after the independence of East Pakistan in 1971. As a result of the resuming of missile tests by Asian countries in 1998, the United States adopted, once more, sanction policies. However, this picture changed completely after Pakistan has shown itself as a great ally on America's War against Terror.³⁵

Europe: The European continent is also concerned about a nuclear terrorist threat. In 2005, the European Parliament approved a resolution on the non-proliferation of WMDs, in which it remembers the danger Cold War fissile materials represent, and acknowledges,

³² <http://www.saag.org/%5Cpapers2%5Cpaper117.html>

³³ http://www.indianembassy.org/policy/CTBT/embassy_non_proliferation.htm

³⁴ <http://www.state.gov/r/pa/ei/bgn/3454.htm>

³⁵ <http://www.state.gov/r/pa/ei/bgn/3453.htm>

for instance, that the EU “should play a more active role in non-proliferation and disarmament policies.” Currently, Europe Union also counters terrorists’ activities by sharing information from Interpol, Europol and the European Commission with IAEA.³⁶

Latin America: The largest Nuclear-Weapon-Free Zone was established in 1967 with the Treaty of Tlatelolco, which was signed by all 33 countries in the region.³⁷ Despite the great advance towards nonproliferation, both Argentina and Brazil developed covert nuclear programs during the seventies. In 2004, there was an incident involving the IAEA and Brazil, as the agency’s inspectors claimed not have complete clearance to perform onsite verifications in a Brazilian uranium enrichment plant. Brazil replied that all the production was destined to peaceful purposes, and that the obstruction aimed only at preserving Brazilian proprietary technology.

Although both parts have reached a common ground, neither Brazil nor Argentina is a signatory of the IAEA’s Additional Protocol.³⁸ It is unlikely that the countries will accept the terms of the new protocol unless there is certainty intellectual property is respected.

Middle East: Middle Eastern States’ participation in nonproliferation regimes and their compliance to the IAEA’s safeguards system is a controversial point within the region. The main regional powers have different positions regarding accession to nonproliferation treaties. All Middle Eastern States but Israel is parties to the NPT.

The General Assembly has approved several resolutions calling on the country “to sign the Non-Proliferation Treaty (NPT) and place its unsafeguarded nuclear facilities under International Atomic Energy Agency (IAEA) safeguards”.³⁹ In Iran, the Additional Protocol signed in 2003 has not yet been implemented, making it impossible for the IAEA to find evidence of undeclared nuclear material in Iranian facilities.

³⁶ <http://www.iaea.org/NewsCenter/Statements/2005/ebsp2005n003.html>

³⁷ <http://www.iaea.org/NewsCenter/News/2007/tlatelolco.htm>

³⁸ http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.htm

³⁹ <http://www.idds.org/issNucProlifME.html>

Political differences over the application of a nuclear safeguards system to assure security in the region derive from two contrary regional positions. On the one hand, the State of Israel correlates the establishment of comprehensive peace in the Middle East to the creation of a NWFZ in the region. The Israeli perception leaves the safeguards issue to be considered only after the completion of a Middle East NWFZ agreement. On the other hand, the other States in the region consider that the application of comprehensive precautionary measures to all local nuclear activities should not be contingent upon a large-scope peace settlement or the conclusion of a Middle East NWFZ. Instead, the safeguards system itself would be a major confidence-building measure which would act towards peace.

The Arab States exert pressure on Israel to sign and ratify the NPT and to terminate all nuclear activities carried outside the scope of the IAEA. Iraq reckons on the implementation of a comprehensive safeguards system covering the Middle Eastern region to be applied to all States, and criticizes the “selective approach” that the Agency has adopted over disarmament issues.

East Asia: East Asia is another region of the globe permeated with the challenge of denuclearization. Contrasts over the countries’ policies toward nuclear arms control are perceived and addressed with special regard over the positioning of the Nuclear Weapon States that belong to that region and the situation of tension in the Korean Peninsula.

The Democratic People's Republic of Korea (DPRK, or simply North Korea) signed the Non-Proliferation Treaty in 1985, but delayed the conclusion of its NPT Safeguards Agreement with the IAEA until 1992. The DPRK became the first country to revoke it, in 2003. After the IAEA acknowledged undeclared nuclear activities in violation of the safeguards agreement carried by the Asian country during the 1990’s, the United States proposed, in 1994, the “Agreed Framework,” through which North Korea would dismantle its suspect nuclear plants in exchange for fuel and energy supply. The United States’ failure to accomplish its legal obligations under the Framework asked

the DPRK to withdraw from the NPT. Finally, after the IAEA Board of Governors passed resolution criticizing North Korea for suspending ongoing inspections in 2002, the country withdrew from the Agency.

To the present day, the DPRK remains in non-compliance with its NPT Safeguards Agreement and continues to be a non-member State of the IAEA. Since no inspections have been allowed in North Korea for the past years, the Agency is “unable to draw any conclusions on that State’s nuclear material or activities”⁴⁰ In 2006, North Korea conducted its first nuclear test.

Being one of the declared nuclear weapon states under the NPT, China is not required to place its own nuclear facilities under safeguards. Since China acceded to the NPT in 1992, the country submitted its nuclear facilities to limited scope safeguards under the Treaty. China has signed additional protocols with the IAEA, and has a voluntary offer safeguards agreement with the Agency in force. Since 1999, China is party to an Additional Protocol for strengthened safeguards and supervision.

The other Nuclear Weapon State in the region, Russia, is also party to the NPT. In 1985, the country voluntarily designed a set of facilities over which the IAEA could place safeguards. Later on, Russia established a Joint Commission of Experts with the United States to supervise Russian nuclear and missile exports, and it also offered to place fissile material from disassembled weapons under the IAEA’s safeguards.

6. Questions to be Considered

1. How to prevent terrorists, rogue nations or other groups from acquiring fossil materials or any kind of technology that might be useful for the production of nuclear weapons? How to prevent the same groups from developing them?

⁴⁰ <http://www.iaea.org/OurWork/SV/Safeguards/es2005.html>.

2. How to deal with the conflict generated by the division of NPT members into nuclear weapon states (NWS) and non-nuclear weapon states (NNWS)?

3. How should safeguards inspections be conducted in order to respect national sovereignty and intellectual property rights?

4. How to deal with the conflict generated by the non-ratification of most of the Additional Protocol signatories?

5. How to prevent NPT members from developing nuclear weapons technology?